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No. 53

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. GUTKNECHT).

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DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

May 3, 2000.

I hereby appoint the Honorable GIL GUTKNECHT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,

Speaker of the House of Representatives.

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PRAYER

The Rabbi Israel Zoberman, Congregation Beth Chaverim, Virginia Beach, Virginia, offered the following prayer:

Our God of freedom and responsibility, Dear Legislators, at this sacred season of both remembrance and rejoicing, haunted by the Holocaust's vast tragedy, while inspired by the miracle of Zion restored, I humbly yet proudly stand before you, son of Polish survivors who was born in Kazakhstan in 1945, lived in a displaced persons' camp in Germany and raised in Haifa, Israel.

May we be mindful of our divine mandate to build a world community reflecting the universal God of love who embraces us all with Shalom's holy gifts of healing, hope and harmony.

Grateful for our Nation's essential leadership and sacrifice with Your own invaluable input, and my Congressman OWEN PICKETT's distinguished service, may we ever, one family, strive to be a blessing.

Let us say, Amen.

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THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the

last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

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PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Michigan (Mr. SMITH) come forward and lead the House in the Pledge of Allegiance.

Mr. SMITH of Michigan led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

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MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3642. An act to authorize the President to award a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world.

H.R. 3707. An act to authorize funds for the construction of a facility in Taipei, Taiwan suitable for the mission of the American Institute in Taiwan.

The message also announced that the Senate has passed a concurrent resolution of the following title in which concurrence of the House is requested:

S. Con. Res. 81. Concurrent resolution expressing the sense of the Congress that the Government of the People's Republic of China should immediately release Rabiya Kadeer, her secretary, and her son, and permit them to move to the United States if they so desire.

The message also announced that pursuant to sections 276h-276k, of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Senate Delegation to

the Mexico-United States Inter-parliamentary Group Meeting during the Second Session of the One Hundred Sixth Congress, to be held in Puebla, Mexico, May 5-7, 2000—

The Senator from Alaska (Mr. MURKOWSKI); and

The Senator from Alabama (Mr. SESSIONS).

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MAKING IN ORDER MOTIONS TO SUSPEND THE RULES ON TODAY

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that it be in order at any time on Wednesday, May 3, 2000 for the Speaker to entertain motions to suspend the rules and pass the following bills:

H. Con. Res. 295, relating to continuing human rights violations and political oppression in the Socialist Republic of Vietnam 25 years after the fall of South Vietnam to Communist forces;

H. Res. 464, expressing the sense of Congress on international recognition of Israel's Magen David Adom Society and its symbol the Red Shield of David;

H. Con. Res. 304, expressing the condemnation of the continued egregious violations of human rights in the Republic of Belarus, the lack of progress toward the establishment of democracy and the rule of law in Belarus, calling on President Alyaksandr Lukashenka's regime to engage in negotiations with the representatives of the opposition and to restore the constitutional rights of the Belarusian people, and calling on the Russian Federation to respect the sovereignty of Belarus;

H.R. 3879, Sierra Leone Peace Support Act of 2000;

H. Res. 449, congratulating the people of Senegal on the success of the multi-party electoral process;

S. 2323, Worker Economic Opportunity Act;

H.R. 4055, IDEA Full Funding Act of 2000;

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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H2413

H.R. 1729, to designate the Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, as the "Pamela B. Gwin Hall";

H.R. 1405, to designate the Federal building located at 143 West Liberty Street, Medina, Ohio, as the "Donald J. Pease Federal Building"; and

H.R. 1901, to designate the United States border station located in Pharr, Texas, as the "Kika de la Garza United States Border Station".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

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FISCAL RESPONSIBILITY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the Treasury Department recently announced that due to Congressional fiscal responsibility, it expects to reduce the national debt by a record \$216 billion this year.

Furthermore, this means that the national debt will have been reduced by \$350 billion or 10 percent in just 3 years.

The 2001 Republican budget continues this fiscal responsible trend.

Our budget will pay off more than \$1 trillion of the public debt over the next 5 years without raiding Social Security trust fund or bankrupting Medicare.

The Clinton administration, however, has proposed a budget full of new programs and additional bureaucracy, all funded from the projected surplus or new tax increases.

Mr. Speaker, we need to continue to reduce, not increase, wasteful spending on efficient government programs and bureaucracy.

Let us build upon our past successes and pass the budget that our children can be proud of and can afford when they grow up.

□

ELIAN GONZALEZ

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, it was with shock, disgust and outrage that I watched on TV over Easter weekend flack-jacketed government agents, acting like military commandoes armed with high-powered rifles breaking down doors, assaulting reporters, ransacking a private home and seizing an innocent child in the dark of night, while negotiations were ongoing, with something they called a search warrant. But the warrant they had was not based on a proper court order. It was based on an after-hours ex parte application that claimed Elian was being "concealed" and "unlawfully restrained."

The Justice Department should have waited until a judge had a chance to hold a hearing to determine if anyone

was in contempt of court. Only then would a court order have been appropriate. Why did they not follow that procedure? Because an earlier application by the Justice Department for such a court order had already been turned down.

So what did they do? They just broke into the home of an American citizen and seized him. For the executive branch to ignore a court ruling is a very dangerous precedent. So much for the rule of law. We have a constitutional system of checks and balances. Checks on the executive branch will only work if they are made to obey the courts. It was a bad day for America and a new low for this administration.

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INTERNATIONAL ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, today I rise to tell the story of Joseph Howard, whose child was abducted across international borders. His child is just one of 10,000 American children who have been abducted to foreign countries.

In 1994, Joseph Howard's wife took his child when he was at work and fled to Germany. Joseph notified the police and the FBI. Two months after the abduction, the German lower court issued an ex parte order granting temporary custody to the mother and informed Joseph 1 month later. The German lower court later confirmed custody to the mother and stated that "the father lives in the United States of America and is therefore no longer in a position to exercise his custody rights."

Joseph was not given access rights, but received a demand for child support. He appealed to German higher court, but the appeal was rejected. In April of 1998, Joseph was granted access rights to be exercised only in the office of the German Youth Authority and only after he surrendered his passport. Joseph has not seen his child since 1994.

Mr. Speaker, this kind of treatment of American parents and their children must stop. Signatories to the Hague Convention should uphold their agreement, and this House should urge them to do so.

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H.R. 4055, IDEA FULL FUNDING ACT OF 2000

(Mr. GARY MILLER of California asked and was given permission to address the House for 1 minute.)

Mr. GARY MILLER of California. Mr. Speaker, I rise to ask my colleagues to fulfill Congress' promise to fund special education at the 40 percent level that was promised in 1975.

For the past 25 years, Congress has consistently ignored its responsibility to special education students. The result has impacted all students in public schools throughout our Nation.

In Orange County, California, the special education funding shortfall now

exceeds \$70 million annually. Each year, local school boards face the inevitable question: What programs will be cut to meet our responsibility to educate students with special needs? The paradox is unfair. We have required these school districts to provide high quality services to a population with significant needs with only a fraction of the funds we promised.

Mr. Speaker, on behalf of the school districts which have struggled to balance the needs of all their students, I implore my colleagues to support H.R. 4055. This bill sets out a plan that will allow Congress to meet the 40 percent funding promise it made to all by 2010. If we fail to fulfill this commitment, we will continue to fail not only children with special needs, but all students in public schools.

□

TRIGGER LOCKS ARE NOT THE ANSWER

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, on March 23 in my district a 12-year-old boy took a loaded gun to school. Thank God, no one was hurt. But guess what, Mr. Speaker. The gun had a trigger lock. The boy simply searched for and found the key and, bingo, the gun was at school.

So I checked out this trigger lock business and uncovered a General Accounting Office report that says trigger locks are only effective for children under 6 years of age.

Six-year-old criminals? Beam me up, Mr. Speaker.

I assure my colleagues, no 6-year-old will mug them at 3 o'clock in the morning. It is not about trigger locks. It is about enforcing the gun laws we already have.

Mr. Speaker, I yield back what is left of our decimated second amendment rights.

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TAX FREEDOM DAY COMES WAY TOO LATE FOR WORKING AMERICAN FAMILIES

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, today is Tax Freedom Day. Today is the day that working Americans for the first time this year can stop working for the government and begin working for themselves and for their own families. May 3, 5 months into the year, 124 days working for the government. Incredible.

Mr. Speaker, we have an obligation to those working American families to trim the size of big government and trim the size of their tax bills. Rather than picking up the tab for a host of government programs that simply refuse to die because the President and the Congress refuse to kill them, taxpayers should be able to spend their

hard-earned money on their own needs. Rather than supporting billion-dollar corporate welfare programs, taxpayers should be allowed to provide for the welfare of their own families.

Mr. Speaker, we can help. We can move Tax Freedom Day to an earlier slot on the calendar by cutting big government down to size and providing American people with the healthy tax cut that they richly deserve. And next year, we can celebrate Tax Freedom Day a little earlier.

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SCHOOL CONSTRUCTION

(Mr. HOLT asked and was given permission to address the House for 1 minute.)

Mr. HOLT. Mr. Speaker, this morning I am talking about trailers. Temporary school buildings. I have visited over 80 schools in my district and everywhere I go, parents, teachers, and students all talk to me about the problem of overcrowding and the expense of construction.

Just last week, Secretary of Education Riley and I visited Crossroads School in a school district where the total student population has doubled in the past 11 years from 3,500 students to 7,000 now.

Mr. Speaker, study after study shows that smaller class sizes produce better students. With the median school construction cost for an elementary school in New Jersey at \$13 million, and the price of a new high school at more than \$22 million on average, these are expenses that our beleaguered taxpayers cannot afford. They cannot continue to have staggering tax increases year after year.

So, Mr. Speaker, they are putting up temporary trailers. Temporary buildings may be a temporary solution, but they are not cheap. They cost nearly \$40,000 to install, \$6,000 a year to lease, and there is a maintenance cost.

There is also a cost to the students. Trailers may provide more space, but do not provide the optimal learning environment for a quality education. Because of their long, rectangular shape, students have trouble seeing the blackboard, and many do not have Internet connections.

Congress must act to pass legislation that will provide much-needed financial assistance to fast growing school districts.

□

□ 1015

SOCIAL SECURITY

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I want to just make a couple comments on Social Security. Mr. Speaker, I see a lot of young people joining us today. They are the generation at risk on Social Security. The actuaries of the Social Security Administration re-

port that, if we do nothing with Social Security, we are either going to see taxes increase by 54 percent or benefits cut by 33 percent.

The chart I have here is a pie chart of the Federal Government spending this year. The bottom green piece of that pie represents Social Security benefits and equals 20 percent of total Federal spending. The cost of senior programs continues to grow. The problem is exacerbated by the fact that people are living longer and therefore are drawing on Social Security longer. At the same time our birth rate is going down. The result is fewer workers paying payroll tax to finance higher benefit costs.

That leads us to a predicament where we are going in the red on Social Security. This year, with the Presidential race, it is an appropriate time to discuss Social Security, to get into the details of how we are really going to solve this problem and how we are really going to save this very important program.

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BRAIN TUMOR AWARENESS WEEK

(Mr. ROTHMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHMAN. Mr. Speaker, this is Brain Tumor Awareness Week. Each year, over 100,000 people in the United States alone will be diagnosed with a brain tumor. Unfortunately, the general public is not that familiar with this disease. Brain tumors are the second leading cause of cancer death for children under 19, the third leading cause of cancer death for young adults ages 20 to 39.

Brain tumors attack the essence of what it means to be an individual. They ravage the control center for thought, emotion, and movement. The developing minds of children are especially susceptible.

There are over 100 different types of brain cancers, making effective treatments very complicated and expensive. There is no proven cure for most malignant brain tumors. Congress needs to appropriate increased funding for the National Cancer Institute and provide a strong investment in brain tumor research. We need to give patients as many options as possible to ensure quality cancer care and improve long-term survival.

Mr. Speaker, I urge my colleagues to educate themselves about brain tumors, and as we head into the heart of the appropriation season, to support increased funding for the National Cancer Institute.

□

BUDGET SURPLUS SHOULD BE USED FOR DECREASING DEBT, PROTECTING SOCIAL SECURITY AND DECREASING TAXES

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, how did the Army lose a \$1 million rocket launcher? How did the Air Force lose 15 jets? How did the Department of Interior build a \$300,000 outhouse? Why is it that Ben and Jerry's Ice Cream gets an \$800,000 taxpayer supplement? Why is it that, if one eats cheese pizza, the FDA inspects it; but if one has the cheese and pepperoni, the USDA inspects it? It is easy. It is called OPM, "other people's money."

In Washington, the departments, the bureaucracies are all operating on other people's money, taxpayers' money, hard-working men and women who put in 40, 50, 60 hours a week paying their tax dollars to Washington only to have it squandered by unelected faceless bureaucrats who know the beauty of OPM. They do not have to be accountable because it is not their money.

Mr. Speaker, the Republican party knows whose money it is. It is the hard-working American taxpayers. That is why we believe budget surpluses should be used to pay down the debt, protect Social Security, and give a tax decrease to the working Americans; and that is what we are working for.

□

GRANTING PERMANENT NORMAL TRADE RELATIONS TO CHINA

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, in 3½ weeks, we will take what will be, I believe, the most important vote in this Congress, the vote to extend permanent normal trade relations to China.

Mr. Speaker, this vote is important. It is not only important to our own domestic industries, our driving high-tech industry or to America's workers in other industry or to America's farmers, but it is very, very important, perhaps even more important, to the sense of freedom and dignity to the Chinese people.

Mr. Speaker, this vote is not about allowing Chinese product access to American markets, it is about allowing American product access to Chinese markets. It is about having the Chinese Government accept the discipline of conforming to a worldwide trade regime of rules and proper conduct and behavior. That can be infectious, Mr. Speaker. If they can accept those disciplines with respect to commerce, they are most likely going to accept them with respect to other aspects of their life.

It is about allowing the Chinese people, the normal every day working Chinese man or woman, the opportunity to enjoy the information, the freedom, the cultural experience, the sharing of America's freedom and, by doing so, getting a case to freedom in their own life.

History has proven, Mr. Speaker, that once people acquire the experience

of freedom through commerce, they then require freedom in a greater share of their life.

If we want to see the Chinese people free from an oppressive government, if we want to see a Chinese Government reform, put freedom in the hands of the Chinese people. They, Mr. Speaker, will reform the Chinese Government, improve their human rights; and while doing that, we will be able to maintain, not only an American economic boom, but a world economic boom to the greater good of all the world's people.

□

TEXAS 49TH IN BOSNIA

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, during this last Easter weekend, several Members of the Texas delegation, led by our U.S. Senator KAY BAILEY HUTCHINSON, the gentleman from Texas (Mr. FROST), the gentleman from Texas (Mr. SAM JOHNSON), the gentleman from Texas (Mr. EDWARDS), the gentleman from Texas (Mr. BRADY), the gentleman from Texas (Mr. REYES), the gentleman from Texas (Mr. SANDLIN), and myself traveled to Bosnia with Senator HUTCHINSON to visit the Texas National Guard's 49th Division and observed Easter Sunrise Services with our Guard in Tuzla.

We had the opportunity to examine the operating situation of U.S. forces in Bosnia. We were accompanied by General Russell Davis, the chief of the National Guard Bureau, but also our General in Texas, Daniel James of the Texas National Guard, to observe the Commanding General Robert Halverson in the 49th Texas division.

I personally had the opportunity to visit with Colonel Tom Roman who, in his real life, is a lieutenant in the Houston Police Department, who is currently serving in the division. Frankly, we have three Houston police officers who, not only serve Houston during their regular jobs, but are now serving in Tuzla, Bosnia, serving our country with the 49th Division.

For the first time in history, we have a National Guard division who is in charge of a regular Army unit in Bosnia.

I am proud of the outstanding job our troops are doing in helping bring peace to this ravaged war-torn area. They have been successful in stopping the killing of women and children and trying to bring stability to that area.

They are serving our country with honor and are proving that the Guard is a reliable part of our Armed Forces.

Let me just show for national television the T-shirt that shows the Eagle Base with the 49th Lone Star Texas Division emblem on it. Thank you.

□

AMERICANS DESERVE MEANINGFUL TAX RELIEF

(Mr. HAYWORTH asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, we return to Washington to be about the business of the American people. During our district work period, in the 6th Congressional District of Arizona, an area in square mileage almost the size of the Commonwealth of Pennsylvania, one of the largest districts in the country, not only geographically, but also now as we do the estimates on representing close to 1 million people, I was pleased that close to 1,000 people joined my family and me at a tax relief rally April 15.

Despite the talk of the pundits here on the banks of the Potomac, the American people understand, Mr. Speaker, the gentleman from Georgia (Mr. KINGSTON) alluded to it earlier, it is not the other people's money, it is not the government's money, the money belongs to the hard-working taxpayers of the United States.

We owe it to the people who work hard and play by the rules to make sure that their money, our money is spent the right way. The best way to spend it is to put it back in the hands of people who earned it. Meaningful tax relief, we have offered it in terms of ending the earnings penalty for seniors. We hope that others will act on the marriage penalty as this body has done. The American people deserve more of their hard-earned money.

□

GOP BUDGET INVESTS IN EDUCATION TO HELP OUR KIDS LEARN

(Mr. COOKSEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOKSEY. Mr. Speaker, for America to remain competitive in the 21st Century, we must improve public schools and help children reach their full potential. I have a particular outstanding, I think many outstanding schools in my district, but today I have the Ruston Junior High School students in town.

That is why the Republican budget proposal increases our commitment to public education so that today's children will be tomorrow's leaders in America and around the world. Republicans are providing \$2.2 billion more in the elementary and secondary education funding over the last year's level. That is an increase of almost 10 percent, and more than \$20 billion over the next 25 years or over the next 5 years.

We need new solutions to help students learn, not just more money. That is why Republicans want to give parents and local teachers, not Washington bureaucrats, more control over Federal education dollars. That is why we need to expand education savings accounts to help students get out of failing schools. The Republican budget means more resources and a brighter future for millions of America's children and students.

JUSTICE DEPARTMENT OVER-POWERS IN ELIAN GONZALEZ SAGA

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, most people apparently felt Elian Gonzalez should have been returned to his father. However, regardless of what anyone felt about custody, the actions of the Justice Department were ridiculously excessive in busting into that home in Florida in the early morning hours several days ago.

To send in officers in full riot gear, brandishing submachine guns was something a Federal police state would do. It was something that we would have expected in some Communist dictatorship, but not here.

The picture of that officer pointing a gun at Elian and that fisherman is something that should have shocked and saddened everyone. Taking the law into its own hands just after it had been severely criticized by a U.S. Court of Appeals, not waiting for the next scheduled court hearing just a few days away, the Justice Department has shown once again that it has grown far too arrogant, far too abusive, far too big and really out of control.

Mr. Speaker, if we do not drastically decrease the size, power, and especially the funding of the Justice Department in the years ahead, the freedom of all Americans will be in jeopardy.

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ENCOURAGING TRADE IN VIETNAM

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute.)

Mr. CUNNINGHAM. Mr. Speaker, last year I went to Vietnam with Hal Rogers, chairman, at the behest of Pete Peterson, who is the ambassador, and was asked to raise the American flag over Ho Chi Minh City for the first time for over 25 years.

On that trip, I met with the prime minister, Communist prime minister in Hanoi, and I asked the prime minister, "Why do you not get involved in trade?" In perfect English, the Communist prime minister said, "Congressman, we are Communist. If we get involved in trade, we will be out of power as Communists." At that moment, I said trade is good.

□ 1030

If we take a look at whether there are problems with the trade with China, whether it is humanitarian or whether it is with national security issues, it is in our best interest. That is why Taiwan supports trade with China. They want China in 20 to 30 years to move in a direction of pro democracy, not back to a totalitarian Communist State.

Regardless of how one feels on the trade issue, both human rights and national security, it is in the United States' best interest to support the trade with China.

IRANIAN SHAM TRIAL

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I rise to alert my colleagues to the ongoing sham trial of 13 Jews in Iran. Iran's judiciary said on Monday that suspect Hamid "Danny" Tefileen had confessed to passing classified information to Israel's Mossad, and Iranian state television broadcast an interview with Mr. Tefileen in which he stated he had been trained in Israel. It is obvious, Mr. Speaker, that his confession was coerced since the defendant's court-appointed attorney noted there was no information to back up that confession.

Israel has repeatedly denied this man was a spy. And since I understand that it is not illegal for any Iranian citizen to visit Israel, the charges against Mr. Tefileen should be promptly dismissed.

Mr. Speaker, I urge the Iranian government to free these men at once. They are not guilty of anything more than being Jewish. Moreover, I request my colleagues to cosponsor H. Con. Res. 307, a measure I introduced, along with the Speaker, the gentleman from Illinois (Mr. HASTERT), opposing this ongoing prosecution of 13 members of the Jewish community.

□

OPPOSITION TO WTO FOR COMMUNIST CHINA

(Mr. ROHRBACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRBACHER. First and foremost, Mr. Speaker, I would like to commend the gentleman from New York (Mr. GILMAN) on the statement that he just made. All of us should be very united in this effort to draw a spotlight on what is going on in Iran. If the Iranian people, who I am convinced want to have better relations with the United States, then Iran must know that they cannot conduct this sham trial and brutally terrorize their Jewish population or any other part of their population. We need to pay attention to this and send a message to the Iranians that we want to have good relations with them.

But what I wanted to mention today, and with my last 30 seconds, is that we have heard a lot about trade with China this morning and we will hear more about it. The trade that we have had with Communist China these last 10 years have not made this world a safer world. In fact, it has done nothing but build up the powerful forces in Communist China that now threaten the peace of the world.

Furthermore, it has not worked to the benefit of the people of the United States. What we have in China is the building up of their infrastructure. Our trade with them is building up their technological capabilities; building

them factories so that they can then export to the United States and get enough money to buy weapons in order to put us under a threat. I would oppose any of this WTO for China.

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such record votes on postponed questions may be taken in two groups: The first occurring before the debate has concluded on all motions to suspend the rules, and the second after debate has concluded on the remaining motions.

□

RELATING TO CONTINUING HUMAN RIGHTS VIOLATIONS AND POLITICAL OPPRESSION IN SOCIALIST REPUBLIC OF VIETNAM

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 295) relating to continuing human rights violations and political oppression in the Socialist Republic of Vietnam 25 years after the fall of South Vietnam to Communist forces, as amended.

The Clerk read as follows:

H. CON. RES. 295

Whereas April 30, 2000, marks the 25th anniversary of the fall of Saigon to Communist forces of North Vietnam;

Whereas 25 years after the Vietnam War ended, the Socialist Republic of Vietnam is a one-party state ruled and controlled by the Vietnamese Communist Party;

Whereas the Government of the Socialist Republic of Vietnam continues to violate the liberties and civil rights of its own citizens through arbitrary arrests, detentions without trial, and the censorship of peaceful expressions of political and religious beliefs;

Whereas the Department of State Country Reports on Human Rights Practices for 1999 notes that the Government of the Socialist Republic of Vietnam "continued to repress basic political and some religious freedoms and to commit numerous abuses";

Whereas the Socialist Republic of Vietnam still retains Article 4 in its Constitution that ensures the supremacy of the Vietnamese Communist Party as the only political party in the country while continuing to enforce an extra-legal administrative decree to detain or place under house arrest any dissidents or civilians for up to two years, without trial, under the pretext of "endangering national security";

Whereas the Socialist Republic of Vietnam is one of the most politically repressive and poorest countries in the world, with an average annual per capita income of \$330;

Whereas, according to the Department of State and international human rights organizations, the Government of the Socialist Republic of Vietnam continues to restrict unregistered religious activities and persecutes citizens on the basis of their religious affiliation through arbitrary arrests and detention, harassment, physical abuse,

and the denial of the rights of free association and religious worship;

Whereas the Department of State Annual Report on International Religious Freedom for 1999 on Vietnam estimates that "there are from 30 to 50 religious prisoners" but "the number is difficult to verify with any precision because of the secrecy surrounding the arrest, detention, and release process";

Whereas the Government of the Socialist Republic of Vietnam continues to prevent human rights organizations from unfettered and open investigations of allegations of state-sponsored oppression of the right to worship by its citizens, and has prevented the United Nations Special Rapporteur on Religious Intolerance, Abdelfattah Amor, from meeting with various religious leaders during his visit to Vietnam in October 1998;

Whereas the Government of the Socialist Republic of Vietnam systematically violates the Universal Declaration of Human Rights in contravention of its status as a member of the United Nations;

Whereas the Government of the Socialist Republic of Vietnam systematically violates the International Covenant on Civil and Political Rights in contravention of its status as a signatory to that agreement; and

Whereas it is in the interest of the United States to promote political, religious, and economic freedom throughout the world: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) requests the President to restate and make clear to the leadership of the Government of the Socialist Republic of Vietnam that—

(A) the American people are firmly committed to political, religious, and economic freedom for the citizens of the Socialist Republic of Vietnam; and

(B) the United States fully expects equal protection under law with all Vietnamese citizens, regardless of religious belief, political philosophy, or socio-political association;

(2) urges the Government of the Socialist Republic of Vietnam—

(A) to cease violations of religious freedom as defined by the International Religious Freedom Act of 1998;

(B) to release all religious prisoners, political prisoners, and prisoners of conscience, and immediately cease the harassment, detention, physical abuse, and imprisonment of Vietnamese citizens who have exercised their legitimate rights to freedom of belief, expression, and association;

(C) to allow all Vietnamese citizens the right to free expression, freedom of association, freedom of the press, and religious worship; and

(D) to formally commit to a framework and a set timetable for open and fair elections that will facilitate the ability of Vietnamese citizens to peacefully choose their own local and national leaders, free from fear and intimidation; and

(3) commends the Vietnamese-American community for initiating a memorial to American and South Vietnamese soldiers who sacrificed their lives for the cause of freedom during the Vietnam War, which is under development and will be located in Westminster, California.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 295, the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I am pleased to rise today in support of House Concurrent Resolution 295, which was introduced by my distinguished colleague, the gentleman from California (Mr. ROHRABACHER). And I would also like to thank the chairman of the Subcommittee on Asia and the Pacific, the gentleman from Nebraska (Mr. BEREUTER), for his work in crafting the current language in this resolution.

Mr. Speaker, it is truly unfortunate that 25 years after the end of the Vietnam War the Socialist Republic Vietnam is still a one-party state ruled and controlled by the Vietnamese Communist party. Regrettably, the government in Hanoi continues to repress basic political and some religious freedoms, and to commit numerous human rights abuses.

This resolution rightfully requests the President to make clear to the government of Vietnam the firm commitment of the American people to fundamental human rights and equal treatment for all people of Vietnam still persist.

It further urges Vietnam to cease its violations of human rights and to undertake the long overdue liberalization of its antiquated political system.

And, finally, it appropriately commends the Vietnamese American community for a memorial to fallen American and South Vietnamese soldiers being developed in Westminster, California. In that regard, I call upon the Vietnamese government to do all it can to assist in bringing our POWs and MIAs home to American soil.

Mr. Speaker, democracy and human rights are not eastern or western values, as some might contend. They are universal values and the right of people everywhere, including the 77 million people of Vietnam. I want to praise this resolution for pointing out the injustice that tragically exists in Vietnam today. Communism is a dead ideology. Somehow, and surprisingly, the government in Hanoi still has not received that news.

I sincerely hope that the bureaucrats in Hanoi are listening today and, as a result, will undertake the necessary reforms to release minds and spirits of the Vietnamese people. The people of Vietnam clearly deserve much better.

Once again I commend the gentleman from California (Mr. ROHRABACHER) for introducing this resolution and his continuing commitment to human rights and democracy, and I also want

to commend the distinguished chairman of the Subcommittee on Asia and the Pacific, the gentleman from Nebraska (Mr. BEREUTER), for bringing it to the floor at this time. Accordingly, I urge my colleagues to strongly support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

At the outset, I would like to commend my friend, the gentleman from California (Mr. ROHRABACHER), for crafting this resolution, which is so necessary to focus attention on the continuing violations of human rights in all forms in Vietnam.

I also want to commend the chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN), and the chairman of the Subcommittee on Asia and the Pacific, my good friend, the gentleman from Nebraska (Mr. BEREUTER) for their work on this resolution.

Mr. Speaker, Vietnam continues to be—25 years after the conclusion of that tragic war—one of the most repressive societies on the face of this planet. Similarly to China, Vietnam has opened up its economy to some extent, but its political system is as rigid, unbending, and repressive as it has ever been.

I call, therefore, on the government of Vietnam to release all religious and political prisoners, all prisoners of conscience; and to immediately cease the harassment, detention, physical abuse and imprisonment of Vietnamese citizens who are exercising their legitimate rights to freedom of belief, expression, and association.

I call on the government of Vietnam, Mr. Speaker, to abolish article four of the Vietnamese constitution and repeal all regulations and codes and decrees prohibiting citizens the rights to free expression, freedom of association, freedom of the press and religious worship.

I also think it is critical that we as a body call on the government of Vietnam to set an early timetable for open and fair elections that at long last will facilitate the inclusion of Vietnam in the community of civilized nations and allow its citizens to peacefully choose their own local and national leaders, free from fear and intimidation.

I think it is particularly significant, Mr. Speaker, that the government of Vietnam has prevented the United Nations special rapporteur on religious intolerance from meeting with the various religious leaders during his visit to Vietnam. Vietnam has an obligation, as a signatory of the appropriate treaties, to allow access by United Nations' officials to all religious practitioners.

We are indeed pleased that a quarter century has gone by since the conclusion of that tragic war, but we are appalled at the continued suppression of

the Vietnamese people. I earnestly hope and trust that this move by the Congress of the United States, which I trust will be approved unanimously, will begin the process of opening up the political situation in that country. And I once again commend my friend from California (Mr. ROHRABACHER).

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. ROHRABACHER), the sponsor of the measure.

Mr. ROHRABACHER. Mr. Speaker, I thank the chairman of the committee, the gentleman from New York (Mr. GILMAN), and the chairman of the subcommittee, the gentleman from Nebraska (Mr. BEREUTER), as well as the ranking member, the gentleman from California (Mr. LANTOS) for being very cooperative on this measure.

This is one of those measures, Mr. Speaker, that goes through Congress that has bipartisan support because it reflects fundamental values which I believe that this body is supposed to be all about. This is a body that represents the greatest democracy in the world, and all of us who meet here share these values of democracy and freedom. And when we are talking about issues that go to the heart of our country, we stand united.

This resolution commemorates the 25th anniversary of the end of the Vietnam War and expresses a tribute to the Americans and South Vietnamese who gave their lives in the cause of freedom in that conflict. The international press reports from Vietnam this past weekend unanimously emphasized the ongoing repression that the people of Vietnam have had to suffer under the Communist regime in Hanoi.

The violation of human rights and the denial of democracy for the people of Vietnam has been just a horrific experience over these last 25 years and has caused a firsthand observer, Senator JOHN MCCAIN, to state that regardless of America's shortcomings in conducting that war, that the wrong side won.

Singapore's senior statesman and ASEAN founding member, Lee Kuan Yew, commented recently that the sacrifices by the Americans in Vietnam in the 1960s and 1970s gave the rest of the region, which also faced Communist-backed guerilla movements, time to stabilize and even prosper. So, yes, there were some good things that came out of Vietnam, yet the people of Vietnam still suffer.

And there was great sacrifice during that war: 58,000 Americans perished and more than 300,000 were wounded. In addition, 270,000 South Vietnamese military personnel perished, and over 570,000 were wounded. And that was before, of course, the final offensive by the Communist forces 25 years ago today.

This resolution honors their sacrifice and calls attention to the cause of freedom in Vietnam. This resolution is entirely in support of the people of Vietnam who deserve the right and the opportunity to participate in the democratic process of a free and Democratic society.

The greatest example of the potential of Vietnam is perhaps the tremendous educational and economic success of the Vietnamese American community, such as that in Little Saigon, which is in my district. And I am very proud to represent these freedom loving people who came here in such turmoil and have made a success of their lives despite great hardship.

□ 1045

In fact, the fact that they came here with little more than the shirts on their back and now live in relative prosperity and have made wonderful citizens for our country indicates just how important freedom and democracy is considering that the people that they left behind still languish in poverty and still are repressed and suffer great tyranny there in Vietnam.

This resolution expresses the hope that some day the people of South Vietnam will enjoy the same kind of freedom that the people who came here after the war enjoy. The resolution urges the Vietnamese regime to commit to a framework, a set timetable for open and free elections.

Twenty-five years after the end of the war, it is time for Vietnamese leaders to make peace with their own people and to permit their citizens to peacefully choose their own local and national leaders without fear of intimidation.

This resolution also, as the gentleman from New York (Chairman GILMAN) stated, congratulates the Vietnamese-American community in Southern California and throughout the United States for initiating and funding through private donations the first memorial to honor both American and South Vietnamese military personnel who sacrificed their lives during the Vietnam War, which is now being developed in Orange County, California.

Finally, I urge my colleagues on both sides of the aisle to support this bipartisan resolution which honors the sacrifice of American citizen soldiers who perished for the cause of freedom during the Indochina conflict by supporting the struggle for democracy in Vietnam.

And finally, I would like to salute a member of my staff, Mr. Al Santoli, who is standing behind me at this moment, who helped me put this resolution together. Al Santoli, a triple Purple Heart winner from the Vietnam War, has dedicated his life to the cause of freedom and justice not only in Southeast Asia but throughout the world; and we appreciate the effort that he put into this resolution, as well.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the relatively short time that she has been with us, the gentlewoman from California (Ms. SANCHEZ) has demonstrated extraordinary qualities of leadership in many fields but particularly in the field of defending human rights.

Mr. Speaker, I am delighted to yield 3 minutes to my friend and colleague, the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, I thank my colleague from California for yielding me the time for this gracious ability to give me some time to speak a little about April 30, 1975, marking the beginning of a treacherous boat journey for many Vietnamese who sought refuge in an unknown land to them and an uncertain future. These individuals risked everything for a chance to live freely and to provide better opportunities for their children and their families.

I rise today as a proud cosponsor of the H. Con. Res. 295, legislation relating to continuing human rights violations and political oppression in the Socialist Republic of Vietnam still 25 years later since the fall of Saigon.

I also rise to pay special tribute and to recognize the efforts of those servicemen and women who served as Vietnam War veterans and also to the Vietnamese who fought for freedom and democracy in Vietnam.

As my colleagues know, I represent the largest Vietnamese-American community in the Nation in Orange County, California. As a proud member of the Congressional Human Rights Caucus, it was my distinct honor just last month to hold a second hearing on the human rights conditions in Vietnam. We held one a couple years ago.

We received testimony from expert witnesses who tell us still freedom of religion, freedom of expression, freedom of the press, freedom of collective bargaining are still sorely missed in Vietnam.

The Vietnamese Government continues to grossly violate human rights by incarcerating prisoners of conscience and placing dissidents under strict surveillance.

So as we continue to move forward with furthering relations between our two countries, it is my hope that we will address the current human rights issues in Vietnam: the violations, the religious persecution, the social injustice that many individuals still face in Vietnam.

Mr. Speaker, as we reflect on this tragic day, it is our duty as Members of Congress to honor the memories of the individuals that have fought for liberty and democracy in Vietnam.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Nebraska (Mr. BEREUTER), the distinguished chairman of the Subcommittee on Asia and the Pacific.

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, as the chairman of the Subcommittee on Asia and the Pacific, I rise in strong support of H. Con. Res. 295.

This Member congratulates and thanks the distinguished gentleman from California (Mr. ROHRBACHER) for bringing this matter to the body's attention and for recognizing that the 25th anniversary of the fall of Saigon was an important time to focus the American attention on what we were fighting for and to also recognize the contributions of so many men and women among our countrymen who made tremendous sacrifices in that war and I imagine with the hope that some impact might prevail in Vietnam, as well.

I also, once again, want to thank the distinguished gentleman from California (Mr. LANTOS), the ranking minority member of the subcommittee, for his cooperation and his assistance in bringing this legislation to the floor.

We were happy to work with the gentleman from California (Mr. ROHRBACHER) on any kind of perfecting amendments, but his legislation is very timely and was very well crafted to begin with.

Certainly it is appropriate to express concerns about the continuing human rights violations and the political repression in the Socialist Republic of Vietnam.

Even as the United States moves forward in establishing relations with Vietnam, which this Member supports, we should be mindful that serious human rights concerns do remain.

Indeed, in the 25 years since the end of the war, regretfully this Member must say flatly that there has been no discernible progress, no discernible progress, towards representative government or basic democratic freedom in Vietnam.

The Vietnamese Constitution enshrines the principle of one-party communist rule. Political dissidents are routinely harassed or arrested for attempting to exercise their fundamental human rights, such as freedom of speech and association.

The Vietnamese Government also continues to restrict unregistered religious activities and to persecute citizens on the basis of their religious affiliations. Vietnam can be said to be an equal opportunity oppressor of religious freedoms as Buddhists, Christians, and over groups also suffer to some extent from Government harassment and repression.

The Government has also refused to allow human rights groups and the U.N. special rapporteur on religious intolerance unfettered access to investigate allegations of religious oppression.

This resolution urges the Government of Vietnam to release religious and political prisoners and cease harassment of those exercising their legitimate rights to allow basic freedoms, such as freedom of speech and

association, and to commit to a framework and a timetable for open and fair elections.

It is time that the Vietnamese Government realizes that one-party communist regimes have no place in the modern world. It is time that the talented, hard-working, and energetic people of Vietnam enjoy their rights to fundamental religious, economic, and political freedom.

Mr. Speaker, a few minutes ago the gentleman from California (Mr. ROHRABACHER) referred to comments recently made by the senior senator from Arizona, Senator MCCAIN, who said the wrong side won.

Well, I would also like to reference the senior senator from my home State of Nebraska, a member of the opposite party, Senator ROBERT KERREY, who is a courageous, distinguished American who won the Congressional Medal of Honor in Vietnam and who lost part of his leg in the process. He came home and protested the way the war was being conducted.

But this past weekend, in the major papers of our State, he had an opinion piece; and he said, I was fighting and we were fighting on the right side. Upon reflection, upon visitation to Vietnam and to Southeast Asia, I understand what we were doing there was appropriate.

I want and will include that as a matter of the RECORD. It is an outstanding reflection upon his service in Vietnam and also his reflection upon service in the Congress of the United States as he prepares to retire from the other body.

Mr. Speaker, this resolution attempts to send a clear message to the Vietnam regime about the need for fundamental reforms. This Member urges his colleagues to support strongly H. Con. Res. 295.

Mr. Speaker, I include the following article authored by Senator KERREY for the RECORD:

VIETNAM: 25 YEARS LATER; IN HINDSIGHT, A JUST CAUSE
(By Bob Kerrey)

Today we mark the 25th anniversary of the fall of Saigon, the day Americans witnessed the end of a war in which our enemy emerged victorious and our ally defeated. For many years afterward, Americans buried this experience and turned their backs on the problems of Southeast Asia. Anger and self-absorption dominated the debates that occasionally occurred about what went wrong.

In the past 10 years, anger and self-absorption have been replaced with active, optimistic policies. In Southeast Asia, we have seen impressive successes. Beginning with President Bush's initiatives to bring peace to Cambodia and continuing with President Clinton's initiatives to normalize relations with Vietnam, we have started to return with an American spirit that advances the cause of freedom.

No doubt the war affected America, but it wasn't our worst war-connected failure. The most difficult war of the last century was not Vietnam; it was World War I. In 1943, the year I was born, veterans of the Great War were remembering the 25th anniversary of their armistice while their sons were fighting in Italy and the Pacific against enemies

whose military strength was ignored on account of the bitter memories of the failures of the first World War. So, as I remember April 30, 1975, I will also remember Nov. 11, 1918, and what happened when America isolated itself from the world. But I will also remember the pride I felt when I sat in joint sessions of Congress listening to Vaclav Havel, Kim Dae Jung, Lech Walesa and Nelson Mandela thank Americans for the sacrifices they made on behalf of their freedom.

The famous photo of South Vietnamese ascending a stairway to a helicopter on the roof of our Saigon embassy represents both our shame and our honor. The shame is that we, in the end, turned our back on Vietnam and on the sacrifice of more than 55,000 Americans. We succumbed to fatigue and self-doubt, we reneged on the promise we had made to support the South Vietnamese, and the communists were able to defeat our allies. The honor is that during the fall of Saigon we rescued tens of thousands of our South Vietnamese friends, and in the years following we welcomed over a million more Vietnamese to our shores.

For a young, college-educated son of the clean, optimistic American heartland, the war taught some valuable lessons. My trip to Vietnam gave me a sense of the immense size and variety of our world. I was also awed by something that still moves me: That Americans would risk their lives for the freedom of another people. At the Philadelphia Naval Hospital, I learned that everyone needs America's generosity—even me.

During the war, I knew the fight for freedom was the core reason for our being in Vietnam. But after the war, as I learned more about our government's decision-making in the war years, I became angry. I was angry at the failure of our leaders to tell the truth about what was happening in Vietnam. I was angry at their ignorance about the motives of our North Vietnamese adversaries and the history of Vietnam. Our leaders didn't seem to understand the depth of commitment of our adversaries to creating their version of an independent Vietnam. I particularly detested President Nixon for his duplicity in campaigning on a promise to end the war, and then, once in office, broadening the war to Cambodia. But time has taught me the sterility of anger. So, as I recently told former Secretary of Defense Robert McNamara, I forgive our leaders of the Vietnam period.

I am able to forgive, not out of any great generosity of mine, but because the passage of time and the actions of the communist government of Vietnam have proven to me we were fighting on the right side. In their harsh treatment of the Vietnamese people, in denying them medicine and essential consumer goods, and in persecuting religious practice, the Vietnamese communists in the post-war years proved themselves to be communists. The most eloquent comment on life under Ho Chi Minh's heirs was the flight of millions of Vietnamese who risked death on the high seas rather than live under that regime. If there was to be a trial to determine if the Vietnam War was worth fighting, I would call the Boat People as my only witness.

Was the war a mistake, or was it worth the effort and sacrifice? Everyone touched by it must answer that question for themselves. When I came home in 1969 and for many years afterward, I did not believe it was. Today, with the passage of time and the experience of seeing both the benefits of freedom won by our sacrifice and the human destruction done by dictatorships, I believe the cause was just and the sacrifice not in vain.

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

Mr. GILMAN. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from New Jersey (Mr. SMITH) who is the chairman of our Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. Mr. Speaker, let me just begin by thanking the gentleman from California (Mr. ROHRABACHER) for his excellent piece of legislation, which tells the truth about the ongoing repression in Vietnam.

Today, Mr. Speaker, I want to share some observations from a human rights fact-finding mission I made in December to Saigon. The principal purpose of the trip was to inspect the new refugee processing program, which, as most of my colleagues know, has recently moved from Bangkok to our new U.S. Consulate in Saigon.

As I think many of my colleagues know as well, I am very pleased to have been the sponsor, the prime author, of comprehensive foreign policy legislation, the Foreign Relations Authorization Act for Fiscal Year 2000 and 2001, which became law last November.

That bill provided for an extension of the McCain amendment on Vietnamese refugee children through fiscal year 2001, along with an expansion of the amendment to cover the so-called co-residency cases.

The new law also included very important language making clear that our refugee programs in Vietnam should be far more than a token effort. We made that clear in all kinds of cases. For example, with the Montagnards who were turned down because they kept fighting the Communists after 1975, with reeducation camp survivors whose refugee applications were denied because they were afraid to talk in front of government-hired interpreters, with former U.S. Government employees who were turned down for no good reason at all, and with people who have suffered recent persecution for their political or religious beliefs, we need to be far more generous than we have been in the past.

It is too early, Mr. Speaker, to know whether or not our Saigon refugee program will live up to those expectations, which is the clear meaning and intent of the law. But I promise, as Chairman of the Subcommittee on International Operations and Human Rights, to keep my eye on the ball and to keep pushing hard for it.

In addition to focusing on the refugee programs, Mr. Speaker, we also focused heavily on the human rights issues, democracy, and transparency in Vietnam, which we have also done in our subcommittee over the last several years.

I met with Dr. Nguyen Dan Que, who—like the great Professor Hoat, who is now in this country—is a courageous and brilliant former prisoner of conscience. He is now under virtual house arrest, however, in Saigon. His

phone is tapped. His Internet connections have been cut off. He and members of his family are followed wherever they go.

Notwithstanding the fact that I had a Government thug following me wherever I went, Dr. Que invited us into his home and gave us a fascinating lecture on the future prospects for reform and democracy in Vietnam.

He explained, for example, that the principal contradiction in Vietnamese society is not between North and South, not between traditionalism and modernity, but between the Politburo and everybody else in the country.

We also met with religious leaders, including Archbishop Man, Father Chan Tin, and members of the Hoa Hao Buddhist Church. And we met with Montagnard students, some of whom are Protestants who have been forbidden to have prayer meetings in their country.

Unfortunately, on the advice of Ambassador Peterson, we were unable to meet with the leaders of the Unified Buddhist Church, who have come in for some of the most brutal treatment of all. The ambassador felt the time was not right. The next trip, I can assure my colleagues, we will meet with them. But we have continued to raise their issues, as well.

One thing that was very clear from all of our conversations with human rights advocates, religious figures, and ordinary Vietnamese was that international pressure does indeed work.

For example, Dr. Que pointed out that while trade may bring some reforms to Vietnam, these reforms will come quicker if the United States strongly uses each economic concession, especially the prospect of a bilateral trade agreement, as leverage to require immediate progress on human rights.

If anyone doubts that economic leverage works to change the behavior of the Vietnamese Government, these doubts should be resolved by the experience of the ROVR program.

In mid-1996, the Vietnamese Government promised that if the 20,000 or so people who were eligible for ROVR would return to Vietnam, the U.S. would be able to interview them for refugee resettlement in the U.S.

Eighteen months after making this promise, the Vietnamese Government had let us interview only a few hundred of the 20,000 people. But when it was made clear to them that they would not get a waiver of the Jackson-Vanik amendment, which would be necessary to allow subsidized loans under the U.S. Export-Import and OPIC programs, they allowed us to start interviewing people almost immediately.

We eventually got 18,000 people to freedom under the ROVR program. So linkage to economic issues does work.

Let me also focus on a couple of human rights issues. As the gentleman from California (Mr. LANTOS) said so eloquently, the Vietnamese Government must stop imprisoning people for

their political or religious beliefs. They must release all prisoners of conscience that they currently hold.

□ 1100

Hanoi insists that it has no political or religious prisoners, only ordinary law breakers. When visiting, American delegations like my own point out that these law breakers include Catholic priests and Buddhist monks. When we raise these issues, they say that these people have been imprisoned for such crimes as activities to overthrow the government, which is utter nonsense, or using freedom and democracy to injure the national unity, whatever that means.

Vietnamese officials cheerfully remind visitors that they have a "different system." They need to be persuaded that if they are going to do business with us they have to abide by internationally recognized norms regarding human rights.

The Vietnamese government must eliminate other gross human rights violations such as its two-child-per-couple policy, which deprives the parents of unauthorized children of employment and other government benefits.

It must grant workers the right to organize independent trade unions and stop the practice of forced labor. It has to stop jamming Radio Free Asia, which tries to bring the Vietnamese people the kind of broadcasting they would provide for themselves if their government would allow freedom of expression.

Mr. Speaker, I would submit for the RECORD an excellent article written by Le Van Tien on "Vietnam's Failed Revolution." It was in the Asian Wall Street Journal on April 28, 2000.

[From the Wall Street Journal, Fri., Apr. 28, 2000]

Vietnam's Failed Revolution . . .

(By Le Van Tien)

We are marching to Saigon.
We are entering the city.
We are liberating the South.

This was the song I heard the National Liberation Front soldiers singing as they marched behind the North Vietnamese tanks that rolled into Saigon on April 30, 1975. Later the lyrics were taught to children, who sang them enthusiastically enough. Say what you will about the Communists, they have always understood that children love parades.

In the years just after the unification of Vietnam, even as many South Vietnamese were either fleeing in boats or being sent to prison or "re-education," others—particularly young people—were willing to join the Communists in efforts to rebuild the country. Many were even willing to fight and die in the wars against Cambodia and China.

Yet 25 years later most of the survivors can barely remember the songs they used to sing about the revolution. For those of us who were imprisoned or forced into exile, it is tempting to judge the revolution by our own standards. It is more instructive, however, to judge a movement by the extent to which it has met its own goals. Life in Vietnam has indeed changed in many ways since 1975, but not in any of the ways promised by the revolution.

Vietnam was never a rich country, but now it is one of the poorest in the world, with a per capita GDP of about \$300. Teachers make \$20 per month, construction workers about \$30, medical doctors \$35. Of the 37 million working-age Vietnamese, only 7 million have stable jobs, almost all in government or in state-owned enterprises. The remaining 30 million are seasonal workers employed for 200 days or less per year.

Almost everyone in Vietnam is struggling for survival day by day, and almost everyone blames the government—especially corruption in government. It is no accident that people in rural areas are the poorest of all (according to the World Bank, about 45% of Vietnamese farmers live below the poverty line) because these are the areas where government is most corrupt and has the greatest power over people's lives.

Despite the harsh measures taken by the Vietnamese government against those who openly express their displeasure with government policies, there have been periodic demonstrations and even uprisings among rural people protesting corruption and oppression.

In 1989, several hundred people from villages in the Mekong Delta traveled to Saigon, now called Ho Chi Minh City, to demand improved conditions in the countryside. These demonstrations were partly motivated by resentment at continued North Vietnamese domination of the South, but in the early 1990s there were riots in three provinces in Central Vietnam, in an area known as the "cradle of the revolution."

These events culminated in 1997 in Thai Binh, a northern province noted for the unusually high percentage of enthusiastic Communists among its people, in which thousands of peasants and farmers detained armed public security officers and demanded an end to confiscatory taxes, corruption, and other official abuses. Even a group of high-ranking Army officers from Thai Binh openly announced that "the Communist party has succeeded in abolishing the old regime in which man exploited man, only to replace it with a regime in which the Party itself exploits the people." Many of the Thai Binh demonstrators were sent to prison or re-education, but the government also dismissed about 50 officials including the head of the provincial People's Committee.

The poor living conditions of the farmers and the working class contrast sharply with the lifestyle of many Communist cadres, government officials, and executives in state-owned enterprises. They can afford conspicuous consumption not because of their salaries, but because of their far larger income from official corruption. In recent years, the government itself has recognized that corruption is at the heart of its problems, strangling the economy and scaring away foreign investors.

In mid-1999 General Secretary Le Kha Phieu announced a two-year campaign of "self-criticism." The campaign is intended to end bribery, extortion, smuggling, and other corrupt practices, in order to win the confidence of the people and also of foreign investors. These investors were initially attracted by the official policies of economic "renovation" and "openness" announced in the early 1990s, but they have been discouraged not only by the burdens of corruption and hyperregulation, but also by the consequent decline in economic growth rates from about 8% annually to just over 4%. Most ominously, many are frightened by the prospect of political instability as a consequence of the steady erosion of the government's legitimacy.

The Vietnamese government seems to understand that it is in danger of losing its grip on power. It has been quietly advised by scholars, international financial institutions

and representatives of other governments that it must act to regain the trust of the Vietnamese people. The most obvious way to do this would be through a campaign of renovation and openness extending beyond the economic sphere to include freedom of expression, religion, and the press as well as steps toward more representative government.

Party leaders, however, regard these freedoms as an even greater threat to their power than the current popular dissatisfaction with government. In August 1999, at the closing session of the Seventh Communist Party Plenum, General Secretary Le Kha Phieu stated that "there will be no sharing of power. The Communists will hold firmly to leadership. Any request for democracy, freedom, human rights, or 'peaceful evolution,' is a conspiracy by the enemy forces to erase the socialist regime in Vietnam."

This injunction has manifested itself in strong measures by local authorities throughout the country against actions suspected to be harmful to internal stability and order. Most recently, a number of Hoa Hao Buddhists were imprisoned for participating in a ceremony to commemorate the 53rd anniversary of the disappearance of their founder.

Father Chan Tin, an outspoken Roman Catholic priest and human rights advocate, was recently "tried" in absentia at public meeting organized by the People's Committee in the district where his church is located. Father Tin was charged with such crimes as "seeking to abolish the leadership of the Communist Party" and "destroying the solidarity between religions and the state." And the principal leaders of the Unified Buddhist Church of Vietnam, the country's largest religious denomination, remain under virtual house arrest.

The government also recently arrested, searched, and deported French reporter Sylvaine Pasquier, who was apprehended outside the house of former political prisoner Nguyen Dan Que, whom she was attempting to interview. Ms. Pasquier reports that at one point her interrogator made a gesture to simulate a gun at her head and said she could put heroin in her purse and condemn her as a drug smuggler.

Next month Mr. Phieu will make an official visit to France at the invitation of President Chirac—the first visit to a democratic country by a General Secretary of the Vietnamese Communist Party since Ho Chi Minh visited France in 1946. The Phieu visit was arranged with the help of the French Communist Party, which recently announced its determination to "rejuvenate the spirit of communism" as a movement committed to "return political power to the individual citizen."

Perhaps Mr. Phieu and his colleagues in the Vietnamese Communist Party will come to share the insight of their French comrades that Communism can only survive by finding a way to coexist with democracy and individual freedom. If not—if they keep trying to cure the consequences of Stalinism with more Stalinism—it is hard to imagine that anyone will be singing songs about the revolution in another 25 years.

Mr. Speaker, I want to salute the gentleman from California (Mr. ROHR-ABACHER) for this excellent resolution.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from New Jersey (Mr. SMITH) for his supportive comments.

Mr. Speaker, I yield the balance of the time to the distinguished gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Speaker, I thank my friend, the gentleman from

New York (Mr. GILMAN), for yielding me this time.

Mr. Speaker, I rise to support H. Con. Res. 295 relating to continuing human rights violations and political oppression in the socialist Republic of Vietnam, 25 years after the fall of South Vietnam to Communist forces.

This past weekend, April 30, marked the fall of Saigon, which ended the Vietnam war 25 years ago. There were a series of events held across America, including in my district in Northern Virginia, to commemorate this tragic event in history.

Vietnamese Americans from the Washington, DC, metropolitan area gathered this past weekend to honor the fallen heroes who sacrificed their lives in the name of freedom. In addition, they staged an all-night candlelight vigil, a flag ceremony, and a peaceful demonstration to keep the hope and flame of democracy alive for those still living in the socialist Republic of Vietnam.

The Vietnam war took its toll on American families sending fathers, brothers, husbands, and uncles thousands of miles away to the jungles of Vietnam to fight the enemy they could never face. We must never forget that over 58,000 Americans and over 300,000 South Vietnamese soldiers lost their lives defending and protecting fundamental ideals, such as freedom of speech, freedom of religion, and free and open elections.

Their noble sacrifices should serve as a reminder that the Vietnam war was fought on the principles and values of democracy.

H. Con. Res. 295 is a timely resolution which reiterates America's commitment to political, religious, and economic freedom for the citizens of the socialist Republic of Vietnam.

Furthermore, this resolution urges the government to release all political and religious prisoners and prisoners of conscience, to allow their citizens the right to freedom of speech, freedom of association, freedom of the press and freedom of religious worship, and more importantly to formally commit to a framework and timetable for open and fair elections.

Finally, H. Con. Res. 295 recognizes and commends the Vietnamese American community for initiating an international memorial to American and South Vietnamese soldiers who gave their lives for the cause of freedom during the Vietnam war, which will be located in Westminster, California.

I urge my colleagues to support H. Con. Res. 295 to honor all those who valiantly fought during the Vietnam war and to commemorate the fall of Saigon.

I commend the gentleman from California and his staff for their hard work to bring to our attention this important issue.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House

suspend the rules and agree to the concurrent resolution, H. Con. Res. 295, as amended.

The question was taken.

Mr. GILMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□

EXPRESSING SENSE OF CONGRESS ON INTERNATIONAL RECOGNITION OF ISRAEL'S MAGEN DAVID ADOM SOCIETY AND ITS SYMBOL THE RED SHIELD OF DAVID

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 464) expressing the sense of Congress on international recognition of Israel's Magen David Adom Society and its symbol the Red Shield of David.

The Clerk read as follows:

H. RES. 464

Whereas Israel's Magen David Adom Society has provided emergency relief to people in many countries in times of need, pain, and suffering since 1930, regardless of nationality or religious affiliation;

Whereas in the past year alone, the Magen David Adom Society has provided invaluable services in Kosovo, Indonesia, and Kenya following the bombing of the United States Embassy in Kenya, and in the wake of the earthquakes that devastated Greece and Turkey;

Whereas the American Red Cross has recognized the superb and invaluable work done by the Magen David Adom Society and considers the exclusion of the Magen David Adom Society from the International Committee of the Red Cross and Red Crescent Movement "an injustice of the highest order";

Whereas the American Red Cross has repeatedly urged that the International Red Cross and Red Crescent Movement recognize the Magen David Adom Society as a full member;

Whereas the Magen David Adom Society utilizes the Red Shield of David as its emblem, in similar fashion to the utilization of the Red Cross and Red Crescent by other national societies;

Whereas the Red Cross and the Red Crescent have been recognized as protected symbols under the Statutes of the International Red Cross and Red Crescent Movement;

Whereas the International Committee of the Red Cross has ignored previous requests from the United States Congress to recognize the Magen David Adom Society;

Whereas the Statutes of the International Red Cross and Red Crescent Movement state that it "makes no discrimination as to nationality, race, religious beliefs, class or political opinions" and it "may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature";

Whereas although similar national organizations of Iraq, North Korea, and Afghanistan are recognized as full members of the International Red Cross and Red Crescent Movement, the Magen David Adom Society has been denied membership since 1949; and

Whereas in fiscal year 1999 the United States Government provided \$119,400,000 to the International Committee of the Red Cross and \$7,300,000 to the Federation of Red Cross and Red Crescent Societies: Now, therefore, be it

Resolved, That—

(1) the International Committee of the Red Cross should immediately recognize the Magen David Adom Society and the Magen David Adom Society should be granted full membership in the International Committee of the Red Cross and Red Crescent Movement;

(2) the Federation of Red Cross and Red Crescent Societies should grant full membership to the Magen David Adom Society immediately following recognition by the International Committee of the Red Cross of the Magen David Adom Society as a full member of the International Committee of the Red Cross; and

(3) the Red Shield of David should be accorded the same protections under international law as the Red Cross and the Red Crescent.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 464, the resolution being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, today we are calling up for the consideration of the House, H. Res. 464, expressing the sense of Congress on international recognition of Israel's Magen David Adom Society and its symbol the Red Shield of David, which I introduced along with the ranking member of our Committee on International Relations, the gentleman from Connecticut (Mr. GEJDENSON).

This measure reaffirms our support for justice and inclusiveness in the International Red Cross movement. Resolution 464 lends our support to the efforts of the Magen David Society and strongly encourages its acceptance as a full member into the international governing body of the International Committee of the Red Cross, the ICRC.

The Magen David Society is equivalent to our own American Red Cross. It has served countless citizens of nations in need for over 70 years. It might come as a shock to some that while the national organizations of countries such as Iraq, Libya and North Korea are all Members of the International Conference of the Red Cross and the Red Crescent, the Magen David Society, though, has been left out. The Magen David Society has fulfilled its criteria for full membership, has requested membership and recognition of the Shield of David as their symbol. The American Red Cross has repeatedly sought to have the Magen David Soci-

ety admitted as part of the International Red Cross and the Red Crescent Movement but has so far been thwarted by the political prejudices of a small number of its member nations and others that raise what I believe to be spurious issues concerning the adoption of another emblem, the Red Shield of David, into the movement.

Congress in 1987 affirmed its support for the Magen David Society requesting that they be admitted as full members. After 13 years, 13 long years, the ICRC is still dragging its feet on this issue, and the Israeli Magen David Adom Society remains the victim of politics. We must reinforce our support for this praiseworthy organization by passing this resolution, H. Res. 464, and letting other members of the International Red Cross and Red Crescent Movement know that we do not look favorably on this kind of bias and hypocrisy.

A working group charged with resolving this issue has recently decided to call later this year a diplomatic conference of all the signatories of the Geneva Conventions, as well as representatives of each of the International Red Cross and Red Crescent Societies. That diplomatic conference will decide whether the Magen David Adom Society will be admitted to the International Movement of the Red Cross and Red Crescent and whether its emblem, the Red Shield of David, will be accorded the same protections under international law as the Red Cross and Red Crescent.

By adopting this resolution today, the House will put all the participants of that diplomatic conference on notice that this is a matter we take seriously, that it must be resolved fairly and in conformity with the principles of the Red Cross and the Red Crescent Movement.

Accordingly, Mr. Speaker, I urge my colleagues to join with us in adopting H. Res. 464.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me join with my colleague, the gentleman from New York (Mr. GILMAN), in his remarks. In somewhat a stunning occurrence over the last 20 years or so, the International Red Cross has argued that the religious symbols they have, the Red Cross and the Red Crescent, are not religious, but the religious symbol that Israel uses somehow is religious.

Frankly, it always astounded me that year after year we would hear from the Red Cross annually that the Magen David was a separate category. One does not want to jump to the conclusions that somehow prejudice has saturated their thinking, but it was very difficult to come to any other conclusion.

Well, after almost 20 years of contact with them on this issue I am frankly heartened that the present leadership

of the Red Cross recognizes there needs to be a solution. It has taken all too long. The Magen David Adom has participated in International Red Cross humanitarian crises in Indonesia, in Kosovo, in Greece, in Turkey, in Kenya where the American Embassy in Nairobi was attacked. It has been in operation since the 1930s. It functions with the International Red Cross and Red Crescent in every way, except for official recognition.

It seems to me, as we enter this second millennium, that it is long overdue for the Red Cross to accept what is the American proposal to include the Magen David Adom in these international organizations and to stop what has been, frankly, a bad reflection on what is a great international organization, an international organization that has done so much to save people, to stop suffering, to help people in crisis, to have them continue to battle over what is clearly a prejudice that even they are having a hard time now defending. It is long overdue. I commend the chairman for his efforts.

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I want to thank my friend and colleague, the gentleman from Connecticut (Mr. GEJDENSON), for yielding me this time.

Mr. Speaker, I want to commend the chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN), for introducing this legislation. I want to commend the ranking member, the gentleman from Connecticut (Mr. GEJDENSON), for supporting it.

Mr. Speaker, earlier this year in January several of us visited the headquarters of the International Red Cross, and we had extended discussions with the top leaders of this very fine organization concerning the issue we are debating this morning.

While I must say I am deeply impressed by the work of the International Red Cross, I was appalled by the failure of the leadership in Geneva to take decisive action to put an end to this outrageous form of discrimination.

The International Red Cross and Red Crescent have been doing an outstanding job and Israel's parallel organization, the International Magen David Adom, has been there helping in every single international crisis. They were in the front lines of the humanitarian effort both in East Timor and Indonesia and in the tragic bloody crisis of Kosovo. They were among the very first groups to arrive, both in Greece and Turkey, in the wake of the earthquake, and, of course, they stood shoulder to shoulder with us to save American and Kenyan lives following the outrageous bombing of the U.S. Embassy in Nairobi.

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I particularly want to commend the Chairman of the American Red Cross, Dr. Bernadine Healy, for proposing

that we withhold any dues to the International Red Cross until this singularly appalling form of discrimination is terminated. I strongly support her posture, as I am sure all of my colleagues in this body and in the other body do.

The Red Cross is doing an outstanding job. It should not besmirch its reputation internationally by being part and parcel of an appalling medieval discriminatory measure. The time is long overdue to put an end to this practice and to recognize Magen David Adom as a full-fledged member of the International Society of the Red Cross.

Mr. Speaker, I again want to commend my colleagues for introducing this resolution.

Mr. GEJDENSON. Mr. Speaker, it is a privilege to yield 5 minutes to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am here today to express my strong and full support for House Resolution 464, and I do want to acknowledge the tremendous work of our chairman, the gentleman from New York (Mr. GILMAN), and our ranking member, the gentleman from Connecticut (Mr. GEJDENSON).

Mr. Speaker, what is wrong with the following picture: Many of the nations of the world have what are called Red Cross societies, or societies that provide emergency humanitarian relief, not only to their own people, but to other nations when there are tragedies that occur around the world. There is the International Red Cross, with a red cross as its symbol; there is the International Red Crescent in Arab lands with the red crescent as their symbol. The state of Israel has its own version of the Red Cross, which, as my colleagues have said, provides emergency humanitarian relief all over the world, in Europe, Africa, Asia, all over the world, and their symbol in Israel is the Red Star of David.

What is wrong with this picture? Well, the International Red Cross Societies and the International Red Crescent Societies refuse to permit Israel's Red Cross, the Magen David Adom Society, to be admitted into the International Society of Red Cross and Red Crescents. They refuse to acknowledge the legitimacy of that Israeli Red Cross Society, and they refuse particularly to consider including Israel's Red Star of David, which its ambulances and emergency humanitarian vehicles fly overhead, like the Red Cross and the Red Crescent Societies. We are in the year 2000, Mr. Speaker, and this kind of blatant prejudice still exists.

What should we do as American legislators and as American citizens? The United States Government provides to the International Red Cross \$119 million a year. The United States Government provides to the Federation of Red Cross and Red Crescent Societies over \$7 million a year, those same organizations that refuse to allow the inclusion

of Israel's Red Cross, the Magen David Adom Society, which has been providing emergency services around the world, obviously, without regard to race, religion or nationality since the 1930s.

What should we do? Our own American Red Cross says it is one of the greatest acts of injustice, that the International Red Cross and Red Crescent Societies will not admit Israel's Red Cross Society, the Magen David Adom Society, and refuses to accept the legitimacy of the Red Star of David. Hypocrisy? Injustice? Obviously.

So I urge my colleagues in the House and my friends around the country to speak loudly about this act of injustice, and, hopefully, through the work of the gentleman from New York (Chairman GILMAN) and the ranking member, the gentleman from Connecticut (Mr. GEJDENSON) and our other members on the Committee on International Relations, finally the International Red Cross and International Red Crescent Societies will do what is right now in the year 2000, and admit the Red Star of David, which has flown over so many tragedies, lending helping hands to peoples all over the world for the last 70 years, to be included in the family of those who wish to help others in need.

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

Mr. ENGEL. Mr. Speaker, I rise in support of H. Res. 464 which urges the International Committee of the Red Cross (ICRC) and the Federation of Red Cross and Red Crescent Societies to fully recognize the Magen David Adom, Israel's counterpart to the American Red Cross, as a member. I am pleased that the President of the International Committee of the Red Cross, Dr. Jakob Kellenberger, has made membership of the Magen David Adom a priority this year. However, the Magen David Adom has been kept waiting for more than fifty years for full membership. It is imperative that the ICRC recognize the Magen David Adom immediately and not further delay the process. This could be done most easily by applying the American Red Cross' solution: to "grandfather" the Magen David Adom into the ICRC since it has met all necessary conditions to become a national society.

I would like to commend the American Red Cross and Dr. Bernadine Healy for their support and commitment to ensuring full membership for the Magen David Adom. Furthermore, Chairman GILMAN and Ranking Member GEJDENSON also deserve recognition for their leadership on this issue.

I hope my colleagues will join me in voting for this resolution.

CONGRESS OF THE UNITED STATES,
Washington, DC, April 5, 2000.

Dr. JAKOB KELLENBERGER,
President, International Committee of the Red Cross, Geneva, Switzerland.

DEAR DR. KELLENBERGER: We are writing to urge the International Committee of the Red Cross and the Federation of the Red Cross and Red Crescent Societies to recognize the Magen David Adom (MDA) as a full member as expeditiously as possible.

As you know, the MDA was founded in 1930 and is the national humanitarian society in

the state of Israel. The MDA is the Israeli counterpart to the American Red Cross and carries out all of the traditional roles of a voluntary medical aid society including emergency medical services, maintenance of blood supplies, first aid, and disaster relief. Unfortunately, despite its dedicated humanitarian relief efforts around the world, MDA has not yet been recognized as a full member of the International Red Cross and Red Crescent Movement.

The International Red Cross and Red Crescent Movement is a worldwide institution in which all national Red Cross and Red Crescent Societies have equal status. However, MDA is in a decidedly unequal position. The Magen David Adom Society is excluded from full membership in the International Committee of the Red Cross and Red Crescent Movement solely because the Red Shield of David, the organization's emblem, is not an official emblem recognized by either the Geneva Conventions governing the International Red Cross and Red Crescent Movement or the Statutes of the International Red Cross and Red Crescent Movement.

While other countries utilize the red cross or the red crescent as emblems of their national humanitarian societies, we respect the decision of MDA in Israel, a Jewish state, to maintain the 70-year tradition of using the Red Shield of David as its emblem. With peace slowly but surely coming to the Middle East and Israel developing progressively more relations with its neighbors, it is time that the ICRC recognize the Magen David Adom as a full member, and the Federation grant it membership.

As you are likely aware, the US House of Representatives passed an amendment last year which expressed the sense of the Congress that the MDA should be recognized as a full member of the International Red Cross and Red Crescent Movement. Congress may consider additional legislation this year about MDA's exclusion from your organization.

We understand that there have been recent meetings between you and the government of Israel which have brought the two sides closer to a resolution. While we are encouraged by the new positive atmosphere, we will be monitoring this situation closely until the MDA is fully recognized by the ICRC and the Federation.

Sincerely,

Eliot L. Engel; Constance A. Morella; Stephen Horn; Jerrold Nadler; Rush D. Holt; Dana Rohrabacher; John M. Spratt, Jr.; Anthony D. Weiner; James E. Rogan; Henry A. Waxman; Joseph Crowley; Tim Holden; Christopher Shays; Nita M. Lowey; Benjamin A. Gilman; Steven R. Rothman; Tom Lantos; Peter Deutsch; Sam Gejdenson; John F. Tierney; Howard L. Berman; John Lewis; Sander M. Levin; Sherrod Brown; Charles B. Rangel; Juanita Millender-McDonald; Gary L. Ackerman; James H. Maloney; Edward J. Markey; Robert Wexler; Carolyn B. Maloney; Janice D. Schakowsky.

Mr. CROWLEY. Mr. Speaker, I speak today in strong support of House Resolution 464 to urge the International Committee of the Red Cross and the Federation of the Red Cross and Red Crescent Societies to formally recognize its Israeli counterpart, the Magen David Adom (MDA) as a full member.

Unfortunately, international bias against the State of Israel still exists today. While the Israeli people have taken tremendous risks in negotiating peace with their Arab neighbors and promoting normalized relations with all nations, anti-Israel sentiment in international organizations still prevails.

The reluctance of the International Red Cross and Red Crescent Movement to provide recognition to the Magen David Adom is just another manifestation of this attitude.

The Magen David Adom not only provides important services in the State of Israel but also works internationally alongside other humanitarian relief organizations providing invaluable emergency aid to people in many countries, regardless of nationality or religious affiliation.

Israel's recent response to the tragic earthquake in Turkey underlines that the Magen David Adom is an important member of the worldwide humanitarian community.

I am proud to be a cosponsor of this important resolution.

Mr. Speaker, the House International Relations Committee on which I am privileged to serve, unanimously supported this resolution and I urge my fellow Members to give this legislation the same overwhelming support on the floor today and send a strong message that the United States will not accept discrimination against the State of Israel.

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

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H. Res. 464.

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

A motion to reconsider was laid on the table.

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EXPRESSING CONDEMNATION OF CONTINUED HUMAN RIGHTS VIOLATIONS IN REPUBLIC OF BELARUS AND CALLING ON RUSSIAN FEDERATION TO RESPECT SOVEREIGNTY OF BELARUS

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 304) expressing the condemnation of the continued egregious violations of human rights in the Republic of Belarus, the lack of progress toward the establishment of democracy and the rule of law in Belarus, calling on President Alyaksandr Lukashenka's regime to engage in negotiations with the representatives of the opposition and to restore the constitutional rights of the Belarusian people, and calling on the Russian Federation to respect the sovereignty of Belarus.

The Clerk read as follows:

H. CON. RES. 304

Whereas the United States has a vital interest in the promotion of democracy abroad and supports democracy and economic development in the Republic of Belarus;

Whereas in the Fall of 1996, Belarusian President Alyaksandr Lukashenka devised a controversial referendum to impose a new constitution on Belarus and abolish the Parliament, the 13th Supreme Soviet, replacing it with a rubber-stamp legislature;

Whereas President Lukashenka organized a referendum in violation of the 1994 Belarusian Constitution, which illegally extended his term of office to 2001;

Whereas Lukashenka's legal term in office expired in July 1999;

Whereas Belarus has effectively become an authoritarian police state, where human rights are routinely violated;

Whereas Belarusian economic development is stagnant and living conditions are deplorable;

Whereas in May 1999, the Belarusian opposition challenged Lukashenka's unconstitutional lengthening of his term by staging alternative presidential elections, unleashing the government crackdown;

Whereas the leader of the opposition, Semyon Sharetsky, was forced to flee Belarus to the neighboring Baltic state of the Republic of Lithuania in fear for his life;

Whereas several leaders of the opposition, including Viktor Gonchar, Anatoly Krasovsky, and Yuri Zakharenka have disappeared;

Whereas the Belarusian regime harasses and persecutes the independent media and works to actively suppress freedom of speech;

Whereas former Prime Minister Mikhail Chygir, who was a candidate in the opposition's alternative presidential elections in May 1999, was held in pretrial detention on trumped up charges from April through November 1999;

Whereas the Lukashenka regime provoked the clashes between riot police and demonstrators at the October 17, 1999, "Freedom March", which resulted in injuries to demonstrators and scores of illegal arrests;

Whereas hundreds of peaceful demonstrators and over thirty journalists were arrested during a March 25, 2000, pro-democracy rally in Miensk, once again illustrating the Lukashenka regime's disregard for freedom of assembly, association, and information;

Whereas the Lukashenka regime has refused to engage in meaningful dialogue with the opposition and has used the tactics of delay and obfuscation in disregarding the Organization for Security and Cooperation in Europe (OSCE)-mediated dialogue process;

Whereas genuine dialogue with the opposition and legitimate, free and fair elections cannot take place in the present climate of repression and fear existing in Belarus;

Whereas on April 3, 1996, Russian Federation President Boris Yeltsin and President Lukashenka signed an agreement to form a Union State of Russia and Belarus;

Whereas there have been credible press reports that the Government of the Russian Federation has been providing assistance to the Lukashenka regime since the signing of the agreement to form a Union State, such as official Russian Federation Government credits, uncollected customs duties, assistance for export sales of Belarusian arms and joint manufacturing of arms, and reduced prices for energy supplies;

Whereas there has been a credible estimate cited in press reports that Russian Federation economic subsidies to Belarus reached \$1,500,000,000 to \$2,000,000,000 in 1996 and 1997 alone, enabling the Lukashenka regime to maintain a large police force and state control of the economy;

Whereas the Union Treaty, signed on December 8, 1999, by Belarus and the Russian Federation, undermines Belarus sovereignty and the prospect of democracy;

Whereas the Consultative Council of Belarusian opposition parties appealed to the Government of the Russian Federation, the State Duma, and the Federation Council calling for a cessation of support for the Lukashenka regime;

Whereas the former Chairmen of the Belarusian Supreme Soviet, Stanislav Shushkevich and Semyon Sharetsky, have stated that economic support from the Rus-

sian Federation has been crucial to the survival of the Lukashenka regime;

Whereas a Union Treaty between the Russian Federation and Belarus was ratified by the Russian Parliament and the illegitimate parliament of Belarus;

Whereas the Union Treaty between the Russian Federation and the Lukashenka regime violates Russian Federation Government respect for the sovereignty of Belarus per the memorandum on security guarantees signed by Russian Federation President Boris Yeltsin at the December 1994 Summit of Organization for Security and Cooperation in Europe Heads of State in Budapest, Hungary; and

Whereas the introduction of any nuclear weapons on the territory of Belarus, a declared non-nuclear state under the Treaty on the Non-Proliferation of Nuclear Weapons, would be a violation of Belarus's obligations under that Treaty: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) condemns continued egregious violations of human rights by President Alyaksandr Lukashenka's regime in the Republic of Belarus;

(2) further condemns the Lukashenka regime's conviction and sentencing of Andrei Klimov, Vasily Leonov, and Vladimir Koudinov on politically motivated charges and urges their release;

(3) is gravely concerned about the disappearances of Viktor Gonchar, Anatoly Krasovsky, and Yuri Zakharenka and calls on the Lukashenka regime to ensure a full and timely investigation of these cases;

(4) calls for immediate dialogue between the Lukashenka regime and the opposition and the restoration of a democratically elected government in Belarus;

(5) urges the Lukashenka regime to respect and ensure the human rights of all Belarusian citizens, including those members of the opposition who are currently being illegally detained in violation of their constitutional rights and further urges the regime to respect the rule of law and an independent judiciary;

(6) further urges Lukashenka to hold legitimate, free and fair parliamentary elections in accordance with Organization for Security and Cooperation in Europe (OSCE) standards;

(7) supports the appeal by the Consultative Council of Belarusian opposition parties to the Government of the Russian Federation, the State Duma, and the Federation Council calling for a cessation of support for the Lukashenka regime;

(8) calls on the international community to support the opposition in Belarus by continuing to meet with the legitimately elected parliament;

(9) supports Belarus's sovereignty, independence, and territorial integrity, as well as its market democratic transformation and integration among the broader trans-Atlantic community of nations;

(10) calls on the President of the United States—

(A) to ensure assistance to and cooperation with Belarusian opposition figures;

(B) to ensure that adequate resources are made available on an urgent basis to support those programs aimed at strengthening independent media, human rights, civil society, independent trade unions, and the democratic opposition in Belarus; and

(C) to support the free flow of information into Belarus;

(11) calls on the President of the United States to raise the issue of financial support provided by the Russian Federation to the Lukashenka regime at the highest levels of the Russian Federation Government;

(12) calls on the President of the United States to urge the Government of the Russian Federation, in accordance with its international commitments, to fully respect the sovereignty of Belarus, particularly in light of the illegitimate nature of the Lukashenka regime; and

(13) calls on the President of the United States to prepare and transmit to the Congress a report on—

(A) the human rights situation, democratic process, elections, independence of the media, and the Lukashenka regime's control of the economy in Belarus;

(B) the steps undertaken by the United States to persuade the Russian Federation Government to end support to the Lukashenka regime in Belarus; and

(C) the status of Russian Federation-Belarus military integration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

GENERAL LEAVE

Mr. Gilman. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res 304.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution is extraordinarily important for the people of Belarus, for their liberty and their freedom. I want to thank our ranking minority member on the Committee on International Relations, the gentleman from Connecticut (Mr. GEJDENSON), for introducing this measure which calls it like it really is in Belarus, pointing out quite simply that the regime of Belarusian President Alyaksandr Lukashenka is unconstitutional and illegitimate. It points out that the Lukashenka regime uses the very worst of Soviet-style tactics to repress political opposition and democratic government and to deny the people of Belarus their fundamental human rights. It points out that the Lukashenka regime is, in short, nothing less than a dictatorship, pure and simple.

Mr. Speaker, I have been pleased to join the ranking member as an original sponsor of this resolution, not just for those important reasons, but because it also points to some very troubling facts with regard to the foreign policy of Belarus' neighbor, Russia.

First, as this measure notes, the Government of Russia has been pursuing a reunification with Belarus and is actively pursuing such reunification just as we speak. Such a reunification is inappropriate and I believe an affront under international law for the following reasons: The president of the Belarusian parliament is an illegitimate one, having been dissolved by the President, and no such negotiations should be conducted with it or, much less, agreements ratified with it.

Any such reunification of results in Russia extending its military nuclear forces to cover Belarus would, I believe, be a violation of Belarus status as a nonnuclear state under the Nuclear Nonproliferation Treaty.

Mr. Speaker, the second important point raised by this resolution regarding Russia is the fact that Russia has been providing considerable financial support, billions of dollars worth of such support, to that dictatorship in Belarus, and at a time when the Russian government is getting hundreds of millions of dollars in aid from our Nation to pay its costs for reducing its arms under the START-I Treaty, at a time when the Russian government is seeking billions of dollars in debt forgiveness from foreign governments, including our own Nation, at a time when the Russian government has received billions of dollars in loans from international financial institutions, and at a time when our Nation is turning over to the Russian government hundreds of millions of dollars in monies earned from the sale of donated American food in Russia, it is nothing less than shocking that the Russian government is spending millions of dollars to support a brutal dictatorship in Belarus and to fight a war in Chechnya that has killed thousands of innocent civilians.

Mr. Speaker, I believe that this resolution should be a wake-up call to our President that now is the time to take action, appropriate action, that Russia cease its support for Lukashenka and his dictatorship. This resolution calls on the President to raise the issue of Russian financial support for the Lukashenka regime and to report to the Congress on the steps undertaken to persuade it to end that kind of support.

Once again, that simply has to come to an end, and our Nation should make it clear that we not going to support further IMF loans, debt forgiveness or other forms of assistance of importance to the Russian government until it ends this kind of support to Belarus.

Mr. Speaker, let me state in closing that there are some important issues that, regrettably, are not raised in this measure, including the mysterious incident in September of 1995 in which a Belarusian helicopter gunship shot down an American hot air balloon involved in an international race, killing two American civilians; Lukashenka's eviction of our American ambassador from his official residence, in violation of international diplomatic conventions; and, finally, reports that the illegitimate government in Belarus may be engaged in the proliferation of advanced military technology to other such regimes around the world.

This comprehensive resolution does not go into those issues, but, as I have noted, it makes it clear that now is the

time to halt Russian support for the Lukashenka dictatorship, and it does indeed do a great service to the repressed people of Belarus simply by stating the obvious, that the government of Belarus is nothing but a dictatorship.

Mr. Speaker, it is time for the Russian government to cease its financial support for the regime in Minsk, to halt its moves to reunify its government and military with Lukashenka's regime and its Armed Forces, to respect the sovereignty of Belarus, and to join us in sincerely working for the cause of true democracy in that suffering country.

Mr. Speaker, I fully support the passage of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join with my chairman, the gentleman from New York (Mr. GILMAN), in support of this resolution. It was interesting that in less than half an hour on this floor we had over one-quarter of the Members join us as cosponsors of this legislation. If we had spent any time, we would have had virtually every Member joining us.

This resolution may not even be directed at Mr. Lukashenka, because it is clear he is not listening. He is not listening to his own citizens who have experienced some of the worst economic hardship in the former Soviet Union. He is not listening to the international community. His country today is among the most isolated of the former Soviet countries. While many are moving towards democratic institutions and a better standard of living for their citizens, Belarus sadly continues to see both its democratic institutions and its economy deteriorate.

The people of Belarus deserve better. They have suffered so much through World War II in history, as the armies of Germany and Russia pushed back and forth, and you need only go to the capital city of Minsk to see that virtually no buildings remain from the pre-war era.

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So hopefully, those in the government in Belarus who recognize that what Mr. Lukashenka is doing to their country is wrong, is damaging, will join with the opposition, join to bring about change to work out a new democratic agreement to develop a civil society there.

We hope that Mr. Putin and the Russians will put pressure on Belarus to move forward to try to attain democratic institutions and a free economy. It is in Russia's interests to see that its neighbor be developed in a democratic way and have a stronger economy. Russian subsidies of the Lukashenka government and cheap energy will only continue to harm the Russian economy, whereas a strong, independent, democratic and free Belarus would actually help the Russian economy and society.

Mr. Speaker, we have all seen the abuse by the government in Minsk, Mr. Lukashenka's attack on people who want to protest for freedom. He is robbing the political system of the proper election process, and we now hear that he may be involved in illegal arms sales to the government of Saddam Hussein.

Mr. Speaker, every Member of this House who treasures democracy, every one of our allies in the world today recognizes that sadly it is Belarus alone that has the worst of the post-Soviet era, a crumbling economy, a lack of democracy; and the fact that the dialogue continues to deteriorate is a very bad sign there. It will not go unnoticed in this Chamber. It is one place where our European allies stand with us in opposition to the Lukashenka government. We will not end this struggle until the good people of Belarus have their chance at freedom and a better life.

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

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank the gentleman for yielding.

Mr. Speaker, I want to thank the gentleman from Connecticut (Mr. GEJDENSON) and the gentleman from New York (Mr. GILMAN) for their leadership in constructing this resolution condemning violations of human rights and the erosion of democracy in Belarus in calling upon the Lukashenka regime to restore the constitutional rights of the Belarusian people and on the Russian Federation to respect the sovereignty of Belarus.

In March, Mr. Speaker, I chaired a second Helsinki Commission hearing on Belarus which addressed many of the issues that are very importantly highlighted in this resolution. The hearing featured key leaders of Belarus's opposition, including Semyon Sharetsky and two leading State Department officials as well as the person in the OSCE Parliamentary Assembly, Adrian Severin, who was attempting to forge dialogue between the Belarusian authorities and the opposition. This hearing was a follow-up to our April 1999 hearing on Belarus. In the last year our commission has made repeated and consistent intercessions, including through the OSCE, to draw attention to the deplorable situation in Belarus and to encourage the establishment of a democracy there.

As my friend and colleague from Connecticut just pointed out, there are the allegations, and they would seem to be real, that have been in some of the newspapers, including the London Sunday Telegraph about the Russians brokering an arms deal to rebuild the Iraqi air defenses using the Belarusians as the conduit. The Telegraph reported that Beltechexport, the State-owned Belarusian military hardware company, has agreed to upgrade Iraqi's air defense systems to reequip the Iraqi

Air Force and to provide air defense training for Iraqi troops. The deal is estimated to be worth about \$90 million. It was signed in the middle of April, or last February, I should say, during a visit to Baghdad by high-ranking Belarusians.

It also points out, the article, that Belarusian officials have agreed to undertake a detailed overhaul of 17 Soviet-made Iraqi war planes which had been in Belarus since the late 1980s.

Again, Mr. Speaker, this directly puts our pilots at risk who are trying to enforce the no-fly zone, and I think this resolution again gets this Congress focused on the egregious human rights situation and also the military implications of the Belarusian regime.

Mr. PALLONE. Mr. Speaker, I rise in support of this Resolution, of which I am proud to be an original co-sponsor. I would like to praise the sponsor, the Gentleman from Connecticut, Mr. GEJDENSON, for introducing this Resolution, and to thank both the Ranking Member and the Chairman of the International Relations Committee, Mr. GILMAN, for bringing the Resolution to the Floor of the House so quickly.

Mr. Speaker, while there have been many success stories among the new independent states of the former Soviet Union and the other former Warsaw Pact nations, Belarus has not been one of them. Over nearly a decade of independence, the promise of democracy, freedom of expression and association, and a new flowering of a national identity have not come to pass for the Belarusian people. The fault for this sad state of affairs rests with President Alyaksandr Lukashenka. The President has illegally extended his term of office beyond the legally mandated expiration date. Throughout his tenure, President Lukashenka has monopolized the mass media, undermined the constitutional foundation for the separation of powers, used intimidation and strong-arm tactics against the political opposition, suppressed freedom of the press and expression, defamed the national culture, maligned the national language and eroded Belarus's rightful position as a sovereign nation.

Apart from the daily deprivations and indignities that the Belarusian people must endure, perhaps the saddest outcome of Mr. Lukashenka's rule is that his efforts have created the impression—a false one—that Belarus really has no distinct national culture or character. Nothing could be further from the truth. But the formation of the Union State between Russia and Belarus only serves to further perpetuate this false impression. While the tragic reality is that Belarus has been dominated politically for centuries by Russia, the fact remains that Belarus has its own national symbols and a distinct language.

It's no coincidence that authoritarian President Lukashenka has targeted such national symbols as the nation's flag and coat of arms. As part of this campaign, Lukashenka's regime has ordered that schools go back to using Soviet-Russian textbooks, while the Russian language has been made the official language of the Belarusian Parliament in Minsk. Lukashenka's strategy has been to create conditions to justify the claim that history, language and culture inevitably tie the two countries together.

The Belarusian language endures to this day as a key to national survival, both for the peo-

ple living in the Republic of Belarus and among the Belarusian diaspora in the U.S. and elsewhere. There are centuries-old legal documents and religious texts written in the Belarusian language, as well as modern literary and historic works. Despite Lukashenka's repression, the cause of Belarusian nationalism still burns in the heart of the Belarusian people, with the Belarusian language the means of expressing it.

Failure to acknowledge the harm done to Belarusian culture and national singularity by the Russian-Belarus merger can only give comfort to Lukashenka and the Russian-Soviet irredentists.

Mr. Speaker, the negligence and mismanagement of Mr. Lukashenka's regime has also put at risk the nation's environment and the health of the people. Just last week, former Belarusian President Stanislaw Shushkevich spoke at Radio Free Europe/Radio Liberty's (RFE/RL) Washington office on the occasion of the 14th anniversary of the Chernobyl nuclear disaster in neighboring Ukraine. More than 70 percent of the radioactive fallout from the world's worst nuclear accident fell on Belarusian territory. While there is plenty of blame to go around for mishandling of this disaster—among Soviet officials, and post-Soviet officials in Russia, Ukraine and Belarus—President Lukashenka exacerbates the problems by insisting that all aid to Chernobyl victims pass through his hands. These funds often are diverted to other uses. Fortunately, some Western NGOs and religious organizations have bypassed Lukashenka to get aid to the people who really need it.

Also last week, RFE/RL President Thomas A. Dine denounced efforts by the Belarusian KGB to intimidate journalists from that organization working in Belarus. Mr. Dine's statement came in response to the threats against Yahor Mayorchyk, a reporter for the news service funded by this Congress to provide objective information to people from the region. A KGB officer told Mr. Mayorchyk that the "same thing will happen to you as to Babitsky," a reference to RFE/RL journalist Andrei Babitsky who was arrested for his coverage of the war in Chechnya and faces trumped-up charges in Moscow.

Mr. Speaker, the abuses of the Lukashenka regime have been a source of concern for at least the past four years. In 1996, I introduced a Resolution expressing concern over the Lukashenka regime's violations of human and civil rights in direct violation of the Helsinki accords and the constitution of Belarus, and expressing concern about the union between Russia and Belarus. That Resolution also recognized March 25 as the anniversary of the declaration of an independent Belarusian state. A year later, I worked with leaders of the International Relations Committee to include language in the State Department Authorization bill, which passed the House, calling for our President to press the Government of President Lukashenka on defending the sovereignty of Belarus and guaranteeing basic freedoms and human rights.

For years now, the Belarusian-American community has been trying to inform the American people about the truth in Belarus, that President Lukashenka's actions do not have widespread support and his regime has lost any sense of legitimacy it once may have had. I want to thank the Belarusian-American

community in New Jersey and throughout the nation for continuing to speak the truth about events in the land of their ancestors.

Obviously, President Lukashenka has not been moved by these expressions of concern by the United States and the international community. But we must not give up. We should go on record condemning the abuses that have taken place, and continue to take place in Belarus. We must urge our President and State Department to keep the pressure on President Lukashenka—and also Russian President Vladimir Putin.

For these and many other reasons, I urge my colleagues to support passage of this Resolution.

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

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 304.

The question was taken.

Mr. GILMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

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SIERRA LEONE PEACE SUPPORT ACT OF 2000

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3879) to support the Government of the Republic of Sierra Leone in its peace-building efforts, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3879

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 "Sierra Leone Peace Support Act of 2000".

SEC. 2. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—The Congress makes the following findings:

(1) Eight years of civil war and massive human rights violations have created a humanitarian crisis in the Republic of Sierra Leone, leaving over 50,000 dead and 1,000,000 displaced from their homes.

(2) As many as 480,000 Sierra Leoneans have fled into neighboring countries, especially Guinea.

(3) All parties to the conflict have committed abuses, but the Revolutionary United Front (RUF) and its ally, the former Sierra Leonean army (AFRC) are responsible for the overwhelming majority.

(4) The RUF and AFRC have systematically abducted, raped, mutilated, killed, or forced children to fight alongside RUF soldiers.

(5) The RUF continues to hold hundreds and perhaps thousands of prisoners, including many child soldiers, despite the agreement of RUF leadership at Lome to release all children.

(6) The civil defense forces committed human rights violations, including killings and recruitment of child soldiers, and Economic Community of West African States

Military Observer Group (ECOMOG) forces have also committed human rights abuses, including executions of captured combatants and killings of civilians.

(7) Neighboring countries, especially Liberia and Burkina Faso, have contributed greatly to the destruction of Sierra Leone by aiding and arming the RUF and providing sanctuary for RUF fighters.

(8) International humanitarian efforts to assist Sierra Leoneans, both at home and in Guinea, have fallen far short of need such that conditions in refugee camps and among displaced persons camps are deplorable, food and medicine is dangerously inadequate, and the refugee population on the Sierra Leonean border continues to be preyed upon by RUF insurgents and subjected to rape, mutilation, or killing.

(9) Demobilization, demilitarization, and reintegration (DDR) efforts, as called for in the Lome agreement of July 1999, have begun months late and are still at beginning stages.

(10) With the withdrawal of the West African peacekeeping forces, the United Nations Security Council has approved the deployment of 11,000 peacekeeping forces for Sierra Leone.

(11) There are approximately 45,000 combatants, including many child soldiers, in Sierra Leone who must be demobilized, provided with alternate employment, and re-integrated into their communities.

(12) Both the Government of Sierra Leone and the RUF/AFRC formally agreed in the Lome Convention of July 7, 1999, to uphold, promote, and protect the human rights (including the right to life and liberty, freedom from torture, the right to a fair trial, freedom of conscience, expression, and association, and the right to take part in the governance of one's country) of every Sierra Leonean as well as the enforcement of humanitarian law.

(b) SENSE OF CONGRESS.—The Congress urges the President to vigorously promote efforts to end further degradation of conditions in the Republic of Sierra Leone, to dramatically increase United States assistance to demobilization, demilitarization, and reintegration (DDR) efforts and humanitarian initiatives, to assist in the collection of documentation about human rights abuses by all parties, and to engage in diplomatic initiatives aimed at consolidating the peace and protecting human rights.

SEC. 3. DEMOBILIZATION, DEMILITARIZATION, AND REINTEGRATION ASSISTANCE.

(a) IN GENERAL.—There is authorized to be appropriated to the President \$13,000,000 for fiscal year 2001 for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2221 et seq.) to the Sierra Leone DDR Trust Fund of the International Bank for Reconstruction and Development for demobilization, demilitarization, and reintegration assistance in Sierra Leone. Assistance under the preceding sentence may not be used to provide stipends to ex-combatants of the civil war in the Republic of Sierra Leone.

(b) ADDITIONAL REQUIREMENTS.—Amounts appropriated pursuant to subsection (a)—

(1) are in addition to any other amounts available for the purpose described in such subsection; and

(2) are authorized to remain available until expended.

SEC. 4. DEMOCRATIZATION, ELECTORAL, AND JUDICIAL ASSISTANCE.

(a) JUDICIAL ASSISTANCE.—There is authorized to be appropriated to the President \$5,000,000 for fiscal year 2001 for assistance to rebuild and strengthen the capacity of the judiciary in the Republic of Sierra Leone and to assist efforts to establish the rule of law and maintain law and order in Sierra Leone.

(b) EXPANDED INTERNATIONAL MILITARY EDUCATION AND TRAINING ASSISTANCE.—Beginning 1 year after the conclusion of free and fair elections in Sierra Leone, the President may provide expanded international military education and training assistance to the military forces and related civilian personnel of Sierra Leone under section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347) solely for the purpose of providing training relating to defense management, civil-military relations, law enforcement cooperation, and military justice.

(c) ADDITIONAL REQUIREMENTS.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a)—

(1) are in addition to any other amounts available for the purposes described in such subsection; and

(2) are authorized to remain available until expended.

SEC. 5. ACCOUNTABILITY.

(a) STATEMENT OF CONGRESSIONAL CONCERN ABOUT ACCOUNTABILITY.—It is the sense of the Congress that a thorough and non-partisan initiative to collect information on human rights abuses by all parties to the conflict in the Republic of Sierra Leone be undertaken. Comprehensive and detailed information, particularly the identification of specific units, individuals, and commanders found to have been especially abusive, will be essential for vetting human rights abusers from the newly formed armed forces and police forces of Sierra Leone and for deterring abuses by all parties in the future. Accordingly, the Congress calls upon the administration to strongly support an independent process of data collection on human rights abuses in Sierra Leone, for use by the Truth and Reconciliation Commission when it has been established, and to support any future initiatives of international accountability for Sierra Leone.

(b) ASSISTANCE FOR TRUTH AND RECONCILIATION COMMISSION.—

(1) ASSISTANCE FOR ESTABLISHMENT AND SUPPORT OF COMMISSION.—The President is authorized to provide assistance for the establishment and support of a Truth and Reconciliation Commission to establish accountability for human rights abuses in the Republic of Sierra Leone.

(2) ASSISTANCE FOR HUMAN RIGHTS DATA COLLECTION.—The Secretary of State, acting through the Assistant Secretary of the Bureau of Democracy, Human Rights and Labor, is authorized to collect human rights data with respect to Sierra Leone and assist the Truth and Reconciliation Commission in carrying out its functions.

(3) AUTHORIZATION OF APPROPRIATIONS.—

(A) ESTABLISHMENT AND SUPPORT OF COMMISSION.—There is authorized to be appropriated to the President \$1,500,000 for fiscal year 2001 for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 to carry out paragraph (1).

(B) HUMAN RIGHTS DATA COLLECTION.—There is authorized to be appropriated to the Secretary of State \$500,000 for fiscal year 2001 to carry out paragraph (2). Amounts appropriated pursuant to the authorization of appropriations under the preceding sentence shall be deposited in the "Human Rights Fund" of the Bureau of Democracy, Human Rights and Labor of the Department of State.

(C) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subparagraphs (A) and (B) are authorized to remain available until expended.

SEC. 6. NEIGHBORING COUNTRIES OF SIERRA LEONE.

(a) REPORTS TO CONGRESS.—

(1) ARMS FLOWS.—Not later than 6 months after the date of the enactment of this Act,

the President shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report which provides information, including measurable, credible, and verifiable evidence (to the extent practicable), concerning the extent to which neighboring countries of the Republic of Sierra Leone are involved in arms flows into Sierra Leone.

(2) SIERRA LEONEAN MINERALS.—Not later than 6 months after the date of the enactment of this Act, the President shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report which provides information, including measurable, credible, and verifiable evidence (to the extent practicable), concerning illicit sales of Sierra Leonean gold and diamonds through neighboring countries of the Republic of Sierra Leone.

(b) NOTIFICATION BY SECRETARY OF STATE.—If a report transmitted by the President pursuant to paragraph (1) or (2) of subsection (a) contains measurable, credible, or verifiable evidence that a country is involved in arms flows into Sierra Leone, or that a country is involved in illicit sales of Sierra Leonean gold or diamonds through that country, then the Secretary of State—

(1) shall take all necessary steps to initiate diplomatic efforts to bring about the termination of such activities by the country; and

(2) if the country has not ceased the proscribed activity within 3 months of the initiation of such diplomatic efforts, shall inform the country of the possibility that United States foreign assistance for the country may be terminated or suspended if the country does not cease the proscribed activity.

(c) ASSISTANCE FOR NEIGHBORING COUNTRIES.—United States assistance may be provided to the central government of a neighboring country of the Republic of Sierra Leone only if such government—

(1)(A) provides demonstrated support for the peace process in the Republic of Sierra Leone in accordance with the Lome Convention of July 7, 1999; and

(B) does not provide training or other support for the RUF/AFRC forces or any other forces proscribed under the Lome Convention; and

(2) cooperates with efforts to monitor arms flows to Sierra Leone.

(3) UNITED STATES ASSISTANCE.—In this subsection, the term “United States assistance” means assistance of any kind which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3879.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I rise to support this measure, which was introduced by the ranking member of the Committee on International Relations, the gentleman from Connecticut (Mr. GEJDENSON), and considered by our Committee on International Relations.

I wish I could express strong confidence that Sierra Leone will enjoy a peaceful and democratic future, but at this point we cannot. I fear that the significant problems and lack of cooperation with the U.N. peacekeepers in Sierra Leone that they have experienced since the outset of their deployment will continue. We also fear that the Revolutionary United Front, the RUF, which has waged a war of terror and atrocity against its own citizens, has not changed in its ultimate objective; that is, the complete dominance of Sierra Leone.

Nonetheless, I support this measure on the basis that we must make every effort, and even take some chances, where the future of so many innocent and suffering people is concerned.

My hope is that these funds can be used for a variety of purposes, including the documentation of continuing abuses and the tracking of arms flows. They can also support the effort to contain an emerging international criminal enterprise that operates with the consent, support, and even the direction of President Charles Taylor of Liberia.

President Taylor pioneered the technique of election by exhaustion in which a population becomes so fatigued by war and violence that it is willing to accept as a leader even the very person who inflicted that violence if he promises to ease their suffering.

The RUF rebels in Sierra Leone seem to be operating from Mr. Taylor's play book. Of course, they have added their own creative touches such as carving their initials into the bodies of the children they kidnapped and chopping the limbs of toddlers to invoke terror in the population. It is disgraceful that our government gave its blessing to this brutal and twisted group's entries into the government of Sierra Leone. I am saddened that the President's special representative for democracy in Africa presided over the signing of this Faustian bargain in July last year.

Despite these misgivings, we cannot abandon hope for the beleaguered people of Sierra Leone. Accordingly, I support the passage of this measure by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I ask unanimous consent that, at the conclusion of my remarks, the gentleman from New Jersey (Mr. PAYNE) control the remaining time on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

The connection between Sierra Leone and Connecticut is an old one, starting with the Amistad. The gentleman from New Jersey (Mr. PAYNE) and others just joined us in Connecticut to remember the courage of the cargo of the Amistad, those people who had been enslaved in their fight for freedom.

It is sad to see the continued torture of the citizens of Sierra Leone, and therefore, the little effort that we are putting forth here, the United States involvement, to try to end the bloodshed, to try to immobilize and disarm the armed combatants. We need to make sure that the killing stops. Many of these soldiers are really children, and we have to work with those in the country to provide accountability for the victims to work with the Truth and Reconciliation Commission, to make sure the guilty are pursued, that the rights of the victims are not forgotten. We must be the leaders here to promote peace in Sierra Leone, because as almost everywhere, the world looks to the United States.

The international community is ready to make a significant effort here, but American leadership, as always, is critical. So I would hope we would have broad support for this resolution. I commend the chairman of the subcommittee and the chairman of the full committee for all of their great work here.

Mr. Speaker, I reserve the balance of my time, to be controlled by the gentleman from New Jersey (Mr. PAYNE) henceforth.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROYCE), the distinguished chairman of our Subcommittee on Africa.

Mr. ROYCE. Mr. Speaker, I rise in support of this legislation.

Sierra Leone has experienced one of the most horrific civil wars in the world over the past decade. The atrocities there have perhaps been some of the most shocking that we have seen in the world. Tens of thousands of people have been victimized. There have been killings, there have been rapes, but most shockingly, there has been a policy of forced amputations carried out as a terror tactic by the Revolutionary United Front.

It is hard to imagine, but this rebel group which has won the world's disdain, has a policy of cutting off the hands, the arms of little boys and little girls. The streets of the capital, Freetown, is full of amputees, thousands of amputees, including many children. This is sheer cowardliness. It deserves the strongest condemnation that is possible out of this institution, and out of the world.

There should be no question on another issue: the RUF and its allies have been guilty of attacking a democratically elected government. This group has been aided and abetted by neighboring Liberia. This bill brings attention to that aid and has constructive measures designed to pressure those

neighbor governments to not wage war on the people of Sierra Leone.

There is a peace agreement in place in Sierra Leone. It is a precarious peace. Unfortunately, the RUF appears to be reverting to form, waging war, disregarding peace. The RUF most recently has taken U.N. peacekeepers hostage. Its leaders have made clear in the most inflammatory statements that the U.N. is not welcome. Since the beginning of the peace process, I have expressed my serious reservations about the policy of bringing the RUF into the Sierra Leone Government. Well, that has been done. Now I hope that the peace can be built anyway.

Mr. Speaker, this bill makes a modest contribution to building peace. We should do this. We should help Nigeria and other West Africa states who have made a great sacrifice in lives and funds to bring stability to this country of Sierra Leone. It is in America's interests to see that terror does not win the day in Sierra Leone. For if it does, more than Sierra Leone will be imperiled. All of West Africa will be imperiled, and America would suffer too.

Mr. Speaker, I congratulate the gentleman from Connecticut for his legislation. Many of us on the Committee on International Relations have been concerned about Sierra Leone. We have held several hearings, we have passed resolutions, and now we have this legislation. There is strong committee support for this approach.

For the sake of the little boys and girls who tragically will live their lives with no hands and arms, for the sake of the future of West Africa, and for America's interest in a stable and better world, I ask my colleagues to support this legislation.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me thank the gentleman from New York (Mr. GILMAN), the chairman of the full committee, and our ranking member, the gentleman from Connecticut (Mr. GEJDENSON) for moving this legislation forward. I certainly would like to commend my chairman of the Subcommittee on Africa, the gentleman from California (Mr. ROYCE) for his untiring devotion to the subcommittee and for moving legislation forward and the interest that he has taken in the problems of the continent.

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Let me say that Sierra Leone is a country which gained its independence back in 1961, but since that time it has had a difficult time from its first president, Momoh, to the current president, Kabbah. It is a country which has had a difficulty in the quality of life for its rural people in particular. A country which, incidentally, is small enough to be able to deal with its problems, a country very rich in diamonds and other natural resources.

And so I strongly support the Sierra Leone Peace Support Act of 2000, H.R. 3879, because what this legislation will

do is to help to support the peace-building efforts of Sierra Leone. It would help with the demobilization and demilitarization and reintegration of the military, which is essential in order to have people who are carrying arms to put them back and get back into civilian life.

Mr. Speaker, let me also commend the Nigerian military, as the gentleman from California (Mr. ROYCE) has already done, with the forces of ECOMOG that for many years kept the peace in Freetown and in Sierra Leone. Without their efforts, the situation would have been much more difficult.

I would certainly agree that the RUF has been extraordinarily brutal. Nowhere in the world has there been more horrific behavior on the part of a military group, because this group would take its vengeance out on civilians, and not only civilians, but usually children and women, amputating hands and legs.

And so it was difficult to come to an accord with the RUF in a government of reconciliation where President Kabbah has allowed Foday Sankoh to be a part of the new government, bringing in the rebels with the government to try to simply have the people of Sierra Leone have a quality of life that they deserve.

Sierra Leone is a country that has a tremendous background as relates to the United States. As my colleagues may know, the Amistad, as the gentleman from (Mr. GEJDENSON) talked about, Cinque was from Sierra Leone; and in the trial they were found not guilty and allowed to go back to Sierra Leone. I had an opportunity to hear from his great, great grandchildren who came to Connecticut.

And so, as a matter of fact, after the Revolutionary War, African American slaves who fought with the British were given their freedom by Britain and allowed to go back to Sierra Leone, and people who were picked up on the high seas were also allowed to go to Sierra Leone. So that is a country that has strong ties with African Americans and Africans.

We hope that the peace will keep. We are disturbed at the recent behavior of a small group of the RUF. The majority of them have come in; but there is a group, anarchist group that has broken off from the regular RUF organization that Mr. Foday Sankoh is attempting to bring in. We know that this legislation will go forward to help ameliorate the situation, and we are hoping to see peace for the people of Sierra Leone.

Mr. WOLF. Mr. Speaker, I rise in support of H.R. 3879, the Sierra Leone Peace Act of 2000.

Congressman TONY HALL and I were in Sierra Leone a few months ago. We witnessed the brutal atrocities carried out against the civilian population by the rebel forces in Sierra Leone. Although both the government of Sierra Leone and the rebel forces signed the Lome Peace accord, reports continue to flow out of Sierra Leone about continued unrest

and further atrocities committed by rebel forces.

It is my hope that the Sierra Leone Peace Act will greatly assist the Lome Peace accords and the continued pursuit of peace, reconciliation, and recovery for this country that has endured so much.

I recently wrote both President Clinton and Secretary Albright urging the Administration to set a to be determined date by which the Sierra Leone rebels should comply with the peace accords or face being named by the U.S. as war criminals and that they not be allowed to travel to the U.S. I submit this correspondence and a copy of my trip report from my time in Sierra Leone for the RECORD.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 1, 2000.

Hon. WILLIAM J. CLINTON,
The President, The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to you about the continuing tragedy in Sierra Leone.

As you know, although a tenuous peace is in place, the former rebels from the Revolutionary United Front (RUF) are disarming at a slow to minimal rate. Numerous reports indicate that the RUF has taken weapons from U.N. peacekeepers at gun point. Reports also indicate that atrocities such as rape, intimidation, and forced conscription are continuing by the supposedly disbanded RUF.

Present and former RUF units still operate and control certain sections of the country, specifically the diamond producing areas.

I have enclosed a letter which I sent to Secretary Albright outlining proposed action that the U.S. should take if the RUF continues its atrocities, occupation, and reluctance to disarm by a to be determined designated date.

The entire country of Sierra Leone will continue to experience suffering and turmoil unless leadership is exercised by the U.S.

You must do something (see my letter to Secretary Albright for proposed courses of U.S. action). I urge you to act quickly.

Best wishes
Sincerely,

FRANK R. WOLF,
Member of Congress.

OBSERVATIONS BY U.S. REP. FRANK R. WOLF OF VIRGINIA, VISIT TO WESTERN AFRICA: SIERRA LEONE AFTER A DECADE OF CIVIL WAR, NOVEMBER 30–DECEMBER 8, 1999

This report provides details of a trip Congressman Tony Hall of Ohio and I made to Western Africa to see the conditions in Sierra Leone and in refugee camps nearby in Guinea. We spent two days in Sierra Leone and an additional day visiting refugee camps in bordering Guinea. The people desperately need an end to years of civil strife, terrorism and brutality. Humanitarian assistance in the form of food, medical and public health assistance is urgently required. The country's leaders are struggling with a most fragile peace accord and the community of nations must do whatever it can to strengthen it.

Our trip to Western Africa provided the opportunity to observe conditions in and around Sierra Leone resulting from a decade-long civil war. I have been to Africa a number of times, but this was my first time in Western Africa. Congressman Hall had visited Sierra Leone once about 10 years ago. I have followed the history of this country for a long while and have been looking for ways to help the people.

Sierra Leone is a part of the immense portion of Africa that juts westward into the Atlantic Ocean just above the equator. It is

slightly larger than West Virginia and has a population of about 4.6 million of which about one half million people live in the capital of Freetown. Though the country is rich in natural resources, per capita income is only about \$285, which ranks Sierra Leone among the very poorest nations in the world. This can be attributed primarily to civil strife and rebel terrorism.

Sierra Leone gained independence from Great Britain in 1961 and a continuing struggle for self governance has followed. The elect government was toppled by an army coup in 1992 and a state of civil war has largely existed since. Elections were again held in 1996 when current President Kabbah emerged as the winner. He has held office ever since and his government, with military assistance from The Economic Community of West African States Military Observer Group (ECOMOG), has continued to battle rebel forces made up of the Revolutionary United Front (RUF) and the Armed Forces Revolutionary Counsel (AFRC). In July 1999, the Lome Peace Accords were finally signed and a very fragile peace is beginning to take hold in the region. Presently, it is the best hope if not the only hope to end years of brutality, poverty and despair in Sierra Leone.

On December 5, we visited two refugee camps in the Forecariah Province of Guinea located about 20 kilometers across the border from Sierra Leone. Each camp held thousands of refugees, some of whom have lived there for years. Barely adequate food supplies are dwindling and there was some unrest. There is little progress in educating the children or in pursuing efforts to upgrade an existence reduced to the most basic of simply sustaining life.

On December 6 and 7, we visited Sierra Leone and its capital of Freetown. We met with the President and with leaders of Parliament. We met rebel leaders, members of the clergy and Non-Governmental Organizations (NGO) representatives. And we met with many victims who will carry throughout their lives horrible physical and emotional scars of years of civil war perpetrated because of greed and power.

Existence for too many in Sierra Leone is one of hunger, homelessness, poverty and pain. And this seems strange. Sierra Leone is, or should be, an agricultural oasis. Its temperate climate, fertile soil and abundant rain should result in the production of crops and goods far above what the people could consume. The Atlantic Ocean yields an unending harvest of seafood and offers immediate access to important trade routes around the world. And the country is rich in diamonds and minerals for which there is a huge market and huge demand. Yet, because of the civil war, people are without even the basic necessities of life.

We visited a housing reclamation project established by Catholic Relief Services (CRS). Much of Freetown has been destroyed, looted and burned by rebel forces and CRS has started a program of helping people to rebuild their lost homes. The Sierra Leonians supply the labor, the muscle and much of the raw material from other destroyed structures and CRS offers guidance, harder-to-get building supplies, food rations and a great deal of encouragement. Many new homes are rising out of the rubble. It is a good program.

We visited the Holy Mary Clinic. Two doctors, a husband and wife team, have been operating a clinic for several years to deal with young children who are the worst victims of the war. About 3,000 girls and boys have been taken hostage by rebel forces and many continue to be held today. Some 500 young girls have been returned. They have been horribly sexually abused and were used as sex slaves, temporary wives and household workers.

They have been returned or have escaped and are psychologically devastated. Some have no parents left alive and have no one to turn to, no family to help them. Many are pregnant and have sexually transmitted diseases (STD). These are young girls, many are barely 14 years old. The boys taken by the rebels are also young children and have been brain-washed, probably drugged and then recruited into the rebel army.

Holy Mary Clinic does a wonderful job of dealing with this trauma and with young infants and pregnant girls needing pre-natal and medical care and counseling. The clinic doctors rely on friends, colleagues and family from Italy for supplies, medicines and equipment. They are doing an outstanding job, but are stretched so thin and could use help. The AIDS virus adds to the despair and the hopelessness, too. We visited a therapeutic feeding center where dozens of starving infants hover on the edge of death. These young children are so malnourished they have no strength to eat and are being force fed in an attempt to sustain life. They are so thin and so fragile that we were afraid that they would break if we just even touched them.

We saw a former railroad repair factory converted to housing for displaced persons where thousands of homeless refugees are being warehoused. This huge former factory building provides a roof over the refugees' heads and little more. There were few indications of real help being applied to return refugees to a self-sufficient life.

The Murray Town amputee camp is where victims of rebel brutality go after having their limbs mindlessly hacked off with machetes, axes or knives simply to frighten and terrorize. The amputees receive counseling, some medical care and the beginnings of assistance with crutches and prostheses. They are also fed and have a place to stay.

One of the first people we saw was a 14-year-old girl whose parents had been killed. She was pregnant, having been raped by rebel soldiers, and had both hands cut off above the wrist. We saw tiny children who had lost limbs. We heard tales of a grotesque lottery where a person drew a slip from a bag. If the slip contained the word "hand", "arm", "leg", "ear", "both feet", "head" or other parts of the body, then the rebels proceeded to carry out the sentence. This sounds unbelievable, but we saw the painful results. Sometimes the rebel butcher offered a choice—long sleeve or short sleeve. That meant: do you want your arm cut off at the wrist or above the elbow?

Yet one of the camp leaders who had lost his right arm this way told us of seeing the two rebels who mutilated him when they paid a visit to the amputee center. He said that he had forgiven them. He said it was time to move forward from this chapter of despair. Reconciliation is what he was talking about.

We heard a member of the clergy tell of listening to a small boy ask of the camp counselor, "When will my hands grow back?" The rebels abused children too young to even have an inkling of what was happening to them.

COMMENTS AND RECOMMENDATIONS

The West, including the United States and European Union (EU) nations, should quickly provide food and medical supplies to save lives which are in danger. The World Food Programme has asked that more food supplies be directed to Guinea and Sierra Leone so basic food needs can be met. We were told that the food allotment to the refugees is down from a caloric intake of 2,100 a day to 1,400 a day.

The civil war is largely being funded by the sale of unregulated diamonds (conflict dia-

monds) being mined in regions held by rebel forces. Congressman Hall has introduced legislation to certify the country of origin of all diamonds. Thus a diamond buyer will know where diamonds have been mined and a purchaser can avoid buying conflict diamonds. Not only are the profits from these illicit diamonds used to fund a war of terror against the people of Sierra Leone, but the people are being deprived of the benefits that these natural resources could offer their society. Passage of Congressman Hall's bill would be a huge stride in ending this practice. Also, we have written United Nations Secretary General Kofi Annan asking the U.N. to sanction black-market diamonds that are not certified by the government of Sierra Leone.

Every effort should be made to support the current disarmament program which is in place but wobbly. More needs to be done to make it desirable for the rebels to turn in their weapons, come in out of the bush and rejoin society. So far only a few thousand out of about 45,000 rebels have surrendered their arms.

The West should exert every possible leverage on rebel leaders and also Charles Taylor in Liberia, who is aiding the rebels, to end the civil war. The fragile peace agreement between the government, the RUF, the AFRC and their leaders must be sustained, enforced and nourished. There is an African saying we heard, "When the elephants fight, the grass dies." This is certainly the case here. Bad leaders motivated by greed and power have nearly destroyed a nation and its people.

Pressure from the United States government and others including European Union (EU) nations on the leadership of the RUF/AFRC to implement the provisions of the accord would be helpful in ensuring success.

Similar pressure on Liberian President Taylor to ensure that arms and men do not enter Sierra Leone from Liberia would also help.

The U.S. government joined by EU nations should send these leaders the message that unless peace is achieved, they will not be welcomed in the West. Their families and children will not be welcomed. No visas will be issued. Outside their borders, these leaders will be treated as war criminals and there will be no place for them to spend their ill-gotten gains.

And the process of reconciliation for the people of Sierra Leone needs to begin. Here, as elsewhere around the globe, lasting peace will depend upon the people being able to reconcile their differences.

Lastly, I would like to acknowledge and salute all those in the region who came from America and elsewhere to lend a hand to the people of Sierra Leone. The ambassadors and embassy staff personnel, the NGO representatives, doctors and medical staff and clergy who are there at personal risk and discomfort are truly making a difference, and I was so proud to see the job they are doing.

We saw the great service of citizens from Congressman Tony Hall's district in Dayton, Ohio. They have been working for years on schools, housing, training academies for the blind and other terribly needed programs that have been helping the people of Sierra Leone. It has been said that it is better to light a candle than to curse the darkness. The people of Dayton have ignited an eternal flame in Freetown.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 16, 2000.

Hon. MADELEINE KORBEL ALBRIGHT,
Secretary of State,
Washington, DC.

DEAR MADAM SECRETARY: I write today about the worsening situation in Sierra

Leone. Congressman Troy Hall and I visited Sierra Leone last December. We were horrified at the atrocities we saw. Throughout the country, rebel groups have tortured, killed, and maimed thousands of people to gain control of the country's diamond industry, fueling the trade in illicit "conflict diamonds." Across a broad spectrum, the conditions in Sierra Leone were among the worse I have ever seen in the many places I've visited in the world.

At the time of our visit, it was too early to determine the effectiveness of the Lome Peace Accord and the rebels' compliance with it. In my trip report, which I have enclosed for you, I outlined several recommendations about the developing situation in Sierra Leone and the prospective response and involvement of the United States and Europe in achieving peace and stability in the region. In light of the current situation in Sierra Leone, I want to reiterate those recommendations with you.

First, the flow of conflict diamonds from rebel held areas must stop. Reports indicate that rebel forces still control most of the diamond producing regions in Sierra Leone, suggesting that the trafficking of these diamonds is going to continue to fuel bloodshed upon the people of Sierra Leone. Reports indicate that an overwhelming majority of rebels have not disarmed and that they have control of most, if not all, of the diamond producing region. This condition cannot be tolerated by the U.S., Europe, ECOMOG, and the United Nations.

Congressman Hall has introduced legislation, H.R. 3188, to certify the country of origin of all diamonds. Thus a diamond buyer will know where a diamond has been mined and a purchaser can avoid buying conflict diamonds. Passage of Congressman Hall's bill will be a huge stride in ending this practice. Your support for this important legislation would be very helpful.

My report stated that every effort should be made to support the disarmament program in Sierra Leone. Reports include that not only are the rebels not disarming, but they have repeatedly confronted at gunpoint ECOMOG and U.N. peacekeepers and taken their weapons, ammunition, armored personnel carriers, etc. Bold action is needed from the Administration on this matter. I urge you to issue a statement and a fixed date, that you think is reasonable and helpful, to the rebels making clear when the rebels should be completely disarmed and what action the U.S. will take if they are not disarmed.

Promised U.S. action if the rebels do not comply with the conditions for disarmament should be:

They and their families will not be allowed entry into the U.S., Britain or any other country—no visas should be issued to rebels or their family members;

If the rebels have bank accounts in the U.S. and in Europe, they should be frozen and they should be denied access to these accounts and to future commerce with the U.S., bank accounts of rebel family members should be included in this prohibition too;

The rebel leaders should be declared war criminals by the U.S. and other Western countries and direct its intelligence and police agencies to actively pursue apprehending rebels who have not disarmed.

These same conditions should also be applied to Liberian Charles Taylor and all Liberians who have assisted the rebels in Sierra Leone. It has come to my attention that Taylor escaped from a Massachusetts prison and fled to Liberia. Taylor and many Liberians have blood on their hands from their support of these rebels. By being the primary conduit for trading the conflict diamonds mined by the rebels, and by reportedly sup-

plying the rebels with military assistance, Taylor and others have fueled the atrocities committed by the rebels upon the people of Sierra Leone. The U.S. should enact similar measures and conditions against Taylor and other Liberians as those I proposed for the rebels in Sierra Leone.

If the rebels are not disarmed and if Taylor and other Liberians continue to traffic in conflict diamonds and to provide the rebels with military assistance, Taylor and others should be named as war criminals and they should not be allowed to travel outside of their country. You should fix a date that you think is reasonable and helpful.

Lastly, I ask that the U.S. continue to bolster its efforts to bring belief, aid, and ultimately reconciliation to the region. U.S. leadership in helping the people of Sierra Leone recover from the brutality is integral in creating stability and peace in the region.

I do appreciate you taking the time to visit Sierra Leone. It was a good thing to do. I would be happy to discuss with you in more detail my recommendations and observations. Thank you for your consideration.

Best wishes.

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

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

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 3879, as amended.

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

A motion to reconsider was laid on the table.

□

CONGRATULATING THE PEOPLE OF SENEGAL ON SUCCESS OF MULTI-PARTY ELECTORAL PROCESS

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 449) congratulating the people of Senegal on the success of the multi-party electoral process.

The Clerk read as follows:

H. RES. 449

Whereas the Republic of Senegal held free, fair, and transparent multi-party elections on March 19, 2000;

Whereas Senegalese President Abdou Diouf conceded defeat to longtime rival Abdoulaye Wade on Monday, March 20, 2000, after a hotly contested run-off election;

Whereas President Diouf's party, Parti Socialiste, has ruled in the West African country of Senegal since independence from France in 1960;

Whereas President-elect Abdoulaye Wade of the Parti Democratique Senegal (PDS) was voted into office by a majority of the electorate and is Senegal's third President;

Whereas the citizens of Dakar, Senegal, joyously welcomed the results of Senegal's free and fair elections;

Whereas on February 27, 2000, during the first round of voting, President Diouf amassed 41.3 percent of the vote to Wade's 31 percent;

Whereas President-elect Wade won 22 of the country's 31 districts and received 60 percent of the total 1,616,307 votes cast;

Whereas President-elect Wade's victory ends 40 years of uninterrupted rule by Mr. Diouf's Socialist Party;

Whereas President Diouf telephoned Mr. Wade to congratulate him on winning the elections;

Whereas President-elect Wade campaigned on the principles of "probity, good work, and involvement of the youth" in the construction of Senegal;

Whereas Mr. Wade received the endorsement of five leading opposition candidates after the second round of voting, including Mr. Moustapha Niasse, a former foreign minister in President Diouf's party;

Whereas Mr. Niasse said the new government's first task would be to re-establish the country's equilibrium and fight corruption;

Whereas the newly elected President Wade first ran for the presidency in 1978 against ex-President Leopold Senghor and ran in four subsequent polls;

Whereas this West African country of 10 million people has remained relatively stable and prosperous;

Whereas Senegalese President Diouf took office 19 years ago and served as prime minister for 10 years;

Whereas his predecessor and mentor, poet and politician Leopold Sedar Senghor, surprised the country in 1980 by voluntarily stepping down and turning over power to President Diouf, as prescribed by Senegal's constitution;

Whereas Senegal has a free press and judiciary;

Whereas Senegal is a recipient of the African Crisis Responsive Initiative;

Whereas Mr. Wade's history symbolizes a triumph for a country which has long been considered a model of African democracy although ruled by one party; and

Whereas this election marks a contribution to a paradigm shift of a new political system on the West African coast: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the people of the Republic of Senegal for voting in this historic Presidential election;

(2) congratulates President Diouf for stepping down before the results were officially announced and upholding democracy and good governance;

(3) encourages the Administration to send a Presidential delegation to the West African Country of Senegal to welcome President Wade into office;

(4) strongly urges the Economic Community Of West African States (ECOWAS) to follow Senegal's lead and make efforts to promote democratic reforms and prevent future conflicts;

(5) calls upon the newly elected President to involve all Senegalese to accept the election results and move the country forward;

(6) calls on all factions within the Secessionist Movement of Democratic Forces in the Casamance (MFDC) rebel group in Casamance to commit to a cessation of hostilities and create stability for its people;

(7) strongly urges newly elected President Wade to continue the peace initiative started by former President Diouf with the Secessionist Movement of Democratic Forces in the Casamance (MFDC);

(8) urges President-elect Wade to dialogue with the MFDC to settle the Casamance conflict through political negotiations and urges prompt initiation of peace talks; and

(9) recognizes Senegal as one of the first African states to adopt a multi-party system in the early 1980's and a nation that has been a longtime beacon of democracy on a continent of one-party states and military dictatorships.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this resolution introduced by our friend and colleague, the gentleman from New Jersey, (Mr. PAYNE). In a region afflicted by military coups, authoritarian leaders and one-party states, Senegal has been be a model of a stable and pluralist society.

As a matter of fact, later today I will introduce a resolution on Zimbabwe, along with the gentleman from New Jersey, a country whose leadership could learn much from Senegal's example.

The people of Senegal voted for a change in leadership and the president stepped down. It sounds simple, and it is something that we in our 224-year-old republic have come to take for granted, but it is anything but the norm in many other parts of the world, and in this region in particular.

Accordingly, I urge passage of House Resolution 449.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 449. Let me thank the gentleman from New York (Mr. GILMAN), the gentleman from Connecticut (Mr. GEJDENSON), and the gentleman from California (Mr. ROYCE) for helping to bring this bill to the floor.

As it has been noted, Senegal held free and fair elections on May 19, and it was recognized as an election that all democratic governments should follow when there is a possible shift in regimes.

Senegal held these fair and free elections. The recent multi-party elections were peaceful; however, there was an attempt in the southern part to disrupt the voting in that region. But the people decided that they wanted to have fair and free elections and persisted.

I would like to extend my best wishes to President-elect Wade. I had the privilege of meeting in my New Jersey office with then-candidate Wade who indicated that he felt that he had a very good chance to win the election. He just wanted to alert me and our committee and our government that he was going to insist that the election be fair and free. We were very pleased that it did happen to be that way.

We would like to recognize the composure of President Diouf in his honorable defeat as an example of the true spirit of democracy. It is apparent that President Diouf respects the

democratic process, which sends a signal to the people of Sierra Leone to respect the democratic process as well as to embrace change. They can have change without having disruption and military action.

President-elect Wade has made a noble gesture to bridge the divide between his party and the other multi-parties by endorsing five leading opposition candidates after the second round of voting, including Mr. Niasse, who is the former foreign minister of President Diouf's party. This is merely another example of Senegal's respectable democratic system, adding to the willing resignation of former President Leopold Senghor in 1980 when power was turned over to President Diouf, adhering to the Senegal constitution.

Senegal should be internationally recognized for their action and should be treated with equal respect given to all functioning governments worldwide.

On our trip to Africa with the President when he made a historic six-country, 12-day trip, the final country that we visited was Senegal, visiting Goree Island, the place where slaves came. It is estimated close to 6 million may have perished, it is estimated, over the 600, 700 years that slavery was legal. And so Senegal has a tremendous place in the heart of African Americans and Africans in general, and Americans in general.

Mr. Speaker, once again, we are very pleased that this transition of government was done in a most noble way. With that, I urge my colleagues to support the resolution.

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

Mr. GILMAN. Mr. Speaker, I do not have further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H. Res. 449.

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

A motion to reconsider was laid on the table.

□

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today, and on yesterday, in the order in which that motion was entertained.

Votes will be taken in the following order:

H. Con. Res. 295, by the yeas and nays;

H. Con. Res. 304, by the yeas and nays;

§. 1744, by the yeas and nays;

H.R. 1509, by the yeas and nays; H. Con. Res. 310, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

□

RELATING TO CONTINUING HUMAN RIGHTS VIOLATIONS AND POLITICAL OPPRESSION IN SOCIALIST REPUBLIC OF VIETNAM

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 295, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 295, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 415, nays 3, not voting 16, as follows:

[Roll No. 133]

YEAS—415

Abercrombie	Cannon	Etheridge
Ackerman	Capps	Evans
Aderholt	Capuano	Everett
Allen	Cardin	Ewing
Andrews	Carson	Farr
Archer	Castle	Fattah
Armey	Chabot	Filner
Baca	Chambliss	Fletcher
Bachus	Clay	Foley
Baird	Clayton	Forbes
Baker	Clement	Ford
Baldacci	Clyburn	Fossella
Baldwin	Coble	Fowler
Ballenger	Collins	Frank (MA)
Barcia	Combest	Franks (NJ)
Barr	Condit	Frelinghuysen
Barrett (NE)	Conyers	Frost
Barrett (WI)	Cooksey	Gallegly
Bartlett	Costello	Ganske
Barton	Cox	Gejdenson
Bass	Coyne	Gekas
Bateman	Cramer	Gephardt
Becerra	Crane	Gibbons
Bentsen	Crowley	Gilchrest
Bereuter	Cubin	Gilman
Berkley	Cummings	Gonzalez
Berman	Cunningham	Goode
Berry	Danner	Goodlatte
Biggart	Davis (FL)	Goodling
Bilbray	Davis (IL)	Gordon
Bilirakis	Davis (VA)	Goss
Bishop	Deal	Graham
Blagojevich	DeFazio	Granger
Bliley	DeGette	Green (TX)
Blumenauer	Delahunt	Green (WI)
Blunt	DeLauro	Greenwood
Boehlert	DeLay	Gutknecht
Boehner	DeMint	Hall (OH)
Bonilla	Deutsch	Hall (TX)
Bonior	Diaz-Balart	Hansen
Bono	Dickey	Hastings (FL)
Borski	Dicks	Hastings (WA)
Boswell	Dingell	Hayes
Boucher	Dixon	Hayworth
Boyd	Doggett	Hefley
Brady (PA)	Dooley	Herger
Brady (TX)	Doolittle	Hill (MT)
Brown (FL)	Doyle	Hilleary
Brown (OH)	Dreier	Hilliard
Bryant	Duncan	Hinchey
Burr	Dunn	Hinojosa
Burton	Edwards	Hobson
Buyer	Ehlers	Hoeffel
Callahan	Ehrlich	Hoekstra
Calvert	Emerson	Holden
Camp	Engel	Holt
Campbell	English	Hoolley
Canady	Eshoo	Horn

Hostettler	Metcalf	Schakowsky
Houghton	Mica	Scott
Hoyer	Millender-	Sensenbrenner
Hulshof	McDonald	Serrano
Hunter	Miller (FL)	Sessions
Hutchinson	Miller, Gary	Shadegg
Hyde	Miller, George	Shaw
Inslee	Minge	Shays
Isakson	Mink	Sherman
Isatook	Moakley	Sherwood
Jackson (IL)	Mollohan	Shimkus
Jackson-Lee	Moran (KS)	Shows
(TX)	Moran (VA)	Shuster
Jefferson	Morella	Simpson
Jenkins	Murtha	Sisisky
John	Nadler	Skeen
Johnson (CT)	Napolitano	Skelton
Johnson, E. B.	Neal	Slaughter
Johnson, Sam	Nethercutt	Smith (MI)
Jones (NC)	Ney	Smith (NJ)
Jones (OH)	Northup	Smith (TX)
Kanjorski	Norwood	Smith (WA)
Kaptur	Nussle	Snyder
Kasich	Oberstar	Spence
Kelly	Obey	Spratt
Kildee	Olver	Stabenow
Kilpatrick	Ortiz	Stark
Kind (WI)	Ose	Stearns
King (NY)	Owens	Stenholm
Kingston	Packard	Strickland
Kleczka	Pallone	Stump
Klink	Pascrell	Stupak
Knollenberg	Pastor	Sununu
Kolbe	Payne	Sweeney
Kucinich	Pease	Talent
Kuykendall	Pelosi	Tancredo
LaFalce	Peterson (MN)	Tanner
LaHood	Peterson (PA)	Tauscher
Lampson	Petri	Tauzin
Lantos	Phelps	Taylor (MS)
Largent	Pickering	Taylor (NC)
Larson	Pickett	Terry
Latham	Pitts	Thomas
LaTourette	Pombo	Thompson (CA)
Lazio	Pomeroy	Thompson (MS)
Leach	Porter	Thornberry
Lee	Portman	Thune
Levin	Price (NC)	Thurman
Lewis (CA)	Pryce (OH)	Tiahrt
Lewis (GA)	Quinn	Tierney
Lewis (KY)	Radanovich	Toomey
Linder	Rahall	Towns
Lipinski	Ramstad	Traficant
LoBiondo	Rangel	Turner
Lofgren	Regula	Udall (CO)
Lowey	Reyes	Udall (NM)
Lucas (KY)	Reynolds	Upton
Luther	Riley	Vento
Maloney (CT)	Rivers	Visclosky
Maloney (NY)	Rodriguez	Vitter
Manzullo	Roemer	Walden
Markey	Rogan	Walsh
Martinez	Rogers	Wamp
Mascara	Rohrabacher	Waters
Matsui	Ros-Lehtinen	Watkins
McCarthy (MO)	Rothman	Watt (NC)
McCarthy (NY)	Roukema	Watts (OK)
McCollum	Roybal-Allard	Waxman
McCrary	Royce	Weiner
McDermott	Rush	Weldon (FL)
McGovern	Ryan (WI)	Weldon (PA)
McHugh	Ryun (KS)	Weller
McInnis	Sabo	Wexler
McIntyre	Salmon	Weygand
McKeon	Sanchez	Whitfield
McKinney	Sandlin	Wicker
McNulty	Sanford	Wilson
Meehan	Sawyer	Wolf
Meek (FL)	Saxton	Wu
Meeks (NY)	Scarborough	Wynn
Menendez	Schaffer	Young (FL)

NAYS—3

Chenoweth-Hage	Gillmor	Paul
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NOT VOTING—16

Coburn	McIntosh	Velazquez
Cook	Moore	Wise
Gutierrez	Myrick	Woolsey
Hill (IN)	Oxley	Young (AK)
Kennedy	Sanders	
Lucas (OK)	Souder	

□ 1217

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. QUINN). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

□

EXPRESSING CONDEMNATION OF CONTINUED HUMAN RIGHTS VIOLATIONS IN REPUBLIC OF BELARUS AND CALLING ON RUSSIAN FEDERATION TO RESPECT SOVEREIGNTY OF BELARUS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 304.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 304, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 2, answered “present” 2, not voting 21, as follows:

[Roll No. 134]
YEAS—409

Abercrombie	Boniior	Crane
Ackerman	Bono	Crowley
Aderholt	Borski	Cubin
Allen	Boswell	Cummings
Andrews	Boucher	Cunningham
Archer	Boyd	Danner
Armye	Brady (PA)	Davis (FL)
Baca	Brady (TX)	Davis (IL)
Bachus	Brown (FL)	Davis (VA)
Baird	Brown (OH)	Deal
Baker	Bryant	DeFazio
Baldacci	Burton	DeGette
Baldwin	Buyer	Delahunt
Ballenger	Callahan	DeLauro
Barcia	Calvert	DeLay
Barrett (NE)	Camp	DeMint
Barrett (WI)	Campbell	Deutsch
Bartlett	Canady	Diaz-Balart
Barton	Cannon	Dickey
Bass	Capps	Dicks
Bateman	Capuano	Dingell
Becerra	Cardin	Dixon
Bentsen	Carson	Doggett
Bereuter	Castle	Dooley
Berkley	Chabot	Doolittle
Berman	Chambliss	Doyle
Berry	Clay	Doier
Biggett	Clayton	Duncan
Bilbray	Clement	Dunn
Bilirakis	Clyburn	Edwards
Bishop	Coble	Ehlers
Blagojevich	Combest	Ehrlich
Bliley	Condit	Emerson
Blumenauer	Conyers	Engel
Blunt	Costello	English
Boehlert	Cox	Eshoo
Boehner	Coyne	Etheridge
Bonilla	Cramer	Evans

Everett	LaTourette	Rogan
Ewing	Lazio	Rogers
Farr	Leach	Rohrabacher
Fattah	Lee	Ros-Lehtinen
Filner	Levin	Rothman
Fletcher	Lewis (CA)	Roukema
Foley	Lewis (GA)	Roybal-Allard
Forbes	Lewis (KY)	Royce
Ford	Linder	Rush
Fossella	Lipinski	Ryan (WI)
Fowler	LoBiondo	Ryun (KS)
Frank (MA)	Lofgren	Sabo
Franks (NJ)	Lowey	Salmon
Frost	Lucas (KY)	Sanchez
Gallegly	Luther	Sandlin
Ganske	Maloney (CT)	Sanford
Gedensson	Maloney (NY)	Sawyer
Gekas	Manzullo	Saxton
Gephardt	Markey	Scarborough
Gibbons	Martinez	Schaffer
Gilchrest	Mascara	Schakowsky
Gillmor	Matsui	Scott
Gilman	McCarthy (MO)	Sensenbrenner
Gonzalez	McCarthy (NY)	Serrano
Goode	McCollum	Sessions
Goodlatte	McCrary	Shadegg
Goodling	McDermott	Shaw
Gordon	McGovern	Shays
Goss	McHugh	Sherman
Graham	McInnis	Sherwood
Granger	McIntyre	Shimkus
Green (TX)	McKeon	Shows
Green (WI)	McKinney	Shuster
Greenwood	McNulty	Simpson
Gutknecht	Meehan	Sisisky
Hall (OH)	Meek (FL)	Skeen
Hall (TX)	Meeks (NY)	Skelton
Hansen	Menendez	Slaughter
Hastings (FL)	Metcalf	Smith (MI)
Hastings (WA)	Mica	Smith (NJ)
Hayes	Millender-	Smith (TX)
Hayworth	McDonald	Smith (WA)
Hefley	Miller (FL)	Snyder
Heger	Miller, Gary	Spratt
Hill (IN)	Miller, George	Stabenow
Hill (MT)	Minge	Stark
Hilleary	Mink	Stearns
Hilliard	Moakley	Stenholm
Hinchead	Mollohan	Strickland
Hinojosa	Moran (KS)	Stump
Hobson	Moran (VA)	Stupak
Hoefel	Morella	Sununu
Hoekstra	Murtha	Sweeney
Holden	Nadler	Talent
Holt	Neal	Tancredo
Hooley	Nethercutt	Tanner
Horn	Ney	Tauscher
Hostettler	Northup	Tauzin
Houghton	Norwood	Taylor (MS)
Hoyer	Nussle	Taylor (NC)
Hulshof	Oberstar	Terry
Hunter	Obey	Thomas
Hyde	Olver	Thompson (CA)
Inslee	Ortiz	Thompson (MS)
Isakson	Ose	Thornberry
Istook	Owens	Thune
Jackson (IL)	Oxley	Thurman
Jackson-Lee	Packard	Tiahrt
(TX)	Pallone	Tierney
Jefferson	Pascrell	Toomey
Jenkins	Pastor	Towns
John	Payne	Traficant
Johnson (CT)	Pease	Turner
Johnson, E. B.	Pelosi	Udall (CO)
Johnson, Sam	Peterson (MN)	Udall (NM)
Jones (NC)	Peterson (PA)	
Jones (OH)	Petri	Vento
Kanjorski	Phelps	Visclosky
Kaptur	Pickering	Vitter
Kasich	Pickett	Walden
Kelly	Pitts	Walsh
Kildee	Pombo	Wamp
Kilpatrick	Pomeroy	Waters
Kind (WI)	Porter	Watkins
King (NY)	Portman	Watt (NC)
Kingston	Price (NC)	Watts (OK)
Kleczka	Pryce (OH)	Waxman
Klink	Quinn	Weiner
Knollenberg	Radanovich	Weldon (FL)
Kolbe	Rahall	Weldon (PA)
Kucinich	Ramstad	Weller
Kuykendall	Rangel	Wexler
LaFalce	Regula	Weygand
LaHood	Reyes	Whitfield
Lampson	Reynolds	Wilson
Lantos	Riley	Wolf
Largent	Rivers	Wu
Larson	Rodriguez	Wynn
Latham	Roemer	Young (FL)

NAYS—2

Chenoweth-Hage Paul

ANSWERED "PRESENT"—2

Barr Wicker

NOT VOTING—21

Burr Hutchinson Sanders
 Coburn Kennedy Souder
 Collins Lucas (OK) Spence
 Cook McIntosh Velazquez
 Cooksey Moore Wise
 Frelinghuysen Myrick Woolsey
 Gutierrez Napolitano Young (AK)

□ 1226

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on rollcall No. 134, I was unavoidably detained in a meeting with constituent Board of Supervisors. Had I been present, I would have voted "yea."

□

ENDANGERED SPECIES ACT
 REPORT RESTORATION ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 1744.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1744, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 14, as follows:

[Roll No. 135]

YEAS—420

Abercrombie Boehler Collins
 Ackerman Boehner Combust
 Aderholt Bonilla Condit
 Allen Bonior Conyers
 Andrews Bono Cooksey
 Archer Borski Costello
 Arney Boswell Cox
 Baca Boucher Coyne
 Bachus Boyd Cramer
 Baird Brady (PA) Crane
 Baker Brady (TX) Crowley
 Baldacci Brown (FL) Cubin
 Baldwin Brown (OH) Cummings
 Ballenger Bryant Cunningham
 Barcia Burr Danner
 Barr Burton Davis (FL)
 Barrett (NE) Buyer Davis (IL)
 Barrett (WI) Callahan Davis (VA)
 Bartlett Calvert Deal
 Barton Camp DeFazio
 Bass Campbell DeGette
 Bateman Canady Delahunt
 Becerra Cannon DeLauro
 Bentsen Capps DeLay
 Bereuter Capuano DeMint
 Berkley Cardin Deutsch
 Berman Carson Diaz-Balart
 Berry Castle Dickey
 Biggert Chabot Dicks
 Bilbray Chambliss Dingell
 Billrakis Chenoweth-Hage Dixon
 Bishop Clay Doggett
 Blagojevich Clayton Dooley
 Bliley Clement Doolittle
 Blumenaucr Clyburn Doyle
 Blunt Coble Dreier

Duncan Knollenberg Pryce (OH)
 Dunn Kolbe Quinn
 Edwards Kucinich Radanovich
 Ehlers Kuykendall Rahall
 Ehrlich LaFalce Ramstad
 Emerson LaHood Rangel
 Engel Lampson Regula
 English Lantos Reyes
 Eshoo Largent Reynolds
 Etheridge Larson Riley
 Evans Latham Rivers
 Everrett LaTourette Rodriguez
 Ewing Lazio Roemer
 Farr Leach Rogan
 Fattah Lee Rogers
 Filner Levin Rohrabacher
 Fletcher Lewis (CA) Ros-Lehtinen
 Foley Lewis (GA) Rothman
 Forbes Lewis (KY) Roukema
 Ford Linder Roybal-Allard
 Fossella Lipinski Royce
 Fowler LoBiondo Rush
 Frank (MA) Lofgren Ryan (WI)
 Franks (NJ) Lowey Ryan (KS)
 Frelinghuysen Lucas (KY) Sabo
 Frost Luther Salmon
 Gallegly Maloney (CT) Sanchez
 Ganske Maloney (NY) Sanders
 Gejdenson Manzullo Sandlin
 Gekas Markey Sanford
 Gephardt Martinez Sawyer
 Gibbons Mascara Saxton
 Gilchrist Matsui Scarborough
 Gillmor McCarthy (MO) Schaffer
 Gilman McCarthy (NY) Schakowsky
 Gonzalez McColium Scott
 Goode McCrery Sensenbrenner
 Goodlatte McDermott Serrano
 Goodling McGovern Sessions
 Gordon McHugh Shadegg
 Goss McInnis Shaw
 Graham McIntyre Shays
 Granger McKeon Sherman
 Green (TX) McKinney Sherwood
 Green (WI) McNulty Shimkus
 Greenwood Meehan Shows
 Gutknecht Meek (FL) Shuster
 Hall (OH) Meeke (NY) Simpson
 Hall (TX) Menendez Sisisky
 Hansen Metcalf Skeen
 Hastings (FL) Mica Skelton
 Hastings (WA) Millender Slaughter
 Hayes McDonald Smith (MI)
 Hayworth Miller (FL) Smith (NJ)
 Hefley Miller, Gary Smith (TX)
 Herger Miller, George Smith (WA)
 Hill (IN) Minge Snyder
 Hill (MT) Mink Spence
 Hilleary Moakley Spratt
 Hinchey Mollohan Stabenow
 Hinojosa Moran (KS) Stark
 Hobson Moran (VA) Stearns
 Hoeffel Morella Stenholm
 Hoekstra Murtha Strickland
 Holden Nadler Stump
 Holt Napolitano Stupak
 Hooley Neal Sununu
 Horn Nethercutt Sweeney
 Hostettler Ney Talent
 Houghton Northup Tancredo
 Hoyer Norwood Tanna
 Hulshof Nussle Tauscher
 Hunter Oberstar Tautz
 Hyde Obey Taylor (MS)
 Inlee Olver Taylor (NC)
 Isakson Ortiz Terry
 Istook Ose Thomas
 Burr Jackson (IL) Owens Thompson (CA)
 Jackson-Lee Oxley Thompson (MS)
 (TX) Packard Thornberry
 Jefferson Pallone Thune
 Jenkins Pascrell Thurman
 John Pastor Tiahrt
 Johnson (CT) Paul Tierney
 Johnson, E.B. Payne Toomey
 Johnson, Sam Pease Towns
 Jones (NC) Pelosi Traficant
 Jones (OH) Peterson (MN) Turner
 Kanjorski Peterson (PA) Udall (CO)
 Kaptur Petri Udall (NM)
 Kasich Phelps Upton
 Kelly Pickering Vento
 Kildee Pickett Visclosky
 Kilpatrick Pitts Vitter
 Kind (WI) Pombo Walden
 King (NY) Pomeroy Walsh
 Kingston Porter Wamp
 Kleczka Portman Waters
 Klinsk Price (NC) Watkins

Watt (NC) Weller Wolf
 Watts (OK) Wexler Wexler
 Waxman Weygand Wu
 Weiner Whitfield Wynn
 Weldon (FL) Wicker Young (FL)
 Weldon (PA) Wilson

NOT VOTING—14

Coburn Kennedy Souder
 Cook Lucas (OK) Velazquez
 Gutierrez McIntosh Wise
 Hilliard Moore Young (AK)
 Hutchinson Myrick

□ 1235

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□

MEMORIAL TO HONOR DISABLED
 VETERANS OF THE UNITED
 STATES ARMED FORCES

The SPEAKER pro tempore (Mr. QUINN). The unfinished business is the question of suspending the rules and passing the bill, H.R. 1509.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 1509, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 13, as follows:

[Roll No. 136]

YEAS—421

Abercrombie Brady (PA) DeGette
 Ackerman Brady (TX) Delahunt
 Aderholt Brown (FL) DeLauro
 Allen Brown (OH) DeLay
 Andrews Bryant DeMint
 Archer Burrr Deutsch
 Arney Burton Diaz-Balart
 Baca Buyer Dickey
 Bachus Callahan Dicks
 Baird Calvert Dingell
 Baker Camp Dixon
 Baldacci Campbell Doggett
 Baldwin Baldwin Canady
 Ballenger Cannon Doolittle
 Barcia Capps Doyle
 Barr Capuano Dreier
 Barrett (NE) Cardin Duncan
 Barrett (WI) Carson Dunn
 Bartlett Castle Edwards
 Barton Chabot Ehlers
 Bass Chambliss Ehrlich
 Bateman Chenoweth-Hage Emerson
 Becerra Clay Engel
 Bentsen Clayton English
 Bereuter Clement Eshoo
 Berkley Clyburn Etheridge
 Berman Coble Evans
 Berry Collins Everett
 Biggert Combust Ewing
 Bilbray Condit Farr
 Billrakis Conyers Fattah
 Bishop Bishop Costello Filner
 Blagojevich Coyne Fletcher
 Bliley Bliley Cramer Foley
 Blumenaucr Blumenaucr Crane Forbes
 Blunt Blunt Crowley Ford
 Boehner Boehler Cubin Fossella
 Bonilla Bonior Cummings Fowler
 Bono Bonior Cunningham Frank (MA)
 Borski Bono Danner Franks (NJ)
 Boswell Bono Davis (FL) Frelinghuysen
 Boucher Boucher Davis (IL) Frost
 Boyd Boyd Deal Gallegly
 DeFazio DeFazio Deal Ganske
 Gejdenson Gejdenson

Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inlee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klecza
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey

Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard

Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—13

Coburn
Cook
Cooksey
Cox
Gutierrez

Kennedy
Lucas (OK)
McIntosh
Myrick
Souder

Velazquez
Wise
Young (AK)

□ 1243

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□

PERSONAL EXPLANATION

Mr. KENNEDY of Rhode Island. Mr. Speaker, on May 3, 2000, I was unavoidably detained and consequently missed four votes. Had I been here I would have voted: "Yes" on the passage of H. Con. Res. 295; "yes" on the passage of H. Con. Res. 304; "yes" on the passage of S. 1744; "yes" on the passage of H.R. 1509.

□

SUPPORTING A NATIONAL CHARTERS SCHOOLS WEEK

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 310.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 310, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 20, not voting 17, as follows:

[Roll No. 137]

YEAS—397

Abercrombie	Boehlert	Costello	Eshoo	Latham	Rogan
Ackerman	Boehner	Cox	Etheridge	LaTourette	Rogers
Aderholt	Bonilla	Coyne	Everett	Rohrabacher	Ros-Lehtinen
Allen	Bono	Cramer	Ewing	Leach	Ros-Lehtinen
Andrews	Borski	Crane	Farr	Levin	Rothman
Archer	Boswell	Crowley	Fattah	Lewis (CA)	Roukema
Army	Boucher	Cubin	Fletcher	Lewis (GA)	Roybal-Allard
Baca	Boyd	Cunningham	Foley	Lewis (KY)	Royce
Bachus	Brady (PA)	Danner	Forbes	Linder	Rush
Baird	Brady (TX)	Davis (FL)	Ford	Lipinski	Ryan (WI)
Baker	Brown (FL)	Davis (IL)	Fossella	LoBiondo	Ryun (KS)
Baldacci	Brown (OH)	Davis (VA)	Fowler	Lofgren	Sabo
Baldwin	Bryant	Deal	Frank (MA)	Lowey	Salmon
Ballenger	Burr	DeFazio	Franks (NJ)	Sanchez	Sanders
Barcia	Burton	DeGette	Frelinghuysen	Sandlin	Sanford
Barr	Buyer	Delahunt	Frost	Sanford	Sawyer
Barrett (NE)	Callahan	DeLauro	Gallegly	Saxton	Scarborough
Barrett (WI)	Calvert	DeMint	Ganske	Schaffer	Schakowsky
Bartlett	Camp	Deutsch	Gejdenson	Schakowsky	Sensenbrenner
Barton	Campbell	Diaz-Balart	Gekas	Sessions	Serrano
Bass	Canady	Dickey	Gephardt	Shadegg	Sessions
Bateman	Cannon	Dicks	Gibbons	Shaw	Shays
Becerra	Capps	Dingell	Gilchrest	Shays	Sherman
Bentsen	Cardin	Dixon	Gillmor	Sherwood	Sherwood
Bereuter	Castle	Doggett	Gilman	Shimkus	Shimkus
Berkley	Chabot	Dooley	Gilman	Shows	Shows
Berman	Chambliss	Doyle	Gonzalez	Shuster	Shuster
Berry	Chenoweth-Hage	Dreier	Goode	Simpson	Simpson
Biggett	Clayton	Duncan	Goodlatte	Sisisky	Sisisky
Bilbray	Clement	Dunn	Goodling	Skelton	Skelton
Bilirakis	Clyburn	Edwards	Gordon	Smith (MI)	Smith (MI)
Bishop	Coble	Ehlers	Goss	Smith (NJ)	Smith (NJ)
Blagojevich	Collins	Ehrlich	Graham	Smith (TX)	Smith (TX)
Bliley	Combest	Emerson	Granger	Smith (WA)	Smith (WA)
Blumenauer	Condit	Engel	Green (TX)	Snyder	Snyder
Blunt	Cooksey	English	Green (WI)	Spence	Spence
			Greenwood	Spratt	Spratt
			Gutknecht	Stabenow	Stabenow
			Hall (OH)	Stark	Stark
			Hall (TX)	Stearns	Stearns
			Hansen	Stenholm	Stenholm
			Hastings (FL)	Strickland	Strickland
			Hastings (WA)	Stump	Stump
			Hayes	Stupak	Stupak
			Hayworth	Sununu	Sununu
			Hefley	Sweeney	Sweeney
			Herger	Talent	Talent
			Hill (IN)	Tancredo	Tancredo
			Hill (MT)	Tanner	Tanner
			Hilleary	Tauscher	Tauscher
			Hinojosa	Tauzin	Tauzin
			Hobson	Taylor (MS)	Taylor (MS)
			Hoeffel	Taylor (NC)	Taylor (NC)
			Hoekstra	Terry	Terry
			Holden	Thomas	Thomas
			Holt	Thompson (CA)	Thompson (CA)
			Hooley	Thompson (MS)	Thompson (MS)
			Horn	Thornberry	Thornberry
			Hostettler	Thune	Thune
			Houghton	Thurman	Thurman
			Hoyer	Tiahrt	Tiahrt
			Hulshof	Toomey	Toomey
			Hunter	Traficant	Traficant
			Hutchinson	Turner	Turner
			Hyde	Udall (CO)	Udall (CO)
			Inlee	Udall (NM)	Udall (NM)
			Isakson	Upton	Upton
			Istook	Vento	Vento
			Jackson (IL)	Vitter	Vitter
			Jackson-Lee (TX)	Petri	Petri
			Jefferson	Phelps	Phelps
			Jenkins	Pickering	Pickering
			John	Pickett	Pickett
			Johnson (CT)	Pitts	Pitts
			Johnson, E. B.	Pombo	Pombo
			Johnson, Sam	Pomeroy	Pomeroy
			Jones (NC)	Porter	Porter
			Jones (OH)	Portman	Portman
			Kanjorski	Price (NC)	Price (NC)
			Kaptur	Pryce (OH)	Pryce (OH)
			Kelly	Quinn	Quinn
			Kennedy	Radanovich	Radanovich
			Kildee	Rahall	Rahall
			Kilpatrick	Ramstad	Ramstad
			Kind (WI)	Rangel	Rangel
			King (NY)	Regula	Regula
			Kingston	Reyes	Reyes
			Klecza	Reynolds	Reynolds
			Klink	Riley	Riley
			Knollenberg	Rodriguez	Rodriguez
			Kolbe	Roemer	Roemer
			Kuykendall		
			LaFalce		
			LaHood		
			Lampson		
			Lantos		
			Largent		
			Larson		
			Latham		
			LaTourette		
			Lazio		
			Leach		
			Lee		
			Levin		
			Lewis (CA)		
			Lewis (GA)		
			Lewis (KY)		
			Linder		
			Lipinski		
			LoBiondo		
			Lofgren		
			Lowey		

NAYS—20

Bonior	Kucinich	Scott
Capuano	Lee	Serrano
Carson	McDermott	Slaughter
Clay	Mink	Tierney
Conyers	Olver	Towns
Hilliard	Payne	Visclosky
Hinchev	Rivers	

NOT VOTING—17

Coburn	Filner	Myrick
Cook	Gutierrez	Souder
Cummings	Kasich	Velazquez
DeLay	Largent	Wise
Doolittle	Lucas (OK)	Young (AK)
Evans	McIntosh	

□ 1252

Ms. CARSON changed her vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DOOLITTLE. Mr. Speaker, on rollcall No. 137, I was inadvertently detained. Had I been present, I would have voted "yea."

□

WORKER ECONOMIC OPPORTUNITY ACT

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2323) to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act.

The Clerk read as follows:

S. 2323

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 "Worker Economic Opportunity Act".

SEC. 2. AMENDMENTS TO THE FAIR LABOR STANDARDS ACT OF 1938.

(a) EXCLUSION FROM REGULAR RATE.—Section 7(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(e)) is amended—

(1) in paragraph (6), by striking "or" at the end;

(2) in paragraph (7), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(8) any value or income derived from employer-provided grants or rights provided pursuant to a stock option, stock appreciation right, or bona fide employee stock purchase program which is not otherwise excludable under any of paragraphs (1) through (7) if—

"(A) grants are made pursuant to a program, the terms and conditions of which are communicated to participating employees either at the beginning of the employee's participation in the program or at the time of the grant;

"(B) in the case of stock options and stock appreciation rights, the grant or right cannot be exercisable for a period of at least 6 months after the time of grant (except that grants or rights may become exercisable because of an employee's death, disability, retirement, or a change in corporate ownership, or other circumstances permitted by regulation), and the exercise price is at least 85 percent of the fair market value of the stock at the time of grant;

"(C) exercise of any grant or right is voluntary; and

"(D) any determinations regarding the award of, and the amount of, employer-provided grants or rights that are based on performance are—

"(i) made based upon meeting previously established performance criteria (which may include hours of work, efficiency, or productivity) of any business unit consisting of at least 10 employees or of a facility, except that, any determinations may be based on length of service or minimum schedule of hours or days of work; or

"(ii) made based upon the past performance (which may include any criteria) of one or more employees in a given period so long as the determination is in the sole discretion of the employer and not pursuant to any prior contract."

(b) EXTRA COMPENSATION.—Section 7(h) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(h)) is amended—

(1) by striking "Extra" and inserting the following:

"(2) Extra"; and

(2) by inserting after the subsection designation the following:

"(1) Except as provided in paragraph (2), sums excluded from the regular rate pursuant to subsection (e) shall not be creditable toward wages required under section 6 or overtime compensation required under this section."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of enactment of this Act.

(d) LIABILITY OF EMPLOYERS.—No employer shall be liable under the Fair Labor Standards Act of 1938 for any failure to include in an employee's regular rate (as defined for purposes of such Act) any income or value derived from employer-provided grants or rights obtained pursuant to any stock option, stock appreciation right, or employee stock purchase program if—

(1) the grants or rights were obtained before the effective date described in subsection (c);

(2) the grants or rights were obtained within the 12-month period beginning on the effective date described in subsection (c), so long as such program was in existence on the date of enactment of this Act and will require shareholder approval to modify such program to comply with section 7(e)(8) of the Fair Labor Standards Act of 1938 (as added by the amendments made by subsection (a)); or

(3) such program is provided under a collective bargaining agreement that is in effect on the effective date described in subsection (c).

(e) REGULATIONS.—The Secretary of Labor may promulgate such regulations as may be necessary to carry out the amendments made by this Act.

The SPEAKER pro tempore (Mr. QUINN). Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from New York (Mr. OWENS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise in strong support of S. 2323, the Worker Economic Opportunity Act. The Department of Labor, in a recent opinion letter, has jeopardized a successful and popular new trend in employment, and they did it not because of any fault of theirs but because they interpreted the Labor Standards Act of 1938, which is what I have said

over and over again, year after year, we are trying to run businesses, labor and management, based on rules and regulations that were written back in the 1930s, when it was a manufacturing economy only and men only. We cannot do that in the 21st century.

Well, of course, if they had followed through, we would have eliminated the very popular stock option for hourly employees.

I want to thank the gentleman from New York (Mr. OWENS) and the gentleman from Indiana (Mr. ROEMER) and the gentleman from Wisconsin (Mr. KIND), among others, for helping us develop the bipartisan resolution. I want to certainly thank the gentleman from California (Mr. CUNNINGHAM), who has worked tirelessly to help bring about this resolution, as well as our subcommittee chair, the gentleman from North Carolina (Mr. BALLENGER).

The Worker Economic Opportunity Act reflects a consensus reached among the bill's chief sponsors in the House and the Senate committees of jurisdiction and the Department of Labor. The other body passed it 95 to nothing; and to further explain the consensus we have reached, I am going to include into the RECORD a statement of legislative intent which is substantially identical to what was the legislative intent presented in the other body by Senators MCCONNELL, DODD, JEFFORDS, and ENZI.

I urge my colleagues to vote for the Worker Economic Opportunity Act.

STATEMENT OF LEGISLATIVE INTENT REGARDING S. 2323, THE WORKER ECONOMIC OPPORTUNITY ACT

I. INTRODUCTION AND PURPOSE

The purpose of S. 2323, the Worker Economic Opportunity Act, is to allow employees who are eligible for overtime pay to continue to share in workplace benefits that involve their employer's stock or similar equity-based benefits. More working Americans are receiving stock options or opportunities to purchase stock than ever before. The Worker Economic Opportunity Act updates the Fair Labor Standards Act to ensure that rank-and-file employees and management can share in their employer's economic well being in the same manner.

Employers have provided stock and equity-based benefits to upper level management for decades. However, it is only recently that employers have begun to offer these programs in a broad-based manner to non-exempt employees. Historically, most employees had little contact with employer-provided equity devices outside of a 401(k) plan. But today, many employers, from a broad cross-section of industry, have begun offering their employees opportunities to purchase employer stock at a modest discount, or have provided stock options to rank and file employees; and they have even provided outright grants of stock under certain circumstances.

The Federal Reserve Board of Governors recently estimated that 17 percent of large firms have introduced a stock options program and 37 percent have broadened eligibility for their stock option programs in the last two years.¹ The Employment Policy Foundation estimates between 9.4 million and 25.8 million workers receive benefits

¹Footnotes at end of article.

through some type of equity participation program.² The trend is growing, and given the current state of the economy, it is likely to continue.

The tremendous success of our economy over the last several years has been largely attributed to the high technology sector. One of the things that our technology companies have succeeded at is creating an atmosphere in which all employees share the same goal: the success of the company. By vesting all employees in the success of the business, stock options and other equity devices have become an important tool to create businesses with unparalleled productivity. The Worker Economic Opportunity Act will encourage more employers to provide opportunities for equity participation to their employees, further expanding the benefits that inure from equity participation.

II. BACKGROUND AND NEED FOR LEGISLATION

A. Background on Stock Options and Related Devices

Employers use a variety of equity devices to share the benefits of equity ownership with their employees. As the employer's stock appreciates, these devices provide a tool to attract and retain employees, an increasingly difficult task during a time of record economic growth and low unemployment in the United States. These programs also foster a broader sense of commitment to a common goal—the maintenance and improvement of the company's performance—among all employees nationally and even internationally, and thus provide an alignment between the interests of employees with the interests of the company and its shareholders. They can also reinforce the evolving employer-employee relationship, with employees viewed as stakeholders.

Employer stock option and stock programs come in all different types and formats. The Worker Economic Opportunity Act focuses on the most common types: stock option, stock appreciation right, and employee stock purchase programs.

Stock Option Programs. Stock options provide the right to purchase the employer's securities for a fixed period of time. Stock option programs vary greatly by employer. However, two main types exist: nonqualified and qualified option programs.³ Most programs are nonqualified stock option programs, meaning that the structure of the program does not protect the employee from being taxed at the time of exercise. However, the mechanics of stock option programs are very similar regardless of whether they are nonqualified or qualified. Some of these characteristics are described below.

Grants. An employer grants to employees a certain number of options to purchase shares of the employer's stock. The exercise price may be around the fair market value of the stock at the time of the grant, or it may be discounted below fair market value to provide the employee an incentive to participate in the option program.

Vesting. Most stock option programs have some sort of requirement to wait some period after the grant to benefit from the options, often called a vesting period. After the period, employees typically may exercise their options by exchanging the options for stock at the exercise price at any time before the option expires, which is typically up to ten years. In some cases, options may vest on a schedule, for example, with a third of the options vesting each year over a three-year period. In addition to vesting on a date certain, some options may vest if the company hits a certain goal, such as reaching a certain stock price for a certain number of days. Some programs also provide for accelerated or automatic vesting in certain circumstances such as when an employee re-

tires or dies before the vesting period has run, where there is change in corporate control or when an employee's employment is terminated.

Exercise. Under both qualified and non-qualified stock option programs, an employee can exchange the options, along with sufficient cash to pay the exercise price of the options, for shares of stock. Because many rank-and-file employees cannot afford to pay the cost of buying the stock at the option price in cash, many employers have given their employees the opportunity for "cashless" exercise, either for cash or for stock, under nonqualified option plans. In a cashless exercise for cash, an employee gives options to a broker or program administrator, this party momentarily "lends" the employee the money to purchase the requisite number of shares at the exercise price, and then immediately sells the shares. The employee receives the difference between the market price and the exercise price of the stock (the profit), less transaction fees. In a cashless exercise for stock, enough shares are sold to cover the cost of buying the shares the employee will retain. In either case, the employee is spared from having to provide the initial cash to purchase the stock at the option price.

An employee's options usually expire at the end of the option period. An employee may forfeit the right to exercise the options, in whole or in part, under certain circumstances, including upon separation from the employer. However, some programs allow the employee to exercise the options (sometimes for a limited period of time) after they leave employment with the employer.

Stock Appreciation Rights. Stock appreciation rights (SARs) operate similarly to stock options. They are the rights to receive the cash value of the appreciation on an underlying stock or equity based security. The stock may be publicly traded, privately held, or may be based on valued, but unregistered, stock or stock equivalent. The rights are issued at a fixed price for a fixed period of time and can be issued at a discount, carry a vesting period, and are exercisable over a period of time. SARs are often used when an employer cannot issue stock because the stock is listed on a foreign exchange, or regulatory or financial barriers make stock grants impracticable.

Employee Stock Purchase Plans. Employee stock purchase plans (ESPPs) give employees the opportunity to purchase employer stock, usually at up to a 15 percent discount, by either regularly or periodically paying the employer directly or by having after-tax money withdrawn as a payroll deduction. Like option programs, ESPPs can be qualified or nonqualified.

Section 423 of the Internal Revenue Code⁴ sets forth the factors for a qualified ESPP. The ability to participate must be offered to all employees, and employees must voluntarily choose whether to participate in the program. The employer can offer its stock to employees at up to a 15 percent discount off of the fair market value of the stock, determined at the time the option to purchase stock is granted or at the time the stock is actually purchased. The employee is required to hold the stock for one or two years after the option is granted to receive capital gains treatment. If the employee sells the stock before the requisite period, any gain made on the sale is treated as ordinary income.

Nonqualified ESPPs are usually similar to qualified ESPPs, but they lack one or more qualifying features. For example, the plan may apply only to one segment of employees, or may provide for a greater discount.

B. The Fair Labor Standards Act and Stock Options

The Fair Labor Standards Act of 1938⁵ (FLSA) establishes workplace protections including a minimum hourly wage and overtime compensation for covered employees, record keeping requirements and protections against child labor, among other provisions. A cornerstone of the FLSA is the requirement that an employer pay its nonexempt employees overtime for all hours worked over 40 in a week at one and one-half times the employee's regular rate of pay.⁶ The term "regular rate" is broadly defined in the statute to mean "all remuneration for employment paid to, or on behalf of, the employee."⁷

Section 207(e) of the statute excludes certain payments from an employee's regular rate of pay to encourage employers to provide them, without undermining employees' fundamental right to overtime pay. Excluded payments include holiday bonuses or gifts,⁸ discretionary bonuses,⁹ bona fide profit sharing plans,¹⁰ bona fide thrift or saving plans,¹¹ and bona fide old-age, retirement, life, accident or health or similar benefits plans.¹² By excluding these payments from the definition of "regular rate,"¹³ Congress recognized that certain kinds of benefits provided to employees are not within the generally accepted meaning of compensation for work performed.

Thus, by excluding these payments from the regular rate in section 207(e) of the FLSA, Congress encouraged employers to provide these payments and benefits to employees. The encouragement has worked well—employees now expect to receive from their employer at least some of these benefits (i.e. healthcare), which today, on average, comprise almost 30 percent of employees' gross compensation.¹⁴ For similar reasons, Congress decided that the value and income from stock option, SAR and ESPP programs should also be excluded from the regular rate, because they allow employees to share in the future success of their companies.

C. The Department of Labor's Opinion Letter on Stock Options

The impetus behind the Worker Economic Opportunity Act is the broad dissemination of a February 1999 advisory opinion letter¹⁵ regarding stock options issued by the Department of Labor's Wage and Hour Division, the agency charged with the administration of the FLSA. The letter involved an employer's stock option program wherein its employees would be notified of the program three months before the options were granted, and some rank-and-file employees employed by the company on the grant date would receive options. The options would have a two-year vesting period, with accelerated vesting if certain events occurred. The employer would also automatically exercise any unexercised options on behalf of the employees the day before the program ended.¹⁶

The opinion letter indicated that the stock option program did not meet any of the existing exemptions to the regular rate under the FLSA, although it did not explain the reasons in any detail. Later, the Administration's testimony before the House Workforce Protections Subcommittee explained that the stock option program did not meet the gift, discretionary bonus, or profit sharing exceptions to the regular rate because, among other reasons, it required employees to do something as a condition of receiving the options—to remain employed with the company for a period of time.¹⁷ Such a condition is not allowed under the current regular rate exclusions. The testimony also noted that the program was not excludable under the thrift or savings plan exception because

the employees were only allowed to exercise their options using a cashless method of exercise, and thus the employees could not keep the stock as savings or an investment.¹⁸

The opinion letter stated that the employer would be required to include any profits made from the exercise of the options in the regular rate of pay of its nonexempt employees. In particular, the profits would have to be included in the employee's regular rate for the shorter of the time between the grant date and the exercise date, or the two years prior to exercise.¹⁹

Section 207(e)'s exclusions to the regular rate did not clearly exempt the profits of stock options or similar equity devices from the regular rate, and thus from the overtime calculation. Thus, the Department of Labor's opinion letter provided a permissible reading of the statute. A practical effect of the Department of Labor's interpretation was stated by J. Randall MacDonald, Executive Vice President of Human Resources and Administration at GTE during a March 2, 2000 House Workforce Protections Subcommittee hearing on the issue: "[i]f the Fair Labor Standards Act is not corrected to reverse this policy, we will no longer be able to offer stock options to our nonexempt employees."²⁰

As the contents of the letter became generally known in the business community and on Capitol Hill, it became clear that the letter raised an issue under the FLSA that previously had not been contemplated. It further became clear that an amendment to the FLSA would be needed to change the law specifically to address stock options.

A legislative solution was not only supported by employers at the House hearing, it was also supported by employees and unions. Patricia Nazemetz, Vice President of Human Resources for Xerox Corporation, read a letter from the Union of Needlework, Industrial and Textile Employees (UNITE), the union that represents many Xerox manufacturing and distribution employees, in which the International Vice President stated:

Xerox's UNITE chapter would strongly urge Congress to pass legislation exempting stock options and other forms of stock grants from the definition of the regular rate for the purposes of calculating overtime. . . . It is only recently that Xerox has made bargaining unit employees eligible to receive both stock options and stock grants. Without a clarification to the FLSA, we are afraid Xerox may not offer stock options or other forms of stock grants to bargaining unit employees in the future.²¹

At the House hearing, the Administration also acknowledged that the problem needed to be fixed legislatively in a flexible manner, "Based on the information we have been able to obtain, there appears to be wide variations in the scope, nature and design of stock option programs. There is no one common model for a program, suggesting the need for a flexible approach. Given the wide variety and complexity of programs, we believe that the best solution would be to address this matter legislatively."²²

The general agreement on the need to fix the problem among these diverse interests led to the development of the Worker Economic Opportunity Act.

III. EXPLANATION OF THE BILL AND SPONSORS' VIEWS

Congress worked closely with the Department of Labor to develop this important legislation. The sections below reflect the discussions between the sponsors and the Department of Labor during the development of the legislation, and the sponsors' intent and their understanding of the legislation.

A. Definition of Bona Fide ESPP

For the purposes of the Worker Economic Opportunity Act, a bona fide employee stock

purchase plan includes an ESPP that is (1) a qualified ESPP under section 423 of the Internal Revenue Code,²³ or (2) a plan that meets the criteria identified below.

1. Qualified Employee Stock Purchase Plans

Qualified ESPPs, known as section 423 plans, comprise the overwhelming majority of stock purchase plans. Thus, the intent of the legislation is to deem "bona fide" all plans that meet the criteria of section 423.

2. Nonqualified Employee Stock Purchase Plans

As described above, section 423 plans are considered bona fide ESPPs. Further, those ESPPs that do not meet the criteria of section 423, but that meet the following criteria also qualify as bona fide ESPPs:

(a) the plan allows employees, on a regular or periodic basis, to voluntarily provide funds, or to elect to authorize periodic payroll deductions, for the purchase at a future time of shares of the employer's stock;

(b) the plan sets the purchase price of the stock as at least 85% of the fair market value of the stock at the time the option is granted or at the time the stock is purchased; and,

(c) the plan does not permit a nonexempt employee to accrue options to purchase stock at a rate which exceeds \$25,000 of fair market value of such stock (determined either at the time the option is granted or the time the option is exercised) for each calendar year.

The sponsors note that many new types of ESPPs are being developed, particularly by companies outside the United States, and that many of these companies may also intend to apply them to their U.S.-based employees. These purchase plans have several attributes which make them appear to be more like savings plans than traditional U.S. stock purchase plans, such as a period of payroll deductions of between three and five years, or an employer provided "match" in the form of stock or options to the employee.

Further many companies are developing plans that are similar to section 423 plans. The sponsors believe that it is in the best interests of employees for the Secretary of Labor to review these and other new types of plans carefully in the light of the purpose of the Worker Economic Opportunity Act—to encourage employers to provide opportunities for equity participation to employees—and to allow section 7(e), as amended, to accommodate a wide variety of programs, where it does not undermine employees' fundamental right to overtime pay. It is the sponsors' vision that this entire law be flexible and forward-looking and that the Department of labor apply and interpret it consistently with this vision.

B. "Value or Income" Is Defined Broadly

The hallmark of the Worker Economic Opportunity Act is that section 7(e)(8) provides that any value or income derived from stock option, SAR or bona fide ESPP programs is excluded from the regular rate of pay. For this reason, the phrase "value or income" is construed broadly to mean any value, profit, gain, or other payment obtained, recognized or realized as a result of, or in connection with, the provision, award, grant, issuance, exercise or payment of stock options, SARs, or stock issued or purchased pursuant to a bona fide ESPP program established by the employer.

This broad definition means, for example, that any nominal value that a stock option or stock appreciation right may carry before it is exercised is excluded from the regular rate. Similarly, the value of the stock or the income in the form of cash is excluded after options are exercised, as is the income earned from the stock in the form of dividends or ultimately the gains earned, if any,

on the sale of the stock. The discount on stock option, SAR or stock purchase under a ESPP program is likewise excludable.

C. The Act Preserves Programs Which Are Otherwise Excludable Under Existing Regular Rate Exemptions

The Worker Economic Opportunity Act recognizes two ways that employer equity programs may be excluded from the regular rate. Such equity programs may be excluded if they meet the existing exemptions to the regular rate pursuant to Section 7(e)(1)-(7), which apply to contributions and sums paid by employers regardless of whether such payments are made in cash or in grants of stock or other equity based vehicles, and provided such payment or grant is consistent with the existing regulations promulgated under Section 7(e). Employer equity plans also may be excluded under new section 7(e)(8) added by the Worker Economic Opportunity Act.

This is reaffirmed in new section 207(e)(8), which makes clear that the enactment of section 7(e)(8) carries no negative implication about the scope of the preceding paragraphs of section (e). Rather, the sponsors understand that some grants and rights that do not meet all the requirements of section 7(e)(8) may continue to qualify for exemption under an earlier exclusion. For example, programs that grant options or SARs that do not have a vesting period may be otherwise excludable from the regular rate if they meet another section (7)(e) exclusion. This would be true even if the option was granted at less than 85% of fair market value. This language was not intended to prevent grants or rights that meet some but not all of the requirements of an earlier exemption in 7(e) from being exempt under the newly created exemption.

D. Basic Communication to Employees Required Because it Helps Ensure a Successful Program

For grants made under a stock option, SAR or bona fide ESPP program to qualify for the exemption under new section 7(e)(8), their basic terms and conditions must be communicated to participating employees either at the beginning of the employee's participation in the program or at the time of grant. This requirement was put into the legislation to recognize that when employees understand the mechanics and the implications of the equity devices they are given, they can more fully participate in exercising meaningful choices with respect to those devices. As discussed below, this is a simple concept, it is not intended to be a complicated or burdensome requirement.

1. Terms and Conditions To Be Communicated to Employees

Employers must communicate the material terms and conditions of the stock option, stock appreciation right or employee stock purchase program to employees to ensure that they have sufficient information to decide whether to participate in the program. With respect to options, these terms include basic information on the number of options granted, the number of shares granted per option, the exercise price, the grant date or dates, the length of any applicable vesting period(s) and the dates when the employees will first be able to exercise options or rights, under what conditions the options must be forfeited or surrendered, the exercise methods an employee may use (such as cash for stock, cashless for cash or stock, etc.), any restrictions on stock purchased through options, and the duration of the option, and what happens to unexercised options at the end of the exercise period. Pending issuance of any regulations, an employer who communicated the information in the

prior sentence is to be deemed to have communicated the terms and conditions of the grant. Similar information should be provided regarding SARs or ESPPs.

2. *The Mode of Communications*

The legislation does not specify any particular mode of communication of relevant information, and no particular method of communication is required, as long as the method chosen reasonably communicates the information to employees in a understandable fashion. For example, employers may notify their employees of an option grant by letter, and later provide a formal employee handbook, or other method such as a link to a location on the company Intranet. Any combination of communications is acceptable. The intent of the legislation is to ensure that employees are provided the basic information in a timely manner, not to mandate the particular form of communication, nor to bar the use of new forms of communication. Therefore, an employer should be able to use current electronic communication methods, as well as other forms of communication that develop later.

3. *The Timing of Communications*

The legislation specifies that the employer is to communicate the terms and conditions of the stock option, SAR and ESPP programs to employees at or before the beginning of the employee's participation in the program or at the time the employee receives a grant. It is acceptable, and perhaps even likely, that the relevant information on a program will be disseminated in a combination of communications over time. This approach allows flexibility and acknowledges that types of participation vary greatly between stock option and SAR programs, on the one hand, and ESPPs on the other.

For example, under an ESPP, an employee may choose to begin payroll deductions in January, but not actually have the option to purchase stock until June. By contrast, with an option or SAR program, employees are given the options or rights at the outset, but those rights may not vest until some year in the future.

The timing of the communication is flexible, because often it is difficult to have materials ready for employees at the beginning of a stock option or stock appreciation right program, immediately following approval by the Board of Directors, because of confidentiality requirements. Thus, within a reasonable time following approval of a stock option grant by the Board of Directors, the employer is required to communicate basic information about the grant employees have received. For example, an initial letter may notify the employees that they have received a certain number of stock options and provide the basic information about the program. More detailed information about the program may precede or follow the grant in formats such as an employee handbook, options pamphlet, or an Intranet site that provides options information.

E. *Exercisability Criteria Applicable only to Stock Options and SARs*

As discussed above, a common feature in grants of stock options and SARs is a vesting or holding period, which under current practice may be as short as a few months or as long as a number of years. For a stock option of SAR to be excluded from the regular rate pursuant to the Worker Economic Opportunity Act, new section 7(e)(8) requires that the grant or right generally cannot be exercisable for at least six months after the date of grant.

For stock option grants that include a vesting requirement, typically an option will become exercisable after the vesting period ends. Some option grants vest gradually in

accordance with a schedule. For example, a portion of the employee's options may vest after six months, with the remaining portion vesting three months thereafter. Options may also vest in connection with an event, such as the stock reaching a certain price or the company attaining a performance target.

In addition, the sponsors recognize that a grant that is vested may not be currently exercisable by the employee because of an employer's requirement that the employee hold the option for a minimum period prior to exercise. In other words, there may be an additional period of time after the vesting period during which the option remains unexercisable. An option or SAR may meet the exercisability requirements of the bill without regard to the reason why the right to exercise is delayed.

Further, if a single grant of options or SARs includes some options exercisable after six months while others are exercisable earlier, then those exercisable after the six month period will meet the exercisability requirement even if the others do not. The determination is made option by option, SAR by SAR. In addition, if exercisability is tied to an event, the determination of whether the six-month requirement is met is based on when the event actually occurs. Thus, for example, if an option is exercisable only after an initial public offering (IPO) and the IPO occurs seven months after grant, the option shall be deemed to have met the provision's exercisability requirement.

However, section 7(e)(8)(B) specifically recognizes that there are a number of special circumstances when it is permissible for an employer to allow for earlier exercise to occur (in less than 6 months) without loss of the exemption. For example, an employer or plan may provide that a grant may vest or otherwise become exercisable earlier than six months because of an employee's disability, death, or retirement. The sponsors encourage the Secretary to consider and evaluate other changes in employees' status or circumstances.

Earlier exercise is also permitted in connection with a change in corporate ownership. The term change in ownership is intended to include events commonly considered changes in ownership under general practice for options and SARs. For example, the term would include the acquisition by a party of a percentage of the stock of the corporation granting the option or SAR, a significant change in the corporation's board of directors within 24 months, the approval by the shareholders of a plan or merger, and the disposition of substantially all of the corporation's assets.

The sponsors believe it important to allow employers the flexibility to construct plans that allow for these earlier exercise situations. However, this section is not intended to in any way require employers to include these or any other early exercise circumstances in their plans.

F. *Stock Option and SAR Programs may Be Awarded at Fair Market Value or Discounted up to and Including 15%*

Stock options and SARs generally are granted to employees at around fair market value or at a discount. New section 7(e)(8)(B) recognizes that grants may be at a discount, but that the discount cannot be more than a 15% discount off of the fair market value of the stock (or in the case of stock appreciation rights, the underlying stock, security or other similar interest).

A reasonable valuation method must be used to determine fair market value at the time of grant. For example, in the case of a publicly traded stock, it would be reasonable to determine fair market value based on averaging the high and low trading price of

the stock on the date of the grant. Similarly, it would be reasonable to determine fair market value as being equal to the average closing price over a period of days ending with or ending shortly before the grant date (or the average of the highs and lows on each day). In the case of a non-publicly traded stock, any reasonable valuation that is made in good faith and based on reasonable valuation principles must be used.

The sponsors understand that the exercise price of stock options and SARs is sometime adjusted in connection with recapitalizations and other corporate events. Accounting and other tax guidelines have been developed for making these adjustments in a way that does not modify a participant's profit opportunity. Any adjustment conforming with these guidelines does not create an issue under the 15% limit on discounts.

G. *Employee Participation in Equity Programs Must Be Voluntary*

New section 8(C) of the Worker Economic Opportunity Act states that the exercise of any grant or right must be voluntary. Voluntary means that the employee may or may not choose not to exercise his or her grants or rights at any point during the stock option, stock appreciation right, or employee stock purchase program, as long as that is in accordance with the terms of the program. This is a simple concept and it is not to be interpreted as placing any other restrictions on such programs.

It is the intent of the sponsors that this provision does not restrict the ability of an employer to automatically exercise stock options or SARs for the employee at the expiration of the grant or right. However, an employer may not automatically exercise stock options or SARs for an employee who has notified the employer that he or she does not want the employer to exercise the options or rights on his or her behalf.

Stock option, SARs and ESPP programs may qualify under new section 7(e)(8) even though the employer chooses to require employees to forfeit options, grants or rights in certain employee separation situations.

H. *Performance Based Programs*

The purpose of new section 7(e)(8)(D) is to set out the guidelines employers must follow in order to exclude from the "regular rate" grants of stock options, SARs, or shares of stock pursuant to an ESPP program based on performance. If neither the decision of whether to grant nor the decision as to the size of the grant is based on performance, the provisions of in new section 7(e)(8)(D) do not apply. For example, grants made to employees at the time of their hire, and any value or income derived from these grants, may be excluded provided they meet the requirements in new sections 7(e)(8)(A)-(C).

New section 8(D) is divided into two clauses. The first, clause (i), deals with awards of options awarded based on pre-established goals for future performance, and the second, clause (ii), deal with grants that are awarded based on past performance.

1. *Goals for Future Performance*

New section 7(e)(8)(D)(i) provides that employers may tie grants to future performance so long as the determinations as to whether to grant and the amount of grant are based on the performance of either (i) any business unit consisting of at least ten employees or (ii) a facility.

A business unit refers to all employees in a group established for an identifiable business purpose. The sponsors intend that employers should have considerable flexibility in defining their business units. However, the unit may not merely be a pretext for measuring the performance of a single employee or small group of fewer than ten employees. By way of example, a unit may include any of the following: (i) a department,

such as the accounting or tax departments of a company, (ii) a function, such as the accounts receivable function within a company's accounting department, (iii) a position classification, such as those call-center personnel who handle initial contacts, (iv) a geographical segment of a company's operations, such as delivery personnel in a specified geographical area, (v) a subsidiary or operating division of a company, (vi) a project team, such as the group assigned to test software on various computer configurations or to support a contract or a new business venture.

With respect to the requirement to have ten or more employees in a unit, this determination is based on all of the employees in the unit, not just those employees who are, for example, non-exempt employees.

A facility includes any separate location where the employer conducts its business. Two or more locations that would each qualify as a facility may be treated as a single facility. Performance measurement based on a particular facility is permitted without regard to the number of employees who are working at the facility. For example, a facility would include any of the following: a separate office location, each separate retail store operated by a company, each separate restaurant operated by a company, a plant, a warehouse, or a distribution center.

The definition of both a business unit and a facility are intended to be flexible enough to adapt to future changes in business operations. Therefore, the examples of business units set forth above should be viewed with this in mind.

Options may be excluded from the regular rate in accordance with new section 7(e)(8)(D)(i) under the following circumstances:

Example 1—Employer announces that certain employees at the Wichita, Kansas plant will receive 50 stock options if the plant's production reaches a certain level by the end of the year (note that in order to fit within this subsection, the grant does not have to be made on a facility wide basis);

Example 2—Employer announces that it will grant employees working on the AnyCo. account 50 stock options each if the account brings in a certain amount of revenue by the end of the year, provided that there are at least 10 employees on the AnyCo. account.

Example 3—Employer announces that certain employees will receive stock options if the company reaches specified goal.

New section 7(e)(8)(D)(i) also makes clear that otherwise qualifying grants remain excludable from the regular rate if they are based on an employees' length of service or minimum schedule of hours or days of work. For example, an employer may make grants only to employees: (i) who have a minimum number of years of service, (ii) who have been employed for at least²⁴ a specified number of hours of service during the previous twelve month period (or other period), (iii) who are employed on the grant date (or a period ending on the grant date), (iv) who are regular full-time employees (i.e., not part-time or seasonal), (v) who are permanent employees, or (vi) who continue in service for a stated period after the grant date (including any minimum required hours during this period). Any or all of these conditions, and similar conditions, are permissible.

2. Past Performance

New section 7(e)(8)(d)(ii) clarifies that employers may make determinations as to existence and amount of grants or rights based on past performance, so long as the determination is in the sole discretion of the employer and not pursuant to any prior contract. Thus, employers have broad discretion to make grants as rewards for the past per-

formance of a group of employees, even if it is not a facility or business unit, or even for an individual employee. The determination may be based on any performance criteria, including hours of work, efficiency or productivity.

Under new section 7(e)(8)(D)(ii), employers may develop a framework under which they will provide options in the future, provided that to the extent the ultimate determination as to the fact of and the amount of grants or rights each employee will receive is based on past performance, the employer does not contractually obligate itself to provide the grant or rights to an employee. Thus, new section 7(e)(8)(D)(ii) would allow an employer to determine in advance that it will provide 100 stock options to all employees who receive "favorable" ratings on their performance evaluations at the end of the year, and it would allow the employer to advise employees, in employee handbooks or otherwise, of the possibility that favorable evaluations may be rewarded by option grants, so long as the employer does not contractually obligate itself to provide the grants or in any other way relinquish its discretion as to the existence or amount of grants.

Similarly, the fact that an employer makes grants for several years in a row based on favorable performance evaluation ratings, even to the point where employees come to expect them, does not mean in itself that the employer may be deemed to have "contractually obligated" itself to provide the rights.

Some examples of performance based grants that fit within new 7(e)(8)(D)(ii) are as follows:

Example A: Company A awards stock options to encourage employees to identify with the company and to be creative and innovative in performing their jobs. Company A's employee handbook includes the following: "Company A's stock option program is a long-term incentive used to recognize the potential for, and provide an incentive for, anticipated future performance. Stock option grants may be awarded to employees at hire, on an annual basis, or both. All full-time employees who have been employed for the appropriate service time are eligible to be considered for annual stock option grants."

Company A provides stock options to most nonexempt employees following their performance review. Each employee's manager rates the employee during a review process, resulting in a rating of from 1 to 5. The rating is based upon the manager's objective and subjective analysis of the employee's performance. The rating is then put into a formula to determine the number of options an employee is eligible to receive, based on the employee's level within the company, the product line that the employee works on, and the value of the product to the company's business. Employees are aware a formula is used. The Company then informs the employee of the number of options awarded to him or her.

Managers make it clear to employees that the options are granted in recognition of prior performance with the expectation of the employee's future performance, but no contractual obligation is made to employees. This process is repeated annually, with employees eligible for stock options each year based on their annual performance review. Most employees receive options annually based upon their performance review rating and their level in the company.

Example B: Company B manages its program similarly to company A, with some notable exceptions. Company B has a very detailed performance management system, under which all employees successfully meeting the expectations of their job receive

options. The employee's job expectations are more clearly spelled out on an annual basis than under Company A's plan. Once a year, the employee undergoes a formal, written, performance review with his or her manager. If work is satisfactory, the employee receives a predetermined but unannounced number of options. Unlike Company A, which provides different amounts of options to employees based upon a numeric performance rating, Company B provides the same number of options to all employees who receive satisfactory employment evaluations. Over 90 percent of Company B's employees receive options annually, and in many years, this percentage exceeds 95 percent.

In both Example A and Example B, the employers set up in advance the formula under which option decisions are made; however, the decisions as to whether an individual employee would receive options and how many options he or she would receive was made based on past performance at the end of the performance period, but not pursuant to a prior contractual obligation made to the employees. The fact that the employer determines a formula or program in advance does not disqualify these examples from new section 7(e)(8).

I. Extra Compensation

The Worker Economic Opportunity Act also amends section 7(h) of the FLSA (29 U.S.C. §207(h)) to ensure that the income or value that results from a stock option, SAR or ESPP program, and that is excluded from the regular rate by new section 7(e)(8), cannot be credited by an employer toward meeting its minimum wage obligations under section 6 of the Act or overtime obligations under section 7 of the Act. The language divides section 7(h) into two parts, 7(h)(1) and 7(h)(2). Section 7(h)(1) states that an employer may not credit an amount, sum, or payment excluded from the regular rate under existing sections 7(e)(1-7) or new section 7(e)(8) towards an employers' minimum wage obligation under section 6 of the Act. When section 7(h)(1) is read together with section 7(h)(2), it states that an employer may not credit an amount excluded under existing sections 7(e)(1-4) or new section 7(e)(8) toward overtime payments. However, consistent with existing 7(h), extra compensation paid by an employer under sections 7(e)(5-7) may be creditable towards an employer's overtime obligations. This change shall take effect on the effective date but will not affect any payments that are not excluded by section 7(e) and thus are included in the regular rate.

J. The Legislation Includes a Broad Pre-Effective Date Safe Harbor & Transition Time

In drafting the Worker Economic Opportunity Act, the sponsors hoped to create an exemption that would be broad enough to capture the diverse range of broad-based stock ownership programs that are currently being offered to non-exempt employees across this nation. However, in order to reach a consensus, the new exemption had to be tailored to comport with the existing framework of the FLSA. The result is a series of requirements that stock option, SAR and ESPP programs must meet in order for the proceeds of those plans to fit within the newly created exemption.

Because of the circumstances that give rise to this legislation, the pre-effective date safe harbor is intentionally broader than the new exemption. The sponsors did not want to penalize those employers who have been offering broad-based stock option, SAR and ESPP programs simply because these programs would not meet all the new requirements in section 7(e)(8). Thus, the safe harbor in section 2(d) of the Act comprehensively protects

employers from any liability or other obligations under the FLSA for failing to include any value or income derived from stock option, SAR and ESPP programs in a non-exempt employee's regular rate of pay. The safe harbor applies to all grants or rights that were obtained under such programs prior to the effective date, whether or not such programs fit within the new requirements of section 7(e)(8). If a grant or right was initially obtained prior to the effective date, it is covered by the safe harbor even though it vested later or was contingent on performance that would occur later. In addition, normal adjustments to a pre-effective date grant or right, such as those that are triggered by a recapitalization, change of control or other corporate event, will not take the grant or right outside the safe harbor.

On a prospective basis, the sponsors realized that many employers would need time to evaluate their programs in light of the new law and to make the changes necessary to ensure that the programs will fit within the new section 7(e)(8) exemption. Consequently, the sponsors adopted a broad transition provision to apply to stock option, SAR and ESPP programs without regard to whether or not they meet the requirements for these plans set forth in the legislation. Specifically, section 2(c) of the legislation contains a 90 day post enactment delayed effective date. The sponsors believe that the vast majority of employers who offer stock option, SAR and ESPP programs to non-exempt employees will be able to use the transition period in section 2(d)(1) to modify their programs to conform with the requirements of the legislation.

In addition, the sponsors felt that there were two circumstances where a further extension of this broad transition relief was appropriate. First, the legislation recognizes that some employers would need the consent of their shareholders to change their plans. Section 2(d)(2) provides an additional year of transition relief to any employer with a program in place on the date this legislation goes into effect that will require shareholder approval to make the changes necessary to comply with the new requirements of section 7(e)(8). Second, the legislation extends the transition relief to cover situations wherein an employers' obligations under a collective bargaining agreement conflict with the requirements of this Act. Section 2(d)(3) eliminates any potential conflict by allowing employers to fulfill their pre-existing contractual obligations without fear of liability.

V. REGULATORY IMPACT STATEMENT

The sponsors have determined that the bill would result in some additional paperwork, time and costs to the Department of Labor, which would be entrusted with implementation of the Act. It is difficult to estimate the volume of additional paperwork necessitated by the Act, but the sponsors do not believe that it will be significant.

VI. SECTION-BY-SECTION ANALYSIS

Sec. 2. (a) Amendments to the Fair Labor Standards Act—The legislation amends Section 7(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. §207(e)) by creating a new subsection, 7(e)(8), which will exclude from the definition of the regular rate of pay any income or value nonexempt employees derive from an employer stock option, stock appreciation right, or bona fide employee stock purchase program under certain circumstances. Specifically, the legislation adds the following provisions to the end of Section 7(e) of the Fair Labor Standards Act:

(8) The new exclusion provides that when an employer gives its employees an opportunity to participate in a stock option, stock appreciation right or a bona fide employee

stock purchase program (as explained in the Explanation of the Bill and Sponsor's Views), any value or income received by the employee as a result of the grants or rights provided pursuant to the program that is not already excludable from the regular rate of pay under sections 7(e)(1-7) of the Act (29 U.S.C. §207(e)), will be excluded from the regular rate of pay, provided the program meets the following criteria—

(8)(A) The employer must provide employees who are participating in the stock option, stock appreciation right or bona fide employee stock purchase program with information that explains the terms and conditions of the program. The information must be provided at the time when the employee begins participating in the program or at the time when the employer grants the employees stock options or stock appreciation rights.

(8)(B) As a general rule, the stock option or stock appreciation right program must include at least a 6 month vesting (or holding) period. That means that employees will have to wait at least 6 months after they receive stock options or a stock appreciation right before they are able to exercise the right for stock or cash. However, in the event that the employee dies, becomes disabled, or retires, or if there is a change in corporate ownership that impacts the employer's stock or in other circumstances set forth at a later date by the Secretary in regulations, the employer has the ability to allow its employees to exercise their stock options or stock appreciation rights sooner. The employer may offer stock options or stock appreciation rights to employees at no more than a 15 percent discount off the fair market value of the stock or the stock equivalent determined at the time of the grant.

(8)(C) An employee's exercise of any grant or right must be voluntary. This means that the employees must be able to exercise their stock options, stock appreciation rights or options to purchase stock under a bona fide employee stock purchase program at any time permitted by the program or to decline to exercise their rights. This requirement does not preclude an employer from automatically exercising outstanding stock options or stock appreciation rights at the expiration date of the program.

(8)(D) If an employer's grants or rights under a stock option or stock appreciation right program are based on performance, the following criteria apply.

(1) If the grants or rights are given based on the achievement of previously established criteria, the criteria must be limited to the performance of any business unit consisting of 10 or more employees or of any sized facility and may be based upon that unit's or facility's hours of work, efficiency or productivity. An employer may impose certain eligibility criteria on all employees before they may participate in a grant or right based on these performance criteria, including length of service or minimum schedules of hours or days of work.

(2) The employer may give grants to individual employees based on the employee's past performance, so long as the determination remains in the sole discretion of the employer and not according to any prior contract requiring the employer to do so.

(b) Extra Compensation—The bill amends section 7(h) of the Fair Labor Standards Act (29 U.S.C. 207(h) to make clear that the amounts excluded under section 7(e) of the bill are not counted toward an employer's minimum wage requirement under section 6 of the Fair Labor Standards Act and that the amounts excluded under sections 7(e)(1-4) and new section 7(e)(8) are not counted toward overtime pay under section 7 of the Act.

(c) Effective Date—The amendments made by the bill take effect 90 days after the date of enactment.

(d) Liability of Employers—

(1) No employer shall be liable under the FLSA for failing to include any value or income derived from any stock option, stock appreciation right and employee stock purchase program in a non-exempt employee's regular rate of pay, so long as the employee received the grant or right at any time prior to the date this amendment takes effect.

(2) Where an employer's pre-existing stock option, stock appreciation right, or employee stock purchase program will require shareholder approval to make the changes necessary to comply with this amendment, the employer shall have an additional year from the date this amendment takes effect to change its plan without fear of liability.

(3) Where an employer is providing stock options, stock appreciation rights, or an employee stock purchase program pursuant to a collective bargaining agreement that is in effect on the effective date of this amendment, the employer may continue to fulfill its obligations under that collective bargaining agreement without fear of liability.

(e) Regulations—the bill gives the Secretary of Labor authority to promulgate necessary regulations.

FOOTNOTES

¹David Lebow et al., Recent Trends in Compensation Practices, Board of Governors of the Federal Reserve System, Fin. and Econ. Discussion Series, No. 1999-32, July 1999.

²Anita U. Hattinagadi, Taking Stock: \$470,000 at Risk for Hourly Workers, Employment Policy Foundation, Mar. 2, 2000, at 4, and Fig. 2.

³Any stock option program that meets the criteria under section 422 of the Internal Revenue Code (called an Incentive Stock Option) is considered a qualified option. 26 U.S.C. §422.

⁴26 U.S.C. §423.

⁵29 U.S.C. §201, et seq.

⁶29 U.S.C. §207(a)(1).

⁷29 U.S.C. §207(e).

⁸29 U.S.C. §207(e)(1).

⁹29 U.S.C. §207(e)(3).

¹⁰Id.

¹¹Id.

¹²29 U.S.C. §207(e)(4).

¹³See e.g., Conference Report on H.R. 5856, H. Rept. No. 1453.

¹⁴U.S. Dept. of Lab. Bureau of Lab. Statistics, Employer Costs for Employee Compensation—March 1999, available at <ftp://146.142.4.23/pub/news.release/ecec.txt>.

¹⁵A wage-hour opinion letter responds to a request for the Department of Labor's view of how the law applies to a given set of facts. The letters are available to the public upon request or through commercial reporting services. Opinion letters have significant practical effects: "[T]he Administrator's interpretation . . . has the characteristic not only of securing 'expected compliance' . . . but of possibly stimulating double damage suits by employees who need not fear that they would be at odds with the Government Officials involved." National Automatic Laundry & Cleaning v. Schultz, 143 U.S. App. D.C. 274 (D.C. Cir. 1971).

¹⁶Letter from Daniel F. Sweeney, Office of Enforcement Policy, Fair Labor Standards Team, Wage & Hour Division, Feb. 12, 1999.

¹⁷Hearing on the Treatment of Stock Options and Employee Investment Opportunities Under the Fair Labor Standards Act before the House Committee on Education and the Workforce, Subcommittee on Workforce Protections, 106th Cong. 2d Sess. Mar. 2, 2000 (Statement of T. Michael Kerr, at 4-5).

¹⁸Id. at 5. The testimony also noted that the program's automatic exercise feature prevented the employees' participation from being voluntary, as required under the Division's rules for thrift savings programs.

¹⁹Letter from Daniel F. Sweeney, Office of Enforcement Policy, Fair Labor Standards Team, Wage & Hour Division, Feb. 12, 1999.

²⁰Hearing on the Treatment of Stock Options and Employee Investment Opportunities Under the Fair Labor Standards Act before the House Committee on Education and the Workforce, Subcommittee on Workforce Protections, 106th Cong. 2d Sess. Mar. 2, 2000 (Statement of J. Randall MacDonald, at 2).

²¹Id. (addendum to statement of Patricia Nazemetz, Letter from Gary J. Bonadonna, Director

& International Vice President, UNITE, February 22, 2000).

²² Id. (statement of T. Michael Kerr, at 7).

²³ 26 U.S.C. § 423.

Mr. Speaker, I reserve the balance of my time.

Mr. OWENS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the Worker Economic Opportunity Act. It is kind of complicated so I think it is important that the record reflect that we understand those complications.

Stock option programs have existed for decades, but traditionally they have only been provided to top executives. Laudably, in recent years a number of companies have expanded these programs to cover rank and file workers. However, when this practice was brought to the attention of the Department of Labor, it correctly found that in many cases income earned by workers participating in these kinds of programs do not qualify within any of the existing statutory exemptions for exclusion from overtime.

As a general matter, ignorance of or disregard for the law should not serve to justify its violation. In this instance, however, I fully concur that speculative stock options should not be subject to overtime and that invoking the requirements of the law at this late date ex post facto would be unfair and unwise.

This legislation provides that if certain conditions are met, income earned by workers as a result of participation in certain recognized option programs, stock appreciation programs, or bona fide employee stock purchase programs, shall not be counted for the purpose of calculating overtime.

The legislation is not intended to alter or to undermine in any way any other existing protection afforded to workers under the overtime provisions of the Fair Labor Standards Act. By the same token, income from stock option-type programs that is already exempt from the overtime calculation is not intended to be affected by this legislation. That income remains exempt.

Stock programs vary widely in their structure. This legislation is not intended to impose a single structure on such programs but has been broadly crafted to try to accommodate their variety. Consequently, the bill is solid with regard to certain definitions and implementation issues, and broad regulatory authority has been given to the Department of Labor to implement the legislation.

The legislation requires that employees must be informed of the terms and conditions of any grants made to employees and that the employees must be able to voluntarily exercise any grant or right offered by the employer. The intent of these provisions is to ensure that employees are able to knowledgeably and freely determine whether they wish to participate in the program before they are required to do so and that they are able to knowledgeably and freely exercise such rights and options as they are afforded within the

program. Employees must have a basis for assessing the value and the risk inherent in the choices they face.

This legislation provides that employers may sell stock options or stock appreciation rights to employees at a discounted rate but that the discount may not be greater than 15 percent of the market value of the stock. This provision applies equally to closely held companies as well as publicly traded companies. Necessarily then stock appraisals by closely held companies may become subject to review.

□ 1300

The legislation provides that there must be at least a 6-month period between the grant of stock option or stock appreciation right and the date on which that right is exercisable. This requirement is waived in cases involving an employee's death, disability, retirement, or a change in corporate ownership or in other circumstances permitted by regulation.

The limitation on stock discounts and the 6-month holding period, taken together, reflect the intention that some level of risk be assumed by employees in order that this legislation does not serve as an incentive for employers to convert wages to stock options as a means of evading overtime.

Where an employee separates from employment with an employer, whether voluntarily or involuntarily, overtime is no longer an issue. In my view, it is, therefore, wholly appropriate for the 6-month holding period requirement to be waived in such instances.

Finally, while many refer to the 6-month period as a vesting period, the use of the term vesting is not accurate. The only requirement imposed by this legislation is that an employee may not exercise a grant for at least 6 months.

This legislation provides that an employer may not condition the offer of a stock program based on an employee's future performance unless such an offer is made to all employees in a facility or in a business unit consisting of at least 10 employees.

An exception to this rule is provided to permit employers to condition offers upon length of service or minimum schedule of hours or days of work. The purpose of the exception is to permit employers to distinguish between part-time and full-time employees or between employees on temporary or probationary status and those on permanent status.

The purpose is not to permit employers to target offers predicted on future performance to a single employee or to require employees to work overtime as a condition of participation.

Likewise, the term business unit is intended to be meaningful. Assuming an offer is made on less than a facilitywide basis, an employer may not make an offer that is conditioned on future performance if that offer excludes some employees within a business unit who are otherwise eligible

under the grant's terms, nor may an employer make such an offer arbitrarily to some employees without regard to their duties.

As is generally the case under current law with regard to performance bonuses, an employer may offer program participation to individual employees based upon the employee's past performance. The intent is to enable the employers to reward employees for past service. This provision is not intended to undermine or supersede limitations applicable to grants that are conditioned upon future performance.

Stock-option programs are new avenues for the front-line worker; however, the right to overtime remains protected by the Fair Labor Standards Act for the same group of employees.

The overtime law plays a more important role in the daily lives of Americans than any other provision of labor law. It guarantees that workers will be fairly compensated when they are required to work excessive hours. It creates more job opportunities for workers. It ensures that workers will have enough time away from work to meet family and personal responsibilities. As women enter the workforce in increasing numbers, the overtime law has become even more vital to the health of American families.

This legislation is necessary to accommodate the increasing participation of rank and file workers in stock programs. This legislation is not intended to otherwise weaken or to diminish the vital protection afforded workers under the FLSA and should be interpreted in the manner that is consistent with the intent and remedial purposes of the Fair Labor Standards Act.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. CUNNINGHAM) who has worked tirelessly to bring this legislation to the floor.

Mr. CUNNINGHAM. Mr. Speaker, as a lead House sponsor of H.R. 4182, I rise in strong support today of this identical Senate counterpart, S. 2323. Originally, we came up with an idea based on the 1938 language, and thanks to the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from North Carolina (Mr. BALLENGER), the subcommittee chairman, and the ranking minority member, they had hearings with an attempt to match this not only with the Senate, but with the Department of Labor and with the White House in a very bipartisan way.

Mr. Speaker, I think the outcome in the Senate of 95 to 0 vote shows the work that went forward on this bill, not only from Republicans but Democrats, the White House and the Labor Department as well.

Why would we do this? Well, when the 1938 legislation first came about, they did not know that every day you pick up a newspaper that there is jobs wanted in there that offer stock options; whether it is medical benefits;

whether it is stock options or safety programs within the workplace, workers look at these things when they select those jobs to help their families. This bill provides for that.

This will affect over 65 million Americans, union, nonunion, private individuals, public individuals. They want a piece of the rock, and I laud those individuals who have helped with this.

Profits from stock options have been taken to account for too long, Mr. Speaker, and I want to thank personally the gentleman from California (Mr. KUYKENDALL); the gentleman from Virginia (Mr. DAVIS); the gentleman from California (Mr. OSE); the gentleman from California (Mr. BALLENGER), chairman of the committee; the gentleman from Virginia (Mr. MORAN); on the Democrat side, the gentleman from California (Mr. DOOLEY); the gentleman from Indiana (Mr. ROEMER); the gentlewoman from California (Ms. ESHOO). And I say to the gentleman from New York (Mr. OWENS) there is not but a handful of issues that we agree on in a year, but this is one where we come together in support of it. I would like to thank the gentleman as well.

Mr. Speaker, I want to also thank Senator MCCONNELL on the Senate side that drove this. In an election year, it is not important who takes credit for this thing, it is the workers and the families that benefit from this bill. I want to thank those individuals. This will help protect the dot-coms of America.

Another issue is where for example, the biotechs, we have had to bring in Ph.D.s for biotech industries from other countries. I think that is a crime to where our education system does not provide for our people to take those jobs, Americans to take those workers, but yet when they brought in other doctors and Ph.D.s, there is a group that wanted to tax that as real income, because they did not have the cash flow to do that, it prohibited those companies from helping with medical research.

This is a good bill, Mr. Speaker, a lot of good people worked on it on both sides of the aisle, the White House, and with the Department of Labor.

Mr. Speaker, I want to specifically thank the gentleman from California (Mr. KUYKENDALL), for his effort in this; the gentleman from North Carolina (Mr. BALLENGER), who worked tirelessly on this, and the gentleman from California (Mr. ROGAN) and the gentleman from California (Mr. BILBRAY), my seatmate down in San Diego.

Washington, DC, April 27, 2000.
Hon. RANDY "DUKE" CUNNINGHAM,
House of Representatives,
Rayburn House Office Building, Washington,
DC.

DEAR REPRESENTATIVE CUNNINGHAM: The National Association of Manufacturers (NAM) is the nation's largest, broad-based industrial trade group. Our membership includes more than 14,000 companies and sub-

sidaries, including approximately 10,000 small manufacturers and 350 member associations, located in every state. On behalf of our member companies, we ask you to co-sponsor and support H.R. 4182, the Worker Economic Opportunity Act. H.R. 4182 is a bipartisan bill, sponsored by Representatives CUNNINGHAM (R-CA), JIM MORAN (D-VA), CASS BALLENGER (R-NC), TIM ROEMER (D-IN) and many more of their colleagues, which simply ensures that non-exempt (hourly) workers can continue to receive stock options and other equity-participation programs.

H.R. 4182 is needed because of a February 1999 compliance letter by the Department of Labor's (DOL) Wage and Hour Division that placed stock options and other equity-participation programs for hourly workers in jeopardy. It required employers to recalculate overtime pay based on profits realized when an employee exercises the stock options. In response to the letter, many companies have already put their programs on hold until there is legislative clarification. If hourly employees are to continue to receive these options, the House needs to act swiftly. This bipartisan bill has already passed the Senate by a 95-0 margin and enjoys the strong support of the Department of Labor.

On behalf of our members and their employees, the NAM thanks you in advance for your support of H.R. 4182, The Worker Economic Opportunity Act.

Sincerely,

PATRICK J. CLEARY.

UNION OF NEEDLETRADES,
INDUSTRIAL AND TEXTILE EMPLOYEES,
Rochester, NY, February 22, 2000.

TO WHOM IT MAY CONCERN: I am writing on behalf of UNITE and its approximately 5,300 United States bargaining unit employees covered by a contract with Xerox Corporation. It is our understanding that Congress is currently considering legislation to clarify the Fair Labor Standards Act (FLSA) treatment of stock options and other forms of stock grants in computing overtime for non-exempt workers. Xerox' UNITE chapter would strongly urge Congress to pass legislation exempting stock options and other forms of stock grants from the definition of the regular rate for the purpose of calculating overtime.

It is only recently that Xerox has made bargaining unit employees eligible to receive both stock options and stock grants. Without a clarification to the FLSA, we are afraid Xerox may not offer stock options or other forms of stock grants to bargaining unit employees in the future. In addition, without such a change in the law if options are granted there could be tremendous differentials in the amount of overtime each individual employee receives based on what he or she decides, to exercise an option or sell stock. However, *our position that stock options should be exempt from the regular rate for purposes of overtime in no way diminishes our position that bargaining unit employees must have the right to receive overtime pay for actual hours worked.*

As we begin the 21st century, UNITE hopes more companies will begin to provide all their employees with stock options and other forms of stock, it is a great way to assure that when the company does well the employees share the reward through employee ownership. Thank you for your consideration of this matter.

Sincerely,

GARY J. BONADONNA,
Director, International Vice President.

ASSOCIATION OF PRIVATE PENSION
AND WELFARE PLANS,
Washington, DC, April 19, 2000

Hon. J. C. WATTS,
Chairman, House Republican Conference,
Longworth House Office Building, Washington,
DC.

DEAR REPRESENTATIVE WATTS: I am writing on behalf of the Association of Private Pension and Welfare Plans (APPWP—The Benefits Association) to ask you to co-sponsor and support H.R. 4182, the Worker Economic Opportunity Act, a bipartisan bill to ensure that rank and file employees continue to benefit from stock ownership programs. A companion bill (S. 2323) has already passed the Senate by a 95 to 0 vote and the legislation enjoys the support of the Clinton Administration.

APPWP is a public policy organization representing principally Fortune 500 companies and other organizations that assist employers of all sizes in providing benefits to employees. Collectively, APPWP's members either sponsor directly or provide services to employees benefit plans that cover more than 100 million Americans.

Many stock option and stock participation plans, which extend the benefits of equity ownership to working Americans at all income levels, are in jeopardy due to an opinion letter issued by the Department of Labor (DOL) in February 1999. The opinion letter stated that the Fair Labor Standards Act (FLSA) requires any stock option profits earned by a non-exempt employee to be included in that employee's regular rate of pay for purposes of calculating overtime. The practical result of this unexpected ruling is that employers will feel compelled to exclude their non-exempt employees from broad-based stock ownership plans or not offer such plans at all. To its credit, the DOL recognizes that this result is not beneficial to workers but has stated that only legislative action can reverse the ruling. H.R. 4182, introduced by Representatives "Duke" Cunningham (R-CA), Jim Moran (D-VA), and Cass Ballenger (R-NC), is the product of bipartisan discussions and agreement with the DOL and provides the necessary revisions to the FLSA.

APPWP believes that broad-based stock ownership plans provide important benefits to American workers. Such plans make workers corporate owners, can serve as a significant vehicle for wealth accumulation and enhance retirement security. As the attached fact sheet shows, stock ownership and its benefits are spreading to all levels of the workforce and across the entire spectrum of American industry. Despite these positive developments, many employers are now caught in the quandary of how, or even whether, to proceed with extending equity ownership to rank-and-file employees. Therefore, quick passage of H.R. 4182 is necessary. Your commitment to join 37 other House members as a co-sponsor of H.R. 4182 will help achieve this goal and ensure that non-exempt employees will continue to be eligible for stock ownership programs.

Thank you for your consideration of this important matter. If we can provide more information or answer any questions you may have, please contact James Deleplane, APPWP's Vice President, Retirement Policy, at jdeleplane@appwp.org or (202) 289-6700.

Sincerely,

JAMES A. KLEIN,
President.

STOCK OPTION BILL UNANIMOUSLY APPROVED BY SENATE; LPA-BACKED LEGISLATION MOVES TO HOUSE

BIPARTISAN BILL BACKED BY LABOR DEPARTMENT CORRECTS LAW DISCOURAGING EMPLOYERS FROM PROVIDING STOCK, STOCK OPTION PROGRAMS TO HOURLY EMPLOYEES

APRIL 12, 2000—Today, LPA praised the Senate's passage of the Worker Economic Opportunity Act (S. 2323), bipartisan legislation that would amend the Fair Labor Standards Act of 1938 (FLSA) to ensure that employers can continue to offer stock options to non-exempt employees without fear of violating overtime requirements. Many stock and stock option programs had been placed on hold when companies learned last December about a potential conflict with the FLSA. That conflict would require overtime payments to be calculated retroactively based on profits earned through stock option programs.

According to Jeff McGuinness, President of LPA, "We are very pleased that the Senate has come to the rescue of tens of thousands of working Americans who receive stock and stock options from their employers. We applaud its effort to ensure that companies will be able to continue to offer broad-based stock option programs. Because proxy season is upon us, we hope the House will act quickly on this important bill so that stock programs can be resumed." Labor Secretary Alexis Herman has indicated that she will strongly recommend that the President sign the bill if it reaches his desk.

Senators Mitch McConnell (R-KY) and Chris Dodd (D-CT) introduced S. 2323 in March. Rep. Duke Cunningham (R-CA) has introduced an identical bill (H.R. 4182) in the House.

The need for legislation became apparent after the Department of Labor's Wage and Hour Division advised an employer to include employees' stock option profits as part of base pay for the purposes of calculating overtime. The additional administrative burden imposed by such calculations and the liability arising from making them incorrectly has resulted in a large number of companies suspending future employee equity programs.

LPA is a public policy advocacy organization representing human resource executives of more than 200 leading companies doing business in the United States, many of whom give stock options to hourly employees. Collectively, LPA members, many of whom have substantial numbers of employees represented by labor unions, employ more than 12 percent of the private sector workforce in the United States.

CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
Washington, DC, May 2, 2000.

Hon. RANDY "DUKE" CUNNINGHAM,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE CUNNINGHAM: I am writing to commend you on your leadership role in bringing to the floor of the House S. 2323, the Worker Economic Opportunity Act. As you know, this bill passed the Senate by a vote of 95-0 in April, and is identical to H.R. 4182, which you introduced along with seven other original co-sponsors from both sides of the aisle. The Chamber strongly supports this bipartisan legislation, which will help millions of hourly workers retain or obtain stock options.

Last year, the U.S. Department of Labor issued a letter ruling stating that companies providing stock options to their employees must include the value of those options in the base rate of pay for hourly workers. Employers must then recalculate overtime pay

over the period of time between the granting and exercise of the options. This costly and administratively complex process will cause many employers to cease offering stock options and similar employee equity programs to their nonexempt workers.

Clearly, the Fair Labor Standards Act must be modernized to reflect the fact that many of today's hourly workers receive stock options. For this reason, the Chamber strongly supports S. 2323, legislation that would exempt stock options and similar programs from the regular rate of pay for non-exempt workers. This carefully crafted legislation will provide certainty to employers who want to increase employee ownership and equity building by offering stock options and similar programs to their hourly workers. The bill is broadly supported by members from both sides of the ideological spectrum, as well as the U.S. Department of Labor.

We urge prompt enactment on S. 2323, which will help millions of American workers build equity in the companies for which they work.

Sincerely,

R. BRUCE JOSTEN.

THE ERISA INDUSTRY COMMITTEE,
Washington, DC, May 1, 2000.

DEAR REPRESENTATIVE: The ERISA Industry Committee (ERIC) strongly urges you to support H.R. 4182, the "Worker Economic Opportunity Act." H.R. 4182 is expected to come before the House for a vote during the week of May 1. Timely enactment of this legislation is critical to the continued viability of broad-based stock options and other similar programs that provide employees with equity ownership in the companies for which they work.

Introduced April 5 by Representative Randy "Duke" Cunningham, the "Worker Economic Opportunity Act" enjoys strong bipartisan and bicameral support. The bill is the result of a cooperative effort between congressional leaders, the Department of Labor, and the business community. The Senate unanimously passed its companion to H.R. 4182 on April 12.

Stock options increasingly are available to a broad range of employees, not just executives. A recent survey by William M. Mercer, Inc., reports a better than twofold increase since 1993 in the percentage of major industrial and service corporations that have a broad-based stock option plan.

In spite of the growing enthusiasm for employee equity ownership among employers and employees, an advisory letter interpreting current law issued by the Department of Labor's Wage and Hour division has effectively stopped this movement in its tracks.

According to the Department's interpretation of the Fair Labor Standards Act (FLSA) of 1938, and gains from the exercise of stock options recognized by rank and file workers must be included in their "regular rate of pay" for purposes of computing overtime wages. Thus, in order to comply with the Wage and Hour Division's interpretation of the FLSA, employers would be required to track stock options granted to rank and file employees and recalculate their overtime payments once the options have been exercised.

No rational employer will subject itself to this impracticable burden. As a result, rank and file workers will be denied the valued opportunity to become a stakeholder in their employer's future.

H.R. 4182 is narrowly tailored to directly address the issues raised by the Wage and Hour Division's advisory letter without compromising any long-standing worker protections under FLSA. Most important, this leg-

islation will benefit millions of working Americans by facilitating the continued expansion of equity-based compensation programs. It should be enacted without delay.

Thank you for considering our views. Please feel free to call on us if you have any questions or need additional information.

Very truly yours,

MARK J. UGORETZ,
President.

INFORMATION TECHNOLOGY
INDUSTRY COUNCIL,
Washington, DC, May 2, 2000.

Hon. RANDY CUNNINGHAM,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN CUNNINGHAM: I am writing to thank you for your leadership during House consideration of S. 2323, the Worker Economic Opportunity Act. I would also like to let you know that ITI anticipates making the vote on final passage of S. 2323 a "key vote" for our 106th Congress High-Tech Voting Guide.

ITI is the association of leading U.S. providers of information technology products and services. It advocates growing the economy through innovation and supports free-market policies. ITI members had worldwide revenue of more than \$440 billion in 1998 and employ more than 1.2 million people in the United States. The High-Tech Voting Guide is used by ITI to measure Members of Congress' support for the information technology industry and policies that ensure the success of the digital economy. At the end of the 106th Congress, key votes will be compiled and analyzed to assign a "score" to every Member of Congress.

We believe that passage of this legislation is an important piece in ensuring the future growth of our industry and the nation's economy. As you know, today more and more working Americans worker are receiving stock options. The Worker Economic Opportunity Act updates the Fair Labor Standards Act to guarantee that rank-and-file employees and management can share in their employer's economic well being in the same manner.

We look forward to working with you on other issues important to the information technology industry.

Best regards,

RHETT DAWSON,
President.

Mr. OWENS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Speaker, I rise today in support of H.R. 4182, a bipartisan effort to address a problem that could impede advancements in many sectors of our economy.

In many ways this legislation I think is a reflection of the transition our economy is making from an industrial-based economy to an information-based economy. We are seeing some of the most rapid growth in our economy now in this information sector, where a lot of those companies are making great efforts to recruit talent and personnel by offering them a stake in the company. By ensuring that stock options can be available not only to management, but to employees, we are going to ensure that that employee will have the opportunity to benefit from the technology and the product development that is adding so much wealth to our entire economy.

I am real pleased that this legislation will certainly benefit not only the

technology sector, but also a lot of other companies on the more manufacturing side of things, who are seeing some examples of how they too can reach out to make their employees more a part of their efforts to move forward.

Mr. Speaker, I just want to join the chairman and the ranking member in their efforts in bringing this bill to the floor, and thank all of the efforts of the administration and other Members that have joined in support of this legislation.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. BALLENGER), the subcommittee chair responsible for this legislation.

Mr. BALLENGER. Mr. Speaker, I am pleased today to rise in support of this act, a bipartisan bill to protect the stock option programs for rank and file employees.

Stock option programs can be configured in a variety of ways and are referred to by different names, but all the programs share similar objectives, to reward employees, to provide ownership in the company, and to attract and maintain a motivated workforce.

In testimony before my Subcommittee on Workforce Protections earlier this month, witnesses discussed how stock ownership programs are now available to more and more employees. In the past, such programs were used to reward executives, top management and other key employees. However, there has been a dramatic increase in the past several years in the number of companies offering broad-based employee ownership plans to rank and file employees.

The Department of Labor's recent interpretation saying that stock options may be part of an employee's "regular rate," threatened to undermine the ability and willingness of employers to make stock options available to their own nonexempt employees. Ms. Abigail Rosa, an employee who testified at the hearing, expressed concern that the Department of Labor's interpretation of the law would force companies to do away with stock option programs for employees who are covered by the overtime law.

Allowing hard-working rank and file employees to share in the growth of their companies is good for morale, good for families, and good for the country. I am pleased that we were able to work together to fashion a bill that updates the 1938 labor law. We have a bill that fosters stock option plans and has the FLSA taking a baby step into the 21st century.

This bill represents the hard work and attention of many Senators and Members of the House on both sides of the aisle, as well as the Department of Labor, and I urge my colleagues to vote for this legislation.

Mr. OWENS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to express my gratitude to the gentlemen on the

other aisle for their cooperation in working together on this piece of legislation.

I think the bipartisan cooperation of this legislation shows that both parties are willing to go into the rest of this age of information and to continue on to what I call the cyber-civilization and make the necessary adjustments to various factors in our economy. But I think it is important to note that the gentleman from California (Mr. Cunningham) said that it is a crime that large numbers of foreign workers are being imported and that they will be occupying these high-paying jobs, they will be getting these stock options, and large numbers of our own workforce will be denied the opportunity because they do not have the proper education and training. So at a time when our economy is leaping ahead and there is unprecedented prosperity, and we heard recently that the budget surplus is going up since we were on recess and came back, the budget surplus is going up, I think they expect about \$200 billion surplus this year or more, and over the next 10 years you may have a \$2 trillion surplus, it is a crime that we do not have the kind of education system which will develop and train the workers who can take the jobs that are paying so well that they offer stock options in addition to regular salaries.

This great budget surplus that we anticipate, if we were only to take 10 percent of it for education, just 10 percent, we could deal with these 21st century problems of large numbers of vacancies in industries which require highly educated workers. Just 10 percent. I would say 5 percent for the all-important activity of school construction, school repairs, various things related to school infrastructure, because part of the training process requires that you have the facilities and you have the equipment.

There is a great need for capital investment in our schools in order to get the workforce trained who would be able to take advantage of such lucrative items as stock options, as well as higher paying jobs. Take 5 percent for physical infrastructure and deal with the problem that the National Education Association has cited as requiring \$254 billion. Their survey, their report, shows that we need \$254 billion to bring the infrastructure of the public school systems up to a level where they can take care of the present population. We are not talking about long-term enrollment projections. \$254 billion is needed at this point to do that.

We have it. Money is not the problem. It is there in the surplus. I am not asking for that much, but I think we ought to reserve 10 percent for education. Five percent of \$2 trillion would be like \$20 billion. Five percent of \$2 trillion would be \$10 billion for construction and another \$10 billion for other educational improvements. \$20 billion a year reserved out of the projected surplus would take care of the

problem of training workers so those workers could make the salaries and be eligible for the stock options we are talking about today.

Mr. Speaker, I reserve the balance of my time.

□ 1315

Mr. OWENS. Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield myself 30 seconds, just to indicate that if we in the Congress of the United States refuse to admit that billions and billions, hundreds of billions of dollars that we have spent on education from the Federal level have not closed the academic achievement gap one little tiny bit, and if we will not admit that those programs have failed, I do not care how much money we spend or how many more programs we introduce, failure is bound to follow as it has over the last 30 years.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. BOEHNER), the other subcommittee chair of the labor side of our committee.

Mr. BOEHNER. Mr. Speaker, team-building is replacing bureaucracy throughout our country. That is really what we define today as the New Economy. New Economy companies are not just high-tech firms. They are companies that understand the value of their workforce as a team and organize themselves around team dynamics. That goes for companies that make sofas in southwestern Virginia, as well as companies that make Internet servers in Silicon Valley.

A critical part of team-building is getting everyone on the same page, making sure everyone is motivated by common interests. By making the employee a shareholder, stock options also make them valued team members who see their interests and those of the rest of their team as one and the same.

Our subcommittee held a hearing in March on another stock options-related measure, one that I introduced last winter. One of the witnesses at our hearing was Timothy Byland, a sales employee with a San Diego-based Internet firm. Tim told our committee, and I quote, "Stock options are a way of sharing the gains of the business with those responsible for those gains. With stock options, I am part of that shared success. I am rewarded for the contributions I make and I am motivated to make them."

Stock options are part of almost any employee compensation package in the high-tech sector today, but increasing numbers of more established companies today are recognizing the value of helping employees become shareholders, giving them an unprecedented chance to share in their company's performance and profits. These companies range from 3M to Pepsi to Merrill Lynch, Citigroup and CBS.

In short, Mr. Speaker, stock options just are not for the executive anymore. This is a new economy with new opportunities for workers at every step along the pay scale.

The Labor Department's current policy on stock options for overtime employees illustrates how out of step Washington's rules are with the opportunities of the new economy. It is a throwback to the old days when stock options were available to almost no one except top executives.

If fully implemented, this policy would be a dramatic step backward. It would needlessly discourage employers from granting stock options to hourly employees. It would limit opportunities for millions of workers to build greater wealth and, most importantly, retirement security.

Swift passage of this measure today will remove a major Federal obstacle to the vision of a shareholder society shared by many members on both sides of the political aisle. It will also help to ensure continued movement toward a regulatory system that reflects the opportunities of the 21st century, and it will pave the way for us to address some other problems that current law poses for rank and file workers with stock options such as the IRS Tax Code dual taxation of nonqualified stock options.

Mr. Speaker, I commend the gentleman from North Carolina (Mr. BALLENGER), the gentleman from Pennsylvania (Mr. GOODLING), and all of the Members who have worked on this bill, and I urge all of my colleagues to support it today.

Mr. OWENS. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the distinguished gentleman from New York for yielding me this time.

Mr. Speaker, as the lead Democratic sponsor of the House version of this bill, the Stock Options Preservation Act, I want to thank all of the people in both Chambers and particularly on both sides of the aisle who put aside partisanship and traditional turf battles to get this important legislation passed into law. Particularly, I want to thank the gentleman from California (Mr. CUNNINGHAM) and the gentleman from Virginia (Mr. DAVIS), who reached out to Members on both sides of the aisle and worked with the administration to craft meaningful, substantive legislation. I wish we could do more of this. Not only is this a substantive piece of legislation, but it also ought to be an example of how we can do things when we can get together in a bipartisan way.

What drove this, of course, was the understanding that in business, there is only one way to increase total compensation without raising inflation, and that is increasing productivity. Increased productivity means that workers can take home more and that businesses can earn more. It represents a win/win scenario and is directly responsible for the tremendous economic growth we have experienced over the last 8 years. It has been unbelievable to be able to keep inflation down, while

wages and benefits are going up; and, of course, it is all because of the increased productivity that we are seeing throughout our workforce.

This is not just because of technological advances; it is achieved by improving the way in which employees work together. When employers and employees share the same goals, which is the success of a business, then productivity increases. Employees and employers both win, and of course the American economy wins too. That is why we have this enormous surplus. We are finally going to be able to stop paying down the debt, investing in education and research, and setting aside money for our retirement. It is all because we have this tremendously more productive economy.

As one example, let me just share an example. One large company that distributed food products was losing millions of dollars each year because of very low recycling rates. So when it imprinted the logo for its stock option program on all of its products, the recycling rates went up to 99 percent; 99 percent got recycled. It was because the employees realized that recycling boxes and other waste products saved the company millions, that improved the bottom line and consequently, the stock price.

No longer are stock options exclusively for the CEO and top management. Two-thirds of large companies give options to portions of their non-executive workforce, and over one-fourth of those companies give options to all of their employees.

Stock options unite employees. Some businesses have stock tickers in their cafeterias. When the price is up, the employees all feel a sense of achievement. When it is down, they know they have more work to do. It overcomes divisions that oftentimes pit employees against employers, and that is better for all of us. It promotes a sense that employees from the CEO to the line worker in all parts of the country are part of the same team.

This has been a long time in coming, but when we can work as a team and we can stop that gap between management and the workforce, we are all better off. This new economy should bring increased opportunities for all American workers. Stock option programs provide that opportunity by making workers into owners, investing them in the success of the business.

The administration has endorsed this bill, the Senate passed it unanimously, and I strongly support it, and I trust it will pass unanimously. This is what the new economy should be all about and what the American workforce should be all about, being invested more in the product, in the efficiency and the effectiveness of the way in which we develop a product and not just in the process. We are all part of this economy, and workers need to be owners. Stock options are enabling us to achieve that.

Again, I want to congratulate my colleague, the gentleman from Virginia

(Mr. DAVIS), for being one of the first people to bring that up, and as I said, the gentleman from California (Mr. CUNNINGHAM) and the gentleman from Pennsylvania (Mr. GOODLING), and all of the other speakers, and the gentleman from New York (Mr. OWENS). It is both sides of the aisle, and this is the way we get things done, and this is very important for our economy.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. SAM JOHNSON), a member of the committee.

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is a rare occasion when we agree with the Department of Labor on legislation, but today we do. This bill will ensure that all employees, including rank and file workers, are allowed to participate in employee-provided stock option programs.

With the advent of new technology and Internet companies that offer stock options to lure the best and the brightest, we must make sure that outdated laws do not stifle our growth and innovation.

It is unfair to allow only top executives to participate in these stock options, excluding those who provide the labor for the same company, but on an hourly basis. I believe rank and file employees deserve the chance to make their fortune, secure their retirement, and increase opportunities for savings. The time is long overdue to help millions of workers and employees achieve the American dream.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. DAVIS), another Member who worked hard on this legislation.

(Mr. DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Virginia. Mr. Speaker, the Department of Labor's opinion letter that was issued in February was really outrageous. The letter stated that the Fair Labor Standards Act did not allow the value of stock options to be excluded from the calculation of a nonexempt worker's overtime pay. Now, this had not been a problem in 20 years. When I was a corporate executive and we were giving stock options to nonexempt employees, we did it with the idea of they being owners of companies.

The effect of this rule and regulation would have been that many workers who are salaried employees would no longer be eligible for stock options, that they were going to be deprived of their piece of the American dream: homeownership, to be able to build equity, and get the kind of income that exempt workers were routinely getting. That was the effect of that decision.

Unfortunately, it created a lot of uncertainty within the business community. When this was brought to the attention of the higher-ups, Congress started to act and the administration moved into gear. We appreciate everybody working together now to bring

this legislation where it is today. I think the unanimous Senate vote, the fact that the administration is now going to sign legislation that will basically solve the problem that was created when they sent this letter out in February, is an indication that when we work together, we can solve these problems. I want to applaud all concerned.

Mr. Speaker, I rise today to express my strong support for S. 2323, the Worker Economic Opportunity Act, a measure that exempts stock options, stock appreciation rights, and employee stock purchase programs from the calculation of overtime pay for certain employees under the Fair Labor Standards Act. As a sponsor of the House companion to this measure, introduced by my colleague, Congressman CUNNINGHAM, I cannot emphasize enough how important this legislation is to the continued growth of our nation's New Economy in the 21st Century.

Over the past decade, our economy has boomed and the shortage of workers has intensified. Within this context, employers have used innovative ways to improve their workplaces and attract and retain workers. Offering new financial opportunities—such as stock options—has allowed many companies to draw in good workers and at the same time, give employees an ownership right in the growth potential of a business. According to *Fortune* magazine, of the 100 best companies to work for, over one-third now offer stock options to all of their employees. And the National Center for Employee Ownership reports that over 80 percent of companies receiving venture capital financing provide options to both non-managerial and key management employees.

The Department of Labor's opinion letter, issued in February, brought a great deal of uncertainty for employers and employees. The letter stated the Fair Labor Standards Act did not allow the value of stock options to be excluded from calculation of non-exempt worker's overtime pay, sparking serious concerns among those of us here in the House of Representatives and the other body as to how this ambiguity would affect economic growth. While the increased use of stock options is on the rise in traditional businesses, the high technology industry in particular owes a great deal of its growth to the issuance of stock options. The high technology industry has been a boon to our economy, creating more than 1 million high-paying jobs since 1993. In my home state of Virginia, some 12,100 technology-based firms call Virginia home, employing more than 370,000 workers and contributing more than \$19.4 billion in wages.

S. 2323 passed the Senate overwhelmingly with a vote of 95-0 last month and received the support of the Secretary of Labor, Alexis Herman. It will assure the protection of worker's stock options and ability to share in the success of a company without harming the computation of fair overtime pay. I want to commend Chairman GOODLING, Chairman BALLENGER, and Congressman CUNNINGHAM, for their leadership on this issue. I urge all of my colleagues to support this bill and save stock options for all workers.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. KUYKENDALL).

(Mr. KUYKENDALL asked and was given permission to revise and extend his remarks.)

Mr. KUYKENDALL. Mr. Speaker, I rise today in strong support of S. 2323, the Worker Opportunity Act. It is important legislation that encourages companies to grant stock options to all employees without triggering overtime calculations of the Fair Labor Standards Act. It is a much-needed update to reflect current realities in the workforce and our economy.

Passed in 1938, the Fair Labor Standards Act guaranteed that hourly workers would receive fair pay for their work. It set strict requirements with respect to how overtime would be calculated. Over the years, overtime pay provisions have been amended to reflect changing realities of the workplace.

For example, today current law excludes health and pension plans from overtime calculations as a means of encouraging employers to offer these important benefits to hourly employees. The United States economy has changed dramatically since 1938. It is an economy fueled by information technology and high-tech industries.

Many companies today have tight capital constraints when starting out. Companies in this new economy attract potential employees by offering the promise to share future corporate profitability through stock options or other stock purchase plans; and for the first time, employees at all levels have a meaningful stake in the success of their businesses, creating other positive benefits. Imagine, the attitude that every employee is important to the success and welfare of their employer, and they can participate in the benefits of ownership are attitudes that our labor laws and policies should encourage.

Unless changes are made to the Fair Labor Standards Act, most employers have indicated that they would exclude nonexempt employees from participation in stock purchase plans. According to the Employment Policy Foundation, the potential impact of the Department of Labor's interpretation is that 26 million Americans would stand to lose their stock options or other corporate equity. This is not a result intended by the Fair Labor Standards Act, by the Department of Labor, or by labor representatives. With passage of this bill today, we undertake the much needed revision to provide the Department of Labor with additional flexibility.

I was pleased to be an original cosponsor of the House companion bill, and I am proud to support S. 2323 today, and I urge all of my colleagues to vote in favor of this important resolution.

Mr. GOODLING. Mr. Speaker, I reserve the balance of my time.

□ 1330

Mr. OWENS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I think it is important to note that the language on both sides has been the same. The concepts have

been the same. We basically agree that the Committee on Education and the Workforce understands the implication of the New Economy. We understand the kind of society we are going into. We understand that we have responsibilities for the workforce.

Here we are exercising an important responsibility in terms of payment; that they should not be barred from enjoying the prosperity and should not in any way be kept from having stock options as other people do within the confines of a corporate enterprise. So we all agree.

Mr. Speaker, I think we all ought to agree that the Committee on Education and the Workforce is primarily for the American workforce. We may have some international obligations sometime in the future; we may choose to assume those, but it is the American workforce that we would like to see take advantage of the opportunities that exist in our economy now.

The sad thing about this bill, as the gentleman from California (Mr. CUNNINGHAM) pointed out, is that so many of our people who ought to be qualified for these jobs are not qualified, and we are going to be reaching out to the rest of the world to bring in workers who will not pay into the Social Security system, who will not contribute to the full economy of our Nation, while we are denying the opportunity to our own people because we have not developed a sufficient education system.

So given the fact that we now have an opportunity with a huge surplus, 10 percent of that surplus ought to be devoted to revamping our education system. Revamping it in ways that do not interfere with local controls, starting with school construction, which is a capital expenditure. Buying computers is a capital expenditure. We can do the things that capital expenditures require, get out, and do not interfere with the operation of the schools.

It is relevant to this discussion. At the end of the war in Vietnam, we did not jettison or throw away our military establishment. We did not say, look, they have lost a war to a Third World country; and, therefore, they have not succeeded so we will not continue to support our military. Just the opposite happened. We began to pour more and more resources more and more dollars into revamping and building up the world's greatest military system that existed.

So the failure of our school systems up to now, the huge amount of problems that we have in terms of educational reform and improvement, should not prevent us from utilizing this window of opportunity to provide help for working families. Working families should be allowed to join the economy and enjoy the stock options, because they qualify for those good-paying jobs.

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

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

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the Senate bill, S. 2323.

The question was taken.

Mr. GOODLING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

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GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2323.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

□

IDEA FULL FUNDING ACT OF 2000

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4055) to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of the act by 2010.

The Clerk read as follows:

H.R. 4055

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 "IDEA Full Funding Act of 2000".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) All children deserve a quality education, including children with disabilities.

(2) The Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) provides that the Federal Government and State and local governments are to share in the expense of educating children with disabilities and commits the Federal Government to provide funds to assist with the excess expenses of educating children with disabilities.

(3) While Congress committed to contribute up to 40 percent of the average per pupil expenditure of educating children with disabilities, the Federal Government has failed to meet this commitment to assist States and localities.

(4) To date, the Federal Government has never contributed more than 12.6 percent of the national average per pupil expenditure to assist with the excess expenses of educating children with disabilities under the Individuals with Disabilities Education Act.

(5) Failing to meet the Federal Government's commitment to assist with the excess expense of educating a child with a disability contradicts the goal of ensuring that children with disabilities receive a quality education.

SEC. 3. PURPOSE.

It is the purpose of this Act to reach the Federal Government's goal under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) of providing 40 percent of the national average per pupil expenditure to assist States and local edu-

cational agencies with the excess costs of educating children with disabilities.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Notwithstanding section 611(j) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(j)), for the purpose of carrying out part B of such Act, other than section 619, there are authorized to be appropriated—

- (1) \$7,000,000,000 for fiscal year 2001;
- (2) \$9,000,000,000 for fiscal year 2002;
- (3) \$11,000,000,000 for fiscal year 2003;
- (4) \$13,000,000,000 for fiscal year 2004;
- (5) \$15,000,000,000 for fiscal year 2005;
- (6) \$17,000,000,000 for fiscal year 2006;
- (7) \$19,000,000,000 for fiscal year 2007;
- (8) \$21,000,000,000 for fiscal year 2008;
- (9) \$23,000,000,000 for fiscal year 2009;
- (10) \$25,000,000,000 for fiscal year 2010; and
- (11) such sums as may be necessary for each subsequent fiscal year.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have looked forward to this day for 26 years, and I am glad it has arrived and I hope it is just the beginning.

For many years in the minority, I pleaded and pleaded and pleaded to do something about getting somewhere near that 40 percent of excess costs. Finally, I got the gentleman from Michigan (Mr. KILDEE) to join with me on the Committee on the Budget and as powerful as we two are, we did not move the Committee on the Budget nor did we move the appropriators. But we are still fighting.

Today, of course, we have an opportunity to do something about it. As I have said over and over again, if we would meet that obligation, if we had met it over the years of paying 40 percent of the excess costs, today we are talking probably about \$2,500 per student for each child.

I have said over and over again that how much we could have done over those years in maintaining school buildings, improving school buildings, reducing class size. And then people will say that is not very much money. Well, I have got news for my colleagues. New York City would get \$170 million a year. Twenty times \$170 million sounds like a lot of money to me. Los Angeles, \$95 million every year. Twenty times \$95 million every year sounds like a lot of money to me.

The problem is, we have not met our obligations. If we had met our obligations, of course, we can see on the chart the number of children with disabilities, the national average per pupil in the year 2000 was \$6,300. So 40 percent of that gives about \$2,500 per child.

On the other chart, of course, I indicate what Los Angeles, Chicago, New York City, Dallas, Miami, Washington, D.C., St. Louis, just to mention a few,

would have gotten year after year after year if they had gotten the 40 percent that they expected us to put forth on the excess costs.

I ought to caution, however, that unless we can control over-identification, we can never get to the 40 percent. There is not anybody that has enough money to get to that 40 percent. So we have to work at both ends.

The legislation was proper because the legislation said every child, whether you have a disability or not, should have an equal opportunity for a good education. Our problem is that we did not put our money where our mouth was. That meant that local school districts have had to raise all of this money locally and take it away from reducing classes and away from school construction and maintenance, and they have had to take it away from better education for every other child because they had to fund this 40 percent.

I am very pleased to indicate, however, in the last 4 years we have convinced the budget people and we have convinced the appropriators, and they have upped us \$2 billion each year. That gives us 115 percent increase in a 4-year period, and I am very thankful for that. If we keep doing the same for the next 10 years, we will be in very good shape.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join the gentleman from Pennsylvania (Chairman GOODLING) in supporting H.R. 4055. I want to commend the gentleman for bringing this legislation before the House today.

Several years ago, when we both served on the Committee on the Budget, the gentleman from Pennsylvania had the wisdom and the courage to vote for full funding of IDEA. He was the only one on his side of the aisle in that committee to vote "yes," and I certainly appreciate his courage. Despite opposition to this effort, he doggedly pursued this goal.

Mr. Speaker, I admired him for his perseverance then and continue to admire him for it now. The work of the gentleman from Pennsylvania (Mr. GOODLING) has touched the lives of so many children during his career, providing many of them with the means to better themselves.

Today, I find myself as a better person because of the gentleman from Pennsylvania. His retirement at the end of this Congress is a great loss to this institution and to the children of our country.

Having extolled the virtues of my chairman, and he is my chairman and my friend, I also want to discuss the importance of this legislation. When the gentleman from Pennsylvania introduced H.R. 4055, I was pleased to learn that his bill is similar to the text of H.R. 3545, the bill introduced by the gentleman from California (Mr. MARTINEZ) and myself.

I want to especially acknowledge the leadership of the gentleman from California (Mr. MARTINEZ) on this issue. It has been a goal of mine, and that of Members on both sides of the aisle, to provide full funding for IDEA.

With this legislation, we will create guideposts that the Committee on Appropriations can use to put us on a 10-year path to reaching our goal of providing 40 percent of the excess costs of educating a child with a disability. I truly hope that this bill provides the impetus to reach full funding of IDEA. That would be the greatest tribute we could pay to the gentleman from Pennsylvania (Chairman GOODLING).

Clearly, the educational needs of children with disabilities and their access to a free, appropriate public education is a critical issue in assuring they become productive members of our society. Moreover, Mr. Speaker, I believe that Federal funding we target to all populations often provides the link to a high-quality education that would not exist without that funding.

This legislation allows us to take a bigger step towards fully funding IDEA and increasing the funding for all of our Federal educational programs.

Every child has dignity. Every child has worth. Their education must be a high priority. Together with the President, who has shown great leadership in the area of increased education funding, we can and should be making increased investments in education for our Nation and for our children.

In closing, Mr. Speaker, I want to urge Members to support this bipartisan legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Chairman BALLENGER), and I too want to congratulate the gentleman from California (Mr. MARTINEZ) for his doggedness to help us get this legislation to the floor.

Mr. BALLENGER. Mr. Speaker, I rise in strong support of the IDEA Full Funding Act of 2000.

In October 1997, the 105th Congress reauthorized IDEA, allowing continued funding to the States for education of children with disabilities. In 1997, funding for IDEA was only \$2.6 billion. In the last 3 years, the Republican-controlled Congress has nearly doubled Federal funding on IDEA to approximately \$4.3 billion. Although Congress has allocated more money to IDEA, there is still a shortfall in the obligation to States and local school districts to fund this act.

This bill would free up funds that currently States and local school districts are forced to use to compensate for the Federal Government's failed commitment to fund IDEA. By steadily working to increase IDEA funding to \$2 billion each year annually until 2010, Congress would increase opportunity and flexibility for local school districts to fund the programs that they feel are best for their students, whether it be

school construction, Title I funding, teacher training or smaller classrooms.

Mr. Speaker, it is time that Congress honors its commitment to States and local school districts, and I urge my colleagues to vote for H.R. 4055.

Mr. KILDEE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MARTINEZ).

Mr. MARTINEZ. Mr. Speaker, I rise in strong support of H.R. 4055. I would like to give a little history. In 1972, two landmark cases, *Parc* versus the State of Pennsylvania and *Mills* versus the Board of Education, found that children with disabilities are guaranteed an equal education under the 14th amendment.

In response to these cases, Congress enacted the Education for All Handicapped Children Act of 1975, the predecessor of today's Individuals with Disabilities Education act, to assist State and local governments in meeting their responsibility to these children by agreeing to pay up to 40 percent of the excess costs of educating children with disabilities.

However, to date, as the gentleman from Pennsylvania (Chairman GOODLING) has said, the Federal Government has never contributed more than 12.6 percent, leaving States and school districts to make up the difference.

Mr. Speaker, I would like to give an example in my own district. Los Angeles Unified School District, which serves schools in my district, currently spends \$891 million to educate 81,000 disabled students. While the school district receives approximately \$500 million from the State and \$42 million from the Federal Government for that purpose, it still must tap into its general education funds to make up the \$300 million shortfall.

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I will say that again, \$300 million shortfall. The share of responsibility that falls on the school district grows every year. That fact has not been ignored by the gentleman from Pennsylvania (Chairman GOODLING), as he has at various times tried to rectify the wrong. Therefore, to help him, to help the L.A. school district and school districts all over the country facing similar situations, I introduced a bill to incrementally increase the amount until we achieved the 40 percent commitment.

My bill would authorize an additional \$2 billion a year for 10 years to reach full funding of IDEA by 2010.

I am extremely pleased that the gentleman from Pennsylvania (Chairman GOODLING) who has been calling for funding and increased funding for IDEA for many years, long before it was politically popular, has embraced this idea of funding IDEA incrementally over a period of time, in his own bill, H.R. 4055.

In my view, his bill, H.R. 4055, is a first good step to funding our commitment, not only to children with disabili-

ties, but to all children, because, after all, the money that goes to disabled children comes from the general fund for the other children.

I hope that H.R. 4055 is the first of many education full funding bills considered by the Congress.

As we move into the 21st century, we must make critical decisions about the priorities of this Nation. In countries like Japan and China, education is a top priority above even defense. This year alone the Department of Defense will ask for \$11 billion in new spending. I do not deny them that. According to OMB's most recent estimates, we can expect an \$80 billion budget surplus.

Certainly if the Department of Defense can get \$11 billion in new spending, we can spare \$2 billion a year to ensure a brighter future for all our children.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding to me. I, too, rise in support of the legislation before us.

I am a strong believer this is something we really should have done a long time ago at the Federal government level. It is something we should make the commitment to do now because we have to make up for lost time, and it really does free up other opportunities with respect to local and State spending.

We need to understand that we at the Federal Government level only supply about 6 or 7 percent of all of the funding of education in this country. But every now and then, we mandate something. We have done that with children with disabilities. We have said that we have got to educate. The Supreme Court has come along and said, not only do we have to educate, but we have to provide some health services as well.

This is extraordinarily expensive on a local basis; and as a result, we have an obligation, I think, to stand up and to do something about it.

So for all these reasons, I rise in support of the legislation and what the gentleman from Pennsylvania (Chairman GOODLING) is doing, and hopefully this entire body will speak to it in a positive sense.

Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank the gentleman from Michigan for yielding me the time.

Mr. Speaker, as a member of the Committee on Education and the Workforce, I rise in strong support of this legislation. I commend the gentleman from Pennsylvania (Mr. GOODLING), chairman of the Committee on Education and the Workforce for his resolute stand on this issue. I am proud to be a supporter, along with the gentleman from Michigan (Mr. KILDEE),

the ranking member on the subcommittee, on this issue as well.

It is a wise investment of Federal funds to see that schools accommodate students with special needs. It is one that Congress has not taken seriously enough throughout the years.

I am concerned, however, that too many of my colleagues, both on the Committee on Education and the Workforce and throughout the rest of the body, use the IDEA funding issue as a tool for divisiveness on education policy.

Reasonable minds, I believe, can disagree over whether the statutory language of IDEA created a Federal mandate to fund 40 percent of the excess cost of education for special education students. If it does create that 40 percent obligation, then we have only lived up to, over the years, roughly 12 or 13 percent of that responsibility. Reasonable minds can also disagree over how exactly those educational services should best be provided.

But we all should be able to agree that this kind of targeted funding to help schools provide a quality education for students with special needs is exactly the proper role for the Federal Government in education.

Accordingly, we should do all we can to fund IDEA at adequate levels. But we should not use IDEA funding to hold the rest of the Federal education program hostage. We should not, as some of my colleagues are quick to do, insist on funding IDEA only or as a prerequisite for any other funding for other important educational goals in this body.

This country has the wealth and the public will to do great things on behalf of our children's educational needs. The question remains, does the Congress have the will to make hard choices across the whole of the Federal budget to see that America's commitment to education is supported?

Unfortunately, the battles over ESEA in both Houses that seem inevitable in the closing months of the 106th Congress leave many in America doubting our collective will and wisdom.

Again, Mr. Speaker, I support the efforts of my colleagues here today in focusing attention on helping to provide quality education to all students. Let us hope that we can continue this effort in a bipartisan fashion when it comes to reauthorizing the whole of the ESEA legislation throughout the remaining months of this session of Congress.

Mr. GOODLING. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Chairman MCKEON).

Mr. MCKEON. Mr. Speaker, I, too, rise in strong support of H.R. 4055, the IDEA Full Funding Act. First, I would like to commend the gentleman from Pennsylvania (Chairman GOODLING) for all of his hard work on this important issue. He has long been an advocate for special needs children. His leadership will sorely be missed when he retires at the end of this year.

Now, in this era of budget surpluses, we must resist the temptation to create new untested Federal programs. Instead, I believe that, before we pass any new programs, we must first fulfill a promise we made a quarter of a century ago, a promise to assist our local schools so that they can provide our special needs children with a public education.

Time and again, I hear our States and schools must sacrifice other educational needs and priorities in order to make up for the Federal shortfall on IDEA funding.

For example, the Antelope and Santa Clarita Valleys in my Congressional District must find nearly \$5 million in additional funds to cover the Federal share for educating special education students.

I am sure there are a lot of other things those schools could do with \$5 million if the Federal government would simply live up to its obligation.

I am hopeful the President will join us in this important endeavor. If the President would first fund the special education mandate, our State and local school districts would have the funds to do the things the President proposes, such as building new schools, hiring new teachers, buying more computers, and ensuring accountability.

Already, as earlier speakers have said, the Republican Congress has dramatically increased funding for special education. Under H.R. 4055, this Congress will provide fair Federal funding for special education so, in the end, we can approve special education for all of our children.

Therefore, as a proud cosponsor of the IDEA Full Funding Act, I urge all of my colleagues to vote for this bill.

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that the time be extended 5 additional minutes on each side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GOODLING. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia (Mr. ISAKSON), a member of the committee.

Mr. ISAKSON. Mr. Speaker, I commend the gentleman from Pennsylvania (Chairman GOODLING) for his commitment to Georgia's children and America's children. Twenty-five years ago, this Congress made a promise with the passage of 42-194 and established public education, a mandate to teach all children regardless of their disability, physical or otherwise. Today, millions of American children, because of special education improvements, now live far more productive lives.

I want to talk about two citizens in my district Jonathon Hughes, a young man wheelchair bound, a young man with learning disabilities, a young man who, at the age of 23, graduated from public high school. It took him 9 years to do it, but because of special education and IDEA, he did it. Had he been

born 20 years sooner, he would have been in a baby-sitting service and never lived the productive life he will now.

Paul Cobb, a foster child, who, without special education, would not have graduated, but today is a productive worker in our society as a professional photographer.

Thousands of stories all over America are true all because of IDEA, but today the promise made 25 years ago is now a promise kept because we in this Congress are saying to America's public schools, we are sending along with a mandate the funds; and with those funds, we will alleviate local pressures, enhance the education of children with special needs. This Congress will have done what it should have done a long time ago; and that is, made an investment in those American children most in need of our attention, most in need of our love, and most in need of this funding.

Mr. GOODLING. Mr. Speaker, I yield 1½ minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me the time, and I thank him for his support and his introduction of H.R. 4055.

Mr. Speaker, I served for 8 years in the Kansas legislature before being elected to Congress. During that 8-year period of time, it became clear to me that the consequences of the Federal Government's failure to fund special education were dramatic and significant upon the taxpayers of the State of Kansas, upon our school system, and most importantly upon the students.

So it is with pleasure that, upon arriving in Congress, I discovered there was a group of individuals, including the chairman and the ranking member, who were willing and interested in this topic, that cared about the quality of education across the country, and were willing to assist in allowing the Federal Government to at least now gradually meet that mandate.

This year, the Kansas legislature just concluded its session. For that 90-day session, we spent most of it wrangling over the cost of education with a budget shortfall predicted of about \$73 million or \$74 million. Had the special education funding mandate by the Federal Government been fully funded as promised in 1975, the \$75 million that we were struggling to try to find in Kansas would have been there. In fact, it would have been there in double. We would receive about an additional \$143 million.

So it is with pleasure today that I rise in strong support of H.R. 4055 on behalf of the students, teachers, parents, and taxpayers of our State and believe that it is well past time that the Federal Government step forward to meet its commitment. This is a matter of significant importance, and I urge its passage.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

(Mr. FRELINGHUYSEN asked and was given permission to revise and extend his remarks.)

Mr. FRELINGHUYSEN. Mr. Speaker, I am pleased to rise today as a cosponsor and in support of H.R. 4055, the IDEA Full Funding Act of 2000 and to thank the gentleman from Pennsylvania (Mr. GOODLING) and his committee for their historic leadership on this special education issue, which is so vital.

Every year, we in Congress talk about the importance of fully funding the Federal Government's share of the Individuals with Disabilities Act, and this bill finally does it, this bipartisan bill.

When the Federal Government neglects its share of IDEA, the State and local governments are forced to pick up the tab. In my State of New Jersey alone, full funding of IDEA would mean an additional \$300 million more per year from the Federal Government, money that local governments could spend to hire new teachers, improve school facilities, or reduce local property taxes.

After 25 years of underfunding IDEA, we are considering legislation which will finally authorize the money needed to finally meet the Federal Government's obligation to this critical program for our children. H.R. 4055 authorizes enough funding to fully fund IDEA by the fiscal year 2010, and it deserves our full support.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire (Mr. BASS) who has been helping us lead this battle the last several years.

Mr. BASS. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding to me. Nobody has led the battle longer and harder than the distinguished gentleman from Pennsylvania (Mr. GOODLING), chairman of the Committee on Education and the Workforce.

Mr. Speaker, I rise in support of the IDEA Full Funding Act of 2000. Full funding of IDEA, as I said, for many, many years now is good for communities. It is good for families. It is good for school boards. But most importantly, it is good for the children who are affected by the funding of this program.

We all recognize that we have a constitutional obligation to provide equal education opportunity to everyone, regardless of disability or need.

Unfortunately, as we have heard over the last few minutes, this government has failed to meet its statutory obligation year after year after year.

Now, with the passage of this bill, we will fully authorize the funding of IDEA over a 10-year period. Now, Mr. Speaker, after the passage of this bill, the challenge moves to the Committee on Appropriations, and it is my sincere hope that the Committee on Appropriations can meet its commitment as is outlined in the sense of Congress and the Budget Resolution to increase

funding for special education by \$2 billion for fiscal year 2001 and meet the authorized levels in H.R. 4055, which I strongly support.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Speaker, I, too, rise in strong support of this bill, which I have cosponsored, and I applaud the gentleman from Pennsylvania (Chairman GOODLING) for his leadership.

Over the last Christmas recess, I spent a lot of my time visiting dozens of schools in my District, and I heard one theme over and over and over again, and it was with regard to IDEA and full funding. We have all heard how, since 1975, the Federal Government has been quick to put mandates on local school systems but has never lived up to its financial commitment. That is what this bill is all about, to finally fund what has been heretofore an unfunded mandate.

It is also important in so many other ways because we talk about reducing class size, putting computers in the classroom, all of these other needs. Fully funding IDEA is probably the quickest way to do that, because this will free up local and State money for other needs that school systems need to address and give them flexibility in the process. That is another reason it is so important.

I have sponsored a separate bill to immediately fully fund IDEA, and I certainly would like to do it quicker. But this bill is very aggressive, very productive. I am a proud cosponsor, and again I applaud the gentleman from Pennsylvania (Chairman GOODLING) on his very productive efforts.

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Mr. KILDEE. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I want to thank my distinguished friend and the ranking member, the gentleman from Michigan (Mr. KILDEE), for yielding me this time.

Mr. Speaker, I was not going to speak, but I decided to take just a short period of time. I want to compliment the gentleman from Pennsylvania (Mr. GOODLING) from our neighbor State. I know he is now tied up and occupied over there with matters of this bill, but I just want to tell him that he has helped every American, and I want to echo and associate myself with the comments of one of the most distinguished Democrats in America, the gentleman from Michigan (Mr. KILDEE), when he said that every child and every student in America owes the gentleman from Pennsylvania a debt of gratitude.

I want to personally thank the gentleman from Pennsylvania for being a leader on this bill. This bill would not have happened without him. And I also want to say that he and the gentleman from Michigan (Mr. KILDEE) over the years have set an example for many

Members to look at where bipartisanship has helped to make America better and stronger.

But I know the gentleman is leaving, and I am sad to hear he is leaving. I think he is truly one of our great leaders. I want to thank him for this bill. I think what he has done on this bill will help America more than anybody might imagine, and I think the fingerprints of the gentleman will be on improvements in education for years to come, even as he is out golfing or doing whatever he wants to do.

I want to close by saying to the gentleman from Michigan (Mr. KILDEE) that he has also been an outstanding leader too. And for the two of these Members to have worked together like they have, and to bring legislation like this to the Congress, is truly helpful for all Americans.

Mr. GOODLING. Mr. Speaker, I yield 1½ minutes to the gentleman from Kansas (Mr. TIAHRT).

(Mr. TIAHRT asked and was given permission to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, I rise in strong support of this legislation, and I also want to thank the gentleman from Pennsylvania (Mr. GOODLING) and members of his committee for their outstanding work on this legislation. Since 1995, when I came to Congress, we have doubled IDEA funding and that has been a great accomplishment.

Mr. Speaker, Americans are compassionate people. We want every American to be able to climb the ladder of success, even if we have to provide the less fortunate with an escalator. Twenty-five years ago, when the Individuals with Disabilities Education Act was enacted, the Federal Government mandated that our local school systems educate all children, even those with severe mental and physical disabilities.

During the floor debate, it was clear that the Federal Government was committed to paying 40 percent of the cost needed to educate a special-needs child. Today we are falling far short of that mark. Now our good intentions have turned into bad consequences.

The Federal Government's mandate has undermined the public school system's ability to adequately meet the needs of these special children. This is not acceptable for either the children who need special education or those without disabilities who watch their education programs cut in order to fund IDEA.

Educating every child is the right thing to do and I am proud that we are doing that today. Yet IDEA has placed an extreme financial burden on our public schools forcing school districts to rob Peter to pay Paul.

But we can fix this problem. By fully funding IDEA we can put an end to this practice, helping all of our children reach their full potential.

Last week I visited with Barbara Fuller, president of the United Teachers of Wichita, along with a group of special education teachers in my home district. Speaking with them, it became clear the paperwork was also a big burden.

It takes a special and loving person to care for our mentally and physically disabled children. We should be commending their work and doing all we can to make their jobs easier. Instead, Washington and the States drain our teachers' time and patience by forcing them to fill out endless paperwork and Individual Education Plans (IEPs).

This Congress has passed special laws reducing paperwork for small businesses and others; yet we have allowed bureaucrats to expand the number of forms educators are required to fill out. Congress needs to provide an escalator for those with special needs and paper relief for those teachers who dedicate their lives to educating them.

Mr. KILDEE. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, with thanks and appreciation to the chairman and the gentleman from Michigan, I rise in strong support of increased funding for IDEA.

Mr. Speaker, there is nothing better we can do for this nation than to ensure that all children in all communities have access to a quality education. IDEA was enacted with this credo in mind.

In 1975, Congress enacted this legislation to help states and localities meet their legal responsibility of providing a free and appropriate public education to children with disabilities. Congress' goal was to contribute up to 40 percent of the national average per pupil expenditure for each child with a disability. We are nowhere close to that goal. In fact, we currently provide only 12.6 percent of the national average per pupil expenditure—the most we have ever contributed. According to estimates from the Department of Education, there are 6.3 million children with disabilities being served by our Nation's schools, at a cost to the states of roughly \$73 billion. However, this year, Congress is contributing only \$5 billion in assistance. That is not enough. We must do more to help the state meet our responsibility that we as a society have undertaken.

The Federal Government has always played a role in helping the states provide an education. We have given billions of dollars to ensure that kids from disadvantaged backgrounds have the same educational opportunities as kids from more privileged homes; we have given money to help the states recruit and train teachers; and we have provided assistance to help schools get connected to the Internet. We must not short change the state in this area of IDEA.

This IDEA money benefits more than 6.3 million kids in our schools. It benefits our whole community. It helps ensure that our children will grow up to be valuable and productive members of our communities. Even in this era of hi-tech stocks, where people are becoming millionaires and even billionaires almost overnight, I believe there is no better investment we can make for our future than providing a quality education for all children.

This bill seeks to do that, and I urge my colleagues to support H.R. 4055.

Mr. KILDEE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Ms. RIVERS).

Ms. RIVERS. Mr. Speaker, I thank the gentleman for yielding me this

time, and I rise in support of this proposal today.

I am very pleased that we are finally considering moving forward on funding of IDEA. I am concerned, however, that promises are easy and follow-through is not always so easy, especially when follow-through is costly.

Mr. Speaker, there is a \$15 billion walk that goes along with this talk, and I think it is imperative that we discuss that today. Because, frankly, I fear that what we will have is an authorization bill which allows us to make a promise, but no appropriation which allows us to fund the program.

As a matter of fact, I am very concerned that this activity today really represents a fig leaf rather than real progress for American schools. We need authorization, yes; but the real commitment comes when we pass appropriations, when we see the Subcommittee on Labor, Health and Human Services and Education of the Committee on Appropriations pass full funding for this program and then see it pass in the full House.

Now, I am sure this bill will pass today overwhelmingly. I question, however, whether this body will be willing to give the money to effectuate the promise that we make today.

I am also concerned that any proposal that comes forward in appropriations will take from existing educational programs. And of course we will create exactly the same problem that schools struggle with today, which is when we do not fund Federal programs, when we do not fund programs with dollars that schools can rely upon, we ask them to spend their own money to pursue the goals that are currently in effect.

This is a big commitment. The commitment is not just to say we are for it; the commitment is to say we will pay for it. I for one will look at the proposal that comes out of appropriations. Will it be new money? Will it actually be monies going to the schools in a new way that can be used? Or will it simply be a fig leaf which will allow some people to say they support IDEA.

I would hope that the American public will take a look at the names of the people who vote for this proposal today and then line them up come August with the people who vote for appropriations, and we will see whether or not people who give the talk are willing to walk the walk.

Mr. GOODLING. Mr. Speaker, I yield 1½ minutes to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership on this issue.

Mr. Speaker, for too many years the Federal Government has broken its promise to children with disabilities as well as to the local taxpayers. Back when IDEA was first mandated, Congress promised to provide 40 percent of the cost of educating a child with special needs. Yet today we fund less than

13 percent of those costs. As a result, States and local school districts must turn to other sources, mostly local taxpayer dollars, to compensate for the lack of Federal funding. It is time to put an end to this practice.

All across my State of South Dakota, local school districts are forced to take money out of their general funds. Construction plans get put on hold, new teachers are not hired, new programs get pushed aside, and our children pay the price.

I would hope that the administration would support full funding. Mr. Speaker; yet the President's budget falls short of this bill's funding level. I believe the Federal Government must do a better job. This bill will simply commit the Federal Government to do today what it promised to do 25 years ago, and that is provide States and local school districts with the full 40 percent funding.

Mr. Speaker, let us end the IDEA funding gap and support this legislation. And I once again thank the chairman for his leadership on this issue.

Mr. GOODLING. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. OSE). The gentleman from Pennsylvania (Mr. GOODLING) has 9½ minutes remaining, and the gentleman from Michigan (Mr. KILDEE) has 12½ minutes remaining.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me this time; and I want to thank him for his leadership on IDEA. Indeed, as he goes off to do other things, leaving this Congress, he will be remembered for many education programs, and IDEA will indeed be among them.

Mr. Speaker, I certainly want to express my support for H.R. 4055 to fully fund the Individuals with Disabilities Education Act. Twenty-five years ago, Congress enacted and President Ford signed the Education for all Handicapped Children Act. Mr. Speaker, in this country education is a right; it is not a privilege. In my opinion, IDEA is one of the most important civil rights that has ever been written into law.

The basic premise of this Federal law, now known as IDEA, the Individuals with Disabilities Education Act, is that all children with disabilities have a federally protected civil right to have available to them a free appropriate public education that meets their education and related services needs in the least restrictive environment. The statutory right articulated in IDEA is grounded in the Constitution's guarantee of equal protection under law and the constitutional power of Congress to authorize and place conditions on participation in Federal spending programs.

Actually, getting to the heart of it, IDEA established the Federal commitment to provide funding at 40 percent of the average per-pupil expenditure to

assist with the cost of educating students. Today, IDEA is funded at 12 percent of the average per-pupil expenditure, much higher than the 7 percent of 5 years ago, but this is not good enough when we talk about 40 percent.

That is the goal that we have to continue to work to reach, and this bill is a good step. It urges Congress to fully fund IDEA while maintaining its commitment to existing Federal education programs so that we can ensure that children with disabilities receive a free and appropriate public education and, at the same time, ensure that all children have the best education possible if we just provide fair Federal funding for students with disabilities. I urge my colleagues to support H.R. 4055.

Mr. GOODLING. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise today in support of H.R. 4055, authorizing full funding for IDEA.

Before we even consider any new programs for education, we need to fulfill our promise to fund this program. In 1975, the Federal Government committed to providing 40 percent of the funding for IDEA, while 60 percent was to come from State and local governments. Under the Democrat-controlled Congress, IDEA was funded at a dismal 7 percent. Only 7 percent for 24 years. Today it is at 12 percent.

This Republican Congress has nearly doubled the Federal commitment to these children, but much more needs to be done. Teachers in my district have told me over and over again how much difficulty they have meeting the IDEA requirements, and still these teachers are expected to perform with inadequate Federal funding. It is a disgrace that my State and all others have been forced to take money away from other programs to cover unpaid Federal shares of IDEA.

Let us fully fund IDEA and free up State and local money to meet other needs, such as books, construction, and, yes, more teachers and technology in the classroom.

Mr. KILDEE. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, I thank the gentleman for yielding me this time; and to my friend, the gentleman from Pennsylvania (Mr. GOODLING), I join with all my colleagues in thanking him for his service over the many, many years.

The gentleman from Pennsylvania (Mr. GOODLING) and I have some things in common, as he and I both know, but perhaps some of our colleagues who might listen to some of our exchanges in the committee may not believe. The gentleman from Pennsylvania came to Congress in 1974, succeeding his father. I succeeded my father in 1996. My father started in Congress the same year the gentleman from Pennsylvania started.

Mr. Speaker, I can remember standing with my dad as he took the oath of office here on the floor, and me holding my hand up as well with my dad knowing one day I wanted to come here and serve as well.

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The gentleman from Pennsylvania (Mr. GOODLING) obviously had that same passion early in life and was able to not only come here and do a great job representing his constituents but do a good job on behalf of the children around this country.

I rise in strong support of this effort today and would join colleagues on both sides of the aisle in searching for ways in which to make this a reality.

In fairness to the gentleman from Pennsylvania (Chairman GOODLING), there are many on both sides who demagogue this issue at times, and in fairness to him, he has been since my short time in the Congress, he has been an outspoken leader on the committee and has been consistent in all of his language. And I appreciate that.

I would hope that as the gentleman from Pennsylvania (Chairman GOODLING) moves on to do what I would not necessarily say bigger and better things, because I think we are doing important things here in the Congress, but as he moves on to do more fulfilling things in his life, I would hope that those of us here would take seriously what he is asking us to do today.

As we propose tax proposals and other revenue generating in other ways in which to further the prosperity or prolong the prosperity of this great economy, I would hope that we would be mindful of the fact that we have initiatives and programs like this, commitments that this Congress made to States including mine, Tennessee; California; Michigan; Pennsylvania; and New York. I would hope that as we offer proposals before this Congress that we would keep in mind that we have obligations and have commitments.

I thank the chairman for his leadership on this issue for many, many years. I look forward to even working with him when he leaves this Chamber in continuing to work on behalf of children.

Mr. GOODLING. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Chairman GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I am pleased to rise today in full support of H.R. 4055, calling for full funding for IDEA, the Individuals with Disabilities Act.

I commend the gentleman from Pennsylvania (Mr. GOODLING), our distinguished chairman of our Committee on Education and Workforce, for his continual efforts to raise the need for fully funding IDEA.

In passing IDEA in 1975, Congress required Federal, State and local governments to share the cost of educating

children with disabilities; and when enacted, the Federal Government was to assume 40 percent of the national average per-pupil expense for such children.

While Congress has authorized this program since 1982, appropriation levels has never come close to the stated goal of 40 percent.

The result has been an enormous unfunded mandate on State and local school systems to absorb their cost of educating students with disabilities, leading to the draining of school budgets, decreasing the quality of education, and unfairly burdening our taxpayers. Local school districts have had to spend as much as 20 percent of their total budgets to fund IDEA.

Once the Federal Government begins to pay its fair share, local funds will be available for school districts to hire more teachers, reduce class size, invest in technology, and even lower local property taxes for their constituents.

H.R. 4055 demonstrates our commitment to our Nation's children and their education in their already overburdened school districts.

I applaud the gentleman from Pennsylvania (Chairman GOODLING) and the Committee on Education and the Workforce for their dedication to the education of children around the Nation. And accordingly, I urge our colleagues to fully support this important legislation.

Since the Republican Party took control of Congress, I.D.E.A. appropriations have jumped dramatically. Since 1995, the funding levels have jumped 85 percent and have demonstrated our commitment to help States and local school districts provide public education to children with disabilities. It is now time for this Congress to make good on its promise to fully fund I.D.E.A. at 40 percent. We can no longer let the States try to make up the difference between the funds they have been promised and the funds that they actually receive.

In my congressional district, the schools are feeling the negative effects of the lack of idea funding. East Ramapo School District in Rockland County should receive \$2.04 million in I.D.E.A. money but according to 1995 figures, they only saw \$398,000. That is a difference of \$1.6 million. Similarly, the Middletown City School District in Orange County was expecting \$1.6 million but actually only saw \$316,000. A difference of \$1.3 million.

In addition to cutting I.D.E.A. funding, the President refuses to recognize the strain on local school districts by requesting no increase in funds for grants to States for providing assistance to educate children with disabilities. Moreover, the President wants to create new Federal programs which will do good things for this country, but shouldn't we be concerned about the programs we already have, but never fund completely? We cannot continue to underfund I.D.E.A. and impose this unfunded mandate on the States while introducing new ones.

Mr. Speaker, it is time for this Congress to show that we are truly concerned about our Nation's children's education. By fully funding I.D.E.A., Congress will simultaneously ease the burden on local school budgets while ensuring that students with disabilities receive

the same quality of education as their non-disabled counterparts.

H.R. 4055 demonstrates our commitment to our Nation's children, their education and the already over-burdened school districts. I applaud Chairman GOODLING and the Education and Workforce Committee for their dedication to the education of our children around the country and, I urge my colleagues to fully support this vital legislation.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill starts us on a real measurable track to full funding of IDEA. Again, I wish to thank my chairman and my good friend, the gentleman from Pennsylvania (Mr. GOODLING), for bringing this bill to the floor and to the children of this country.

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

Mr. GOODLING. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, as I said at the beginning of our discussion this afternoon, it was a lonely road for many, many years; and then I met my good buddy, the gentleman from Michigan (Mr. KILDEE) and the road was not as lonely as it was. And then we picked up one or two, the gentleman from Maryland (Mr. HOYER), and then since that time it has grown and grown and grown.

Because the people back home are realizing that, hey, we cannot provide the education for all of our students because of something that they did not necessarily mandate, they highly recommended, and I put that in quotes, because if they did not do it they were in real trouble. And rightfully so. Because, as I also said earlier, every child should have an opportunity for a good education.

I thank the gentleman from California (Mr. MARTINEZ) again who joined with us in this effort.

What I want to point out, the gentleman from Michigan was quite concerned as to whether we would keep our promise that we are making today since we did not keep our promise before. Well, I will not be here, so I cannot say, yes, they will.

Many of my colleagues who spoke today will be here, and so it is their responsibility to make sure that that happens.

However, I want to point out that keeping what we are promising today is not anything differently than we were able to get the leadership and then the appropriators to do the last 4 years. That is what they have been doing.

So on the chart I show the President's request in yellow and what the Congress came up with. So we see in 1997 the yellow, and then the red is the Congress. And we see in 1998 the yellow, and the red is the Congress. In 1999 the yellow is the present; the red is the Congress. Each time we have gone up, up, up. So we have increased 115 percent in the last 4 years.

So I would say to her, if she is able to keep moving everybody the way they have been moving the last 4 years, the

way our leadership and the way the appropriators have moved the legislation, we should not have any problem because those are the steps that we are suggesting that they take now.

Again let me remind everyone that when I came here as a superintendent, I realized that one of the most difficult things we had to do back in the local district was to take State mandates, Federal mandates, rules and regulations from both the State and the Federal Government, and then try to find some way to finance the overall education program.

With this 40 percent, as I mentioned, just in New York City alone we are talking about \$170 million every year. In Los Angeles, another \$90-some million. So we are talking about big dollars that would have been coming every year to help local districts if we would have only put our money where our mouth was.

Well, we cannot do anything about the past. We can do something about the present. Continue what we have been doing in the last 4 years and we will give the greatest gift to children in this country we possibly can give because we will give an opportunity for local districts to give every child a good education because they will have the money freed up from the mandates that come from here.

Let me caution all of those on the State level. I am seeing all over this country that their regulations are even worse or greater than ours from the Federal level. So to the local school boards and to the local parents, I say make sure they know exactly what regulations have been piled on at the State level on top of what we have done.

Now, they do it for one reason I am sure; and that reason is they fear that if they are not doing everything we say they are supposed to do, they are going to lose their money, so they go overboard.

Again, we are on the right track. For those of my colleagues who will be back for years to come, and I am sure some of them will, make sure that they put their money where their mouth is and every child will have a far better education in this country.

Mr. TERRY. Mr. Speaker, I rise today in support of full funding for special education.

All children deserve a quality education, including children with disabilities. Over 24 years ago Congress committed to contribute up to 40 percent of the average per pupil expenditure of educating children with disabilities. We must keep this promise. The Federal Government has failed to keep its commitment to assist states and localities. This contradicts the goal of ensuring that children with disabilities receive quality educations. By keeping our promise, Congress will give state and local school districts the flexibility to educate children in the best possible way.

This vote is an important step in securing the future of our children. Currently school districts have to divert money from their general fund to cover the costs of special education. When school districts are relieved of these

federally mandated costs, the result will be increased flexibility in education. Necessarily undertakings such as wiring schools for new technology, increasing teacher salaries, new school construction, and local tax relief will be possible with these long-overdue funds.

This vote is an important step forward in fulfilling our Nation's commitment to children and families who need special education services and to the local school districts that have been paying these mandated costs since the mid-1970's. Recent increases in Federal funding and the proposed schedule to fully fund these costs by 2010 represent significant relief for the local school districts in Nebraska and all across America.

Mr. TALENT. I rise today in strong support of the IDEA Full Funding Act of 2000. Mr. Speaker, 25 years ago Congress made a promise to children and families with special education needs under the Individuals with Disabilities Education Act [IDEA]. Under IDEA the Federal Government promised to provide children with disabilities access to quality public education, as well as to contribute 40 percent of the average per pupil expenditure to assist state and local schools with the additional cost of educating these students. Mr. Speaker, to date the Federal Government has failed to meet this commitment to assist the states and local school districts.

During the past four fiscal years the Republican majority in Congress has increased Federal funding for IDEA by 115 percent or \$2.6 billion. Sadly, even with the increase, the Federal Government has never contributed more than 12.6 percent of the national average per pupil expenditure to assist children with disabilities. That is less than 1/3 of the funding Congress promised under IDEA.

The Congressional Research Service estimates that more than \$15 billion would be needed to fully fund the Federal portion of IDEA. In fiscal year 2000 IDEA received \$4.9 billion, leaving states and school districts with an unfunded mandate of more than \$10 billion. This is \$10 billion dollars that states and local school districts could have spent on smaller class size, school construction, new computer equipment, and hiring new teachers; instead this money is being spent to cover the Federal share of IDEA. What does that mean for the State of Missouri, Mr. Speaker? The additional funds needed to meet the commitment to the State of Missouri is over \$161 million this year. What does that mean for St. Louis? The additional funds needed to meet the commitment to St. Louis is over \$8 million this year.

Mr. Speaker, it is essential that Congress fully fund IDEA and this legislation is a step in the right direction. This legislation authorizes an increase of \$2 billion per year to meet the Federal commitment of 40 percent by the year 2010. Mr. Speaker, 25 years ago the Federal Government placed a mandate on our state and local school districts to provide education for all special needs and disabled students. The Federal Government also promised to pay 40 percent of the average cost of the average per pupil expenditure. Today, there is a lot of talk about new education programs and new education initiatives but we still have yet to meet the Federal commitment to IDEA. IDEA is the mother of all unfunded mandates. Local schools are required by Federal law to meet the special education needs of our Nation's IDEA students. It is time that Congress gives

our schools the resources that were promised to provide all children with disabilities a quality education.

Mr. HORN. Mr. Speaker, I am pleased to join with my colleague, Mr. GOODLING, in supporting H.R. 4055 that will increase the educational opportunities of all of America's students. Twenty-five years ago, Congress passed the Individuals with Disabilities Act, making it possible for children with disabilities to receive a quality public education, get jobs, and lead more productive and fulfilling lives. When this legislation was passed, the Federal Government committed to paying 40 percent of the cost of educating these students. Currently, the Federal Government pays only 13 percent of the cost of IDEA.

Over the past 5 years, special education funding has increased by more than \$2.7 billion. I commend my colleagues on the House Budget Committee and the Appropriations Committee for recognizing the importance of special education. As important as these increases are, they are not enough. Special education is expensive. The average cost of educating a special education student is more than twice the national average per pupil cost of \$5,955. Schools with already strained resources are struggling to educate these students.

To mandate that the States provide special education services without adequate funding is grossly unfair, both to the States and to the students themselves. H.R. 4055 would eliminate this unfunded mandate by requiring that the Federal Government provide the 40 percent that it promised. This legislation is an important step in ensuring that this commitment is honored. The additional funding provided by this legislation will significantly improve the quality of education for special education students across the country. I urge my colleagues to support H.R. 4055 and I urge the House to pass it.

Mr. MCINTOSH. Mr. Speaker, I rise in support of H.R. 4055, the IDEA Full Funding Act.

In the 1970's, the U.S. Supreme Court ruled that children with disabilities are entitled to a free, appropriate public education. In 1975, Congress passed the All Handicapped Children Act to ensure that children with disabilities received a quality education. In the 105th Congress, we built on this law by passing the IDEA Improvements Act of 1997 which strengthened the program. The IDEA Improvements Act, like the earlier 1975 act, pledged to fund 40 percent of the average per-pupil expenditure to educate children with special needs. Unfortunately, the Government has fallen far short of this goal, providing a mere 11 or 12 percent a year for the costs of IDEA. Although Republicans have increased funding for this program, funding still falls woefully short.

Last year, Congress provided \$5.0 billion for the grants to states program, which assists participating states in providing a free appropriate public education to school-age children with disabilities. An estimated \$15.8 billion would be required to provide states the maximum allotment allowed per disabled child served last year, about 3.1 times more than the appropriation of \$5.0 billion.

To address the underfunding of IDEA, I joined the chairman of the Education and the Workforce Committee BILL GOODLING in introducing the IDEA Full Funding Act of 2000, which provide an authorization schedule for

reaching the Federal mandate to assist states and local school districts in the excess costs of educating children with disabilities. It will fulfill the promise made by Congress in 1975 and again in 1997 to provide 40 percent of the national average per pupil expenditure to assist states and local school districts in paying the excess costs of educating children with disabilities. In other words, it will help us fulfill our promise to states and schoolhouses and ultimately, the children who attend those schools. It will help ensure that no child is left behind.

The IDEA Improvements Act makes the following statement, "Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities."

The IDEA Full Funding Act backs this statement with the funds to carry it out. There are 146,550 special education students in Indiana. For their sake and for the sake of other special education students, I support this important piece of legislation.

Mr. KUYKENDALL. Mr. Speaker, I rise today to express my strong support of H.R. 4055, a measure to fully fund the Individuals with Disabilities Education Act (IDEA). Twenty-four years ago, Congress made a promise to children and families with special needs. That promise was to provide children with disabilities access to a quality public education by contributing 40 percent of the average per student expenditure to assist states and local schools with the extra costs of educating these children. However, since 1975 when IDEA was signed into law, Congress has consistently failed to meet its financial commitment.

Every child deserves a first rate education. We can no longer tolerate the inadequate education that special-needs children have received. Congress has ignored its IDEA funding obligation, burdening state and local governments with unfunded mandates. The time has come for Congress to fulfill its commitment to children with disabilities and fully fund IDEA.

Today's legislation authorizes increases of \$2 billion a year to meet the federal government's commitment of 40 percent per student expenditure by the year 2010. This measure is a step in the right direction in ensuring that all children receive a quality education.

Mr. HILLEARY. Mr. Speaker, when the federal government originally created the mandate on local districts stating that they must comply with the Individuals with Disabilities Education Act, also known as IDEA, the federal government promised that in exchange for imposing these new constraints, it would provide 40 percent of the cost. In reality, we have supplied only about 12 percent of the cost. I think this is shameful. If you make a deal, you should keep your side of the bargain. Think of all the local school money that could be used on teachers, buildings and teaching supplies that instead must be used on special education because the federal government will not give their promised share.

That is why I am such a strong supporter of H.R. 4055, the IDEA Full Funding Act of 2000. As an original cosponsor of this legislation, I support the effort to channel our education

dollars into IDEA. Such an action will not only help the disabled children this act serves, but also allow for more flexibility to local schools in the use of their funds.

This act works by setting up a definitive time line in an effort to meet the government's goal of funding 40 percent of the per pupil expenditure associated with IDEA. By setting up a set of goals, we finally are taking definitive steps in meeting the obligation we owe to our states, local communities and, most importantly, the disabled which they serve.

This effort to fully fund IDEA is just another in a long running desire by this Congress to aid our special needs children. Already, the 12 percent funding that I mentioned earlier represents a doubling of previous funding levels before 1994. In addition, as a member of the Budget Committee, I am proud that we were able to make fully funding the IDEA a priority above all other new education programs in the federal budget that passed this year. In addition, last year we overwhelmingly passed of H. Con. Res. 84, a resolution urging the President to fully fund IDEA, of which I was a co-sponsor and strong supporter.

Unfortunately, we still have a long way to go. Some in government just do not believe that this is a high priority. For example, the President traditionally refuses to increase IDEA funds in his budget. In addition, we must also address the problem associated with over identifying individuals who qualify as special needs. As a result, these individuals dilute the funds intended for those disabled children who desperately need these funds. I hope that we can overcome obstacles like this when it comes time to fund this program in the appropriations process this year and years to come.

Ms. SANCHEZ. Mr. Speaker, I rise today in support of the Individuals with Disabilities Act, IDEA.

As Orange County's representative to the Education and Workforce Committee, I know that many of the students, schools and families in my district rely on IDEA funding. All children are entitled to a quality public education with the resources that will enable them to fully pursue their academic dreams.

The Individuals with Disabilities Act is an important part of our national education program. IDEA has brought many students with disabilities the educational resources they need, empowering them to become contributing members of society.

Inadequate IDEA funding has been a widespread problem for many years. Although we have recently increased federal funding, IDEA is still only funded at 12 percent of the average per-pupil expenditure. While this is much higher than the 7 percent of five years ago it is, as many advocates and educators have stated, still inadequate. Full federal funding would enable local school districts to focus resources on other needs.

Today the House has an opportunity to keep our promise to America's public schools by increasing IDEA funding. H.R. 4055, the "IDEA Full Funding Act of 2000" will authorize funding to reach the federal government's goal of providing 40 percent of the per-pupil expenditure over the next 10 years. I am a co-sponsor of this bill and am proud to support this legislation.

Our students, their families and our schools have asked Congress to keep its commitment. Today I ask my colleagues to join me in ensuring that these special children will have access to a quality education.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his strong support for H.R. 4055, the IDEA Full Funding Act of 2000, of which he is a cosponsor.

Within his home state of Nebraska, the number of children enrolled in special education programs has risen 3,700 students from 1995–1999, a nine percent increase. To continue supporting these increasing numbers, we must fulfill the commitment by Congress made in 1975, prior to my service in the U.S. House to fund IDEA at 40 percent. This is a classic and very damaging unfunded mandate.

Currently the Federal Government is funding an average of 12.6 percent of the per-pupil expenditure for children with disabilities. The other 27.4 percent of our unfilled promise is a burden that state and local governments are having to include in their budgets. This Member has said for many years now that the one significant way that Congress can help decrease property taxes for my Nebraska constituents is to keep the promise to provide 40 percent of the costs of special education.

Nebraska is currently facing teacher shortages and has among the lowest teacher salaries in the country and yet continues to produce top-ranked students. By meeting this commitment and fully funding IDEA, Nebraska could use its state and local dollars to meet the needs of attracting and maintaining quality teachers or direct dollars to programs the local school districts deem to be priorities, such as school modernization, curriculum improvement or more advanced technology.

Mr. Speaker, this Member encourages his colleagues to meet our commitments and phase-up that 40 percent by the year 2010. Support the IDEA Full Funding Act of 2000.

Mr. ROGAN. Mr. Speaker, I thank the gentleman from Pennsylvania and my colleagues from the Education and Workforce Committee for their leadership on this issue.

The IDEA program was developed as a partnership, uniting local and federal education funds for students with disabilities. Under this program, the federal government committed to funding up to 40 percent of the average cost of educating disabled students.

Sadly, over the lifetime of this bill, the government has never contributed more than about 12 percent of the average. The time has come for Congress to pay its fair share in this long unfunded mandate.

Despite the federal government's two-decade old commitment to educating disabled students, Congress has never once funded its full share, leaving local and state educators to scramble for funds to pay for special education programs.

The result has been an unnecessary and unfair competition, pitting the funding needs of disabled students against the needs of students in traditional programs. In turn this has spurred excessive litigation resulting in exorbitant costs for local educators. By failing to meet its original commitment, the federal government has put local educators in a financial catch-22. The bill we support will aid in ending this crisis, and enact much needed reforms in the IDEA program.

H.R. 4055, the Individuals with Disabilities Full Funding Act will guarantee that the federal government keeps its commitment to support local education programs for students with disabilities, and authorize the federal government to fund the full 40 percent of the cost of local programs for students with disabilities.

The IDEA Full Funding Act will authorize approximately \$7 billion in FY 2001 and expand this allocation by \$2 billion per year over the next decade. It is a necessary measure and will help the federal government maintain its commitment to provide a quality education to disabled students.

I urge my colleagues to join me in supporting the long-overdue proposal, and thank the gentleman for his leadership on this vital issue.

Mr. MOORE. Mr. Speaker, I am pleased that today the House of Representatives is rising above partisan politics to address a matter of utmost importance. Be it urban, rural, small or large, every school district in our country is suffering because the federal government had not made good on its 1975 commitment to fund 40 percent of education costs for special needs students.

I commend Chairman GOODLING for bringing this bill to the floor, and for his commitment to fully fund IDEA by 2010. Fulfilling our commitment to our special needs students is absolutely the right thing to do.

I would like, however, to challenge this House today. I'll take this bill and raise you one. I urge my colleagues to cosponsor H.R. 4090, a bill introduced by Representative VITTER of Louisiana. This bill would fulfill our commitment to our schools and our children in two years. I know this is an ambitious goal, but I think 25 years of unfulfilled promises is long enough. So does Representative VITTER. I am one of a group of cosponsors from both sides of the aisle who think our government should step up to the plate and make good on its promise.

I urge my colleagues to pass this bill today. And tomorrow we should come to this floor and pass H.R. 4090, the IDEA Keeping our Commitment Act. It's the right thing to do and it's about time.

Mr. BLUMENAUER. Mr. Speaker, my goal in Congress has been the promotion of livable communities. A community that is safe, healthy and economically secure must view educating our children as a priority. The well-being of our families depends upon the health of our schools.

In the 94th Congress, we mandated—appropriately—that there would be special education access for children with severe learning disabilities. Along with that mandate came a promise that the federal government would pay 40 percent of the cost. This too was appropriate, for these children are the most difficult and expensive to educate. Unfortunately, the federal government has not met this important commitment. Funding has fallen as low as 9 percent, and currently, we fund only 12.6 percent of the average per pupil expenditure to assist children with disabilities. As a result, the financial burden has fallen on local districts.

I am proud to support H.R. 4055, the IDEA Full Funding Act, which addresses the critical issue of assistance for the children whose needs are the greatest. This bill authorizes increases of \$2 billion a year to meet the federal commitment of 40 percent by the year 2010. I have cosponsored similar legislation because programs such as IDEA offer the chance to improve the lives of more disabled people than ever before.

Livable communities are for all of us, not just a select few. The federal government should lead by example in offering the best

possible education to our nation's disabled children.

Mr. RAMSTAD. Mr. Speaker, I rise in strong support of H.R. 4055, the IDEA Full Funding Act. I am proud to be a cosponsor of this important legislation.

It is high time the federal government kept its statutory commitment to fully fund the Individuals with Disabilities Act (IDEA).

In 1975, the Federal Government mandated that all states provide Free Appropriate Public Education (FAPE) to all children with disabilities by 1978. This law established a federal commitment to provide funding aid at 40 percent of the average pupil expenditures to assist with the excess costs of educating students with disabilities.

Unfortunately, annual appropriations for IDEA have not even come close to the 40 percent level! Before Republicans took control of the Congress in 1995, the federal government was only paying 7 percent of the average per pupil expenditure. We are now paying 12.6 percent of the cost, but this still is not enough.

The Congressional Research Service (CRS) estimates that almost \$16 billion would be needed to fully fund Part B of IDEA. The FY2000 appropriations for Part B was \$6 billion, leaving State and local governments with an unfunded mandate of nearly \$10 billion.

Local school districts currently spend on average 20 percent of their budgets on special education services. Much of this goes to pay the unpaid Federal share of the mandate.

Passing H.R. 4055 would be a giant step closer to our goal of fulfilling the promise. If the federal government would keep its commitment, this money could be used to hire and train more high quality teachers, reduce class size, build and renovate classrooms, and invest in technology.

We must improve the education our children receive. A good way to do this is to show a strong federal commitment to education by fully funding IDEA and passing H.R. 4055, the IDEA Full Funding Act.

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

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the bill, H.R. 4055.

The question was taken.

Mr. GOODLING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4055.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

□

PAMELA B. GWIN HALL

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the

bill (H.R. 1729) to designate the Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, as the "Pamela B. Gwin Hall."

The Clerk read as follows:

H.R. 1729

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

SECTION 1. DESIGNATION OF PAMELA B. GWIN HALL.

The Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, shall be known and designated as the "Pamela B. Gwin Hall".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Pamela B. Gwin Hall".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1729 designates the Federal facility in Charlottesville, Virginia, as the Federal Executive Institute's campus as the "Pamela B. Gwin Hall."

Dr. Gwin received her Ph.D. from Duke University. She was a member of the American Political Science Association, the Organization of American Historians, the Southern Historical Association, the American Society for Public Administration, and was especially active in the American Society for Training and Development and the Center for the Study of the Presidency.

Pamela Gwin began her career at the Federal Executive Institute in 1983 as a faculty member teaching public policy.

In 1987, she became Assistant Director of Academic Programs and instituted the design and implementation of the Leadership for a Democratic Society program.

Pam gave tirelessly to her students and everyone at the Federal Executive Institute. She survived and still continued working for 2 years after receiving a heart transplant in 1996 and, sadly, passed away in 1998.

Mr. Speaker, I strongly support this bill, and I urge my colleagues to join in doing the same.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to associate myself with the remarks of my good friend the gentleman from Ohio (Mr. LATOURETTE).

This is very fitting that the Virginia Delegation has taken such an effort to honor Dr. Gwin. She played a significant role, as well, in developing the Institute's curriculum, especially emphasizing the Constitution as a central focus of the Institute's core of studies.

But very to the point, Dr. Gwin is an icon, a beloved teacher, mentor, and friend. She inspired and captivated her students with her love of politics and the presidency.

It is absolutely fitting that a facility at the Federal Executive Institute be named in her honor.

Mr. LATOURETTE. Mr. Speaker, we are now honored to have one of the two independents in the House of Representatives on the floor with us. This independent holds a special place in the heart of the Republican conference, because he has chosen to conference with us.

Mr. Speaker, I yield whatever time he may consume to our good friend, the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Speaker, I want to say thanks to all on the subcommittee and the committee who worked on reporting the bill, naming the annex at the Federal Executive Institute in Charlottesville on behalf of Pamela B. Gwin. Pamela B. Gwin was not a high profile military person. She is not a movie personality. She is not a famous legislator, but she was a hard-working, dedicated and loyal employee at the Federal Executive Institute for almost two decades.

She was known by every student and graduate at the Federal Executive Institute as Pam. She loved politics and our Federal Government. She served as assistant director from 1983 until she passed away at a young age on December 31, 1998.

Mr. Speaker, I am indeed happy, privileged and honored to say these remarks on behalf of Pamela B. Gwin and to express appreciation to the committees again and to all in the House for naming the facility at the Federal Executive Institute in Charlottesville in her honor.

Mr. LATOURETTE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 1729.

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.

□

DONALD J. PEASE FEDERAL BUILDING

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1405) to designate the Federal building located at 143 West Liberty Street, Medina, Ohio, as the "Donald J. Pease Federal Building."

The Clerk read as follows:

H.R. 1405

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

SECTION 1. DESIGNATION.

The Federal building located at 143 West Liberty Street, Medina, Ohio, shall be known

and designated as the "Donald J. Pease Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Donald J. Pease Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1405 designates the Federal building in Medina, Ohio, as the "Donald J. Pease Federal Building."

Congressman Pease was born in Toledo, Ohio, where he attended public schools. He earned his undergraduate and masters degrees from Ohio University before becoming a Fulbright scholar at Kings College University of Durham, England.

Congressman Pease served in the Oberlin City Council, the Ohio State House of Representatives, and in the Ohio State Senate before being elected to the United States House of Representatives in 1976. He served in the House from 1977 until his retirement in 1993.

Congressman Pease began his congressional career on the Committee on International Relations. He later secured a spot on the Committee on Ways and Means and by the time of the 102nd Congress earned one of the three seats on the Committee on the Budget that is reserved for members of the Committee on Ways and Means.

□ 1430

This bill is a fitting tribute and this naming a fitting tribute for this fine former Member. I urge passage of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise with great pride in this bill being brought to the floor. Congressman Don Pease worked tirelessly for the citizens of Northern Ohio as a Member of the Committee on Ways and Means. He tackled the tough tax reform and tax policy issues with zeal. He always looked for consensus. He was able to work on both sides of the aisle. He kept a rather low profile, but he was a very effective Member and one of the few who was able to influence former chairman Dan Rostenkowski. I might add, anybody who could do that was certainly an influential Member.

As I said, he was an activist who fought for welfare reform. Don Pease supported sunshine rules for open government, and he was always available to look for common ground on bills that emanated from either side of the

aisle. He was a staunch, hard worker for tax fairness and tax policy fairness, and I think that people of Northern Ohio really do owe him a debt of gratitude.

Mr. Speaker, I am proud to associate myself with the designation of the naming of the Federal build in Medina in honor of our fine former Congressman, Don Pease.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend, the gentleman from Lake County, Ohio (Mr. LATOURETTE) and my friend, the gentleman from Mahoning County, Ohio (Mr. TRAFICANT).

Mr. Speaker, I rise in support of the legislation about former Congressman Don Pease. Don Pease began his long and distinguished congressional career in 1976, a time when Gerald Ford was President of the United States and Ohio's 13th Congressional District was characterized by growing industrialization and rural communities.

Upon his retirement in 1992, Don Pease could look back and see a fundamentally changed landscape that he held shaped both on a local and national level.

A native of Toledo, Ohio, Pease is a graduate of Ohio University and served in the Oberlin City Council, the Ohio House and Senate and as editor of the Oberlin News-Tribune. In 1976, he won election to this House of Representatives.

Pease spearheaded the fight for human rights protections with his standing on the International Relations Committee. In 1981, he secured his seat on the Committee on Ways and Means and further dedicated himself to tax policy. His numerous legislative victories were marked by an ability to reach consensus. His efforts to work with both sides of the aisle included service on the conference committee for the hotly debated tax reform bill of 1986, and mediation between congressional leaders and the Bush administration on tax policy. Also, as Congress prepares to consider China's trade status at the end of this month, I think it is especially important to note Pease is largely responsible for introducing labor rights into trade legislation.

Since leaving Congress, Don has returned to Ohio. He has served on the Amtrak board and currently serves as Visiting Distinguished Professor in Oberlin College's Department of Politics.

Don Pease was, and still is, committed to Ohio's working families. His efforts to improve education, expand access to health care, and support workers have made a difference in our lives. By renaming the Medina Federal Building on West Liberty Street in Medina, Ohio, as the Donald J. Pease Federal Building, this bill, Mr. Speaker, honors his hard work in the district that he loves so much.

Don Pease was held in high regard as both an ethical and able legislator. He

devoted 16 years of service to the 13th district in Ohio, and he served the Nation and the State well. I am pleased to join my colleagues in both parties in recognizing Don's dedication to improving people's lives.

Mr. Speaker, I appreciate the support for this legislation.

Mr. SAWYER. Mr. Speaker, I am pleased to support the designation of the Donald J. Pease Federal Building in Medina, Ohio.

I had the great pleasure of working with Congressman Pease for many years in this House. Throughout his years here, he approached every problem with an open mind, a sense of fairness, and a gentle good humor. In addition, Congressman Pease had a remarkable facility for grasping and getting to the essence of any issue he confronted.

The legacy of Don Pease continues today in the heightened attention given to the conditions under which workers around the world toil.

Finally, there have been times when this Congress could still benefit from Don Pease's ability to appeal to reason and common sense on both sides of the aisle. Rather than stirring baser instincts, or joining in a chorus of noise-makers, Don Pease embodied the all too rare ability to focus on policy as it affects real people in the real world.

Throughout his career at all levels of public service—city, state, and federal—Don Pease followed the guiding principle that there is no limit to what one person can accomplish if he doesn't care who gets the credit.

Now, Don Pease is in retirement from public life. But he remains active. He recently completed serving on the board of Amtrak, a product of his abiding affection for railroads. And he has been able to travel around the country and around the world with his wife, Jeanne—a delightful and special person in her own right.

But Don Pease's service is not finished, and neither is Don. He is sharing his wisdom and experience, educating and guiding the next generation of leaders at Oberlin College in his Ohio hometown.

Mr. Speaker, it is a fitting tribute to Congressman Don J. Pease that we name a public building for him. It is a tangible symbol of the esteem in which he is held by those privileged to know him, to work with him, and to learn from him.

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

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 1405.

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.

□

KIKA DE LA GARZA UNITED STATES BORDER STATION

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1901) to designate the United States border station located in Pharr,

Texas, as the "Kika de la Garza United States Border Station."

The Clerk read as follows:

H.R. 1901

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

SECTION 1. DESIGNATION.

The United States border station located in Pharr, Texas, shall be known and designated as the "Kika de la Garza United States Border Station".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the border station referred to in section 1 shall be deemed to be a reference to the "Kika de la Garza United States Border Station".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LaTourette).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1901 designates the United States border station in Pharr, Texas, as the Kika de la Garza United States Border Station. Congressman de la Garza was born in Mercedes, Texas, in 1927. He attended St. Mary's University in San Antonio, Texas, earning his law degree in 1952.

Prior to that, he served in the United States Navy from 1945 until 1946 and in the United States Army from 1950 until 1952. After serving in the Texas State House of Representatives for 11 years, he was elected to the United States House of Representatives in 1964. He was reelected to serve for 16 consecutive terms.

Congressman de la Garza began serving on the Committee on Agriculture in 1965. He served as chairman of the committee from 1981 until 1994. As chairman, he compiled an impressive record of achievement and dedication to America's farming community.

During his tenure as chairman, the United States Department of Agriculture underwent major restructuring. This bill and this naming is, at this time, fitting tribute to an esteemed former colleague. I support passage of the bill and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. HINOJOSA), my good friend.

Mr. HINOJOSA. Mr. Speaker, I rise today in strong support of H.R. 1901, a measure designating the U.S. border station at Pharr, Texas, as the Kika de la Garza Border Station. I am proud to stand here today with my colleagues to honor Congressman de la Garza, my predecessor.

Many of my colleagues here in this Chamber had the pleasure and privilege of working with him during his long tenure and especially as chairman of the Committee on Agriculture.

Naming the Pharr, Texas, border station after the Honorable Mr. de la Garza is important to our district because it honors his role in service as international ambassador for American agriculture, an industry which thrived during Kika's tenure in the House.

Agriculture is a strong element of our economy, and it only seems fitting to honor the man who did so much in this area. H.R. 1901 is indeed a tribute to a man who dedicated his life to public service and is known throughout all of Texas and the Nation simply as "Kika."

Kika made a dignified institution all the more distinguished with his vision, his keen insight, and his devotion to his constituents and to his country. No one deserves this honor more. I urge my fellow Members to join me in passing this measure to say, Thank you, Kika; we are indebted to you for your decades of outstanding work on behalf of the residents of the 15th congressional district of Texas and to the Nation.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BENTSEN).

(Mr. BENTSEN asked and was given permission to revise and extend his remarks.)

Mr. BENTSEN. Mr. Speaker, I thank the gentleman from Ohio (Mr. TRAFICANT) for yielding this time.

Mr. Speaker, I rise in strong support of H.R. 1901, to designate the United States border station located in Pharr, Texas, as the Kika de la Garza United States Border Station. I want to join with my colleague, the gentleman from Texas (Mr. HINOJOSA) from Mercedes, in his comments.

Kika de la Garza was clearly an institution in this body. He served the State of Texas in this body for 32 years from the 15th congressional district in the Rio Grand Valley; prior to that, having served in the State legislature.

As my colleague, the gentleman from Texas (Mr. HINOJOSA), stated, Mr. de la Garza was known perhaps more than anything else for his work as chairman of the Committee on Agriculture and the ranking member of the Committee on Agriculture and the work that he did on drafting and writing successive omnibus farm bills as both the chairman and the ranking member. But I think it is also important to note that Congressman de la Garza fought for much legislation that would help the constituents of what is also one of the poorest congressional districts in the United States.

He fought for legislation to provide affordable housing programs for rural home buyers. He pushed for hunger relief measures to feed hungry children, and he helped launch a full scale Federal offensive against the spate of devastating birth defects in the Rio Grand Valley in Texas.

It is a special honor for me because not only was Mr. de la Garza a close family friend of my grandfather Lloyd

Bentsen, Sr., who was a rancher and farmer in south Texas for many years until his death in 1989, but Kika held the seat that my Uncle Lloyd Bentsen, Jr., the past Secretary of the Treasury and Senator from Texas held.

So our families have had a very long-standing relationship, and I was really pleased and proud to have the opportunity to serve with Kika during my first term in Congress. I spent a great deal of time with him not just on the House Floor but also sitting next to him on the flight from Houston to Washington, as he would catch it from McAllen and he would tell me stories going back to his early days in the House of Representatives when things certainly were not as they are today.

I also want to commend not just Kika but his wife of many years, Lucille, who has clearly been his partner in his days in Congress. She was always very kind to all of the spouses, I believe, up here in telling them how things are done and, in particular, whereas she was close to many of my relatives in south Texas also became close not only to my wife but to my daughters as well having gotten the opportunity to spend time flying back and forth to Texas with them.

□ 1445

So I think, Mr. Speaker, this is a tremendous honor for one who has been a tremendous public servant for the people of Texas, not just the Rio Grande Valley, and I strongly endorse it and urge my colleagues to adopt it.

Mr. Speaker, I rise in support of H.R. 1901 to designate the United States border station located in Pharr, TX, as the "Kika de la Garza United States Border Station."

I believe this is an appropriate way to honor Congressman de la Garza's many years of service to the United States and the state of Texas, during which he provided tremendous leadership in support of agriculture, improved relations with Mexico, a better quality of life for residents along the border, among many other issues.

I am honored to have had the opportunity to serve in Congress with Kika de la Garza, even if for only 2 of his amazing 32 years in this body. He is an example to all of us of a true gentleman and public servant who brought honor to this House through the civility, respect, and commitment to doing what is right that he brought to conducting the people's business. He is also a true Texan who worked with his colleagues from both sides of the aisle to further the best interests of our state.

Throughout his tenure in Congress, Congressman de la Garza never forgot the people he represented, who live in a district considered to be the poorest in the state, and which is now ably represented by my esteemed colleague RUBEN HINOJOSA. Congressman de la Garza fought for legislation to provide affordable housing programs for rural homebuyers. He pushed for hunger relief measures to feed hungry children. And he helped launch a full-scale federal offensive against the spate of devastating birth defects in the Rio Grande Valley.

When he was named the Texas Legislative Conference's Texan of the Year in 1991, Congressman de la Garza said:

I bring with me centuries of people who at times were not recognized properly. From the conquistador on the trek north to the most humble of migrant workers, they stand with me here.

Naming a border station after Congressman de la Garza is a fitting tribute to an individual who is a true son of the Lower Rio Grande Valley of south Texas.

Congressman de la Garza is perhaps best remembered for his leadership on behalf of American agriculture. He served as chairman of the Agriculture Committee for a longer uninterrupted period than anyone else in history and presided over the drafting and successful enactment of three major omnibus farm bills (1981, 1985, and 1990) that have reformed our nation's agricultural policies. He also guided efforts to reduce the cost of agricultural programs through several deficit reduction bills that have been approved by Congress. His other legislative accomplishments include legislation to streamline the agricultural lending system, strengthen federal pesticide laws, and various other measures to assist American agriculture, encourage rural development, and improve human nutrition.

Congressman de la Garza was also one of Congress' leading experts on United States-Mexico relations and a proponent of greater trade with Mexico. In 1966, he became the first member of Congress from the Texas-Mexico border area to serve on the Mexico-United States Interparliamentary Group, which promotes dialog between legislators from the two countries. He was an early congressional supporter of opening negotiations with Mexico to develop a free-trade agreement and helped rally congressional support that led to approval of the North American Free Trade Agreement (NAFTA).

Throughout his career, Kika de la Garza also fought for government policies that fostered better living and economic conditions for all Americans. He obtained federal funds to provide much-needed water and sewer services to Texas' impoverished colonias. He was a strong supporter of civil rights for all Americans, better educational opportunities, and improved access to health care for the elderly, veterans, and low-income individuals. He also supported policies to improve the nation's infrastructure and maintain a strong, cost-effective national defense.

Our entire nation benefited from Kika de la Garza's service in Congress, and his legacy includes an agricultural system that continues to lead and feed the world, better relations and expanded trade with Mexico and other nations, and a better quality of life for many Texans and Americans. I am pleased to join my colleagues in honoring Kika de la Garza and in urging approval of this legislation to designate the Kika de la Garza United States Border Station.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the sponsor of the bill, I want to associate my remarks with those of the gentleman from Texas (Mr. HINOJOSA), who succeeds Kika, our good friend, and has done an outstanding job for the 15th Congressional District. I salute the gentleman for his words and for his efforts. The gentleman seems to be cut out of the same mold and has some big shoes to fill.

I also want to associate myself with the comments of the gentleman from Texas (Mr. BENTSEN) on the historical ramifications of his family and the association with Kika. I think it really lends a lot to the discussion here today.

As the sponsor of this legislation, I just simply loved Kika. He was the first Hispanic American to serve as the chairman of a major committee, the Committee on Agriculture. I think that was a significant achievement for a man of such humble roots who developed into such a powerhouse here in the Congress.

I can remember one time, Mr. Speaker, standing down there at the voting booth on a key vote years ago, and I saw the leaders come up to Kika and say, "Kika, we really need your vote. You didn't vote with us on this particular bill." I will never forget as long as I live, Kika looked at them, and he was very loyal, and he said, "I wish I could, but I am going to give my vote to my people. My people are not for this. I don't think it is good for my people."

Mr. Speaker, I would say to the gentleman from Ohio (Mr. LATOURETTE), that was Political Science 101 that I will never forget. I admired Kika for that.

I also want to say and place upon the record that he was one of the most ardent and outspoken advocates for United States agriculture and for programs to protect and improve the farm and rural economy. He had much more to do with the economics of farming than many people gave him credit for.

Chairman de la Garza led the effort to enact landmark legislation, such as the Federal crop insurance reform and the Department of Agriculture Reorganization Act of 1994, which established a federally funded catastrophic risk coverage policy for crop losses that touches every farmer in America today. Kika has touched every farmer and has helped anyone who produces a food product in our country. In 1990, Kika helped pass the Food, Agriculture, Conservation and Trade Act of 1990, which reformed export assistance programs and established new initiatives to strengthen environmental protection of our agricultural lands.

Mr. Speaker, one of the few surpluses we have had in trade has been our agriculture base, and Kika de la Garza deserves much of the credit for those tremendous improvements to our agriculture community.

So I think it is just really overdue. We have passed this a couple times in the House. I would make this pledge to my good friend the gentleman from Ohio (Mr. LATOURETTE): If the other body does not act on it this year, I am personally paying a visit over there.

This is overdue, the distinguished career of Congressman de la Garza must now be commemorated by designating the border station in Pharr, Texas, as the Kika de la Garza Border Station.

Before I yield back my time, I want to thank the committee staff. It does a

great job for this committee, Mr. Barnett, Ms. Brita, and I want to thank the gentleman from Ohio (Mr. LATOURETTE) for working with us as he has.

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

Mr. LATOURETTE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 1901.

The question was taken.

Mr. LATOURETTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1725, H.R. 1405, and H.R. 1901, the measures just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

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LAKE PONTCHARTRAIN BASIN RESTORATION ACT OF 2000

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 484 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 484

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2957) to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality restoration projects for Lake Pontchartrain Basin, Louisiana, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During

consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, H. Res. 484 would grant H.R. 2957, the Lake Pontchartrain Basin Restoration Act, an open rule waiving clause 4(a) of rule XIII that requires a 3-day layover of the committee report against consideration of the bill.

The rule provides one hour of general debate to be equally divided between the chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule makes in order the Committee on Transportation and Infrastructure amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment, which shall be open for amendment at any time.

The rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. In addition, the rule allows the chairman of the Committee of the Whole to postpone votes during the consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15 minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, the purpose of H.R. 2957 is to coordinate and provide financial

and technical assistance for water quality restoration activities in the Lake Pontchartrain Basin. The Lake Pontchartrain watershed covers a 5,000 square mile area, including all or part of 16 Louisiana parishes and four counties in Mississippi.

Since the 1940s, increasing population, urbanization and land use changes have adversely affected the basin, resulting in a number of serious environmental problems and declining health of the watershed. To address this problem, H.R. 2957 would establish within the EPA the Lake Pontchartrain Basin Program in order to restore the ecological health of the basin by developing and funding restoration projects and related scientific and public education projects.

The Congressional Budget Office estimates that implementing H.R. 2957 would cost \$108 million over the 2001 to 2005 period, assuming appropriation of those authorized amounts. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. Furthermore, the bill contains no intergovernmental or private sector mandates and would impose no costs on state, local, or tribal governments.

Accordingly, Mr. Speaker, I urge my colleagues to support both the open rule reported by the Committee on Rules and the underlying bill, H.R. 2957.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 484 is an open rule providing for 1 hour of general debate on H.R. 2957, the Lake Pontchartrain Basin Restoration Act. The rule does provide one waiver, however. Since the bill was not filed until yesterday, the rule waives the 3-day layover requirement of clause 4(a) of rule XIII.

This legislation establishes Lake Pontchartrain as an estuary of national significance under the National Estuary Program and requires EPA to establish a Lake Pontchartrain Basin Restoration Program to coordinate efforts to reduce pollution and restore the health of the basin watershed. These are important steps to improve the health of this important body of water. The bill also authorizes \$100 million for a project to reduce the amount of sewage that enters the lake from New Orleans and neighboring parishes.

Mr. Speaker, I know of no controversy surrounding this bill. Therefore, I support this open rule, which will allow any Member to offer germane amendments to this proposal.

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

Mr. HASTINGS of Washington. Mr. Speaker, I know that it is not in order at all for me to say this, but it is my mother's 86th birthday today, and I am not going to mention that in a formal sense.

With that, Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 484 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2957.

□ 1458

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2957) to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality restoration projects for Lake Pontchartrain Basin, Louisiana, and for other purposes, with Mr. OSE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Pennsylvania (Mr. BORSKI) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Lake Pontchartrain Basin is the largest estuary in the Gulf Coast region and one of the largest estuaries in the United States. However, due to urbanization, increased population growth, and intensive land uses, many water bodies in this watershed do not meet their designated uses. The sources of pollution in the Basin include inadequate sewage systems or septic tanks systems, combined sanitary and storm water sewer overflows, as well as urban and agricultural runoff.

State and local agencies are working cooperatively with private organizations on restoration efforts. However, they cannot do it alone. H.R. 2957, introduced by our committee colleague, the gentleman from Louisiana (Mr. VITTER), and the gentleman from Louisiana (Mr. JEFFERSON), supports these State and local efforts.

First, the bill identifies the Lake Pontchartrain Basin as an estuary of national significance and adds this estuary to the list of estuaries in section 320 of the Clean Water Act that are to be given priority consideration for the National Estuaries Program.

□ 1500

Under the National Estuaries Program, EPA will convene a management conference for the Lake Pontchartrain Basin with representation by appropriate local and State organizations.

The purpose of the management conference is to help these local and State organizations come up with a plan for basin restoration that recommends activities and projects. In addition, H.R. 2957 creates a Lake Pontchartrain basin restoration program within EPA modeled after the Long Island Sound program. This program will help coordinate ongoing voluntary efforts to reduce pollution and restore the ecological health of the basin, and will provide financial assistance to help fund the activities and projects recommended by the management conference.

Finally, H.R. 2957 authorizes \$100 million to provide continued Federal assistance to the project to prevent inflow and infiltration in New Orleans and Jefferson Parish. Completing this project, which is an integral part of basin restoration efforts, will require a total investment of over \$300 million, most of which will be provided from State and local sources of funding.

Mr. Chairman, I commend the gentlemen from Louisiana (Mr. VITTER) and (Mr. JEFFERSON) for their efforts on this legislation. I would also like to thank the gentleman from Pennsylvania (Mr. BORSKI), the ranking member of the subcommittee, my colleague and friend, and also the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the full committee, and of course the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the full committee, for their leadership and cooperation in bringing this bill to the floor. I would urge all of my colleagues to support H.R. 2957.

Mr. Chairman, I reserve the balance of my time.

Mr. BORSKI. Mr. Chairman, I yield myself such time as I may consume.

(Mr. BORSKI asked and was given permission to revise and extend his remarks.)

Mr. BORSKI. Mr. Chairman, I rise in support of H.R. 2957, the Lake Pontchartrain Basin Restoration Act. This legislation, as amended by the Committee on Transportation and Infrastructure, would create a priority for the inclusion of the Lake Pontchartrain Basin into the EPA's National Estuary Program. By including the basin into the NEP, the administrator would be authorized to begin development of a comprehensive conservation management plan for the basin in order to promote its long-term ecological protection. In addition, this legislation would establish a new program office within EPA aimed at restoring the ecological health of the basin and coordinating the development of its CCMP.

This new program office would provide administrative and technical assistance to a management conference convened for the protection of the basin. This office would also be responsible for coordinating any grant, research and planning programs authorized under this act, including grants for public education projects consistent with any management plan.

Because the drainage basin for the Lake Pontchartrain watershed extends across much of southern Louisiana and Mississippi, it is the intent of the Committee on Transportation and Infrastructure that any management conference appointed to develop a CCMP for the basin include appropriate representatives from the States of Louisiana and Mississippi.

In addition, in order to ensure that the surrounding communities are fully informed, the bill requires the newly-established program office to collect and make available to the public information on the environmental health of the basin.

Mr. Chairman, H.R. 2957 authorizes the basin restoration program at \$5 million per year for 5 years. In addition, the bill authorizes \$100 million for inflow and infiltration projects that are currently under construction in New Orleans, Louisiana, a project which is viewed as integral to the long-term protection of water quality in the basin.

Mr. Chairman, I also want to commend the gentlemen from Louisiana (Mr. VITTER) and (Mr. JEFFERSON) for their hard work in support of this bill, and I also want to thank my distinguished subcommittee chairman, the gentleman from New York (Mr. BOEHLERT) for working with us in a bipartisan manner, which is the way this committee always operates. It is greatly appreciated.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana (Mr. VITTER), the primary author of this legislation. But before I do so, let me acknowledge that oftentimes Members come here and it takes quite a while before they make an impact on this institution. The gentleman from Louisiana (Mr. VITTER) is an exception to the rule.

Mr. VITTER. Mr. Chairman, I thank the gentleman for those kind words.

Today, of course, I rise in strong support of this Lake Pontchartrain Basin Restoration Act, H.R. 2957, because it truly will revitalize a national treasure for the American people.

The Lake Pontchartrain Basin is about 5,000 square miles. It encompasses 16 parishes in Southeast Louisiana, as well as four Mississippi counties. It is one of the largest estuaries in the United States, and at the center of this basin is 630 square miles of water, Lake Pontchartrain, that is surrounded by almost 1.5 million residents, making it the most populated area in the State of Louisiana.

The problem with this area is that over the past 60 years wetlands loss, human activities, natural forces have had a lot of adverse impacts on the Pontchartrain Basin. Wetlands around the basin have been drained, dredged, filled and channeled for oil and gas development. Storm water discharges, inadequate waste water treatment, agricultural activities, they have all sig-

nificantly degraded water quality. Loss of wetlands due to subsistence, salt water intrusion, and hurricanes also have harmed basin wildlife populations and placed 13 species, 13, on the U.S. Fish and Wildlife Service Threatened or Endangered Species List. Today, swimming is still not allowed on the south shore of the lake due to the high levels of pollution.

Because of all of this, last September I introduced one of my first pieces of legislation in the Congress, the Lake Pontchartrain Basin Restoration Act. This is designed to facilitate and accelerate the restoration, maintenance, and cleanup of truly one of America's most significant bodies of water.

This act will create a coordinated technically-sound program for the restoration and sustainable health of the ecosystem. It will amend the clean water act to establish a program for water quality restoration activities in the basin. Most importantly, it will focus on voluntary, positive, proactive restoration projects, not an increase in government regulation, not bureaucratic finger-pointing. There will also be extensive input by all of the local stakeholders in Southeast Louisiana and the four Mississippi counties affected, including all government entities in the basin and universities and restoration groups. So it is a great productive, proactive model to use.

Since introducing this act, I have held town hall meetings on the bill in Louisiana. I have met with hundreds of citizens and local elected officials to solicit their input. Their response has been overwhelming and enthusiastic and positive. These meetings were important because they affirmed the right model we are using for this legislation.

Mr. Chairman, I do want to say, though, this legislation builds on a lot of local support and activity that has been going on for some years. There has been progress in cleaning up the lake and the basin, and I want to, in particular, highlight and salute the Lake Pontchartrain Basin Foundation for its superb work in turning the corner and cleaning up the lake and bringing all parts of the community and all interested citizens and elected officials together. Their past efforts and outreach programs have informed many citizens in Southeast Louisiana about the steps we can all take to reduce pollution. Tremendous success has been achieved already.

For instance, last summer I saw porpoises and manatees in Lake Pontchartrain, and that was something just a few years ago no one would have ever guessed and soon, many of the no swimming signs on the south shore will be taken up. Those signs first began to appear in Lake Pontchartrain in 1962 when I was one year old.

Unfortunately, not all of the news is good news. On the north shore of the lake where there is tremendous development, some of those "no swimming" signs are soon to be erected, so there is

still a long road ahead before we regain a sustainable, fully functioning ecosystem.

For as long as I have lived, I have never known the lake as a place to swim, as I mentioned. Hopefully, my three daughters, Sophie, Lise, and Airey will not have to say that, will not have that same perception and memory when they are my age.

Mr. Chairman, this legislation was reported unanimously from both the subcommittee and the committee with unanimous bipartisan support. I urge all of my House colleagues to vote in favor of it.

I want to thank again the full committee chairman, the gentleman from Pennsylvania (Mr. SHUSTER), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), our subcommittee chairman, the gentleman from New York (Mr. BOEHLERT), and the subcommittee ranking member, the gentleman from Pennsylvania (Mr. BORSKI), and all of the staff who have assisted on the bill, particularly Ben Brumbles and Susan Bodine of the Subcommittee on Water Resources.

Mr. BORSKI. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I thank my distinguished friend from Philadelphia, my neighboring State of Pennsylvania. I have an amendment that I am waiting for that is coming from my office, Mr. Chairman. But I support this bill, and I want to commend the leadership of the gentleman from New York (Mr. BOEHLERT), and I want to thank him for helping me secure the class A franchise in the New York Penn League baseball, now known as the Mahoney Valley Scrapers. He does a tremendous job on our committee and I appreciated your help on bringing the president of the league up, that was a big help. I want to thank the gentleman from Pennsylvania (Mr. BORSKI) for all the work that he has done. If one wants to pass water, one wants to talk with him. He is the guy that does it around here.

I just want to make a couple of comments. I support this, and support almost every public works project in America, and I want the top gun to hear this. We have spent \$12.6 billion to build a tunnel in Bosnia. It is now \$1.2 billion over cost. But I am sure it is going to have merit.

Mr. Chairman, I have been advancing the prospect of completing the inter-navigable water system in the United States by connecting the Beaver River north of Pittsburgh, 110 miles away from Lake Erie, to revitalize every piece of industrial wasteland between Chicago and New York; Mr. Chairman, 60 percent of factories, 60 percent of the population within the region. They said it is too expensive. The Army Corps of Engineers said, Mr. TRAFICANT, we would love to build this; but we are afraid of its cost, so we are not going to support it. We have the greatest builders in the world, the Army

Corps of Engineers, putting their fingers in the holes of the dike, not really maximizing the infrastructure of our internavigable water system. I say to my colleagues, it is time that we do that and put America to work.

Let me say one last thing. How can there be an affected total comprehensive multi-modality transportation network without a full, comprehensive navigable water system connecting the Great Lakes to the Ohio River? Think about it. I don't know how much time it is going to take for my amendment to be here, and now I would like to speak to the effect of my amendment.

I understand this is an amendment to the Clean Water Act, the bill itself, and I commend my colleagues' constructive ingenuity to affect this common and well-thought-out goal. However, that Buy American, that Clean Water Act amendment already is covered by the Buy American Act. But the Buy American Act does not provide for a notice. The Traficant amendment says, yes, you must abide by the Buy American Act that is in the bill, and Congress recommends this, because we cannot mandate that they buy America, but encourages the support of buy American-made products or spending that on goods and services made in America. But more importantly, it gives notice from the Congress of the United States saying look, you are getting money, try and expend that money wherever possible on American-made goods.

The top gun is protected, and all of us work hard on the bill. So I hope that my staff will have heeded this clarion call and have my amendment here forthwith.

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume to say that this is the birthday of the gentleman from Louisiana (Mr. VITTER), the primary author of the bill, and Congress is not just presenting him with a \$125 million birthday present, Congress is advancing on a bipartisan basis responsible legislation that represents good public policy.

With respect to the comments of my good friend from Ohio, let me point out that this committee has the habit of working constructively in a positive manner with him to fashion his language in a way that we can all embrace, and we eagerly anticipate the arrival of that language so that it can be given the careful scrutiny to which this committee has become accustomed.

□ 1515

Mr. Chairman, at this juncture, I have no further requests for time; and I reserve the balance of my time.

Mr. BORSKI. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana (Mr. JEFFERSON), the cosponsor of this bill.

Mr. JEFFERSON. Mr. Chairman, I appreciate the allocation of time by the gentleman from Pennsylvania (Mr. BORSKI).

Mr. Chairman, I rise this afternoon to join the gentleman from Louisiana

(Mr. VITTER) in a bipartisan effort to request this House vote to pass this important environmental restoration and protection legislation.

This is the gentleman's birthday, I understand; and it is a wonderful birthday present for him to have this bill passed. But more than that, a wonderful gift to the people of our State that he is providing under his leadership, and I thank him for his efforts.

H.R. 2957 amends the Federal Water Pollution Control Act to authorize Federal support and coordination of water quality restoration projects for the Lake Pontchartrain Basin in Louisiana. By passing this legislation today, Congress will join with the State of Louisiana, local governments of the Metropolitan New Orleans area, local universities, the Lake Pontchartrain Basin Foundation, and private citizens who have already recognized that the lake is important and it is important to restore the water quality in the Lake Pontchartrain Basin.

Mr. Chairman, Lake Pontchartrain is one of the largest estuaries in the continental United States, and it is important that the Federal Government join in the effort to restore water quality there. The lake has a diverse ecology that is essential to the habitat that supports numerous species of fish, birds, mammals, and plants there.

Lake Pontchartrain also handles the major storm water runoff for the 16 parishes in Louisiana that surround it. As a direct result of sewage and septic tank discharges, animal waste from nearby farms that contain herbicides, pesticides, fertilizers, runoff from construction sediments, and other sources of pollution, the lake's water quality has been compromised to the point that fishing and swimming has been prohibited for decades.

Already, our local initiatives have started to address the issue of water quality, and some predict that one day in the near future swimming may be permitted again and fishing may be restored fully.

Restoration of the basin continues to be a major task for the State and local governments, and greater coordination is needed for restoration efforts.

Mr. Speaker, there is another reason for Federal involvement. Lake Pontchartrain also serves as a relief valve for Mississippi River spring floods which bring waters from regions exceeding way north of our State when high water at New Orleans requires opening of the Bonnet Carre Spillway.

Every time that the spillway has been opened, eight times since 1932, the last 1997, the deluge of Mississippi River flood waters that are diverted through Lake Pontchartrain have wreaked havoc on the delicate ecological balance in the basin. The waters of Lake Pontchartrain are brackish, not fresh water, not salt water; and the titanic influx of fresh water from the floods act as a toxic shock to the lake's environment that can take years to overcome.

Mr. Chairman, the Federal challenge here today is to help us to balance the management of the river and the need for flood control for New Orleans, for the Nation, while at the same time balancing the management of the ecological and economically important resources for the lake.

Mr. Chairman, we have been working on the problem of restoring the lake basin locally. It is time that the Federal Government adds its weight and ability to coordinate these efforts, and its resources, to help with this important initiative.

Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. BORSKI) for yielding me this time, and I thank my colleague for his work on this measure. It is a pleasure to join him, and I urge my colleagues to join us in passing this bill today.

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

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2957

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 "Lake Pontchartrain Basin Restoration Act of 2000".

SEC. 2. NATIONAL ESTUARY PROGRAM.

(a) *FINDING.*—Congress finds that the Lake Pontchartrain Basin is an estuary of national significance.

(b) *ADDITION TO NATIONAL ESTUARY PROGRAM.*—Section 320(a)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1330(a)(2)(B)) is amended by inserting "Lake Pontchartrain Basin, Louisiana and Mississippi;" before "and Peconic Bay, New York."

SEC. 3. LAKE PONTCHARTRAIN BASIN.

(a) *IN GENERAL.*—Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

"SEC. 121. LAKE PONTCHARTRAIN BASIN.

"(a) ESTABLISHMENT OF RESTORATION PROGRAM.—The Administrator shall establish within the Environmental Protection Agency the Lake Pontchartrain Basin Restoration Program.

"(b) PURPOSE.—The purpose of the program shall be to restore the ecological health of the Basin by developing and funding restoration projects and related scientific and public education projects.

"(c) DUTIES.—In carrying out the program, the Administrator shall—

"(1) provide administrative and technical assistance to a management conference convened for the Basin under section 320;

"(2) assist and support the activities of the management conference, including the implementation of recommendations of the management conference;

"(3) support environmental monitoring of the Basin and research to provide necessary technical and scientific information;

"(4) develop a comprehensive research plan to address the technical needs of the program;

"(5) coordinate the grant, research, and planning programs authorized under this section; and

"(6) collect and make available to the public publications, and other forms of information the management conference determines to be appropriate, relating to the environmental quality of the Basin.

"(d) GRANTS.—The Administrator may make grants—

"(1) for restoration projects and studies recommended by a management conference convened for the Basin under section 320;

"(2) for public education projects recommended by the management conference; and

"(3) for the inflow and infiltration project sponsored by the New Orleans Sewerage and Water Board and Jefferson Parish, Louisiana.

"(e) DEFINITIONS.—In this section, the following definitions apply:

"(1) BASIN.—The term 'Basin' means the Lake Pontchartrain Basin, a 5,000 square mile watershed encompassing 16 parishes in the State of Louisiana and 4 counties in the State of Mississippi.

"(2) PROGRAM.—The term 'program' means the Lake Pontchartrain Basin Restoration Program established under subsection (a).

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated—

"(A) \$100,000,000 for the inflow and infiltration project sponsored by the New Orleans Sewerage and Water Board and Jefferson Parish, Louisiana; and

"(B) \$5,000,000 for each of fiscal years 2001 through 2005 to carry out this section.

Such sums shall remain available until expended.

"(2) PUBLIC EDUCATION PROJECTS.—Not more than 15 percent of the amount appropriated pursuant to paragraph (1)(B) in a fiscal year may be expended on grants for public education projects under subsection (d)(2)."

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

All recipients of grants pursuant to this act shall abide by the Buy American Act and the Administrator of the Environmental Protection Agency shall give notice of the Buy American Act requirements to grant applicants.

Mr. TRAFICANT. Mr. Chairman, it is a very forthright little handwritten amendment. The gentleman from New York (Chairman BOEHLERT), who has reserved the right to object, should make note of the fact that it is like a reinforcement that there is a Buy

American Act that everybody seems to overlook and buy goods made from China and all over the place, with a trade deficit that is now approaching \$300 billion with China, surpassing Japan's \$60 billion. China will amass a \$70-plus billion trade surplus.

They are buying nuclear attack submarines and intercontinental ballistic missiles with our money. I have got to say "beam me up."

So the Traficant amendment says, look, the Clean Water Act has a Buy American statute in it, but it is so weak I do not think it could knock out Palooka. All we say, and all I say in this amendment, is abide by the Buy American Act, but give a notice of what that Buy American Act stands for so that the people who are getting these grants will at least have embedded in their psyche that the Congress of the United States would like to encourage them in expending American taxpayer dollars wherever possible, to expand it on American-made goods and services.

Now, having explained it, and wanting to have my standard language in, I believe that this language is significant enough and will require some task, but a task that is worthy of any administrator to effect a Buy American posture by our procurement policies.

I would hope that the gentleman's reservation in this matter can be abated.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, let me ask my distinguished colleague, well, first of all let me give a preamble. I think the objective of the gentleman's amendment is sound. I think the concept is noble. I am wondering if the gentleman might ask that his amendment might be amended to have a preamble: "It is the sense of Congress that," and continue on. That would make it consistent with previous endeavors advanced by the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, that would be fine except to say that it is the sense of Congress, and the administrator says it is a sense of Congress and he does not give a notice. If we want the administrator to say that it is the sense of Congress to abide by the Buy American Act, I do not know why we should pass the Buy American Act. What is the use of a law if we make it a sense of Congress and they do not have to abide by it?

Mr. BOEHLERT. Mr. Chairman, would the gentleman continue to yield?

Mr. TRAFICANT. Mr. Chairman, I am not so sure that I will yield after that argument. I will yield.

Mr. BOEHLERT. Mr. Chairman, I am trying to assist my noble colleague in making the language—

Mr. TRAFICANT. Mr. Chairman, I would be glad to make it a sense of the

Congress, but the notice shall not be a sense of the Congress. The historical debate on this would be that, yes, it is a sense of the Congress amendment, but there shall be a notice given that it is a sense of the Congress that they do abide by the Buy American Act. In other words, a notice will be given, Mr. Chairman.

Mr. BOEHLERT. Mr. Chairman, if my distinguished colleague would again yield.

Mr. TRAFICANT. Glad to yield to the gentleman.

Mr. BOEHLERT. Mr. Chairman, that is perfectly acceptable.

MODIFICATION TO AMENDMENT OFFERED BY

MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that the words spoken by the gentleman from New York (Mr. BOEHLERT) which state that it is the sense of the Congress that, bang, before the Traficant amendment be that which is incorporated into the amendment.

The CHAIRMAN. The Clerk will report the modification to the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The Clerk read as follows:

At the beginning of the text proposed to be inserted, add the following: It is the sense of the Congress that All recipients of grants pursuant to this act shall abide by the Buy American Act. The Administrator of the Environmental Protection Agency shall give notice of the Buy American Act requirements to grant applicants.

The CHAIRMAN. Is there objection to the modification to the amendment offered by the gentleman from Ohio (Mr. TRAFICANT)?

Mr. TRAFICANT. Clarification, Mr. Chairman. Clarification. And the remainder of it shall be after the Buy American Act, period: The Administrator of the Environmental Protection Agency shall give notice. That language shall remain.

The CHAIRMAN. The Clerk will again report the modification.

Mr. TRAFICANT. In further clarification—

The CHAIRMAN. The gentleman will suspend. The Clerk will report the modification.

The Clerk read as follows:

The amendment as modified is as follows: At the end of the bill, add the following new section: It is the sense of Congress that all recipients of grants pursuant to this act shall abide by the Buy American Act. The Administrator of the Environmental Protection Agency shall give notice of the Buy American Act Requirements to the grant applicants.

Mr. TRAFICANT. That is in essence a complete—

The CHAIRMAN. Is there objection to the modification?

There was no objection.

Mr. TAUZIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do so to enter into a colloquy with the gentleman from Louisiana (Mr. VITTER), my good friend.

The report accompanying this bill defines certain members of the management conference. Could the gentleman

please share with me his intentions in regards to the makeup of this management conference.

Mr. VITTER. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Louisiana.

Mr. VITTER. Mr. Chairman, it is certainly my intention to clarify that representation from each of the 16 parishes in Louisiana in the Lake Ponchartrain Basin estuary will be included in the management conference.

Mr. TAUZIN. Mr. Chairman, reclaiming my time, the report filed with the bill also clarifies that this legislation does not create new regulatory authority over the basin; however, it sets broad goals for the estuary. Could the gentleman share his intentions on the goals of this legislation and for the estuary.

Mr. VITTER. Mr. Chairman, if the gentleman would continue to yield, certainly, it is the intention of this legislation to address inflow and infiltration problems of the municipal sewer systems in the estuary that are adversely affecting the ecosystem of the basin and to provide the assistance necessary to focus on voluntary restoration projects that will benefit the health and productivity of the Lake Ponchartrain Basin. It does not provide any new regulatory authority in the basin.

I intend to more clearly define the goals of the legislation and management conference in the conference report of this bill.

Mr. TAUZIN. Mr. Chairman, I want to thank the gentleman for the clarification, and I would like to congratulate the gentleman from Louisiana for his fine work on behalf of the citizens of south Louisiana in this important basin. I look forward to continuing to work with him on this bill throughout the legislative process and encourage its passage by this House.

The CHAIRMAN. The question is on the amendment, as modified offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment, as modified, was agreed to.

Mr. BOEHLERT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BOEHLERT. Mr. Chairman, does that mean that the Traficant-Boehlert amendment has just passed?

The CHAIRMAN. Yes, the gentleman is correct.

□ 1530

The CHAIRMAN. Are there other amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr.

BOEHLERT) having assumed the chair, Mr. OSE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2957) to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality restoration projects for Lake Pontchartrain Basin, Louisiana, and for other purposes, pursuant to House Resolution 484, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BOEHLERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8(c) of rule XX, this 15-minute vote will be followed by a series of 5-minute votes on motions to suspend the rules postponed from earlier today.

The vote was taken by electronic device, and there were—yeas 418, nays 6, not voting 11, as follows:

[Roll No. 138]

YEAS—418

Abercrombie	Blagojevich	Chabot	Deutsch	Jones (OH)	Pease
Ackerman	Bliley	Chambliss	Diaz-Balart	Kanjorski	Pelosi
Aderholt	Blumenauer	Clay	Dickey	Kaptur	Peterson (MN)
Allen	Blunt	Clayton	Dicks	Kasich	Peterson (PA)
Andrews	Boehlert	Clement	Dingell	Kelly	Petri
Archer	Boehner	Clyburn	Dixon	Kennedy	Phelps
Armey	Bonilla	Coble	Doggett	Kildee	Pickering
Baca	Bonior	Collins	Dooley	Kilpatrick	Pickett
Bachus	Bono	Combest	Doolittle	Kind (WI)	Pitts
Baird	Borski	Condit	Doyle	King (NY)	Pombo
Baker	Boswell	Conyers	Dreier	Kingston	Pomeroy
Baldacci	Boucher	Cooksey	Duncan	Kleczka	Porter
Baldwin	Boyd	Costello	Dunn	Klink	Portman
Ballenger	Brady (PA)	Cox	Edwards	Knollenberg	Price (NC)
Barcia	Brady (TX)	Coyne	Ehlers	Kolbe	Pryce (OH)
Barr	Brown (FL)	Cramer	Ehrlich	Kucinich	Quinn
Barrett (NE)	Brown (OH)	Crane	Emerson	Kuykendall	Radanovich
Barrett (WI)	Bryant	Crowley	Engel	LaFalce	Rahall
Bartlett	Burr	Cubin	English	LaHood	Ramstad
Barton	Burton	Cummings	Eshoo	Lampson	Rangel
Bass	Buyer	Cunningham	Etheridge	Lantos	Regula
Bateman	Callahan	Danner	Evans	Largent	Reyes
Becerra	Calverton	Davis (FL)	Everett	Larson	Reynolds
Bentsen	Camp	Davis (IL)	Ewing	Latham	Riley
Bereuter	Campbell	Davis (VA)	Farr	LaTourette	Rivers
Berkley	Canady	Deal	Fattah	Lazio	Rodriguez
Berman	Cannon	DeFazio	Filner	Leach	Roemer
Berry	Capps	DeGette	Fletcher	Lee	Rogan
Biggart	Capuano	DeLahunt	Foley	Levin	Rogers
Bilbray	Cardin	DeLauro	Forbes	Lewis (CA)	Rohrabacher
Bilirakis	Carson	DeLay	Ford	Lewis (GA)	Ros-Lehtinen
Bishop	Castle	DeMint	Fossella	Lewis (KY)	Rothman
			Fowler	Linder	Roukema
			Frank (MA)	Lipinski	Roybal-Allard
			Franks (NJ)	LoBiondo	Rush
			Frelinghuysen	Lofgren	Ryan (WI)
			Gallely	Lowe	Ryun (KS)
			Ganske	Lucas (KY)	Sabo
			Gejdenson	Luther	Salmon
			Gekas	Maloney (CT)	Sanchez
			Gephardt	Maloney (NY)	Sanders
			Gibbons	Manzullo	Sandlin
			Gilchrest	Markey	Sawyer
			Gillmor	Martinez	Saxton
			Gilman	Mascara	Scarborough
			Gonzalez	Matsui	Schakowsky
			Goode	McCarthy (MO)	Scott
			Goodlatte	McCarthy (NY)	Sensenbrenner
			Goodling	McCollum	Serrano
			Gordon	McCrery	Sessions
			Goss	McDermott	Shadegg
			Graham	McGovern	Shaw
			Granger	McHugh	Shays
			Green (TX)	McInnis	Sherman
			Green (WI)	McIntosh	Sherwood
			Greenwood	McIntyre	Shimkus
			Gutknecht	McKeon	Shows
			Hall (OH)	McKinney	Shuster
			Hall (TX)	McNulty	Simpson
			Hansen	Meehan	Sisisky
			Hastert	Meek (FL)	Skeen
			Hastings (FL)	Meeks (NY)	Skelton
			Hastings (WA)	Menendez	Slaughter
			Hayes	Metcalf	Smith (MI)
			Hayworth	Mica	Smith (NJ)
			Hefley	Millender	Smith (TX)
			Herger	McDonald	Smith (WA)
			Hill (IN)	Miller (FL)	Snyder
			Hill (MT)	Miller, Gary	Souder
			Hilleary	Miller, George	Spence
			Hilliard	Minge	Spratt
			Hincheey	Mink	Stabenow
			Hinojosa	Moakley	Stark
			Hobson	Mollohan	Stearns
			Hoefel	Moore	Stenholm
			Hoekstra	Moran (KS)	Strickland
			Holden	Moran (VA)	Stump
			Holt	Morella	Stupak
			Hooley	Murtha	Sununu
			Horn	Nadler	Sweeney
			Houghton	Napolitano	Talent
			Hoyer	Neal	Tancredo
			Hulshof	Nethercutt	Tanner
			Hunter	Ney	Tauscher
			Hutchinson	Northup	Tauzin
			Hyde	Norwood	Taylor (MS)
			Inslie	Nussle	Taylor (NC)
			Isakson	Oberstar	Terry
			Istook	Obey	Thomas
			Jackson (IL)	Olver	Thompson (CA)
			Jackson-Lee	Ortiz	Thompson (MS)
			(TX)	Ose	Thornberry
			Jefferson	Owens	Thune
			Jenkins	Oxley	Thurman
			John	Packard	Tiahrt
			Johnson (CT)	Pallone	Tierney
			Johnson, E. B.	Pascrell	Toomey
			Johnson, Sam	Pastor	Towns
			Jones (NC)	Payne	Traficant

Turner	Wamp	Weller
Udall (CO)	Waters	Wexler
Udall (NM)	Watkins	Weygand
Upton	Watt (NC)	Whitfield
Vento	Watts (OK)	Wilson
Visclosky	Waxman	Wolf
Vitter	Weiner	Woolsey
Walden	Weldon (FL)	Wu
Walsh	Weldon (PA)	Wynn

NAYS—6

Chenoweth-Hage	Paul	Sanford
Hostettler	Royce	Schaffer

NOT VOTING—11

Coburn	Lucas (OK)	Wise
Cook	Myrick	Young (AK)
Frost	Velazquez	Young (FL)
Gutierrez	Wicker	

□ 1552

Mr. SCHAFFER changed his vote from “yea” to “nay.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□

GENERAL LEAVE

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous material on H.R. 2957, the bill just passed.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from New York?

There was no objection.

□

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

- S. 2323, by the yeas and nays;
- H.R. 4055, by the yeas and nays; and
- H.R. 1901, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote in this series.

□

WORKER ECONOMIC OPPORTUNITY ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 2323.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the Senate bill, S. 2323, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 13, as follows:

[Roll No. 139]

YEAS—421

Abercrombie	Deutsch	Johnson, E. B.
Ackerman	Diaz-Balart	Johnson, Sam
Aderholt	Dickey	Jones (NC)
Allen	Dicks	Jones (OH)
Andrews	Dingell	Kanjorski
Archer	Dixon	Kaptur
Armey	Doggett	Kasich
Baca	Dooley	Kelly
Bachus	Doolittle	Kennedy
Baird	Doyle	Kildee
Baker	Dreier	Kilpatrick
Baldacci	Duncan	Kind (WI)
Baldwin	Dunn	King (NY)
Ballenger	Edwards	Kingston
Barcia	Ehlers	Kleczka
Barr	Ehrlich	Klink
Barrett (NE)	Emerson	Knollenberg
Barrett (WI)	Engel	Kolbe
Bartlett	English	Kucinich
Barton	Eshoo	Kuykendall
Bass	Etheridge	LaFalce
Bateman	Evans	LaHood
Becerra	Everett	Lampson
Bentsen	Ewing	Lantos
Bereuter	Farr	Largent
Berkley	Fattah	Larson
Berman	Filner	Latham
Berry	Fletcher	LaTourrette
Biggert	Foley	Lazio
Bilbray	Forbes	Leach
Bilirakis	Ford	Lee
Bishop	Fossella	Levin
Blagojevich	Fowler	Lewis (CA)
Bliley	Frank (MA)	Lewis (GA)
Blumenauer	Franks (NJ)	Lewis (KY)
Blunt	Frelinghuysen	Linder
Boehlert	Gallely	Lipinski
Boehner	Ganske	LoBiondo
Bonilla	Gejdenson	Lofgren
Bonior	Gekas	Lowey
Bono	Gephardt	Lucas (KY)
Borski	Gibbons	Luther
Boswell	Gilchrest	Maloney (CT)
Boucher	Gillmor	Maloney (NY)
Boyd	Gilman	Manzullo
Brady (PA)	Gonzalez	Markey
Brady (TX)	Goode	Martinez
Brown (FL)	Goodlatte	Mascara
Brown (OH)	Goodling	Matsui
Bryant	Gordon	McCarthy (MO)
Burr	Goss	McCarthy (NY)
Burton	Graham	McCollum
Buyer	Granger	McCrery
Callahan	Green (TX)	McDermott
Calvert	Green (WI)	McGovern
Camp	Greenwood	McHugh
Campbell	Gutknecht	McInnis
Canady	Hall (OH)	McIntosh
Cannon	Hall (TX)	McIntyre
Capps	Hansen	McKeon
Capuano	Hastings (FL)	McKinney
Cardin	Hastings (WA)	McNulty
Carson	Hayes	Meehan
Castle	Hayworth	Meek (FL)
Chabot	Hefley	Meeks (NY)
Chambliss	Herger	Menendez
Chenoweth-Hage	Hill (IN)	Metcalfe
Clay	Hill (MT)	Mica
Clayton	Hilleary	Millender-
Clement	Hilliard	McDonald
Clyburn	Hinchee	Miller (FL)
Coble	Hinojosa	Miller, Gary
Collins	Hobson	Miller, George
Combest	Hoefel	Minge
Condit	Hoekstra	Mink
Conyers	Holden	Moakley
Costello	Holt	Mollohan
Cox	Hooley	Moore
Coyne	Horn	Moran (KS)
Cramer	Hostettler	Moran (VA)
Crane	Houghton	Morella
Crowley	Hoyer	Murtha
Cubin	Hulshof	Nadler
Cummings	Hunter	Napolitano
Cunningham	Hutchinson	Neal
Danner	Hyde	Nethercutt
Davis (FL)	Inslee	Ney
Davis (IL)	Isakson	Northup
Davis (VA)	Istook	Norwood
Deal	Jackson (IL)	Nussle
DeFazio	Jackson-Lee	Oberstar
DeGette	(TX)	Obey
Delahunt	Jefferson	Olver
DeLauro	Jenkins	Ortiz
DeLay	John	Ose
DeMint	Johnson (CT)	Owens

Oxley	Salmon	Tancredo
Packard	Sanchez	Tanner
Pallone	Sanders	Tauscher
Pascrell	Sandlin	Taylor (MS)
Pastor	Sanford	Taylor (NC)
Paul	Sawyer	Terry
Payne	Saxton	Thomas
Pease	Scarborough	Thompson (CA)
Pelosi	Schaffer	Thompson (MS)
Peterson (MN)	Schakowsky	Thornberry
Peterson (PA)	Scott	Thune
Petri	Sensenbrenner	Thurman
Phelps	Serrano	Tiahrt
Pickering	Sessions	Tierney
Pickett	Shadegg	Toomey
Pitts	Shaw	Towns
Pombo	Shays	Traficant
Pomeroy	Sherman	Turner
Porter	Sherwood	Udall (CO)
Portman	Shimkus	Udall (NM)
Price (NC)	Shows	Upton
Pryce (OH)	Shuster	Vento
Quinn	Simpson	Visclosky
Rahall	Sisisky	Vitter
Ramstad	Skeen	Walden
Rangel	Skelton	Walsh
Regula	Slaughter	Wamp
Reyes	Smith (MI)	Waters
Reynolds	Smith (NJ)	Watkins
Riley	Smith (TX)	Watt (NC)
Rivers	Smith (WA)	Watts (OK)
Rodriguez	Snyder	Waxman
Roemer	Souder	Weiner
Rogan	Spence	Weldon (FL)
Rogers	Spratt	Weldon (PA)
Rohrabacher	Stabenow	Weller
Ros-Lehtinen	Stark	Wexler
Rothman	Stearns	Weygand
Roukema	Stenholm	Whitfield
Roybal-Allard	Strickland	Wicker
Royce	Stump	Wilson
Rush	Stupak	Wolf
Ryan (WI)	Sununu	Woolsey
Ryun (KS)	Sweeney	Wu
Sabo	Talent	Wynn

NOT VOTING—13

Coburn	Lucas (OK)	Wise
Cook	Myrick	Young (AK)
Cooksey	Radanovich	Young (FL)
Frost	Tauzin	
Gutierrez	Velazquez	

□ 1603

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□

IDEA FULL FUNDING ACT OF 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4055.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the bill, H.R. 4055, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 3, not voting 10, as follows:

[Roll No. 140]

YEAS—421

Abercrombie	Baird	Bartlett
Ackerman	Baker	Barton
Aderholt	Baldacci	Bass
Allen	Baldwin	Becerra
Andrews	Ballenger	Bentsen
Archer	Barcia	Bereuter
Armey	Barr	Berkley
Baca	Barrett (NE)	Berman
Bachus	Barrett (WI)	Berry

Biggert	Ford	Lewis (CA)	Rohrabacher	Skelton	Tiahrt	Camp	Hansen	Meek (FL)
Bilbray	Fossella	Lewis (GA)	Ros-Lehtinen	Slaughter	Tierney	Campbell	Hastings (FL)	Meeks (NY)
Bilirakis	Fowler	Lewis (KY)	Rothman	Smith (MI)	Toomey	Canady	Hastings (WA)	Menendez
Bishop	Frank (MA)	Linder	Roukema	Smith (NJ)	Towns	Cannon	Hayes	Metcalf
Blagojevich	Franks (NJ)	Lipinski	Roybal-Allard	Smith (TX)	Trafigant	Capps	Hayworth	Mica
Bliley	Frelinghuysen	LoBiondo	Royce	Smith (WA)	Turner	Capuano	Hefley	Millender-
Blumenauer	Frost	Lofgren	Rush	Stark	Udall (CO)	Cardin	Herger	McDonald
Blunt	Gallegly	Lowey	Ryan (WI)	Souder	Udall (NM)	Carson	Hill (IN)	Miller (FL)
Boehlert	Ganske	Lucas (KY)	Ryun (KS)	Spence	Upton	Castle	Hill (MT)	Miller, Gary
Boehner	Gejdenson	Luther	Sabo	Spratt	Vento	Chabot	Hilleary	Miller, George
Bonilla	Gekas	Maloney (CT)	Salmon	Stabenow	Visclosky	Chambliss	Hilliard	Minge
Bonior	Gephardt	Maloney (NY)	Sanchez	Vitter	Walden	Chenoweth-Hage	Hinchey	Mink
Bono	Gibbons	Manzullo	Sanders	Stearns	Walsh	Clay	Hinojosa	Moakley
Borski	Gilchrest	Markey	Sandlin	Stenholm	Wamp	Clayton	Hobson	Mollohan
Boswell	Gillmor	Martinez	Sawyer	Strickland	Waters	Clement	Hoefel	Moore
Boucher	Gilman	Mascara	Saxton	Stump	Watkins	Clyburn	Hoekstra	Moran (KS)
Boyd	Gonzalez	Matsui	Scarborough	Stupak	Watt (NC)	Coble	Holden	Moran (VA)
Brady (PA)	Goode	McCarthy (MO)	Schaffer	Sununu	Watts (OK)	Collins	Holt	Morella
Brady (TX)	Goodlatte	McCarthy (NY)	Schakowsky	Sweeney	Waxman	Combest	Hoolley	Murtha
Brown (FL)	Goodling	McCollum	Scott	Talent	Weiner	Condit	Horn	Nadler
Brown (OH)	Gordon	McCreery	Serrano	Tancredo	Weldon (FL)	Conyers	Hostettler	Napolitano
Bryant	Goss	McDermott	Sessions	Tanner	Weldon (PA)	Cooksey	Houghton	Neal
Burr	Graham	McGovern	Shadegg	Tauscher	Weller	Costello	Hoyer	Nethercutt
Burton	Granger	McHugh	Shaw	Tauzin	Wexler	Coyne	Hulshof	Ney
Buyer	Green (TX)	McInnis	Shays	Taylor (MS)	Weyand	Cramer	Hunter	Northup
Callahan	Green (WI)	McIntosh	Sherman	Taylor (NC)	Whitfield	Crane	Hutchinson	Norwood
Calvert	Greenwood	McIntyre	Sherwood	Terry	Wicker	Crowley	Hyde	Nussle
Camp	Gutknecht	McKeon	Shimkus	Thomas	Wilson	Cubin	Inslee	Oberstar
Campbell	Hall (OH)	McKinney	Shows	Thompson (CA)	Wolf	Cummings	Isakson	Obey
Canady	Hall (TX)	McNulty	Shuster	Thompson (MS)	Woolsey	Cunningham	Istook	Olver
Cannon	Hansen	Meehan	Simpson	Thornberry	Wu	Danner	Jackson (IL)	Ortiz
Capps	Hastings (FL)	Meek (FL)	Sisisky	Thune	Wynn	Davis (FL)	Jackson-Lee	Ose
Capuano	Hastings (WA)	Meeks (NY)	Skeen	Thurman		Davis (IL)	(TX)	Owens
Cardin	Hayes	Menendez				Davis (VA)	Jefferson	Oxley
Carson	Hayworth	Metcalf				Deal	Jenkins	Packard
Castle	Hefley	Mica				DeFazio	John	Pallone
Chabot	Herger	Millender-				DeGette	Johnson (CT)	Pascarell
Chambliss	Hill (IN)	McDonald				DeLahunt	Johnson, E. B.	Pastor
Chenoweth-Hage	Hill (MT)	Miller (FL)	Bateman	Lucas (OK)	Young (AK)	DeLauro	Johnson, Sam	Paul
Clay	Hilleary	Miller, Gary	Coburn	Myrick	Young (FL)	DeLay	Jones (NC)	Payne
Clayton	Hilliard	Miller, George	Cook	Velazquez		DeMint	Jones (OH)	Pease
Clement	Hinchey	Minge	Gutierrez	Wise		Deutsch	Kanjorski	Pelosi
Clyburn	Hinojosa	Mink				Diaz-Balart	Kaptur	Peterson (MN)
Coble	Hobson	Moakley				Dickey	Kasich	Peterson (PA)
Collins	Hoefel	Mollohan				Dicks	Kennedy	Petri
Combest	Hoekstra	Moore				Dingell	Kildee	Phelps
Condit	Holden	Moran (KS)				Dixon	Kilpatrick	Pickering
Conyers	Holt	Moran (VA)				Doggett	Kind (WI)	Pickett
Cooksey	Hoolley	Morella				Dooley	King (NY)	Pitts
Costello	Horn	Murtha				Doolittle	Kingston	Pombo
Cox	Hostettler	Nadler				Dreier	Klecza	Pomeroy
Coyne	Houghton	Napolitano				Duncan	Klink	Porter
Cramer	Hoyer	Neal				Dunn	Knollenberg	Portman
Crane	Hulshof	Nethercutt				Edwards	Kolbe	Price (NC)
Crowley	Hunter	Ney				Ehlers	Kucinich	Pryce (OH)
Cubin	Hutchinson	Northup				Ehrlich	Kuykendall	Quinn
Cummings	Hyde	Norwood				Emerson	LaFalce	Radanovich
Cunningham	Inslee	Nussle				Engel	LaHood	Rahall
Danner	Isakson	Oberstar				English	Lampson	Ramstad
Davis (FL)	Istook	Obey				Eshoo	Lantos	Rangel
Davis (IL)	Jackson (IL)	Olver				Etheridge	Largent	Regula
Davis (VA)	Jackson-Lee	Ortiz				Evans	Larson	Reyes
Deal	(TX)	Ose				Everett	Latham	Reynolds
DeFazio	Jefferson	Owens				Ewing	LaTourette	Riley
DeGette	Jenkins	Oxley				Farr	Lazio	Rivers
DeLahunt	John	Packard				Fattah	Leach	Rodriguez
DeLauro	Johnson (CT)	Pallone				Filner	Lee	Roemer
DeLay	Johnson, E. B.	Pascarell				Foley	Levin	Rogan
DeMint	Johnson, Sam	Pastor				Forbes	Lewis (CA)	Rogers
Deutsch	Jones (NC)	Payne				Ford	Lewis (GA)	Rohrabacher
Diaz-Balart	Jones (OH)	Pease				Fossella	Lewis (KY)	Ros-Lehtinen
Dickey	Kanjorski	Pelosi				Fowler	Linder	Rothman
Dicks	Kaptur	Peterson (MN)				Frank (MA)	Lipinski	Roukema
Dingell	Kasich	Peterson (PA)				Franks (NJ)	LoBiondo	Roybal-Allard
Dixon	Kelly	Petri				Frelinghuysen	Lofgren	Royce
Doggett	Kennedy	Phelps				Frost	Lowey	Rush
Dooley	Kildee	Pickering				Gallegly	Lucas (KY)	Ryan (WI)
Doolittle	Kilpatrick	Pickett				Ganske	Luther	Ryun (KS)
Doyle	Kind (WI)	Pitts				Gejdenson	Maloney (CT)	Sabo
Dreier	King (NY)	Pombo				Gekas	Maloney (NY)	Salmon
Duncan	Kingston	Pomeroy				Gephardt	Manzullo	Sanchez
Dunn	Klecza	Porter				Gibbons	Markey	Sanders
Edwards	Klink	Portman				Gilchrest	Martinez	Sandlin
Ehlers	Knollenberg	Price (NC)				Gillmor	Mascara	Sawyer
Ehrlich	Kolbe	Pryce (OH)				Gilman	Matsui	Saxton
Emerson	Kucinich	Quinn				Gonzalez	McCarthy (MO)	Scarborough
Engel	Kuykendall	Radanovich				Goode	McCarthy (NY)	Schaffer
English	LaFalce	Rahall				Goodlatte	McCullum	Schakowsky
Eshoo	LaHood	Ramstad				Goodling	McCreery	Scott
Etheridge	Lampson	Rangel				Gordon	McDermott	Sensenbrenner
Evans	Lantos	Regula				Goss	McGovern	Serrano
Everett	Largent	Reyes				Graham	McHugh	Sessions
Ewing	Larson	Reynolds				Granger	McInnis	Shadegg
Farr	Latham	Riley				Green (TX)	McIntosh	Shaw
Fattah	LaTourette	Rivers				Green (WI)	McIntyre	Shays
Filner	Lazio	Rodriguez				Greenwood	McKeon	Sherman
Fletcher	Leach	Rogers				Gutknecht	McKinney	Sherwood
Foley	Lee	Rogan				Hall (OH)	McNulty	Shimkus
Forbes	Levin	Rogers				Hall (TX)	Meehan	Shows

NAYS—3

NOT VOTING—10

□ 1611

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□

KIKA DE LA GARZA UNITED STATES BORDER STATION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1901.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 1901, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 1, not voting 16, as follows:

[Roll No. 141]

YEAS—417

Abercrombie	Bartlett	Boehner
Ackerman	Barton	Bonilla
Aderholt	Bass	Bonior
Allen	Becerra	Bono
Andrews	Bentsen	Borski
Archer	Bereuter	Boswell
Armey	Berkley	Boucher
Baca	Berman	Boyd
Bachus	Berry	Brady (PA)
Baird	Biggert	Brady (TX)
Baker	Bilbray	Brown (FL)
Baldacci	Bilirakis	Brown (OH)
Baldwin	Bishop	Bryant
Ballenger	Blagojevich	Burr
Barcia	Bliley	Burton
Barr	Blumenauer	Buyer
Barrett (NE)	Blunt	Callahan
Barrett (WI)	Boehlert	Calvert

Shuster	Tancredo	Visclosky
Simpson	Tanner	Vitter
Sisisky	Tauscher	Walden
Skeen	Tauzin	Wamp
Skelton	Taylor (MS)	Waters
Slaughter	Taylor (NC)	Watkins
Smith (MI)	Terry	Watt (NC)
Smith (NJ)	Thomas	Watts (OK)
Smith (TX)	Thompson (CA)	Waxman
Smith (WA)	Thompson (MS)	Weiner
Snyder	Thornberry	Weldon (FL)
Spence	Thune	Weldon (PA)
Spratt	Thurman	Weller
Stabenow	Tiahrt	Wexler
Stark	Tierney	Weygand
Stearns	Toomey	Whitfield
Stenholm	Towns	Wickler
Strickland	Traficant	Wilson
Stump	Turner	Wolf
Stupak	Udall (CO)	Woolsey
Sununu	Udall (NM)	Wu
Sweeney	Upton	Wynn
Talent	Vento	

NAYS—1

Sanford

NOT VOTING—16

Bateman	Fletcher	Velazquez
Coburn	Gutierrez	Walsh
Cook	Kelly	Wise
Cox	Lucas (OK)	Young (AK)
Doyle	Myrick	Young (FL)
	Souder	

□ 1621

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider is laid on the table.

Stated for:

Mr. FLETCHER. Mr. Speaker, on rollcall No. 141 I was inadvertently detained. Had I been present, I would have voted "yea."

□

AUTHORIZING THE USE OF THE CAPITOL GROUNDS BY THE EARTH FORCE YOUTH BIKE SUMMIT

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the concurrent resolution (H. Con. Res. 314), authorizing the use of the Capitol Grounds for a bike rodeo to be conducted by the Earth Force Youth Bike Summit, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. MILLER of Florida). Is there objection to the request of the gentleman from Ohio?

Mr. BLUMENAUER. Mr. Speaker, reserving the right to object, I yield to the gentleman from Ohio (Mr. LATOURETTE) to explain his request.

Mr. LATOURETTE. Mr. Speaker, I thank the gentleman for yielding to me for an explanation.

Mr. Speaker, H. Con. Res. 314 authorizes the use of the Capitol Grounds for Get Outspoken, Youth Bicycle Summit to be held on May 10, 2000, or on such date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

The resolution also authorizes the architect of the Capitol, the Capitol Police Board and the sponsor of the event to negotiate the necessary arrangements for carrying out of the events in complete compliance with the rules and regulations governing the use of the Capitol Grounds. The event is open to the public and free of charge.

Mr. Speaker, I want to thank my friend for yielding. I also want to thank him for his leadership and sponsorship of this measure.

(Mr. BLUMENAUER asked and was given permission to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Speaker, my goal in Congress has been to promote more livable communities. Livable communities are those that are safe, healthy and economically secure.

There are many things that we in Congress can do to enhance livability. Whether it is requiring the Post office to play by the same rules as the rest of America by following local land use and zoning laws or by having more rational water policies to help protect and renew our waterways.

It is important that Congress lead by example and support policies and programs that contribute to the health, safety and economic security of our communities. One simple step we can take today is to support this resolution and the event that it will enable.

On May 10th, Earth Force will hold their annual Bike Rodeo on the Capitol Grounds.

This event is the culmination of a nation wide cycling education project. Children from all of our districts were asked to devise safe bicycling routes through their communities and share their proposals with their peers.

To commemorate their efforts Earth Force holds the bike rodeo to promote youth civic involvement and teach children about safe biking techniques.

This is a fun event with an important message. In 1998, 350,000 children 14 and under were treated in hospital emergency rooms for bicycle-related injuries. Collisions with motor vehicles account for 90 percent of all bicycle related deaths and 10 percent of all non-fatal injuries.

Bike safety education will go a long way to preventing these unnecessary fatalities and significantly enhance the livability of our communities.

This event is the perfect way to celebrate May as National Bike Safety Month.

I welcome the support of my colleagues on this resolution and encourage you to join Earth Force on May 10th to celebrate the leadership demonstrated by the youths they are honoring.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 314

Resolved by the House of Representatives (the Senate concurring).

SECTION 1. AUTHORIZATION OF BIKE RODEO ON CAPITOL GROUNDS.

The Earth Force Youth Bike Summit (in this resolution referred to as the "sponsor") shall be permitted to sponsor a bike rodeo

(in this resolution referred to as the "event") on the Capitol Grounds on May 10, 2000, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event authorized by section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the sponsor may erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for the event authorized by section 1.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements as may be required to carry out the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event authorized by section 1.

SEC. 5. LIMITATIONS ON REPRESENTATIONS.

(a) IN GENERAL.—No person may represent, either directly or indirectly, that this resolution or any activity carried out under this resolution in any way constitutes approval or endorsement by the Federal Government of any person or any product or service.

(b) ENFORCEMENT.—The Architect of the Capitol and the Capitol Police Board shall enter into an agreement with the sponsor, and such other persons participating in the event authorized by section 1 as the Architect of the Capitol and the Capitol Police Board considers appropriate, under which such persons shall agree to comply with the requirements of subsection (a). The agreement shall specifically prohibit the use of any photograph taken at the event for a commercial purpose and shall provide for the imposition of financial penalties if any violations of the agreement occur.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□

APPOINTMENT OF CONFEREES ON H.R. 434, AFRICAN GROWTH AND OPPORTUNITY ACT

Mr. GILMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 434) to authorize a new trade and investment policy for sub-Saharan Africa, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? The Chair hears none and, without objection, appoints the following conferees: From the Committee on International Relations for consideration of the House

bill and the Senate amendment and modifications committed to conference, Messrs. GILMAN, ROYCE, and GEJDENSON; from the Committee on Ways and Means for consideration of the House bill and the Senate amendment, and modifications committed to conference, Messrs. ARCHER, CRANE, and RANGEL; as additional conferees, for consideration of the House bill and the Senate amendment, and modifications committed to conference, Mr. HOUGHTON and Mr. HOEFFEL.

There was no objection.

□

CONFEREES TO MEET ON H.R. 434, AFRICAN GROWTH AND OPPORTUNITY ACT

(Mr. GILMAN asked and was given permission to address the House for 1 minute.)

Mr. GILMAN. Mr. Speaker, I would like to announce that the conferees on H.R. 434 will meet in Room 1100 of the Longworth Building immediately.

□

ANNOUNCEMENT OF AMENDMENT PROCESS FOR H.R. 701, CONSERVATION AND REINVESTMENT ACT

(Mr. HASTINGS of Washington asked and was given permission to address the House for 1 minute.)

Mr. HASTINGS of Washington. Mr. Speaker, today a Dear Colleague letter will be sent to all Members informing them that the Rules Committee is planning to meet the week of May 8 to grant a rule which may limit the amendment process on H.R. 701, the Conservation and Reinvestment Act, also known as CARA.

Any Member who wishes to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment by 5:00 p.m. on Monday, May 8, to the Committee on Rules in Room H-312 of the Capitol.

Amendments should be drafted to the text of an amendment in the nature of a substitute which is available at the Committee on Resources and will be posted on their Web site by 12 noon tomorrow.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

□

EAST TIMOR REPATRIATION AND SECURITY ACT

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and revise and extend his remarks and include therein extraneous material.)

Mr. MCGOVERN. Mr. Speaker, today I am proud to join with my colleague, the gentleman from New Jersey (Mr. SMITH), to introduce H.R. 4357, the East Timor Repatriation Security Act.

The crisis in East Timor continues, and the Congress needs to respond. Some 100,000 refugees remained trapped in squalid and threatening conditions inside West Timor. The overwhelming majority of these refugees want to return to their home in East Timor, but they cannot because the camps are under the control of the militias.

The militias and elements of the Indonesian Army continue cross-border attacks into East Timor.

Reconstruction continues to be a slow and laborious task.

Our bill maintains Congressional restrictions and the President's suspension on military cooperation with the Indonesian Armed Forces until the refugees are safely repatriated and military attacks against East Timor are ended.

It calls upon the President to help the safe repatriation of the refugees and to help rebuild East Timor, and it salutes the members of the United States Armed Forces who have participated in the peacekeeping operation in East Timor.

Mr. Speaker, I urge my colleagues to cosponsor the McGovern-Smith bill on East Timor.

Mr. Speaker, I include the following for the RECORD:

[From Human Rights Watch]

EAST TIMORESE REFUGEES FACE NEW THREAT (NEW YORK, Mar. 30, 2000).—Human Rights Watch today called on Indonesian authorities to lift a March 31 deadline on humanitarian aid to East Timorese refugees living in West Timor. The Indonesian government has given the refugees, some 100,000 people, until the end of the month to choose whether to go back to East Timor or remain in Indonesia. Indonesia says it will end all delivery of food and other assistance as of March 31.

"Everyone wants a quick resolution of the refugee crisis, but this ultimatum is counterproductive," said Joe Saunders, deputy Asia director at Human Rights Watch. "The threatened deadline alone has created panic. If it is implemented, the cutoff will directly endanger the lives of tens of thousands of refugees without solving the underlying problems."

Conditions for many of the refugees are already dire. There have been food shortages, along with health and nutrition problems in many of the camps. Some reports estimate that as many as 500 refugees have died from stomach and respiratory ailments. Refugees also continue to face significant obstacles in deciding whether to return. In some areas, refugees continue to be subjected to intimidation by armed militias and disinformation campaigns. Refugees are told that conditions in East Timor are worse than in the camps, and the United Nations is acting as a new colonial occupying force. Other refugees opposed independence for East Timor, or come from militia or army families, and fear vigilante justice should they return to East Timor.

Indonesian officials claim, however, that they can no longer afford to feed the refugees, that food aid acts as a magnet and prevents refugees in West Timor from returning home permanently, claiming that after March 31, the refugees should be the sole responsibility of the international community.

"Given Indonesia's economic woes, the call for international financial support in feeding and caring for the refugees is understandable. We call on donors to make urgently needed assistance available. But an artificial

deadline helps no one," said Saunders. "Thousands of refugees are not now in a position to make a free and informed choice about whether to return. A large part of the problem has been Indonesia's failure to create conditions in which refugees can make a genuine choice."

According to aid agencies, the total number of refugees currently in West Timor is just under 100,000. Precise figures are not available because access to the camps and settlements has been limited by harassment and intimidation of humanitarian aid workers by pro-Indonesian militias still dominant in a number of the camps. Many refugees have also been subjected to months of disinformation and, often, intimidation by members of the pro-Indonesian militias. Indonesia has recently made some progress in combating the intimidation in the camps, but lack of security and reliable information continue to be important obstacles to return. Aid workers in West Timor estimate that one-half to two-thirds of the refugees, if given a free choice, would eventually choose to return to East Timor.

"Withdrawal of food aid and other humanitarian assistance should never be used as a means to pressure refugees into returning home prematurely" said Saunders. "Return should be voluntary and based on the free and informed choice of the refugees themselves."

Following the announcements by the United Nations on September 4, 1999 that nearly eighty percent of East Timorese voters had rejected continued rule by Indonesia, East Timor was the site of orchestrated mayhem. In the days and weeks following the announcement, an estimated seventy percent of homes and buildings across East Timor were destroyed, more than two-thirds of the population was displaced, and an estimated 250,000 East Timorese fled or were forcibly taken, often at gunpoint, across the border into Indonesian West Timor. To date, roughly 150,000 refugees have returned to East Timor.

[From the New York Times, Apr. 29, 2000]

STUMBLING EFFORTS IN EAST TIMOR

In East Timor, where pro-Indonesian militias went on a rampage last summer, the United Nations has taken on an ambitious reconstruction mission with inadequate means. Not surprisingly, the results to date have been disappointing. Unless faster progress can be achieved in creating jobs, resettling refugees and establishing the rule of law, there is a serious risk of new violence.

International peacekeepers belatedly put a stop to the violence, which came after the East Timorese voted for independence. But by the time U.N. administrators moved in six months ago, conditions were desperate. Pro-Jakarta militias had burned much of the territory's housing and destroyed its agricultural economy. The abrupt withdrawal of Indonesian civil servants left East Timor without police, teachers and other essential services.

Since then the U.N. has made only modest progress. Some schools have been reopened, although they still lack trained teachers. Emergency medical and dental clinics have been established, many of them staffed by private relief agencies. But a staggering 80 percent of East Timor's 800,000 people still have no work, and nearly 100,000 remain in refugee camps across the Indonesian frontier. There is no functioning police force or courts, no reliable water, power or transportation systems.

The chief U.N. administrator, Sergio Vieira de Mello, has been hampered by an inadequate budget, unrealistic staff ceilings and the slowness of donor nations in providing the funds and volunteers they have

promised for Timor's reconstruction. Of more than \$500 million pledged late last year, only \$40 million has been delivered. Washington has so far sent about \$8 million of the \$13 million it promised for U.N. and World Bank reconstruction efforts. Donor nations have been slow in providing the local governance experts the U.N. needs.

These problems have been magnified by the workings of the notoriously slow U.N. bureaucracy and the U.N. mission's reluctance to give more responsibility to local residents. If the rebuilding effort continues to lag in the months ahead, Jakarta could be tempted to exploit the continuing poverty and chaos, launching new military forays from Indonesian-controlled West Timor.

Last summer's violence in East Timor galvanized international attention and action. That commitment must now be sustained with adequate resources and a renewed sense of urgency.

□

MILLION MOM MARCH

(Mrs. MCCARTHY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include therein extraneous material.)

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in support of the Million Mom March and the tapestry of mothers across the Nation.

These dedicated mothers will be arriving in Washington, D.C. and over 60 cities to participate in the Million Mom March on Mother's Day, May 14.

The mothers here on the mall and around the Nation will be demonstrating their grassroots support for common sense gun safety legislation. Fathers, sons, daughters, their friends, and their relatives will be joining their moms. The cause of gun safety has united these marchers.

I commend the March's Founder, Donna Dees-Thomases, for organizing this massive event. To learn more about the March, my colleagues may access the Web site at www.millionmom.com. This Web site contains "Woven Words" stories. These are stories from the moms themselves on why they got involved in the March.

Mr. Speaker, I will introduce these stories in the CONGRESSIONAL RECORD.

Gun safety is not a partisan issue. I will look forward to joining Donna and thousands of other mothers who will be participating in the Million Mom March across the country.

I urge all members to join the Million Mom March and to heed its message of adopting common sense gun safety legislation.

Mr. Speaker, the "Woven Words" stories that I referred to are as follows:

ADD YOUR VOICE TO OUR TAPESTRY—WOVEN WORDS

"MMM I support you in this effort. It is time we come together to make changes to the gun laws. It is time to make some common sense gun policies so no more children, Black or White, Baptist or Jewish has to die accidentally or because another child felt powerful enough to take another child's life. We must hold our lawmakers accountable to changing the waive of gun violence in our society. It is our right to call on lawmakers to help us save our children. Johnetta, another

one in a million"—Johnetta, Washington, DC, AL

"This is long overdue . . . I have a 10 yr old daughter who I want to protect. I support this cause wholeheartedly. Way to go moms. . . ."—Lori C. Jefferson, Hayward, CA

"I am blessed to have 3 wonderful boys, all 5 and under. I am scared to death to send them out into this world . . . why must the youth of our nation be subjected to the violence that has become so "normal"? I WILL NOT sit by and allow this to happen to our most precious resources . . . it is up to US!!!!"—Tiffany, AZ

"We needed better gun control laws in this country. Twice I've had a gun pointed at me. Once a boyfriend used my father's gun to threaten me. He actually fired it. The second time was during an armed robbery. Funny how the person who was supposed to care about me fired the gun, but the robber who I meant nothing to only waved it around. Regardless I never want my daughter to have to deal with any situation involving guns!"—Tracy, Palmdale, CA

"Thank-you to the organizers of the march and the movement. Every time I read something sponsored by the march I get goosebumps. This is my first Mother's Day, and I am so proud that someday my 10 month old will look back and know that I took a stand for something as important as sensible gun control. My husband is a cop, and is ready to quit because of the heart-breaking cruelty in our society. Simply, like the man said, you've got to stand for something or you'll fall for anything. Bless us all."—Colleen, Karnes City, TX

"Remind your gun-supporting family, friends and lawmakers: When the Constitution was written, citizens of our new country were in danger from the threat of armed British soldiers at many a turn. No wonder the framers gave our citizens the right to bear arms! The NRA and like-minded individuals and groups have somehow (?) failed to take into account that there are no longer armed soldiers, subjects of a foreign power in pursuit of political and economic control, threatening our citizenry. Nor are we blazing a new, untamed frontier. Times have changed. With the exception of those in service to our country, the people now "bearing arms" ARE the threat. What is their point? They're "defending" themselves? Against whom? The reality is that those who irresponsibly own and/or use hand guns and assault rifles (weapons of war—Why are they available to citizens?! \$\$\$ This is nuts!!) are now the aggressors and one thing these aggressors control, shamefully, is the lives of our defenseless citizens—particularly our children. THEY DO NOT HAVE THAT RIGHT and I am steadfastly behind paring their power play. Background checks, "cooling off" periods, licenses for ALL guns, safety locks . . . Why are these measures anathema? They make SENSE! It's at least 100 years past time to CHANGE THE LAW! I applaud all the organizers and intend to lend my support by swelling your numbers by one. See you in Washington!"—LC Kelly, Durham, NC

"The state of America saddens me on a regular basis. Whether I am watching TV, reading the paper, or surfing the net, I am inevitably going to run into a story of some child who was shot dead . . . today. I am 24 years old, I do not have any children, and I have no immediate plans of having any. Yet, every day, I hurt for these dead children and their families. I hurt for a bond that I have yet to understand. And then there are these people who have children, and have the nerve to tell me that my beliefs defy our Constitution. A Constitution which was written over 200 years ago by men who could not even fathom the notion of an AK47 or a sawed-off

shot-gun. This is the reason why our Constitution is made up of Amendments, not Commandments. And to those who have children and who have the nerve to tell me that my belief system is wrong, let's look at the big picture. It's not right that I care about the well-being of your child more than you do."—Allison Kaplan, West Linn, OR

"Unfortunately, I will be unable to attend the march, but I would like to share the story of what happened to my 19-year-old daughter who was threatened by a 45-year-old man with a semi-automatic handgun 2 weeks ago. He pulled his car in front of hers, blocking her escape and got out of the vehicle, reached in the car for his gun (we later learned it was loaded) and threatened her. After our first court appearance, I realized that this guy will probably walk away. We not only need serious legislation, but we need to enforce the laws! While we are thankful our daughter is alive, she has certainly been traumatized by this incident. My heart goes out to all who have lost loved ones to gun violence."—Madlon Glenn and Katie Glenn—madlon glenn, Winston-Salem, NC

"Heartbreaking stories, heartbreaking words. Is anyone listening? Are we preaching to the choir? Please, God, don't make us share more heartbreak, year after bloody, tragic year."—Jeanne Genova-Goldstein, Spring Lake, NJ

"Guns are bad. They hurt people. A gun killed our favorite singer "Selena". We don't go in houses that have guns. Guns are stupid." "(Mom Astrea Fall gives permission to print how her two children feel about guns)."—Chris 6 and Elizabeth Fall 5, Cherry Hill, New Jersey, NJ

"It is past time that our voices were heard . . . past time that the NRA and other lobbyists are stopped . . . past time that someone stand up for the safety of our children . . . past time that we show the politicians that WE are their constituents and we have a voice, loud enough to be heard across the land and into Congress . . . it is OUR time and the time is NOW. My sister and I will be at the march, with our seven-year-old daughters, marching to keep them safe."—Christine Bintz, Reston, VA

"When will enough be enough? I was outraged to learn that my 13-year-old God Daughter was afraid to go to school because she heard other 13-year olds talking about how they were going to "Shoot the place up". The child was in hysterical sobs and has had to endure counseling to help with her fear of GUNS. When will the powers that be realize that besides the senseless and AVOIDABLE loss of precious life of our loved ones, that we are also taking away the freedom that our constitution promises us when a child is afraid to go to school because of guns?!? I applaud the efforts of all the coordinators, sponsors and participants of the Million Mom March and pray with you all that Congress enacts laws that will help protect us, and our precious children."—Elaine Thompson, Columbia, MD

"Children are the world's most valuable asset and the only hope for our future. The most important thing a parent can do is to protect our children from harm or death. If we don't protect them, who will? They count on us for that! Let's do it!!!!"—Pat Barton, Aurora, CO

"I feel that it is time that the Government listen to the people. I have a 6-month son whom I can still protect from the violence that seems to be taking over our nations children. My biggest fear is what will happen when the day comes for me to release my child into society. I can educate my own child that guns are not toys—but what about other peoples children, especially those whose parents aren't educated about guns. I

AM AFRAID!"—Jill Hamann, Whitmore Lake, MI

"My child isn't even born yet, and I have to worry about him or her getting hurt by a gun! I live in the country, and I don't oppose hunting. But I can't understand people who think trigger locks, background checks, and waiting periods are unreasonable. The NRA says that law abiding citizens will be hurt by these laws. I say, law abiding citizens have children; law abiding citizens can have accidents! More children are killed by gun accidents than by criminals. There will be no guns in my house, but that's not good enough. I want sensible gun laws now!"—Andrea S. Colton, OR

"I will be present in Denver on May 14, along with many women from our Presbyterian church. The Presbyterian Church (USA) has declared July 2000–July 2001 as the year of the Child. What better organization to stand up for children than our churches/synagogues/places of worship, who offer "sanctuary" to our children and youth!! I encourage Presbyterians, Methodists, Catholics, Hindu, Pagan . . . all spiritual faiths, to put feet on your beliefs and join the Million Mom March!"—Holly Inglis, Arvada, CO

"What words can we use, to say how we feel? It is time, actually pass time to do something about the killings in our streets, schools, churches, etc. I am a city resident, and proud of it! I have raised my son and have been blessed that he is alive, in college and breathing each day!! It is a sin and a shame, that in this "land of opportunity" that so many individuals are fighting so hard to get into, that our children are dying violently every day. It is heartwrenching to have children base their dreams on statistics—my son informed me at the age of 13, that he was making no plans regarding, college or his future because the statistics show that he is unlikely to reach his 18th birthday. Once he celebrated his 17th, he decided to apply to colleges, just in case he lives that long—the tears flowed from my eyes uncontrollably!! Our children should not have to live like this! When will our representatives wake up! With all issues, most people don't care until it hits in their own backyards—haven't enough backyards been riddled with gunfire!! Haven't enough of our children sacrificed their lives for the "right to bear arms"?"

Will 7 children need to be injured or killed in the zoo everyday for the message to become clear that change is needed? Different gun laws are needed today, not tomorrow, not sometime in the future, today!! And even though the guns can not be fired without someones finger on the trigger, new laws are a start. While we are working to change those laws, we need to look within ourselves to see what "housecleaning" we need to do regarding, bigotry, hatred, oppression and make sure that we are not feeding the fires that instill beliefs/values in our young so that they assume violence is the answer! Amani & Baraka (peace & blessings)—Kipenzi-Baltimore Maryland"—Kipenzi, Baltimore, MD

"Accidental. Deliberate. Hunting. Protection. Legal and licensed. Illegal and hidden. Safety. Crime. It is all the same. The purpose of a gun is to stop a life from continuing. Whether or not this happens in a premeditated, controlled fashion or in a spontaneous manner with reckless abandon, the consequence is the same. A beating heart stops. A brain stops functioning. A soul is released from its body. Guns have a power that is to be respected and REGULATED. Mothers also have a power that must be acknowledged, exercised and focused on the safety of our fellow beating hearts and thinking brains. Thank you for giving us a place and a situation in which we can make our voices

heard. I am a mom who has had enough of watching other mothers lose their children. I have lost friends and family members because of guns. I pray that we will have our eyes and hearts opened by this Million Mom March."—Jo-Jo T. Murphy, Westmont, IL

"It is long overdue but an incredible and worthwhile effort! Please join my family and millions of others this mother's day to take a stand on these issues: improper gun access, mandatory safety locks, background checks and other common sense laws. Guns are deadly. We have restrictions on viewing movies, making safe toys and baby gear, child seats and seat belts . . . why not for guns. The "right to bear arms" does not mean the right to murder or the right to children accessing guns. Lets correct the misperceptions through educations and common sense gun laws and stop ignoring this epidemic!"—M. Rait, Portland, OR

"One week ago, my children were home for spring break. A neighbor had ordered a rifle and UPS tried to deliver it to their home. My neighbors were not there so the UPS driver brought the rifle to my home and my 13 year old signed for the gun. It took several phone calls and going to the local media to get a response from UPS. I never ordered this gun and did not expect it to be in my home. What if my child opened the package? I was told by the gun company that this was not the first time UPS delivered a gun to a minor. What can we do?"—Fran Wilson, Memphis, TN

"Power to the Mothers! We are the majority, and we know what we want—sensible gun control laws. Now, many children's deaths are caused by gun available in the home. Well, there's nothing politicians can do about that. So, before you leave for the March, as I will, make sure you scour YOUR OWN HOME for weapons of any kind. Confront your husband if you have to, and make very clear that you will not tolerate weapons in your home, and that's not negotiable. Before we scream for others to do their part, we have to do ours. Also, guns are only one of the instruments of violence. We also have to address the motivations that lead to these crimes: bigotry, desperate poverty, peer pressure at school. These are the issues, and they are completely out of hand, and demand our attention and action. Let's empower ourselves, and make our voices heard both in the home and out. See you at the March!"—L. M., Pittsburgh, PA

"Please, please, please do not make this a Dems vs GOP issue. There are MANY of us in the GOP who feel as strongly if not more strongly about this issue. (Jim Brady worked for Reagan) If you polarize this issue and make only Democrats the heros of this worthwhile effort you will dilute this vital effort. For the children's sake, do NOT make this political!"—Alan Kiefer, Wooster, OH

"In January of this year, my Aunt was shot to death she answered her door, by a 17 year old 9th grader. This shouldn't have happened. I have a 3 year old son and I want him to live in a safe environment. Life is too unstable anyway, without having to worry about guns being in the wrong hands. Let's get safer gun laws, NOW."—Lori Martin, Lafayette, CO

"You've inspired me! This march is long overdue, and I must take part in it because I feel passionately about gun control. Let's need a strong message to Congress and defeat the NRA. Together we can do it!"—Marilyn M. Wayne, PA

"There is a war going on this country and the government is ignoring it. Big money and the NRA have stolen our safety and security. It is a truly sad day when you cannot send your children to school in safety. It is a sad statement on our society that the right to own a gun outweighs the rights of our

children. I think that everyone knows of someone who has been killed by a gun. If guns aren't the problem, then what is? It would be very difficult for someone to walk into a zoo and hurt several people without a gun. I will not be at the march in body, but I will be in spirit."—Phoebe, Omaha, NE

"I am a mother of a three year old son, he and all children deserve a view of life without the violence that we now see everyday, in every walk of life. When I was seventeen, I witnessed the murder of my boyfriend/finance', he died in my arms, I never want my child, or any other child to go through the trauma that I endured then. EVERY SINGLE CHILD not only in the USA but THE WORLD deserves a life with out fear. Do we, as parents, grandparents, aunts, uncles . . . want our children to go to school, play, church, or anywhere in fear. I trully think not. This MILLION MOM MARCH is the one step in the right direction to ensure our children (our future) a happy and safe childhood, and life."—Christine, Baltimore, MD

"Almost every day the news media reports on another shooting of innocent people. Guns do kill. It's a fact. Let's get some tough laws enacted to stop this senseless violence."—Sharon Ward-Fore, Oak Park, IL.

"I am not yet a mom but I do have 4 beautiful nephews who I worry about everytime I hear about another shooting involving a child. My husband was an avid hunter growing up. His fondest memories are hunting trips he went on with his father. But he and I agree that sensible gun control is needed. We want to have children and would like to start in a few years. Everytime I turn on the news, however, and I hear about more gun violence in our schools and neighborhoods, it makes me afraid to have a family of my own. How can I possibly keep them safe? Do I need to move to another country because our supposed "representatives" are governed more by the NRA than by their constituents? I'm so glad that the millions of us who support sensible gun control are organizing and becoming a unified force to be reckoned with! Together, we can have greater influence than the NRA and make a change for the better! Let's make America something to be proud of again!"—Deb Duffy, Baltimore, MD

"Who would have believed that this country would come to a place in time when people would worry that the person sitting next to them, or meeting them on the street, or driving by in a car might decide to shoot them? What on earth are we thinking of? Is this "freedom?" I am so proud of the organizers of this march and I will do my best to be a participant. Thank you all."—Mary Kjos, Marine on St. Croix, MN

"I will be marching in DC on March 14, in memories of my son who was killed on October 10, 1999, only 19 years old. The killer is still out there somewhere." —Sally McKee, Fort Washington, MD

"The Million Mom March is truly an idea whose time has come. I've wondered many times if we women could stop a nation in it's tracks with a peaceful assembly in the name of our children on a given day. We owe it ourselves, our children, and in the memory of all who have died at the hands of someone holding a gun to show our concern for any lives lost due to gun violence. If I can't make it to Washington, I will try to organize a local march in the Poconos of Pennsylvania. Just a couple of hours to show your concern for all humanity is not too much to ask when you consider the alternative of being sorry you did not take a public stand against violence and support those of us who live everyday with the empty rooms and heavy hearts from the memories of murdered children and adults."—Maria Coqueran-Belk, Broadheadsville, PA

"My husband's name is Robert Ott. He is 30 years old. Nine years ago, he was shot at

point blank by a stranger in a bar. The stranger went to prison for 8 years—he was released last year. My husband lost his sight—for life. The bar was uninsured. My husband was awarded \$10 million by a judge. He has never seen a dime”—Kimberly Ott, Seattle, WA

“I live just outside our Nation’s capital and am still reeling from the shock of the recent shootings at the National Zoo. The mere fact that an 11-yr old child is fighting for his life after what should have been an innocent day at the zoo should be enough of a wake-up call for everyone. I will never understand why a 16-year old felt the need to bring a gun to the zoo, or why, based on this and other tragedies there are still those who oppose gun control.”—LeeAnn, Waldorf, MD

“Without our children there is no future. It isn’t only because of my 2 children that I am coming to Washington for the Million Mom March, it is for the future of all of us. Let there be Peace on Earth, and let it begin with me.”—Debbie, Coral Springs, FL

“I will never forget the day my 16-year-old daughter learned her close friend, Hans Hummel, also 16, had been murdered by gunshot. I phoned the police in Arizona where the murder of Hans and another young man occurred, sure I would be told it was just a vicious rumor. How could that little boy wearing a soccer uniform in the photos my daughter kept displayed in her room possibly have been shot in the head? How could anyone do that to a kid? Why would anyone take a handgun to Walmart with them? Walmart was a place for Hans to work after school to earn money, not a place for his murderer to show up. Hans’ murder took more than his life. The people who knew and loved Hans will never be the same. They will never trust like they did before his murder. They will never feel as safe as they should be able to. They will never be relieved of the anguish of losing their friend and all the wondrous things that should have come from his life. Hans’ friends remember him each time they see a rainbow. He will live on in their memories as the teenager he was, as each Valentine’s Day, his birthday, they bake a cake and sing happy birthday to a perpetual 16-year-old who, because of someone else’s selfishness will never have the privilege of growing old.”—Diane Puckett, Manassas, VA

“I think this march is a wonderful opportunity to show our Congress and our country that we are saying “NO MORE” to the senseless violence and loss that guns can bring. I don’t wish to outlaw all guns, but to simply regulate and wisely control the industry. It is time that we make a stand to show our lawmakers how we feel. Washington, be aware—we are watching you, and our votes count!”—Kim Smith, Carl Junction, MO

“My hope is that we, as fellow humans inhabiting this Earth, start placing a higher value on life than we do on money or power, so that no more children will needlessly die.”—Kelly Stanford, Hulmeville, PA

“I moved from my home state of California, which I thought I would never do, because of the violence was coming to close. Being in the mist of the riots, I thought what can do to stop the violence? Well, we moved across the country to a small southern town, where a week ago my son’s friend’s Mother found 9mm Gun in his room. Which was stolen and only cost him 2 weeks allowance. There is no Price large enough to put on a child’s, or for that fact anyone’s life. When I got the call (early) to pick my son up I knew something was wrong in his voice. He told me what happened and I cried. “I move across the country to get away from this, and here it is in my face”. Thank God my son turned and ran. The first thing that came out of his mouth was “Columbine and Hitler’s birthday, what was he thinking?” He

is now torn between helping a friend see the right way and someone being killed, even himself. I can no longer keep asking myself what can I do. I am so glad that we as Mothers can finally make a stand and be heard. I realize that I am one of the lucky Mothers that still have a living child. My heart goes out to all those others that have lost. These guns need to be taken off the streets, and out of the hands of children and if the government won’t take them off the street then they need to be in a controlled environment. One lucky Mom, Portia McRill, Alpharetta GA.”

“As I sat and read through all the postings on the tapestry, my first thoughts were of my 8-month-old son. As a new mother, how could I NOT do something to help protect him and his generation, in addition to the future generations in the years to come?? My following thoughts were memories of how guns played a role in my life . . . when my grandmother passed away when I was 10 years old, there was a young man whose family was having his funeral in the same place as my grandma. He was 20 years old. He had shot himself in the head playing Russian Roulette. Or, when I was in Junior High and a young man, upset about his girlfriend breaking up with him, shot himself in the head. Outside the high school. Just a bus loads of other children were pulling up. It is a memory I will never forget. Or, in high school when my cousin’s best friend committed suicide with a handgun (after numerous other attempts had failed). Flash ahead to Columbine, and the rest of the school/company/random shootings that have begun to happen on a fairly regular basis. No, I have never been DIRECTLY affected by guns . . . so far. And, that’s what terrifies me and spurs myself and my husband into action. As many people have said, “it will never happen to me. . .” Well, it might. And, I want to do everything I can to prevent it from occurring. I march in memory of the boy who played Russian Roulette, the boy in front of the high school, and my cousin’s friend. And we march in honor of all of the children and others who should NEVER have died in such a senseless way. Lastly, for my son and the children of his and future generations. We will not be in Washington, but will be supporting the rally in Chicago. God Bless us, Everyone, in our fight to keep guns under control. And let this not be the only step . . . let us continue to march for those who can’t.”—Jamie Littlefield, Bensenville, IL

“On Easter Monday, April 24, at the National Zoo in DC seven children were shot by a 16-year old boy. He used a 9mm gun. We all know he couldn’t buy the gun, so how did he get it. Something has to be done when children can’t go to an Easter egg hunt at the zoo and feel safe.”—Patricia, Temple Hills, MD

“AT LAST!!! A LARGE GROUP OF PEOPLE WHO AGREE THAT EASY ACCESS TO GUNS IS INSANE!! Why does this country recall toys that have hurt a few children, but we haven’t been able (YET!) to have sensible control and licensing of guns which kill 12 CHILDREN per day?!?! MY SPIRIT AND THE SPIRITS OF MY BEAUTIFUL 7 YEAR-OLD SON, MY MOTHER, SISTER, AND AUNTS ARE WITH YOU!!! YOU GO WOMEN!!!!”—Lynne Harkness, Edwardsville, IL

“I have a 6 year old daughter & We are so excited to be participating in “The Million Mom March”, it’s about time our voices are being heard & that we will not tolerate the violence any longer! As mothers, We are tired of our beautiful children being slaughtered like worthless animals!! God has given us the gift of being Mothers, and did NOT intend on them to be ripped from our arms in this way!! No matter how young or how old!!

They are still our Babies!! So precious and pure! Come and join us Mother’s Day 2000, and help us in this fight against the Violence being plagued upon our Children!! Let these foolish people know we will not sit and wait for our children to die painful and senseless deaths in our schools and in everyday life. I look forward to walking down the streets of DC in support of this worthy cause. Remember, our children are our only hope for a better future!! Love them and teach them that violence is wrong!! Love them enough to save them!!!! Eileen, Waldorf, MD”—Eileen E., Waldorf, MD

“It is very inspiring to see and read about so many people who care about this issue. I am the mother of a Columbine student who survived the shooting last year; however, my daughter attended 3 funerals for victims. April 20, 1999 was the worst day of my life. It was a nightmare for many of us parents—even if we didn’t lose a child. I have written to my state legislators to ask them to support reasonable gun controls proposed by our governor, but they did not feel it was important enough to support these proposals. I will be attending the local march in Denver along with other Mothers and people who care about this issue. We must do more than just attend the March, however; remember how your legislators voted and unless they support our desire for reasonable gun control—don’t vote for them again. Support those legislators who agree with many of us that reasonable gun control measures will make a difference!”—Tina Campbell, Littleton, CO

“LET’S MAKE OUR CITIES, STATES & COUNTRY A SAFER PLACE FOR OUR CHILDREN! WE DEMAND GUN CONTROL!!!” MARLA BENTON, CHAPEL HILL, NC

“As an EMT and employee at Children’s Hospital, there are too many children transported to our hospital due to gun shot wounds. I am a mother of three children and would feel a lot more comfortable with the fact that we are moving closer in the fight for gun control and easy gun accessibility. Guns are meant for one thing and one thing only, to kill!! When a 6-year-old can obtain a gun, the time is overdue for the strictest gun control measures.”—Tracy Staton, Bowie, MD

“In 1994, the 12-year-old son of a friend accidentally shot himself with a 22-caliber handgun and died. Why do we hide our car keys so our five-year-olds can’t drive the family car, and yet allow something as deadly as a gun to lay around within reach? How many dead children will we need before we take parental responsibility? Normally I am a proponent of minimal government intervention, but if we’re not willing to take responsibility for the safety of our families, then let the laws fall where they may.”—Susan Richmond, Gig Harbor, WA

“About 8 years ago my father was the victim of a car jacking, he was shot twice. He survived, although it was very touch and go for a while, but he will never physically be the same again. I thought at that time this was the worst thing that could happen to my family . . . But I couldn’t have been further from the truth. On Thursday, December 17, 1998, my life changed forever. I came home from work with my 4-year-old daughter by my side and tried to enter my home. I was unsuccessful in doing so and I started knocking on the door. No one answered, I knew someone was home. I went around to the back of the house and saw that the balcony door was ajar. I thought maybe one of my two older boys might have forgotten to close the balcony door and maybe fell asleep or something. I then put my 4-year-old daughter over the balcony so she could go inside and let me in. When she opened the door I

noticed my eldest son, who was 17-years-old, was lying on the floor. At that moment I still didn't realize the extent of what was wrong. I leaned over my sons body and that's when I saw that he had been shot in the head. That image of my son lying on the floor is as vivid and painful today as it was then. It was as if someone ripped my heart out. My immediate reaction was who, what, why, how, and also why I wasn't there to protect my son. After all it was my job as a mother to protect him from all harm. I couldn't save my baby. Your not even safe in your own home. Maybe by getting these laws passed we will be able to spare another mother, father, sister or brother the pain of losing a loved one to gun violence. My son was a very fun person, very artistic, and he loved basketball. He was looking forward to getting his first real paycheck from his new job. I miss him so much. I miss his face, his laughter. Just hearing him call my name. The young man that killed by son was 19 years old. I still have not really dealt with his death. The trial will begin soon. I often ask my self: How in the world did this happen?"—Faye Hicks, E. Elmhurst, NY

"We women need to remember that we are the swing voting bloc this year. We have the power to overcome the NRA and their pro-gun cohorts. We must stand resolute in our belief that sensible gun control reforms are necessary not only for the safety of our children, but for the safety of all children. We must write our Representatives, our Congresspersons, our Senators and Governors and urge them to pass common-sense gun control legislation. Most politicians have an email address . . . sending an email only takes five minutes! This is our responsibility. We must speak and vote for our children. They are worth the effort."—Wendy, Lima, OH

"As a society, we need to get a grip on what is really important. We need to remember that children are children, not small adults, and they need protection. We are a country that educates parents to keep medicine and cleaning products out of reach or locked up, yet there is free and easy access to weapons. How are we to keep our children safe? We must speak out and demand meaningful gun controls."—Joanne P., Farmingdale, NY

"I hope that someone plans to distribute this tapestry to all of our Representatives and Senators—along with the message that we are paying attention to how THEY vote—and that we will cast OUR votes accordingly. By the way, my daughter and I plan to attend the march, instead of our usual Mother's Day movie and dinner."—Elaine, Pasadena, MD

"Growing up as part of a family of avid hunters in rural Wisconsin, guns were an everyday part of my life. My father took great care to educate us on the uses as well as the dangers of firearms. I feel blessed to have been raised in an environment where a healthy respect for weapons of any sort was imparted. Unfortunately, not everyone has that opportunity. Today, as a mother of 3 year old twins, I am still pro-hunting; however, a time has come for change. I feel handguns and assault weapons serve no purpose but to kill people and therefore should be outlawed. Rifles and shotguns used for the purpose of legal hunting should be allowed but only after extensive hunter education course completion and installation of safety equipment. Severe penalties for illegal possession and sale of firearms should be implemented. Minimum jail time requirements, in federal penitentiaries, with no chance of parole is a good start, but still not enough. Waiting times, background checks and possession limits need to be put in place immediately. I have cried my last tear over a child

killed through irresponsible and reckless firearm use. I am now angry and choose to use that anger to make a change in my child's world. Nothing else in the world is so powerful as an idea whose time has come. Now is our time. Good luck and God Bless. KSK"—Kristin K, Burlington, NJ

"I am the mother of three and like most moms out there I am afraid every time they leave my house. What will happen when they go to school? What will happen when they are walking down the street? Etc. I know all mothers worry naturally, but in today's world it's not just worry, it's panic. I've never been a victim of gun violence nor have I known anyone personally. But just watching it on the news and reading it in magazines and newspapers is enough to make me sick. Some people in my family don't agree with the way I feel about guns. I do not allow any type of gun in my house, I don't care if it is "just" a water gun. There have been family members who have bought my children toy guns and said, "It's just a toy, it won't hurt anyone." I don't believe that to be true. Maybe like my family says I am overreacting, but I feel a child should in no way know how to hold, handle, or fire a gun, Toy or Real. I don't have the means to get to the march this Mother's Day, but I will be there in spirit. Someone has to put a stop to all of this violence and it seems like Mothers are the obvious choice. After all who else cares as much as Mothers do?"—Sue, Philadelphia, PA

"If there is any group that can change the course of history and its events it's "Mothers". How appropriate that this march is scheduled for Mothers Day. As women we have changed the course of history and battled for our rights in every court in this nation. We will succeed and for all the right reasons "safety for our children, grandchildren and every child that follows. We will make this a safer world for them."—Paul L. Hayes, Stroudsburg, PA

"In October 1994, just two months after my first son had been born, I got a call from the hospital that my older brother had shot himself. He had been diagnosed for years with paranoid schizophrenia and I could not believe how he was able to get a hold of a gun. Although he survived a gunshot to the head, it tore our family apart. We had always been taught to stay away from guns. We grew up in one of the most violent neighborhoods in San Diego. I saw the violence of guns time and time again throughout my childhood. I had a dear friend who was shot and killed when he was only 17 years old. I vowed to never allow a gun, real or fake, into my home. And now, almost six years later, another gun-related tragedy has torn my life apart. My 19 year old nephew was shot and killed at a party on April 1, 2000 in Arizona. The 21 year old host of the party was toting around a gun. He had a history of violence and had used the gun several times before to threaten other young men in the community. He claims it was "accidental." What is so "accidental" about a man that carries around a lethal weapon, cocked and ready to fire, while at a party with "friends" and then uses it to kill and shoot another? Why are these weapons so readily available? What is their use if only to kill? My nephew was a loving, sweet young man who could unarm you with his smile. We only have the memory of that wonderful smile left with us. I cannot begin to feel the pain my sister-in-law feels to have lost such a wonderful son. My husband is devastated. My son is now five years old and we have another one on the way. I want to fight so their lives will not end or be affected by the tragedies gun cause. We must fight together and let our voices be heard loud and clear. My husband and I will participate in the Million Mom

March in San Diego. Thank you for taking a stand and organizing us moms. I hope this can begin to heal our wounds."—Layla Smith, San Diego, CA.

"Thank you to the Million Moms that will march nationwide on May 14th. Let us be strong and determined that we will not stop pushing this issue until there are sensible gun laws on the books. I will proudly be marching in D.C. on Mother's Day with my one year old daughter, my mother and my eighty year old grandmother. Four generations of women that are committed to make a difference!"—Lisa Hyle Marts, Baltimore, MD

"With all the violence involving young people, my mother always comments that she would never want to have kids now and have to raise them in this society. That is a very sad comment. I have two small children (ages 18 months and 7 weeks) and I am also worried about what will happen in society while I am raising them. I am glad that there are groups that are trying to better things for our kids and their future. Good luck with the march. Since I live on the other side of the country, I cannot be there in person. I will be there in spirit!"—Traci, Phoenix, AZ

"When I was 11 years old, my 21-year-old sister committed suicide in the kitchen while the rest of the family was getting ready for night on the second floor. She used my father's revolver to shoot herself in the heart. I will never forget the "Ouch, Ouch" and then the thud of her body falling on the floor. It was 39 years ago; it still as vivid as if it happened yesterday. If she had not had easy access to my father's gun that night, she probably would be alive today. When I was 15, I went through deep depression, and I, too, attempted suicide. I didn't have access to a gun. I took pills. I was found in time, and my life was saved. After therapy and confronting the demons of my past, one of which was my sister's suicide, I became a well-adjusted, functioning adult. My point is that guns do make a difference. Not having them save lives."—Carole, AZ

"As a prospective Harvard Postgrad student, I can only say that I will feel a lot safer heading off to the US for that postgrad degree when gun control is introduced."—Student, London, MA

"On February 4, 1999 my life changed forever when two detectives came to my home and told me that my son, Larry was shot and killed tonight. Those words ring in my ears daily. I cried, "How could this be? I saw him 4 hours earlier". He was just going over his girlfriend's house. A trip he made numerous times for over a year. At 6:30 in the evening as he walked from the bus towards his girlfriend's house he was shot multiple times and was pronounced dead at the scene. Larry was twenty-one and had just accepted a job as a bank teller. I remember how happy he was when he came home and told me he passed the test and that he was waiting for the company to find a bank near our home. His years of confusion, not knowing what to do with his life was finally headed toward a goal. The person(s) who killed my child took away someone I loved (still love) and someone I miss daily. I miss what we shared. I miss what we were suppose to share. I miss all the simple things I took for granted that was to come. I will never know the joy seeing him get married, the joy of holding my grandchildren. This was all taken from me that night. I cry when I hear of someone's child being killed. I live their pain, through my own. I cry for how that mother must now feel now and the difficult days to come without her child. I want the senseless pain to end. I can't bring back my child, but if my participating in the march can help save the lives of other children, then I am very

thankful to be part of this march.”—Katherine Lewis, Columbia, MD.

“Selecting Mother’s Day for this March is both appropriate and quite in keeping with its original intent. Julia Ward Howe urged the creation of Mother’s Day as a day for women to speak out for peace. Although it has changed over the years to become a day to honor mothers, Howe’s Mother’s Day Proclamation supports the goal of this year’s march. She wanted all people to be safe from the horrors of war. I hope you will honor her and the history of Mother’s Day by making her words an official part of your day. Mothers have, for a long time, spoken out against the madnesses that hurt our children. We should all keep our foremothers in mind as we continue the struggle.”—Cynthia Lehman-Budd, Cleveland, OH.

“The first thing we need to do is PRAY. These folks in charge of changing the laws are procrastinating until one of their kin is killed or hurt. If the presidents family were shot, I’m sure the law would be passed. Don’t give special treatment to the higher ups. And leave us little people to be hurt. Do something now. Exactly how many children will have to die in vain because of ignorance of the gun use. This is supposed to be the best city to live in but it seems to be on the list to stay away from. Please do something with the gun laws.”—Margaret Shields, Clinton, MD.

“I like so many other moms out there wish that that sensible gun control laws had been in effect a long time ago. About 5 years ago, my 14 year old cousin put a gun to his head because he couldn’t take being dumped by his girlfriend. Well he live but not the way that he would like to, in a wheelchair, paralyzed on his right side and not being able to speak. Then 2 years ago, my Uncle, depressed for so many years and not have a way out put a gun to his and died, alone. Everytime I see Charlton Heston speak I get a huge knot in my stomach, because it seems like everytime he does speak another breaking story comes on the tv talking about another school shooting. Mr Heston needs to “think” before he “speaks”.—Tammy Towk, Lemoore, CA.

“as i read these tapestries i cry for all these lost children. i can’t imagine the feeling of losing a child, my three sons are my world and the glue that holds me together. i will be at the march no matter what. and like someone else said earlier i will walk for every child lost to senseless acts of violence involving guns. we need tougher gun laws and we need to enforce the laws that we have now also. may GOD bless all of you,”—s schwartz, ashley, IN.

“I almost lost my father to gun violence when he was shot in the arm and side by a drug-addicted criminal while acting in the line of duty (he’s a retired police officer). At 18, I got that long-feared knock on the door and was told that he had been shot and was in critical condition in the hospital. He died, was revived, and survived. But, his life (and mine) was never quite the same. Reading the stories in this Tapestry makes it all too clear why we need stricter gun control legislation (while also working together on resolving the underlying social/economic issues which give rise to violence—accidental and intended). I am confused, disgusted and angry when certain pro-gun advocates seem to believe the issue of “the right to bear arms” is an all or nothing issue. The aims of the majority of people (as the words in this Tapestry make clear) is not to make guns illegal, but to regulate and control them in a sensible manner, much as we do many other activities and products. While it’s true that “guns don’t kill people, people kill people,” there’s no reason we should make this any easier. With rights come re-

sponsibilities. It’s time we make our voices heard. In this election year, let’s make our votes really count for something. See you at the MMM.”—Nike Carstarphen, Takoma Park, MD.

“I pushed the gun away from my brothers feet, afraid to touch it, but wanting to get it away. It was too late, it had already done what it was intended for. I found him lying on the floor and if Tom Delay and Charlton Heston could see and feel what many of us have to live with they would agree, wouldn’t they? Let us try . . . No, let us do it! My brothers name was Joe DiPaul and he had a wife and two children, and he would still be here if not for an easily accessible GUN!”—Theresa Cass, King of Prussia, PA.

“Yesterday 6 kids were shot near the national zoo—apparently by another child. Yet our representatives waste their time and our money to investigate the “violence” of armed law enforcement personnel rescuing a child to be returned to his parent. Just who is supposed to be carrying guns in this society and what is “violence?” How many children have to be shot before these self-righteous legislators realize that a heavily armed society requires even more heavily armed law enforcement personnel, and that the excess supply of guns will end up in the hands of children. These are the same legislators that think we need to have a great excess of nuclear arms as a deterrent for war.”—Sue Hauser, Beltsville, MD.

“My daughter and I will proudly march in the Million Mom March. Our participation is not only an effort to demand sensible gun laws but to remember those moms and children that have been indelibly scarred by the use of guns in the wrong hands. I am a Registered Nurse. I have worked closely with children that have been traumatized by life’s painful events. Many of these are the result of the ruthless use of handguns. I ask that we Million Moms remember these innocent children in our purpose and in our prayer. For the frail 9 y.o. whose leg and mind were scarred when he was used as a human shield in crossfire when his dad’s drug deal went bad. For the beautiful 12 y.o. whose guilt and shame overtook her; never knowing if she killed the young target in the driveby shooting, a rite of gang induction. For the despondent 16 y.o. who witnessed his mothers being shot in the street. His pain has tempted him to find a handgun to take his own life. For the 15 y.o. who returned home to find his mother’s bullet ridden body on the floor of his room. He is tormented by the flashbacks. We ask that these children be kept in mind as well as the staggering statistics. There were 32,436 people killed by guns in the US in 1997. Hopefully, this strong message will be heard by Congress and action will be taken to pass sensible gun laws.”—M.J. Ferrone, Hillsdale, NJ.

“I am the mother of two very young boys (17 months and 7 months). I believe that the only purpose for hand guns is to kill. I have been writing to my Congressmen asking them to pass stricter legislation for gun laws. Recently I actually received a response back, it was from Spencer Abraham from Michigan who expressed his concern re: stricter legislation fearing that that would punish law biding citizens. I feel that law biding citizens would and should support smart guns and mandatory safety locks. I am hoping that the million mom march will show Congress that us moms mean business. Thank you for organizing this.”—Patricia, Harrison TWP, MI

“I was 17 when I got the phone call that my 15 yr. old brother was shot and killed playing with a “unloaded gun”. It was the worst night of my life. Now I am a mom of two children and my husband and myself have made the choice not to have a gun in

our home. If it isn’t there then nobody can be hurt or killed. All we are asking for are minor things, gun control. Locks on guns, time between the sales of guns to one person, if only one person has had to die because we didn’t do any of these things then it is one too many. I would bet if any of the members of the “NRA” have every lost a child or family member that they would be with us and not against what we are doing. They say it is their right. But what about our rights as parents to keep our kids safe from gun violence. We have to worry when we send them to school, or let them play outside. It isn’t right and it isn’t fair to us or them. We are not saying that they can not have their guns, but please think if you don’t keep them locked up what can happen when they are at hand’s reach of a child. Children only do what they learn and are allowed to do. So it is up to us to make a change. Hundreds of years ago guns were meant for hunting, but now some of these guns are meant for one thing and that is to kill another human being.”—Tonia day, Hampstead, MD

“I need some clarification—many of our congressmen have begun yelling and screaming because there was a loaded gun near a small child. They are all over the TV calling for hearings. “The boy could have hurt and at the very least he was traumatized! This shouldn’t happen.” Odd, gentlemen, we’ve been saying that for ages and you’ve turned your back. Either back up those words or you show yourselves for what you are.”—JR, KY

On June 5th, 1988 my 15 year old son was shot and killed by a 44 magnum. The only good thing is he died instantly and did not suffer, but for the past 17 yrs I and my family suffer everyday. He was the baby of the family and the only boy. I only hope that this will help change the laws on guns, so nobody will ever go through what my family has. The loss of a child is the greatest tragedy every known”—Rita McKinney, Ridgecrest, CA

“What a beautiful tapestry of words, woven with love and hope and true energy, about such an urgent issue. I and my children will be at the march—I want our legislators to know that they must speak for us. to do that, they must hear our voice. Stop the gun violence!—Cathleen Barnes, Silver Spring, MD

It’s a fact of life that family members are forever lost to us due to illnesses that cannot be cured. I remember, as a little girl, overhearing my grandmother tell someone that the greatest tragedy in life was to bury a child. It simply was not what God intended. Many years later I stood with my grandmother at a memorial service for my mother who had died of cancer. The anguish she felt was clear. Now that I have a 7½ yo daughter, all I want is for her to be safe. As I accompany her to/from school I am reminded daily that there are people out there that may look sane but do not always act accordingly. In a city where mentally ill individuals push total strangers in front of subways cars, I am always aware, and every vigilant, of the people around us as we travel. Unfortunately I cannot tell if the person next to us has a gun. The laws must change! Both my daughter and I will attend the March in Washington because we are part of a community that needs to be heard, that will change gun control laws, and must demand that safety be restored to our lives. The safety of our families must be an inalienable right!”—Lorraine Ashman, New York, NY

“The young’s gun violence is so serious—some news I’ve read in newspaper is so shocked. But many statemen don’t do any action. Tonight I heard about a great action of moms. What an amazing courage! Yes,

Moms are powerful. I'm sure Moms can protect our children and make a safe country. Cheer up! Now I live in Pusan, Korea. I heard about your march from my principal in the institute of opportunity: leadership developing center for volunteer."—hee kim, pusan, AL "October 11, 1998, Hans Hummel was shot and killed in Arizona. He was 17, a senior in high school with a bright future. He was working at Walmart, and he and a security guard were pursuing a man that had tried to steal a television. The man shot both of them, both were killed. Hans was a very good friend of mine for years, but we had recently lost contact. Everyday I am haunted knowing that I am denied the opportunity to let him know how much I cared. Guns are unnecessary and intolerable. Why should we let them destroy us? Where can the beauty be found in a gun that can be found in a life? Can we look Hans' mother in the face and tell her that man deserved to carry a gun with him? That it was his legal right? Didn't Hans have a legal right to live? To succeed? I am marching, along with my mother and best friend for Hans' sake, that others may be saved as a result of the pain that has been suffered. tkokayde@yahoo.com"—Kayde Puckett, Manassas, VA

"Yesterday, 6 children were shot at the National Zoo in Washington. The fight between teens could have ended in cuts and bruises, instead children were shot and a young boy is brain dead. Although stricter gun laws will not put an end to violence in our country, it will go far in saving precious lives. Every day more children are shot and killed. Most cases don't even make national news. I have lived in Washington, DC for eight months. During this time, local news has highlighted the violent deaths of several children. Senseless deaths . . . Voters make your voices heard across this country . . . Sensible Gun Laws?"—Kimberly, Ketchum, ID

"We all need to be involved with gun education and control. Mothers shouldn't have to be the only ones concerned—everyone needs to care about our children and the future of guns in this country as well as all over the world. I have not personally been affected by the tragedies, but I have cried for those who have and I want to keep my children safe. March on?"—Shelli Seaton, Marble Falls, TX

"As an American expatriate now living in gun-free Singapore, and one who is soon returning to live in gun-happy Texas, I cannot express the great sense of safety parents feel here knowing their children will not be gunned down in school, at the zoo, and traveling about town in the evenings. Singapore has tough laws, but there is a great sense of freedom in safety that makes small sacrifices well worthwhile? Nearly every parent returning to the US expresses fears about their children's security there due to gun violence. Without strict Federal gun control laws American children will never feel the wonderful freedom and security that the children of Singapore and other gun-free societies enjoy and take for granted."—Barbara Johnston, Corpus Christi, TX

"On January 29, 2000 my 12 Year old son was sitting on the sofa and was shot in the back of the neck with a nine mil. bullet and one grazed his shoulder. Thank god he is alive and ok. This was senseless and made me realize how much I hate guns. I wish there were no such thing as guns, especially for those who have lost loved ones this way."—Tammy Baughman, Detroit, MI

"Once I rote a letter to my local Congressman asking him to support sensible gun control and he sent me back a 3 page letter upholding the 2nd amendment as if it were the Bible. But this had no effect on me, as in my

life I have lost my father, an uncle and a nephew by marriage to guns. One was murdered, one a suicide and one was accidentally. Had guns not been around and easy to get, none of these untimely and sad deaths would have occurred."—Gael Ralph, Alpine, CA

"Together we can change our laws to provide sensible gun legislation which will protect our families from senseless violence. The MMM is about benevolent change for those we love and cherish."—Rebecca Angel, Albany, CA

"I support much greater control over the access to guns. There should be true background checks on all firearm purchasers at all gun shows, banning of the import of large ammunition clips, keeping handguns and assault weapons out of the hands of anyone under age 21 (unless appropriately supervised) and ensuring that all guns are equipped with safety devices such as trigger locks."—Carla Seyler, New Orleans, LA

"I think its about time for something like this to happen! I plan to participate on behalf of my own children, grandchildren, and all the other precious children that belong to US! they most certainly are OUR future!"—Elizabeth C., Yellow Springs, OH

"Tonight (4/24) on the NBC Nightly News, in response to the Elian raid, George W. Bush declared this to be a "nation of laws, not guns". I am sure you can imagine my disbelief. Mr. Bush, I am going to hold you to that statement. Not only is this a nation of laws, it is a nation of children and parents and sons and daughters and brothers and sisters. All of whom deserve never to be witnesses to violence. I am marching so that I can say that I live in a nation of laws, not guns."—Melissa Foutz, Washington, DC

"My 19 year old son, Ryan was sold a gun illegally by K-Mart & committed suicide on May 23, 1996. He couldn't buy cigarettes in the store that sold him a gun! Ryan was schizophrenic but had a heart of gold! I have a lot of respect for Rosie for dropping representation of K-Mart! Ryans is not an isolated case! This is happening time & time again! I hope to make a difference in my lifetime in helping keep guns out of the hands of people that should not have them. No Mother should have to live with the constant pain of losing a child because of irresponsible Gun Control! I will be participating in the MMM with a broken ankle in Jacksonville, Florida on Mothers Day! Sandra Eslinger (pslinger@earthlink.net)"—Sandra Eslinger, Park City, UT

"I have always been appalled at the control that the NRA maintains on our lawmakers. Thank you for making the voice of the many concerned parents of this country heard. The life of one more child is too high a price to pay for the failure to pass this common sense legislation."—Becky Adams, Marietta, GA

"I am the mother of two boys, ages 3 and 6. For years, I have been very upset about the gun violence in America. Our country appears to be a war zone with over 10,000 people dying every year from guns—many of these innocent children. If you look at any other country in the world, you wouldn't find anything near that number. IT MUST STOP NOW! The Million Mom March is an excellent way to get everyone involved in order to stop gun violence. Thank you to the organizers of this wonderful organization. Thank you for saving our children."—Andrea Price, Auburn, NY

"I'm a dad, a husband, and Director of an Emergency Medical Services (EMS) department. I've seen far too much violence and trauma that came out of the barrel of a gun. I support this March (and all of the regional gatherings) with my heart & soul. Be well. Practice big medicine. Hal Newman, Montreal, Qc."—Hal Newman, Montreal, Quebec, AL

"YES!!!! It's about time we mothers weighed into this issue. We nurture the life that guns make so easy to destroy. But don't stop with marching; write your senators and congress people, write letters to the editor of your local newspaper, ask you women's groups to take a public position on the issue, support and express your appreciation to those who champion gun control, and vote! Together, we are stronger than the Tom DeLays of the world."—Pamela Behan, Jonesboro, AR

"June 29, 1993, I lost my oldest son to gun violence. It was just two weeks after his high school graduation. Everyday since that night, I re-live the whole thing over and over in my head. I hope the Million Mom March can do something for about the gun laws, I have three more young children and I don't every want to go through the same situation again, nor do I wish anyone else to. I will be marching in Chicago with my family. Thank you,"—Olmedo, Chicago, IL

"I am the mother of a perfect, beautiful 9 year old girl. I am saddened by the seemingly endless stories of innocent children being killed by handguns, ether by accidents in the home, or by the hands of intentional users. I live in constant fear that someday this tragedy may become my own. I am outraged by the lawmakers that continue to defend the so called right of "law abiding" citizens to bear arms in the form of semi-automatics and handguns. I applaud and support the efforts of the MMM. I pray that this will be a wake up call to legislators who continue to have the NRA in their back pockets. I am tired of those who say gun control efforts are in vain. I view gun violence as any other disease which threatens our children and our society, and step by step . . . effort by effort . . . God listens to a mother's prayers."—Julie Townsend, Davenport, IA

"I think it is wonderful that we moms are speaking up for our children and am glad to see dad's doing it too. How many more children need to die before we see a need for licensing, safety locks and background checks? When the Constitution was written, the guns they were referring to were too heavy to be held by a child, and could not be concealed in a over coat. We need a reality check here. We have the right to bear arms according to the Constitution in order to protect ourselves and loved ones. It does not say we have the right to bear arms and take away someone else's life who is defenseless. I guess it would be mothers that would have the love for their children to stand up to the politicians and the NRA and all it's money and say, "we are not going to allow this senseless killing anymore!"—Anie Lynne-Both, Wailuku, HI

"I am not a Mother, but I am a Father and Grandfather. I am also a longtime long gun and Handgun owner. But I totally agree with everything your group is striving for in the area of Gun Control. This Gun Madness must end! No one is asking me to give up my Guns! I believe in Handgun registration and licensing of Handgun owners. I also believe in the "Cooling off period" for purchasing long guns. I also believe in responsible gun ownership. Good luck and keep up the good work."—David G. Warner, Utica, NY

"I wish I could say that I do not personally know anyone that has been adversely affected by a gun. I just heard about the Million Mom March this morning, Easter, while checking my email. I will be in the local Tampa march. I can't think of a better way to celebrate Mother's Day, for both myself and my daughter, Jasmine. I cannot imagine what it is like to have to lose a child to such an act of cowardly violence. We do not and will never allow guns, either fake or real, in our home. Children are hurt and abused every day, and we cannot stop most of this.

This is an opportunity to the Mothers of the United States to take a stand and shout "Enough!" and remove one huge way of abusing our children, who are, after all, are our future."—Deb Carter, St. Petersburg, FL

"This should be the first step in promoting gun control. The next step is that each mother at the rally contact five others who, in turn, contact five others to vote for legislation that ensures the safety of our children and ourselves. We have the power to make a difference if we focus our demands at the voting booth."—Sandra Pressman Weissfisch, Ridgewood, NY

"Look into the eyes of a child, yours or any other child. See their smiles. Touch their tiny fingers and kiss that tiny little nose. Imagine their future, a blank canvas that society gets to paint, a blank sheet of music that we get to write. What colors will we use? What notes will we choose? Now look into those eyes again . . . how will YOU make a difference? How will YOU ensure those eyes still shine bright tomorrow and the next day? Or does it even matter to you? My children matter to me. Your children matter to me. I will do whatever I can so that our children can grow together, I hope you will too."—Sheri Seehorn, Milpitas, CA

"In January of last year a mentally ill person purchased a handgun. She then walked into the Triad Center in downtown SLC, took the elevator to the office of AT&T where she shot Anne Sleater. Anne died a few days later. She was a beautiful mother of a 6-month-old daughter and had only that month returned from maternity leave. Anne and her husband Chris were school mates of my son all though elementary, junior and senior high school. We must not let tragedies like this happen in this country again. We must have background checks for purchasing guns to protect all Americans."—Kay Jones, Murray, UT

"My youngest son Kevin was shot and killed instantly on January 1, 1990, he was 20 years young. I can't express strongly enough how this insanity has got to STOP. The children of this world are being taken from us. I have 22 grandchildren and 11 great children, I pray for their safety every night, and worry constantly about who will be next? Not only for my own family, but for all innocents. My two daughters wrote in the Tapestry and one of my Granddaughters, It breaks my heart to know the sadness that is still with them and will never go away. God bless all you mothers, Grandmothers, and caring people that will march on Mother's Day. We must win this one, good luck."—Gloria Coohill, Moscow, PA

"On May 16, 1994, my husband Edward was shot and killed in front of our three daughters. It was over a dumb baseball game. It has been a nightmare since. God willing, myself and the girls will attend the March. God Bless."—Iris, Staten Island, NY

"Yesterday I was reading an "Arthur" book with my daughter, Julia and in the book Arthur has to write an essay on what would help make America great. I asked my daughter what she thought would help make America great and she replied "to have programs to help families and to stop guns." I was shocked to hear such a well-thought-out response from my 6 year old. When I asked about this she said she remembered Columbine and didn't want any more kids to die. As a nurse for the last 13 years, I know that all too many do die—every day. I would say to the NRA: you say you want to promote "family togetherness". Well the real way to promote family togetherness is to STOP KILLING OUR KIDS. Way to go moms, see you on May 14 in D.C."—Rebecca Stern, Havertown, PA

"Even back in the days of the "wild wild west", strangers were required to check

their guns when entering a town. We've gotten so far from the basic civility of gun control that now, instead of gangsters and robbers getting killed, it's our children—the most fundamental building blocks of our society. What's even scarier is the number of children who have access to guns, before they've even had the chance to learn what a wonderful gift life is. Thank you to the organizers of this long-overdue stand for gun control. Count me and my family in. See you May 14."—Cathie Batavia, McLean, VA

"Reading this tapestry has made me so emotional. As a social worker, I know how just one person can make a difference. I'm also a mother of a two-year-old. I don't want to worry about my daughter's safety when she becomes school age. In our society, we feel that the social problems that exist don't exist in our backyard, but they do. I feel very compelled also to make legislators hear "our voices". It's time we end this nightmare."—Kelly D'Onofrio, New Haven, CT

"I am thrilled that the women especially the Moms of this country are standing up and saying, "That's it. Enough." and being pro-active about this critical issue of guns in this country. I send blessings to each and every one of you and know that we will be successful."—Susan McGuire, Studio City, CA

"I only heard about the Million Mom March today: the anniversary of the Littleton, Colorado shooting. I am appalled that nothing has changed in the last year. I am even more incensed that I have stood by and done nothing, assuming that someone else would make America safer for our children—for my child. That isn't going to happen. I must get involved for Ellie's sake. She deserves a life with less gun violence."—Kathryn Kerr, Chandler, AZ

"Thirty years ago I lost a wonderful friend to the handgun he had purchased for his own protection. Raising my children near an urban area, having police officers in our family, I know many sides of the gun issue. All I know for certain is that guns are killers, and that sensible laws cannot and should not be opposed by sensible people. I have raised my kids to act on their convictions, and my daughter and I will be there on Mothers Day."—Peg Williams, Ambler, PA

"I will be marching in DC with my mother in memory of my brother. Trevor was shot and killed April 8, 1993. No one knows the who or whys. Seven years later my heart is still broken and will never heal from losing him. To most people it was just another "random shooting" on the city streets of Buffalo, NY, but now my and my families lives will be forever ruined. Thanks to everyone who is taking their time to express their concern about gun violence."—Rich, Dillon, CO

"When I was 14, my 11-year-old sister was shot by a school buddy. Yes, it was an accident, however, if she had died, would that have mattered? As a Canadian, I am also an avid supporter of this cause and want to commend your organization for bringing such an important issue to the eyes and ears of the world. Recently, Charlton Heston was in British Columbia denouncing Canada's gun laws and trying to raise supporters for the NRA in our country. This frightens me greatly. I would like to show MY SUPPORT to the Million Mom March in some way on May 14, not only for the citizens of the United States but all citizens against gun violence. Do you know of any marches or demonstrations being held in Canada? Thank you, Leisa Nason, Winnipeg, Manitoba (lnason@home.com)"—Leisa Nason, Winnipeg, CN

"Heartfelt gratitude I feel for all who take part in this March. My emotions have never been the same since I lost my 20-year-old

brother to a single gun shot on New Year's eve 1989/1990. I weep with so many others . . . I have a son who is 11 years old. I am trying my best to raise a sensitive and caring man. I worry about the future for our children. This march is a wonderful thing to do. Thanks again. Peace to all . . . Mo Giandinoto"—Maurine Giandinoto, Mtn. View, Ca.

"Several months ago after another senseless gun death, I said to my husband, "This will only stop when women take to the streets to put an end to it to protect their children." Little did I know it was already underway. I can't be in Washington, but I can and will be in Chicago. Let's not forget another important thing—that is to show up at the ballot box. If you are not registered to vote—do it today. Here we come, ready or not!"—Julie Ilacqua, Clarendon Hills, IL.

"Question for the NRA—What part of "Well regulated" do you not understand?"—JR, KY.

"I am an intern with Texans Against Gun Violence, a Social Worker, an aunt and a mother to be. I will be at the march in DC with my husband to demand that Congress clean up this mess. I will be marching in memory of all those who have died senselessly and specifically for my high school friend David Beatrous, who, at 18, shot himself in the head at our school. He had a promising future as a scholar and actor, but his depression made him desperate to end his pain. He used his father's unsecured gun to do so. David's death was a wake up call to me to get my own life together and to someday work with suffering teens to heal their lives. A gun in the home makes it 5x more likely that someone in the home will use it to commit suicide (and 3x more likely to commit a homicide). I am committed to doing my part for this cause. But our elected leaders better do theirs."—Jessica Hartog Smith, Houston, TX.

"I lost a brother and a nephew to gang violence in Chicago. Both were under 17 years old. I fled with my only son to Silver Spring to keep him alive. He is now 28 . . . I had to leave friends and family because of the gun violence in Chicago . . . I will march on Mother's Day in hopes that someone else does not have to leave everything to give her child a chance at living! Rest in Peace Thomas Anthony (1973) and Dujan Miller (1982)!"—Katie Johnson, Silver Spring, MD.

"While I was reading the tapestry I came across my mother's letter about her 20 year old brother (my uncle) that was killed by a single bullet 10 years ago. As I read that I began to cry . . . even though it has been years since his tragic death I cry often when I think of what he could have been and how sad that my son Jacob will never meet the uncle I loved so much. I will not be walking in the March in Washington, DC but I will join the forces of many moms in Seattle, Washington. I walk for Kevin, my 4 year old son Jacob, and my beautiful nephews. Yet every step I take during that walk will be for every tear that my mother and grandmother have let fall from there saddened eyes. We as mothers need to make a difference in our children's future. They need our strength and support to guide them through life and I believe this march is the beginning of our strengths shining through. I thank you as a mother for caring for my son's future, and his precious life. I can never repay all of you for taking a stand for my son. You are right it is not called the Jacob march but in my eyes it is because it is his future and other children's that we are fighting for. Thank you Tara D Rios"—Tara Rios, Bremerton, WA.

"There is no place for guns in a civilized society, and no civilized society would allow its children—our future—to be silenced,

whether by design or accident, by the bullet. The time has come to bring the senseless massacre of reason and humanity to an end. Just how many more must perish by that bullet before we, as those whom we elect to represent us, say, "No more?"—Seth D. Bykofsky, West Hempstead, Long Island, NY.

"I plan to march locally in LA on Mother's Day in support of stricter gun laws. As I watch the news coverage of the tragic events happening all over the country my heart breaks over families torn apart by gun violence. I feel almost ashamed to be an American and sometimes wonder how I can justify raising my son in such a violent society. I am angry that while more children are killed by guns our lawmakers sit on their hands and bow down to Charlton Heston and the NRA. When I heard of the march my heart leapt because that's exactly what's needed—the Mom's of America need to unite and speak out (loudly) to our Government—STRICTER GUN CONTROL NOW! You Go Mom's!"—Pam Edwards, Los Angeles, CA.

"I believe in this march because if we don't make a move to stop the senseless killings we will continue to watch the news everyday and see another senseless shooting or worse suffer a loss within our own families. We cannot continue to allow the proliferation of guns in our homes and streets just because there are those in our society who wish to gain a profit for the sale of guns."—Wanda Reid Wilson, Southfield, MI.

"I WITNESSED the senseless SHOOTING DEATH of my 13yr old nephew 6/8/98. He was KILLED while PLAYING basket ball IN HIS OWN YARD, by a 12yr old PLAYING SNIPER. No, I'm not a mom, but I couldn't have loved him more or hurt any less than my sister. WE CAN ALL SAVE THE CHILDREN IF WE WORK TOGETHER AND TAKE RESPONSIBILITY."—Claudette, Richmond, CA.

"My youngest brother Kevin was hot and killed on New Years Day 1990 in New York City. The memory of that phone call and the violent way he died will never leave my heart. I thank you for this march and I am going to get things together so I can be there. Kevin was 20 years old"—Kathie Riera, Hawley, PA.

"It seems so natural to try to end all of this senseless gun violence on Mother's Day. There is no stronger bond of love than a mother and her child. I have three sons; Tony (20), Mitchell (18), and Jared (9) who deserve a world of peace and I am going to do anything and everything I can to make sure that happens! My heart and prayers go to all of the moms out there who lost their children to this evil. And because those in Washington don't pay that much attention to the "common man", it is up to us to make those in Washington sit back, take a hard look at what THEY have and have not done! God's grace be with us all!"—Patti Moy, Indianapolis, IN

"I am a mother and a grandmother. I had the good fortune to be blessed with two beautiful, wonderful sons, Mead and Brad. Brad will be 30 on May 7th. Mead would have been 33 on June 11th. Mead Jeffrey passed away on December 28, 1999. No, he didn't die of a gunshot wound. He died of leukemia. However, I know the unbearable pain and anguish of losing a child. It is the worst possible tragedy that could befall a mother. The pain of mothers who have lost children to senseless violence is also my pain. No mother should have to bury her own child—it's just not right or natural. We pray for long lives for our children, and when these lives are needlessly and senselessly cut short, we wonder what kind of a world we live in where children are allowed to die—whether it be through illness or violence—it is WRONG!

My heart goes out to all the families who have lost loved ones because the power of the NRA has become so great that it seems to have overtaken and paralyzed our government. It's time for someone to take a stand, and who would be better at doing so than the mothers of our country! I cannot attend the march in Washington, but hope to do something on a local level to show my support for the MMM. My mourning is still so intense. I will never be the same. I, too, cry every time another child becomes the victim of a senseless shooting. The shooting of the 6 year old by a seven year old was such a shock! How did our great nation come to this??? We must end this violence NOW. I will be with you all in spirit on May 14th. I know my son Mead will be watching from wherever he is. He has two beautiful little girls, age 2 and 6. I am scared for them. Can they survive their school years? Who would have ever thought it would come to this—that parents and grandparents have to worry about sending their children to school every day?! Here's to the mothers of the world—together we can and WILL make a difference! Our voices must and WILL be heard! Beverly Himelstein, Bloomfield, CT"

"I am the proud mother of two wonderful children, ages 10 & 2½. I am so thankful for this opportunity to speak out against the gun lobby and those politicians who are so firmly wedged in its pocket. There must be some common sense used in the selling and manufacturing of guns. When the assault weapon ban was repealed a few years ago, I was sickened. I am ashamed to say that one of the representatives of my state played a major part in that repeal. He is now running for governor in our state and seems very proud of his pro-gun record. This is a very pro-gun state, but please know that not all of us are like that. Growing up, I even heard the minister of my church declare that the government would take away our guns, and thus, our freedom. Why would this be included in a church sermon? Christ taught peace and love of your fellow man. I am sorry to say that a lot of my family still feels this way. I will probably take a lot of flak for this march. Thank goodness my husband supports me 100%. I pray that we can make a difference, and that my children and their children can grow up in a society that is not so saturated with violence."—Sandi Young, Charleston, WV

"I had a brother 3 years older than me. He was a typical big brother, often teasing me and my little sister to tears but also always ready to play with us and as we got older, there to listen and be a friend. My brother had a way of making people love him. He was charming and thoughtful and caring. Most of all he would go out of his way to help people, they couldn't stay angry with him. He would win them over with his smile and because of his determination to be friendly. He was a nonviolent man. When he was drafted for the Vietnam war, he became a conscientious objector. He didn't run away, he was determined to do his part if he had to, but he couldn't kill others and sought a nonviolent way of helping. Three years ago my brother in typical fashion stepped in to help a colleague. He was due a vacation. His children, then aged 6 and 8, had never been on a real family vacation and they planned to camp up through California and end up at my Uncle's ranch in Oregon. But Preston's colleague was sick with cancer and he asked my brother a favor—would he be part of a panel hearing a student's Master's thesis defense? My brother changed his plans, shortened his vacation and came back to hear the student's work. On August 15, 1996 that student ambushed three professors in a small room, firing over 40 rounds in less than 2 minutes, from a 9mm police type semi automatic hand gun he had

concealed in the room. My brother and two colleagues died, leaving 3 young widows and 5 orphaned children. The irony is, if he had known the student and known of his fears and worries, he would have gone out of his way to help him. The student held a license for his gun and practiced regularly at a gun club. Please tell me why an ordinary citizen needs such a weapon? He had a family history of mental illness and was ex-military training, which apparently is a typical profile for 'cagers' according to recent research. If that is the case, why is it he and others like him can obtain a license? We need to protect the rights of all our citizens. I have heard much talk about our 'constitutional rights'. If you read the constitution, you will know that the right to bear arms is in an organized militia, not in a classroom. My brother's constitutional rights died with him in a hail of bullets. Please let us move into a new century with a better understanding and respect for what other rights are and should be—that is to feel safe in our work environments and to know that our children will come home from school at night."—Mary Rose, Hebron, CT

"I am the very proud mother of an almost 2 year old boy. He is my hope, my future, and the pride and joy of his family. Our children—the nations children—are the hope of the future. Thank you for starting this march, thank you for doing what you can to keep guns out of their hands. I am HONORED to be a part of this tremendous effort! If we can help prevent one senseless death of an innocent child by this march, then it is well worth it. God Bless!"—Kris M. Koehler, Overland Park, KS

"Please keep guns away from children—they are our hope for the future, the most precious resource this country has."—Marta Settles, Burke, VA

"My husband has been a reserve police officer for over a decade working in a northern California city with a high violent crime rate. He has been in situations where he has had to draw his weapon more times than some officers will in an entire career. He has seen so much death and sadness as the result of guns in the hands of criminals, teens, substance abusers, and emotionally desperate people. Early in his career he saw the middle-aged parents of one of his partners on the force, make the nightmare decision to disconnect their adult son (and my husband's co-worker) from life support and watch him die from devastating brain damage—the result of being shot in the line of duty by a criminal—a 19 year old who got his hands on a "Saturday Night Special", and used it. My husband, a witness to the events leading up to the shooting, testified at the trial of this young man, who had been raised in a violent family where guns were as everyday as a loaf of bread, and saw the jury lock him up for life. Two young lives destroyed, albeit in different ways, because guns were available. I watch parents in toy stores buying their children plastic guns—pistols, machine guns, "Star War" space guns, and see the parents laugh as their kids aim at each other and shoot. If they could see and understand what my husband sees and experiences they might come to believe that guns are not playtoys, that guns in the wrong hands kill and maim. My daughter knows that my husband uses a gun in his police work. She has been taught to respect his weapon, and to understand the awesome and powerful aspects of guns. His service weapon is kept in a locked gunbox and never removed until he leaves the house for a shift. I support the Million Mom March with all my heart. It is time that this country and our elected officials respond to the needs of our citizens for sensible gun-control laws and law enforcement, and not cater to the lobbying of special interest groups and

firearms manufacturers.”—Terry Clark, Los Gatos, CA

“As the mother of a police officer killed in the line of duty, I have long been aware of the need for some kind of gun control. I am so glad to see SOMEONE finally take a stand. I no longer feel alone in my views on this important issue.”—Billie Hurst, Rose-land, VA

“Although the state of Georgia is very pro gun, I want all to realize we’re not all that way. Stop this insanity of guns, guns available to children. Stop children killing children.”—Sherry Roak, Nashville, GA

“My husband and I have three children. My husband is a hunter. We lock are guns up and have taught our 5 year old about gun safety. She is not allowed to touch or even shoot. I just talked to her about what do do if someone points a gun at her. My daughter cried right alone with me that little 6 year old girl died. I can’t understand the madness. I will be there mother’s day. God bless everyone who has lost someone they loved to guns.”—Sheila, Angola, NY.

“When we lose our children due to illness or natural disaster, it’s a tragedy. When we lose our children due to gun violence, it’s a reflection of our own stupidity, laxity, and arrogance. It’s time to hold onto and protect our children, our most precious resources, by standing up to be counted. Each one of us has a voice that matters, and it’s time to use that voice and our brains to protect those we love and value so much. A choir of thousands of women chanting their demands for tight gun control is better than a choir of a thousand moms singing songs of lamentation at church funerals. Believe, think, act!—Kathy Kelly, Ann Arbor, MI

“My son Nick was 16yrs old when he was shot, by another 17 yrs old in May 1977. He was not killed Thank God, but he is maimed for life. He was shot in the spine and the bullet still remains there. The Doctors can’t do anything for him, because his nerves has been severed from his spine, he is in contant pain everyday and has to live on pain meds. I feel for the children and families that have been killed by guns, but what about the ones that have been maimed, what is the stats on them? I’m in support of the Mom’s in the Million Moms March, and planning on being there and hoping to take my Son with me.”—Susan Woytasik, Mesa, AZ

“When I remember the pains of giving child birth I can’t help but wonder how anyone could deal with the pain of losing that priceless child in a shooting death. We are each someones child, no matter what age we are. Life is precious and we must protect it with conscious efforts like this Million Mom March.”—LeAnn Crawford, Caldwell, ID

“On April 1st, 1986 my only son, 19 yrs old, was killed by a “friend” who was just showing him a gun that was “not” loaded. Irresponsible people and irresponsible use of a gun has taken away someone so very precious to me and our family. We are loosing our children by the thousands to this. It is insane. If only they could hear us crying or feel our pain at our losses, but God forbid, they ever walk in our shoes.”—Judy B., Peoria, IL

“All gun purchases should require a complete background check, state and federal database registration, trigger locks and a personal insurance policy, (just as you must have auto insurance in case of accident/injury). Handguns should be severely controlled, as their purpose is to kill/injure humans. Congressional members, please listen to us, not the NRA.”—Sharon & Martin McGladdery, Farmington Hills, MI

“The hand that rocks the cradle truly rules the world. We will end gun violence and soothe the anger and hatred that feed it by joining together to show our children and

the rest of the country our love and our resolve to take control. Thanks to those moms who have taken the steps to make this march possible. This will truly be a Mothers Day worth celebrating!”—Allison Leopold, Falls Church, VA

“There are a lot more moms out there than members of the NRA and it’s time to make our voices heard, I am making this a personal goal—that the Million Mom March is the starting point for a new grassroots movement to end gun violence. So, the next question is . . . What are we doing after the March????”—Holly Spiegel, Calabasas, CA

“Though I will be unable to join the march, my heart and thoughts will be with you all. I applaud every single mother who participates. I feel the NRA’s anti-gun control arguments are totally antiquated; no one needs semi-automatic weapons to protect their rights, or to use for hunting. Even if someone wants a handgun, why is it unreasonable to require a waiting period or a trigger lock? No one, child or adult, should have to die violently from a bullet. We must convince Congress to take action once and for all.”—Susan Turgeon, Norridgewock, ME

“In November of 1999, my son walked into a sporting goods store in Atlanta and walked out with a gun. He used the gun to end his life. If he had not had such easy access to that gun, I believe he would be alive today. Our grief is indescribable, our pain hard to endure, our lives will never be the same. All who knew my son have been affected by this tragedy I am so glad that this first Mother’s Day without my son, I will be able to do SOMETHING. I have always been pro-gun control but now I am passionate about it.”—Judy, Tampa, FL

“On May 11, 1999 my life changed forever with the phone call every parent dreads. My son was dead, shot with a gun belonging to this father. I will never know what happened to my precious 14 year old, but because of a gun left carelessly accessible, Kit will never have an opportunity to grow up. I will never feel “safe” again. My family has been torn apart, not just by violence, but by poor judgment and poor decision making. How many other lives must be ruined by this same lack of initiative? We must protect our children, and we must find a way to reach our legislators I don’t want my child to be a statistic. He was more than a number to me. How do we communicate this sense of loss to Congress?”—Dru Fentem, Tifton, GA

“February 22, 1999 my son who was only 4 years old was at a close friend of ours playing with there 6 year old daughter, who got hold of a 22 rifle and accidently shot my son above the right eye. He is now blind in that eye, paralyzed in his left hand and cannot walk without a brace on his left foot. He was a perfectly healthy 4 year old before this happened. Even to this day the doctors say he is a miracle, they tell me he was not supposed to survive and even though he did, with the injuries he had he should have been brain dead. My son was a lucky child to survive this. The story is the gun was sitting beside a chair in the living room, loaded and ready to go. My son will always have to work harder than others, take criticism in a cruel world because he’s different, and may always have to use a wheelchair when he’s too tired to walk because of someone else’s stupidity. I want my son’s accident to be a lesson to all. I tell my story to people that have guns and children because what my husband and I have been through and are still going through is a parents worst nightmare. Our son with the help of millions of prayers and the grace of God made it. Even though he made it, it’s still heartbreaking to see him suffer through hard times. I am a mother who is a full believer in making stronger gun laws. If anyone would like to e-mail me with

their comments, please do. My e-mail address is dkstepp@altavist.com—Kristi Stepp, Dumfries, VA

“I would just like to say that I think that the march is a wonderful idea, and its about time this sort of thing took place. I’m the co-founder and president of a club at my high school, S.A.Y.V., Students Against Youth Violence, and because we live right near the District, a big group of kids are planning on attending. It’s not just adults who worry about gun legislature and things like that, but also people who are just children themselves. The response from the student body has been overwhelming. I have no doubt that a great deal of the next generation in America is planning to make the difference.”—Leigh, Springfield, VA

“Me Conmovi mucho el saber que como mujferes y madres nos podamos unir en esta gran causa, como madre me preocupa el bien de mis dos ninos son lo mas importante en mi vida y en la de mi esposo ellos son la razon por la que me levanto en las mananas y me moriria de la tristeza el saber que uno de ellos me le paso algo o que alguien me los lastime asi que por eso quiero participar en esta marcha y aunque no pueda ir a Wa. D.C. ire a la marcha de mi estado de Wa. Pienso que es bien importante porque mis ninos son el futuro de este pais. Denise Trimble.”—Denise Trimble, Gig Harbor, WA

“This madness has to stop and we need to be heard. I plan to be in Washington, D.C. on May 14, 2000 fighting for stricter gun laws to help protect our children. I have 2 boys, ages 5 and 3 and I do not want them to be exposed to guns, especially at school, which unfortunately, is where kids seem to be getting killed by them more and more. A place where they are supposed to be, and more importantly feel safe. We are their protectors and I would not be doing my job if I did not support this issue and got involved in this March. I will see all of you there on May 14, 2000. In the meantime, I will continue to say prayers that our children can stay protected. God Bless.”—Kelly Borbely, Belford, NJ.

“By our readiness to allow arms to be purchased at will and fired at whim. We have created an atmosphere in which violence and hatred have become popular pastimes.”—Martin Luther King, Jr. It’s amazing with all the advancement this country has made from the time this man was alive, that this statement still rings true today. I don’t want to leave this world knowing that I complained about this violence, but did nothing to curtail it. We must all be leaders from here on out, getting involved in our communities, until gun violence is a thing of the distant past. It can be done. “Do not wait for leaders; do it alone, person to person.”—Mother Teresa. I will see you in Washington.”—Manzo Speight, DC

“I am so thankful that someone has found a way for those of us who believe in this cause to show and voice our support. The people elected to represent our interests are out of control and so obligated to special interest groups that it’s unbelievable. No group is more dangerous than the NRA. We don’t have the money the NRA has or an over-the-hill actor spouting propaganda but I think we can make a difference. Our elected officials need to know that there are a lot of us here and we’re fed up. “Common sense” is an unknown term to those in the pocket of the NRA. If they won’t listen, we can make a difference on election day!”—LH, Broken Arrow, OK.

“I AM A SOLE SURVIVOR OF A SHOOTING. My best friend was killed and I was shot when a 19 year old wanted to see what it was

like to kill someone. It was random and it changed my life, my family's life, my friend's life and his family's life. I will walk with the Million Mom March in hopes that when I have children, they won't ever have to know the pain I know and I won't have to know the pain my best friend's mom knows. We are all in this together. We can make a difference. I honestly believe that."—Yvette Evans, Layton, UT.

"I am the mother of 3 and I am an Emergency Medicine doctor. I have seen the carnage of gun violence first hand for years—a high school student shot dead while mowing his lawn by a mentally ill person. A man who shot his brother to death in an argument over the TV remote. We are not safe. Our kids are not safe. I'll be at the march to add my voice to all of yours."—Kerry Foley, Chevy Chase, MD.

"I am a new mother now of about 3 months. Unfortunately these news broadcasts are just now starting to affect me, but now I am afraid to send my new son to school. Just the thought of sending him to school in 5 years where he could be shot and killed terrifies me. I saw a Dateline episode where one of the gun companies tried to make the "Smart Guns" and were boycotted by the American Rifle Association. That company went out of business. Doesn't that make you think? Those guns can only be used by their owners, and they were boycotted. Now, a person buys a gun and gets the license so that THEY can use it, not so that everyone else can use it, so why does it matter if they are "Smart Guns" or not? Does the American Rifle Association want our kids to die?"—Heather R. Spann, Wabash, IN.

"Three years ago this May, my 13-year-old nephew Jim used a loaded, unsecured handgun to end his life. Because he had this weapon readily accessible to him while home alone, a bad day at school turned into the last day of his life. I am certain that without easy access to loaded gun, Jim could have survived his academic crisis. Now he is lost forever to those who love him; he will never grow up, never go to college, never fall in love, never raise a family of his own. I wish and hope that we can help prevent this horrible experience from happening to others."—Katherine Toyer, Earlsyville, VA.

"Years ago at my cousin's ranch the kids were PLAYING around, showing off, swinging around a rifle and BANG! Dead cousin. The boy who held the gun was a nice kid. Living on a ranch he was familiar with firearms. He knew not to PLAY with guns, not to point them at people, to check if they are loaded. But he was an IMPULSIVE teenager who acted, as do most kids, without thinking through the possible consequences. It is our responsibility as adults to protect our children from their own naturally impulsive, thoughtless behavior. Safety locks, registration, purchase time-limits, these do not restrict our second amendment. I'll be at the Seattle Center in Seattle Washington on March 13th to rally for gun control. Hope we can get the government's attention."—Jan H. Renton, WA.

"I have 12 children the oldest one is 34 years old the youngest one is 9 years old and not one of them have ever had a need for a gun, if our country was at war than ok we may need a gun in the home but I haven't seen a redcoat or a Indian trieng to brake down my door latley? We have given so much to our kids over the years in this country maybe it's time we took something away from them and give the parents back the right to see there babys grow up and become parents to a parent should never have to be afraid to sent there babys to school or to sunday school and we should give them the freedom to live a long and happy life and not

be afraid of other children in there schools? There is a song that says I believe I can flie, and we need to give our kids the chance to do that. Thank you. Theresa J. McNurlin"—Theresa J. McNurlin, Filer, ID.

At the age of thirteen I walked into my mom and dad's bedroom to find my fifteen year old brother with his brains across the room due to a freak accident with a shotgun. . . That image is in my mind today as strong as it was that day! I now have to live with the fear in the back of my mind that one day my daughter will be in school . . . looking down the barrel of a shotgun. . . . Years ago with my brother gun safety was not as widely talked about and spread out to people. . . Today it is there and they don't seem to listen and they just don't seem to care. They act as though adding safety for our children will infringe on their right to go hunting, or to offer up defense, etc. So they fight against any form of gun control. And as long as the killing doesn't infiltrate their life they think that they are right to fight this. Yet the day is does they will be out raged that it happened and nothing was done sooner! It took my brothers death to awaken my family on these issues. . . I don't want it to take my children's to awaken the world!!!! There's been to much senseless dying due to lack of support on simple gun laws. I think it is time that our Government and ALL gunmakers to stand up and help save our youth!!!! I for one thank Smith and Wesson for putting locks on all guns they make from now on. My only wish is that it had been done sooner."—Brenda Kliebenstein, Jacksonville, FL.

"I have no problem with those who own appropriate weapons for hunting and keep them locked appropriately when not hunting. However, those of you that own guns for self-protection and have concealed weapons permits, please tell us the circumstances that will provoke you to shoot another human being. I've tried to think of incidents on my own but cannot come up with any that would be appropriate. Please don't say "another human may threaten me with a gun, therefore, I must be ready to shoot him/her first." Shouldn't the goal be the reduction, not the proliferation, of guns on the streets in the hands of non-law enforcement people."—Marilyn, Fairfax, VA

"My nineteen-year-old son, Jonathan, was shot with an unlicensed handgun on Friday, October 13, 1995. He was attending a party for a friend that was entering the Navy when a guy who had been drinking came with a gun. Supposedly, the killer had forgotten that he had loaded the gun and put it to my sweet boy's left temple and pulled the trigger. My boy hadn't been gone from our house 30 minutes when we received a call that he had been shot. We rushed to the hospital but he was non-responsive. Jonathan Stephen McGowan was declared brain-dead at 2:30 the next day. We were able to donate his organs, which would have made him glad. This senseless act with a gun, killed one of the sweetest boys any mother could want. Nine months later, my husband died very suddenly from a brain aneurysm at the age of 48. I have no doubt that my husband's death is directly related to the emotional stress suffered as a result of the loss of this boy he loved more than life. In essence, that gun killed my two favorite men and left my daughter and me with the knowledge that the remainder of our lives would always be tinged with varying degrees of sadness. I've written a great deal since my boys died. One short piece follows: WHEN The months and years drift by. The heartache lingers. Many say "Time will heal". I question "When"? The longer they're gone, The deeper I miss them. The cycle remains unbroken. . . . Unlike my heart. Since my sweet Jon died,

Mother's Day has been difficult for me. Hopefully, this march will assist in soothing a wound that will never heal and at the same time enlighten those who haven't experienced first-hand the horror that guns perpetuate."—Chris McGowan, Philadelphia, AL

"On October 29, 1999, one of my daughters 14 year old friends was killed by a 9mm hand gun. He was killed by another friend who was playing around with the gun and supposedly (accidentally) shot him in the back with the gun while playing around with it. The boy who shot him has been charged with reckless homicide. He doesn't go to trial until August of this year. My daughter's friend died needlessly. His name was Jeffery Alan Cole, who had his whole life in front of him. He was an excellent student and excelled in sports. Jeff is Loved and missed by all. There is not a day that goes by that we don't think of him and how he should have not died that October night. We still don't know who the gun belonged to or how the other boy got it. The other boy was 19 at the time of the shooting. Don't you have to be 21 to have a hand gun? He was not even charged with illegal possession of a hand gun. We live in a county that is known for the police not doing their job or a very good job. So now we all wonder what will really happen at the trial. The boy should not have even had the hand gun, but did. And as a result, another life was taken. My daughter was there when the shooting happened and has to live with that night for the rest of her life. She is very much against hand guns just as I am. You have mine and my daughters support!"—Caryn B. Harpring, Hymera, IN

"I found out about the Million Mom March watching Rosie O'Donnell. Then there was an article in our local newspaper. The article ended with Margaret from MI saying she didn't have a story and wanted to keep it that way. Those are my feelings exactly. I'm horrified and saddened by the loss of innocence every time I hear that a child's life is lost or destroyed by a gun. I have been lucky so far but will my luck continue? That's the question I ask every time I hear another story. The saddest to me is that we hear these heart wrenching stories and then we continue on with our lives as usual but that MOM has to continue to live with it every day. I don't want to be one of those MOMs!"—Donna Robb, Memphis, TN

"Ten years ago my beautiful son, Andrew, killed himself with a bullet to his brain. He was mentally ill and never should have been able to buy a gun. I have been reading the tapestry today, in tears over the stories by so many grieving mothers who have also lost children or other loved ones. I will be at the March with one of my daughters (also a mother), because something has to bring Congress to its senses. I have three beautiful granddaughters (3, 3 & 1½) and I cannot bear the thought of them being exposed to a society filled with guns—and the needless destruction they cause."—Glennys Christie, El Cerrito, CA

"On March 22, 2000, my son, Mark Allan Tilley, age 31, was murdered in his apartment by an intruder that caught him coming out of the shower. My son had just been released from the hospital for an operation that he had on March 21st. I believe that we must stop illegal gun sales. We must give mandatory minimums to individuals that sell guns without the transfer being known to local police—if that weapon is later used in a crime. Buying guns for others should be outlawed and that person should pay the price if the weapon is used in a crime. My son was scheduled to marry his wife in a traditional ceremony in her native country, Kenya in September. And, his 11 year old son, Aaron, no longer has his father. This ordeal has devastated my family and I do not

want these incidents to happen to any other family. "Spread Love, no guns!"—Emily Tilley, Orlando, FL

"I'm lucky enough to never have lost someone to gun violence. I'd like to keep it that way. It's time we stood up to the gun lobby and to those cowards in Congress—the people who are SUPPOSED to represent us but don't have the backbone it takes to turn down the NRA's money and do what they know is right. Get rid of the guns once and for all! We can make a difference—together we can stop this horror."—Karen, Washington, DC

"As an employee at the Texas School for the Blind, I am horrified at the alarming number of students we serve that are blind and have suffered traumatic brain injury as a result of gun shot wounds. The majority are either gang-related or accidental. I strongly support common sense gun legislation and I am thrilled for the opportunity to be heard at the march in Washington."—Danna Wisnia, Austin, TX

"I would ask those people in the Gun Lobby who are opposed to any reasonable gun legislation to watch the tapes of the children of Columbine the day of their tragedy. Watch the tapes of those small children being led out of the day care center. Now as you watch, put your children's faces in those videos. I cry to think of those beautiful angels having to lose their innocence and their childhood. I cry for all of us, because some of us are so busy protecting their right to have guns they have forgotten about our children's rights to be children. I will march for my children, my nieces and nephews and their children to come."—Diane Scheidt, Dumont, NJ

"In March of 1978 my brother Dan Sweeney was shot to death while on a business trip in Costa Massa CA. Dan and I were raised in a small, safe town where gun violence was unheard of. Nothing in my background prepared me for dealing with his murder. Afterwards I helped pass a 7 day waiting period for the purpose of a handgun in RI. I can't begin to tell you how I was harassed by the NRA. These people do not care about the safety of their fellow citizens. I was at one rally where they tried to shout down Sarah Brady and Senator Claiborne Pell. For people who claim to be so concerned about the 2nd Amendment they showed little concern about the 1st. I am so glad that this march has been organized. I will be marching in memory of my big brother, Dan."—Jane Sweeney, Warwick, RI

"Mothers are a voice to be listened to. We need to use that voice to make our country safe for our children and their children. We need to raise that voice as one on Mother's Day!"—Geneviere Lemire, Brownsville, VT

"My husband is a licensed gun owner and we are not anti-gun, but there must be gun control in America. It seems that in the legislature only money talks. I am ashamed to be from Tom DeLay's District here in Texas. He has no common sense when it comes to guns. Why are there more controls on automobiles than on guns. It's baffling."—Katherine R. Tizravesh, Sugar Land, TX

"This is a wonderful opportunity to make a difference, the gun—control issue is one we have felt passionately about for a long time, but we haven't found a way to really voice our support and I feel this MARCH will strengthen our beliefs, and help us to unify our feelings and our country—and let our elected officials realize this is a serious issue and as parents—it is our moral obligation to protect our children—all children—We have a five year old daughter and a two-week old son and we not only march for these children but for the children of our community, our state, our country and our world.—thank you."—Stephen and Renee Branham, Lexington, KY

"I would have liked to have protected my mom too except she committed suicide with a gun last year. It's too late for her but not for my son. I would like to think she might have been willing to get counseling if the "easy way out" had not been available. I miss you, Mom, and will honor you on Mother's Day this year by trying to stop this from happening to anyone else."—Cindy, Burke, VA

"The new poll that was just conducted is frightening . . . 35% of Americans with children have guns in their home, 48% have them unlocked. What are we thinking! This march is a necessity and people need to stand up for tougher gun laws! I look forward to the march and look forward to doing any part in protecting our children."—Jocelyn Witt, Bethesda, MD

"As a Mom and an ER Nurse, who works in Baltimore City, with one of the highest murder rates in the nation, I cannot sit back and wait for someone else to do something, for the sake for ALL our children, yours and mine, I challenge every Mom and every ER nurse to gather together a few Moms and/or ER nurses to March or support this effort in anyway they can, see you in D.C.! United we stand!"—Pat Sullens, Joppatowne, MD

"I am the grandmother of two. My grandchildren are very young and not aware of the violent society that awaits them as they get older. I am praying that rallies like this will bring about positive change in our society. I ask myself how we let things get so out of control. I applaud your efforts to bring about change. It is never too late. Our elected officials will hear our voices in Washington. Remind them that we voted them in, we can, and will vote them out!"—Gina, Randall, IA

"I do not have any children, however, I feel it is EXTREMELY important to regulate guns. How many more children and adults have to die before we demand the end of the NRA's stronghold on Washington? I think all firearms should be banned, but short of a miracle, reasonable gun laws must be enacted."—Whitney, Los Angeles, CA

"Finally—something to march about that should appeal to all thinking, feeling Americans. What makes more sense than the intelligent control of weapons in our homes, streets and nation. We can respect our Constitution and show our common sense at the same time. Let's go!"—Barbara, North Attleboro, MA

"I cannot tell you how outraged I am that access to guns is continually given precedence over savings children's (and adults!) lives. All people of conscience must stand together to stop the NRA and those in the congress who vote with them and thereby put all of our children at risk for their lives. Enough. For the sake of my son, and other mother's sons, I will not vote for anyone unable to provide gun control leadership and I will contribute to defeat those who vote against our kids. I take comfort in the fact that I am not alone. Moms, it seems are hard to rouse, but we are many, and, once roused, are a powerful force. Time to march.—Karen Lawley, Lexington, MA."—Karen R. Lawley, Lexington, MA

"When I was in the fifth grade, a student in my father's Sunday School class was killed by a self-inflicted gunshot during a "game" of russian roulette at his friends home. I want my Dad's student to know I remember him. When I was in high school, a friend was killed by another friend who was showing her his father's gun. I want Mary to know I remember her. I am now 42 and am a mother of a beautiful daughter. Many times I watch her experience joy, I remember my two friends and their families. On Mother's Day, my daughter will walk with me and we will remember my friends and their families every step of the way. After almost thirty

years, I have found a way to remember and honor my friends. I also have a way to feel like I can do something so my daughter and her friends will be safe."—annemarie, Ithaca, NY

"Dear mothers of America, my love and support are with you on Mother's Day in Washington. As Margaret Mead said, "Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it's the only thing that ever has,"—Susan McLoughlin, Peachland, CN

"It only happens to other people, right? But then there was the early morning phone call telling me my younger brother, the delight of our family, had been killed, one week after he graduated from high school. He was shot with a gun which his best friend kept loaded to protect himself as he housesat. The "killer" was a 14-year-old girl who picked up the gun to look at it. My brother, his friend, my family, the girl and her family; the list of victims of that one gun goes on. This march matters. Now that I'm a mom myself, it matters even more. Thank you."—Patty, Vienna, VA

"On January 29, 1998, I lost my father to suicide. We never even had a gun in the house growing up, and I'm sure a moment of insanity put that gun into his hands. We never learned where he got the gun. I can never bring back my father, but I can help others think twice about what they do with the guns they have and who they choose to sell them to. Guns rob us of what is most near and dear to us. Enough is enough."—Tara Hlavinka, Severn, MD

"My brother was murdered by a man who had just been released from a mental hospital with a diagnosis of paranoid schizophrenic, but was able to buy a shotgun because no background checks are necessary in our state for the purchase of a shotgun. If a background check had been done on this man, my brother, David, may still be alive today. David died at the age of 6. The man who murdered him was my father, who also killed himself. So my mother and I will be there on Mother's Day to honor my brother's memory by trying to prevent this tragedy from happening again."—Jessica, PA

"I am a survivor. In 1975, at the age of 13, I was shot by a 14 year old neighbor from his bedroom window. In the suburbs, seemingly protected from violence, I almost died and it is by a miracle of God that I can walk as the bullet chipped my spine after going through several organs. Even at 13 years of age and even in 1975, it seemed clear to me that owning a gun in one's home was asking for trouble. This boy took his father's dismantled gun, put it together, and loaded it for his use. I happened to be the victim. Today in 2000, the violence has grown but the message is as clear as it was to me and my family back in 1975. Guns are dangerous and should, in no way, be made accessible to children.... and in most instances, adults."—Belle, Park Ridge, NJ

"Although I have not lost a child to violence, I am tremendously affected by the loss of any child, of any race, religion, or ethnic background. As a mom myself, I support wholeheartedly this attempt to WAKE UP OUR NATION and to TAKE A FIRM STAND AGAINST VIOLENCE. We are tired of being ruled by those who tell us that we no longer have the authority to teach our children RESPECT. We have lost the ability to parent effectively—to teach our children to respect life itself—to respect US...That is why guns are sought at such early ages as the solution to problems. We want the responsibility of raising our children brought back into the home INSTEAD OF THE GOVERNMENT. We want to teach our children the sanctity of love, life, and God without being afraid of 'upsetting' them."—Jacquelyn E. Berry, Atlanta, GA

"I march to honor my children on the day they honor me. I must add my voice with other mothers of this nation to embrace peace and end the senseless fear of a young one at the mercy of a gun as victim or perpetrator. May our voices be heard!"—Mary Harger, Cleveland, OH

"I am a retired public school teacher and a mother of 2 twenty-something young adults. There are so many children I care about. Finally, a way to express my concern about the gun violence and what it is doing to our children. "Thou shalt not kill" is not just some pretty phrase to be framed on the wall! Life in the US gets more dangerous daily, if we do not protect our children from those who value guns more than children we are one sick society. Count me in!"—Cyndy, Warwick, RI

"ENOUGH IS ENOUGH! How many more innocent children have to die before the politicians get the message?! We gave life to our children and now it's time to give life to change. We have the courage and we have the right!"—Giselle, Seattle, WA

"Grant those who wish to exercise it—the right to bear the arms that our forefathers intended. Single shooter, musket loaders, NOT guns which did not exist. FIRST, grant all of us the rights in the First Amendment. Those rights supersede what comes second. Our first right is the right to Life (w/o being murdered with a gun), Liberty (the right to safe passage on any street w/o being threatened w/ a gun) and the pursuit of happiness (that which a Mom can do ONLY when she knows her children are safe). Gun control NOW!"—Laureen Peppersack, Santa Fe, NM

"Our neighbor's 12 year old son killed himself with a gun upstairs in his bedroom after the family finished dinner. He had just gotten in small trouble and was sent to him room. In a fit of teenage mad, which we all have experienced, he made the rash decision to kill himself. The family was and is still devastated. I believe if the current gun laws were enforced we would see less death with guns. Instead, we are forced to demand even more!"—Kathy Frasier, Yelm, WA

"When the shooting occurred in Littleton, Co last year, my then-9 year old came to me and asked, Mom, what can I do if that happens in my school? What's the answer? Moms, we CAN make the difference and protect our children. Certainly Congress won't."—Laurie Jerin, Madison, WI

"My daughter, who is 27, has just given me the best Mother's Day gift—her company at the Moms' March in Washington, D.C. My steps will be for all the children who have died or been hurt by senseless gunfire, for their parents and for the children whose lives will be safer when this country finally lays down its weapons—or at least keeps them away from children. If the gun-lovers in our midst think they know anger because they are being asked to store and handle guns safely, they should talk to a mother who has been forced to bury her innocent child."—Betsy Shea-Taylor, Providence, RI

"There are so many interwoven issues, but one fact remains true: WE ALL LOVE AND WANT TO KEEP OUR CHILDREN ALIVE!!! Let's stop the killing of our loved ones."—Michelle, N. Huntingdon, PA

"NRA. * * * We ARE coming and we WILL defeat you. * * * Smith and Wesson was only the first domino. The power belongs to the people, not the gun lobby!"—Joyce Baird, Chapel Hill, NC

"When I was child, we were at our grandparents house for a family get together. My cousin, who was probably only 2 or 3 years of age, went into my grandparents room and grabbed a hand pistol from the night stand on my grandfather's side of the bed. We were fortunate * * * it was not loaded. How many close calls does it take? A good friend of

mine from high school took his own life by shooting himself in the head while sitting in the kitchen of his parents house talking to his girlfriend on the phone. How many friends must die? I am now a mother of 2 boys a 2 yr old and an 8 week old. I cringe at the thought of sending them off to school, because even though they will know it is never bad enough to take a life * * * who is to know if the others will be taught the same."—Kristin Vance, Omaha, NE

"The chain of preschool children walking across the street in Los Angeles brought tears to a room full of people. This scene did it for me. The craziness of the gun lobby has got to stop and people with good common sense need to prevail. We must have more controls on guns and their owners, NOW!"—Roxanne Hallquist, Protland, OR

"There can no better way to celebrate Mother's Day than by marching to show our love for our children. I thank God each day that I am blessed with two beautiful Boys!"—Mary Schwander, New Hope, PA

"I've just finished reading Tapestry and I am deeply saddened because I didn't think so many people felt the same pain that my family did six years ago. My 19 year old nephew was murdered, leaving behind a newborn daughter who will grow up never knowing her father. Sure she'll see pictures of him and hopefully understand what she's told about him, but it won't be the same. Helen Ready sings, "I am woman hear me roar, in numbers too big to ignore," well the roar will be deafening on May 14th when a million moms come together and I intend to be one of them!"—C. Chicago, IL

"Finally, an organization which is not motivated by political pandering and that is willing to step forward and to let their voices be heard and to mobilize for sensible common sense gun laws—The Million Mom March. I live in New York City and have a teenage daughter who attended public high school in the City. Additionally, I spent 7 years working in the Dept. of Juvenile Justice setting and know only too well the horrible toll that guns are taking on our children. Now I am in law school and as a mom and a concerned citizen and a student at a law school that is profoundly motivated by the public interest, I think my duty is clear. We see you on May 14th."—Colleen Richman—Colleen Richman, Bronx, NY

"Thank you for finally giving me a voice to ask our leaders in Congress to please enact stricter gun control laws. I ask on behalf of a 12 year old boy named bill McGuire who was accidentally shot and killed by his 16 year old brother in 1962. Bill was one of my best friends in elementary school here in Washington, D.C. I was only 12 myself and never know how his brother had gotten the gun. His brother thought he had taken all the bullets out of the gun. The two boys were playing around when his brother aimed the gun point blank at Bill and pulled the trigger. Bill was shot in the chest and died. I have mourned this friend ever since that terrible day in 1962. I have one picture of him that I keep to this day. I feel it keeps him alive somehow. I wonder how he would have turned out, who he would have become, if his life had not been taken so tragically. My message to our President and Congressional leaders is simply this: Please make it your number one priority to enact and enforce stricter gun laws. The American people don't care about campaign finance reform. We care about the violence on our streets, in our schools and in our homes. The time has come for you to take action and get the guns out of the hands of criminal repeat offenders and out of easy reach of our nation's children. There is no more urgent problem facing America today."—Rebecca Lambert, Bowie, MD

"My cousin was killed by a self-inflicted gunshot wound to the head when he was 16 years old. His mother still defends the right to have a gun in her house although 'no one knows where they are'. This was the first thing that came to mind as I heard about the Million Mom March. My aunt and I agree to disagree but I cannot understand how anyone after having lost a child in such a tragic way would still want them in her house. There were other circumstances regarding the shooting because he was in an altered state at the time of the shooting but if the gun had not been in the house, he would most likely still be here today, possibly raising a family as I am right now."—Heather, South Jersey, NJ

"Like Millions of other Moms. I have felt so helpless in the face or relentless news stories relating yet another . . . and another . . . senseless incident of violence involving guns. As the anniversary of Columbine approaches and we reflect on that bitter day—and on all the killings in between—let us all renew our commitment to mobilize for common sense gun laws in this beloved country of ours. And THANK YOU, Million Mom March, for giving us an avenue of hope in which to channel our energies. Another "Mom"—Kathleen Brahney, Arlington, VA

"Despite the validity of our constitution as the backbone of our great democracy, the patriots who wrote it would burn their words if they knew that 200+ years later innocent children would be dying because of the second amendment. We must honor the spirit of the constitution which was written to protect citizens against outdated, tyrannical laws."—Barbara Raphael, Haddonfield, NJ

"IF SOMEBODY DRIVES A CAR, EVEN PERFECTLY, BUT WITHOUT A DRIVING LICENSE WILL BE ARRESTED. IF SOMEBODY CARRY HIS GUN IN PUBLIC, EVEN WITHOUT KNOWING HOW TO USE IT, WILL BE FREE. WHAT AN ABSURD WAY OF THINKING. YOU NEED SCHOOL AND EXAMS TO DRIVE BUT YOU DON'T NEED NEITHER LICENSE NOR TESTS TO CARRY A GUN. IS A CAR MORE DANGEROUS THAN A GUN?"—MILLO MAZZOLENI, NEW YORK, NY

"I feel so empowered where I once felt I had no power. We can make a difference now, before it is too late. We have to end this today, so there is no tomorrow of tears and questions of "WHY?". I applaud the organizers of Million Mom March and I will continue to play an active part to protect our children."—Donna Pappé, Louisville, KY

"The Million Mom March is the first organization that I have seen to protect the children of our nation against accidental murder. I would like to see guns banned from every home that a child lives in."—Elizabeth Battle, Missouri City, TX

"Today in our local newspaper I read these disturbing statistics: in one year firearms killed NO children in Japan, 19 in Great Britain, 57 in Germany, 109 in France, 153 in Canada and 5,285 in our UNITED STATES OF AMERICA. There is a gun store within 2 blocks of my affluent neighborhoods, and every time I pass it I become angry. It is time for the NRA to stop hiding behind the United States Constitution and realize that times have changed. We have created an atmosphere in this Country where our children have been desensitized to the horror of violence. These children have felt the reality of violence. That is why the horrified looks on their faces as we see them run from the schools, churches and other "safe places" disturb us so. I have banned my children who are 15 and 14 from bringing any violent video game into our home, which up to the recent shooting of a six year old first grader was allowed. I will take a stand to try to teach my children that killing is not a game, guns are

dangerous in the wrong hands, and I ask all you parents reading this to do the same. Our children are OUR responsibility, and it's time to take a stand."—Kathy Halbeisen, Reading, PA

"I have just read all of Tapestry & will never be the same. But please, PLEASE DO NOT LET THIS ENERGY END WITH THE MARCH. VOTE!! We must get the Tom Delay's out of office. We must keep working until the House and the Senate again belong to us!! Please, when you return to your home, don't stop the fight, don't let the energy end. . . ."—PJ Bowling, Las Vegas, NV

"In 1954 my father was seriously wounded on the floor of the U.S. House of Representatives by a terrorist with a hand gun. I was quite young then, but I do remember that both houses of congress voted pretty quickly to create very strong security measures to protect themselves and to ensure that that kind of incident would not happen again. Why would they not do the same for the innocent children and others? I am happy to be a part of the Million Mom March and will certainly do what I can to spread the word among my community. See you all on Mothers' Day, 2000."—Helen Bentley, Strasburg, VA

"I am a mother of 3 boys, ages 15, 11 and 2. I cannot believe that the NRA won't budget on the simplest law of having a waiting period for registering for guns. If most of the people buying guns were getting them for legitimate reasons why would they mind having background checks or waiting periods? I fully believe in child locks also. Are the members so lazy and dumb that they cannot figure them out? There are too many children being killed by guns that have been stolen or that careless people leave around loaded. There needs to be changes in the laws. How would an NRA member feel if this happened to one of their children? I worry about my children and everyone elses everyday with this violent society. Let's all make a difference in Washington!"—Lisa, Kresgeville, PA

"I am a 42 year old mother with 2 sons ages 11 and 14. My husband is a big hunter and my boys have been involved in some sort of "hunting activity" from the time they were 6 or 7 years old. When our 14 year was 12 he took a "Hunter's Education" class where he had to pass a test before he could be issued a license to hunt. My husband said this would help him to be a safe hunter. The actual thought of him having a rifle in his possession really bothers me. My husband wants to buy our son his own rifle. I told him no way!! One day last year my 11 year old was playing in our bedroom while I was on the phone. I heard him say "Mommy look!!" and when I turned around he had the rifle barrel pointed straight at my face and cocked the gun to shoot. I had never been so sick and frightened in my entire life. Thank God that there was no shell in that rifle. I can not even imagine what my child's life would be like today had that rifle gone off. I have asked my husband to take all the rifles out of our home and he did for a few months and now they're right back in our bedroom. I respect the fact that my husband loves to hunt but I feel that he does not respect the boys and me for not taking the rifles and danger out of our home. I want to be a part of this March and would like different Mom's from San Antonio to get together if they would like to start a March here in S.A. It is very important to me that gun control is enforced in an extreme way!!! Isn't that the way of this Millennium, that everything is EXTREME? Why are we not totally extreme about our children's safety? There is something seriously wrong here and we need to be heard!!!! I work in a High School and the other day a co-worker gave me this e-mail

she had received from someone and I would like to share it with you, it says volumes . . . Student: Dear God, Why weren't you at Columbine the day of the shootings and stop all the terror? God: Because they won't let me in. LET'S BE HEARD!!!! Cathy Aschbacher, San Antonio, Texas"—Cathy Aschbacher, San Antonio, TX

"As a responsible gun owner, I applaud all that you stand for. I cringe when I hear any news from the extreme minds at the NRA standing in the way of any sensible legislation. I firmly believe that if someone is willing to lay down hundreds of dollars, they can also spend the \$5 that a simple trigger lock costs. That \$5 investment can save the lives of our kids. Trigger locks should be mandatory, and there is no logical reason not to use one."—Mark Thoms, Hoffman Estates, IL

"I'm a lifelong outdoor enthusiast, having hunted and fished for more than 40 years. I want something done to stop this madness. Please help people understand that handguns are good for nothing but killing PEOPLE. I have two precious grandchildren. I want something better for them. I'm obviously not a mom, but my thoughts will be with you."—Dave Gilmore, Shawnee, OK

"Five years ago, my daughter was 10 and the only witness to a shooting!!! Your simple changes in handgun control are needed NOW!!! As a Mom, a woman, a person—I am sick of all the senseless shootings!! Hoorah for the MARCH!!"—Cheryl, Omaha, NE

"I am so tired of the politicians and the excuses. Stop it now. If you want to hunt . . . ok, but an AD-47 or a handgun? These are weapons that are used for one purpose. To kill humans. As a principal of a elementary school the fight to stop the violence is very difficult. The hands of the NRA are covered in the blood of children"—Mike, Philadelphia, PA

"Bobby Kennedy's most famous phrase was "Some people see things as they are and ask why. I dream things that never were and ask why not?" John F. Kennedy said "ask not what your country can do for you but what you can do for your country, let the word go forth from this time and place to friend and foe alike that the torch has been passed to a new generation of Americans born in this century proud of our heritage and unwilling to witness or permit the slow undoing of those human rights etc." well we as mothers are responsible for the next generation and if we don't do something now we will not have another generation. We can do it on May 14, 2000."—Diana Barrowcliff, Claymont, DE

"I can't describe the feeling inside as I sat and nursed my son while watching the horror of Columbine on the TV. I kept saying to myself as I held my son a little tighter, "something has got to be done . . . I've got to get involved . . ." I read about the MMM in Parenting Magazine and decided this was something I really wanted to be a part of, for the sake of my son and the rest of my family. Without hesitation, my mother joined me as we make plans for a Mother's Day like no other . . . one we will never forget . . . one when we stand up and say we are one of a million!!"—Karie, Virginia Beach, VA

"I am a mother and middle school counselor. I live in a community where poverty and violence is all too prevalent. There are many issues to deal with in preventing the problems we are experiencing today . . . children must learn how to handle conflict peacefully; they must be taught to be tolerant and respect the differences of others; they must be flooded with opportunities to be involved in positive activities. However, to keep our children safe, until the societal issues are tackled, we MUST have comprehensive gun-control reform . . . including

mandatory on-site checks and child safety locks for ALL guns!"—Karen Faircloth, Cordele, GA

"Your organization is the answer to my prayers. My husband, a Chicago police officer was shot and killed with a semi automatic equipped with a lazer site. I sure you already know that the March coincides with National Police Week in Washington. My entire family will be there to honor my husband and we want to join your March. Please let us know where and when."—Joan Knight, Chicago, IL

"My cousin Christopher was killed by a friend while playing cops and robbers. His friend went into the house, grabbed his fathers gun, and not knowing it was loaded, shot and killed Christopher. I was young when it happened, but it has made a profound impact on my life. I am a mom now also and I fear for my son everyday he goes to school or plays at someone else's home. We need to be sensible about our guns America! Our children are the ones we are killing."—Jennifer, Milwaukee, WI

"I have been angry long enough without doing something about it. Charlton Heston's latest ads for the NRA are the final straw. I am not only a mother, but due to become a grandmother in May. I can think of no better way to spend Mother's Day this year!"—Christine E. Gaithersburg, MD

"It makes me sick that in this country we "love" our guns more than we love our children!"—Peg McCabe-Ashlevitz, Walled Lake, MI

"I am so thrilled that this is happening and that so many people with common sense will be coming together to collectively tell Congress "We have had it—our children deserve more from us". Thank you to the folks that have worked to make this event possible. I am going to make sure all my neighbors and friends know—I found out through a friend—you cant beat word of mouth. Lets all tell the NRA what we really think of them and their antiquated notions that put our children in danger every single day. Enough is Enough!"—G. Perez, Annandale, VA

"It is so long over due that we, as Moms fight back against the likes of the NRA. They have been the bullies on the block for far too long. We need to show our children how to stand-up and make a difference."—Elaine Covert, Toledo, OH

"I got angry when I heard that triggers can be made to work with only the owners fingerprint! The gun manufacturers have the technology to make smarter guns and they will not make safer, SMARTER guns until we force them to through legislation. As an RN, I feel gun violence is a national health care crisis. SEE YOU IN D.C."—sue annullivan, nashua, NH

"As a native Coloradan, an Air Force Family Child Care provider, and most importantly a mother, I feel a tremendous responsibility to participate in the Million Mom March. With every mass shooting that occurs in this country—a fire burns within me and now I have the opportunity to make a difference with an incredible group of woman. I can no longer sit and wait for the "pro-gun" population to come to their senses—I will make the march with my fellow mothers and we will be heard from every pawn shop to Capitol Hill."—Tillie Sanchez Elvrum, Cheyenne, WY

"It is difficult-to-impossible to reason with NRA supporters, or to out-spend the NRA lobbyists. BUT THERE IS STRENGTH, and HOPE, in NUMBERS. YOU GO!!!!"—William K., Edina, MN

"What does it say about our country when we have to hold a march to save our children? To some it says we are a country of non-caring people. On the contrary, we must

care deeply. To say that our children are not worth the effort is a slap in the face to every one of them. They are our future, our whole reason for being. If we do not care for them, who will care for us?"—Gwen Neiderheiser, Tampa, FL

"I am saddened by the political rhetoric of our current election candidates . . . men running scared from the NRA. I am tremendously thankful that in the last sentence of an NPR (National Public Radio) broadcast on gun control this past week, I heard of the Million Mom March . . . count me in! Let's make a difference ladies, our lives and our children's futures depend on getting our society under control. No where in the world are there greater freedoms than here in the US. Unfortunately they are abused and misused by the political machine of our times. Common sense and passion for life and safety should be our watchwords. Let's all work together to make the difference we so desire!"—Sue Hill, Issaquah, WA

"I thought with the coming election if I just voted on the right candidate new gun laws would come into effect. I now realize that getting votes is more important to them than a child's life. It's our turn to stand up to Congress and tell them to protect the future of America!!"—Amanda, Portland, OR

"CONGRESS . . . SHAME ON YOU!!! Do what you were put in office to do or you will be voted out! We are WATCHING you and know how you vote . . . AND this one issue (for the first time in my life) will be the deciding factor on how I vote in EVERY ELECTION FROM THIS POINT ON. Have the GUTS to take a stand AGAINST the NRA and anyone else because this is the BEST thing to do for the future of American children. Where is your personal "line in the sand"??? I hold each and every one of you RESPONSIBLE for every child that is killed. If you cannot do your job . . . then LEAVE. I am ashamed of you all!!!!"—Karen Gordon, Livonia, MI

"If only for the politics and the fear of losing a job over doing what is right could be overcome, I continue to pray for this. Too bad the fathers of our nation can't get as passionate about this issue. I offer my prayers for every single mother who has lost a loved one to this kind of violence, regardless of age. I also dedicate time to pray for the safe trip, and return, to their families during your speaking out. Since this is for mothers, I still want to show my support."—Greg, Redford, MI

"Mothers need to stand up to the greedy legislators beholden to the NRA. It's time to say "No More" to the senseless slaughter of our children and our nation. We are far from powerless. They don't get elected without the woman's vote. We are the nurturers that give life, not take it away. Whether a mother is a Christian Conservative Republican or a Liberal Democrat, she cannot be worthy of that most revered title unless her first priority is to protect America's children."—Patti DiTuri, Marietta, GA

"I do not understand why legislators, who have their own children and grandchildren, are reluctant to require safety locks on guns! Think how many lives that would save when unwitting children find guns in the house! I will carefully scrutinize all candidates in this election year 2000 to determine their stand on safety and guns. I urge everyone who reads this site to do so too! If we can save just one child from being killed by another child, we will have accomplished much!"—Ina Burwasser, Elkins Park, PA

"My husband is a gun owner and a member of the NRA, but even he agrees that there is nothing unreasonable about trigger locks and background checks. My daughter is 2 years old and I fear for the day that I have

to send her off to school. I'm sick and tired of being afraid. Even though I won't be at the March in DC, I will be contributing generously to the cause. It is a darn good one."—Dawn N., Lake Villa, IL

"With the Presidential election coming soon, please choose very carefully which candidate you select. The position that each candidate takes on the issue of gun control will affect us and our children for the next years. My child is the most important thing in my life and I want her to have a happy worry-free childhood. Guns and violence are taking away any innocence left in our children. Please stand up for the children. Please protect the most precious things in our lives."—Jennifer, Apex, NC

"Our legislators "care" enough about children to make vaccinations for chicken pox mandatory for entry to daycares or public schools. Yet they don't care enough about our children or our families to spend the same amount of energy to address gun violence which kills far more people. Astounding isn't it?"—Jeanne, Mansfield, MA

"I was 10 years old when I watched my 12 year old brother inspect my dad's LOCKED UP gun. Three days later, I watched my brother's funeral. We MUST do something to stop this. I now have a son who is 11. I am very scared for him to even go to school. I know first hand that it CAN happen to you. In Memory of my brother and best friend, Tim Polhamus."—Kathy Polhamus Wolak, Troy, MI

"The argument that we have a "right" to bear arms seems to be that we need these guns to "protect" ourselves, yet, the vast majority of law abiding citizens are not protected by this "right". They are, quite simply, endangered by it. The silent majority in this country needs to get loud on this one! Protect our 6 year olds! Protect all our children! We need gun control NOW."—Geneva Bosak, Charlotte, NC

"Our elected officials will listen to only one thing—votes. Women have to vote for the candidates (at the state and national level) that commit to support legislation that meets our goals. For me this is an issue for which I'm willing to become a single-issue voter!"—Jennifer, Bethesda, MD

"Today the news of a young child killing another arrived at the same time as an appeal for money from the NRA! I can't say which made me sicker. I will go to Denver and march there for safe, sane gun control! COMBINED our voices will mean something!"—Vanessa Woodford, Dillon, CO

"How many children must die before this country decides to take action?? I think it is in the hands of mothers to take up this cause and protect our children. Look at the changes that MADD was able to bring about! Let's do the same with gun control!"—Karen, Simsbury, CT

"I thought for a long time about all the reasons that I'm involved in the MMM. But the one that resonates the loudest is GRATITUDE. My son and daughter both graduated from High School in '95'. And although I in no way believe that they are free from the dangers of gun violence, I am profoundly grateful that they survived that stage of their lives. I recently read a quote by Anne Morrow Lindbergh that says, "One can never pay in gratitude; one can only pay in kind somewhere else in life." I moved to Littleton almost two years ago and this is my "somewhere else in life".—Carmelita Garcia-Konrad, Littleton, CO

"Our children look to their parents for protection. What are we suppose to tell them when we can't? Who are we suppose to go to for help? It is the job of EVERY citizen in this country and EVERY government official to make sure our children are safe. Stricter gun laws are only meant to do ONE

thing...PROTECT OUR CHILDREN! I am asking the government to please step up to the plate and protect them...after all aren't some of you parents too?"—Cindy Leberman, Bridgewater, NJ

"The message to congress is this—we want tight gun control, NOW, or you will be voted out of office. Vote with your bodies on Mothers' Day, and inundate congress with letters, e-mails, and phone calls today. Tell them—change the laws or we'll change the law-makers."—Kate Beysselance, Arlington, VA

"We must make common sense gun policy a populist mandate. The cynical federal and state legislators would rather reach into the deep pockets than protect our children. We can make enough of a commotion that they cannot continue to flaunt our will. See you at the Million Mom March!"—Catherine J. Moynihan, McLean, VA

"It is 4 a.m. and my daughter had that terrifying dream again...the one about the man with the gun..he'd already shot you and Dad, Mom..and now he's coming for me". Was my daughter affected by Columbine? I was! Sydney and I will be there in DC to march on Mother's Day. DAD too! PEACE."—Victoria Dym, Pittsburgh, PA

"My daughter survived Columbine, but looking into the faces of the parents that night who had not found their children was the hardest thing I've ever done. Although guns were not the only equation, how can we not do what we can to prevent this from happening again? How can gun commerce be more important than the lives and safety of our children? How can we face them and not say that we have done all we can to protect them?"—B. Adams, Littleton, CO

"I have been a midwife for 25 years and have been privileged to be at the births of over one thousand babies. I am outraged that these precious children can be shot in the streets of our country while members of Congress turn their backs on families, extend their hands to the gun lobby for money and espouse "family values." Together we will finally end this violence."—Marion McCartney, Washington, DC

"I think that this is really great! I am in full support of this. My nephew was killed by gun violence two years ago leaving behind a little brother and now its time for me to stand up and protect him and keep him safe. Not just him but all the children of the world! A change has to be made right NOW!"—Lisa Southern, Temple Hills, MD

"Come on ladies, put your money where your mouth is, and support this cause. Every Body counts in DC. Make the decision to get to there, no matter what it takes, instead of thinking about it."—My kid's Mom, Montclair, NJ

"My father was murdered outside his place of business last January. Everyday I look at my two-year-old son and wonder how someday I will try to explain to him the horror that stole away my innocence about gun violence forever. It's time to raise our voices against this insanity. . . . NOW!"—Rabbi Joel Mosbacher, Atlanta, GA

"How many children have to die in this country before congress takes action? I sincerely believe that if the majority of this body of elected representatives were women that this problem would have been addressed long, long ago."—Melanie Fernandez, Dunedin, FL

"On November 30th, 1999 the husband of my cousin Barbara shot and killed her and their 13-year-old daughter in cold blood, with a legally owned handgun. Enough is enough. No more deaths. Take the toys away from the boys."—Nicole Whitman, Queens, NYC, NY

"A persons right to own a gun does not supercede a childs right to live."—Gloria Michalski, Hammond, IN

"My 8 month old son has become my life's inspiration. When he was born, my mother

said to me "Los quieren tantos que ni quieres que el viento les pegue." *Translation: You love them so much that you don't even want the wind to hit them.*" She was right. On Mother's Day 2000 I will march with my mother and my three sisters, along with our husbands and children to say to Congress "Ya Basta! Enough is enough!" There is no love like that of a mother, and our passion will be our "weapon" against intransigent purveyors of violence and destruction."—Victoria R. Ballesteros, Los Angeles, CA

"This fight has been going on silently for far too long. The focus has gone away from children's safety to politics. I am honored to be a part of the million mom march and do so because, as the mother of four children (ages 15 to 1) it is my responsibility to do everything within my power to ensure a safe future for them and their families. Millions of us will be unstoppable."—Jacquie Cofer, Jupiter, FL

"I am petrified every day that my children leave our home to go to school because in Louisiana EVERYONE (but us, it seems) has guns and hunts. My older son tells me that all of the kids in his 6th grade class hunt with guns. I am not ok with that as a mom or as an American.

Responsible gun laws means waiting periods, limits on sale AND limits on the ages of those using them. NO CHILD SHOULD USE A GUN. Any parent who says they want to teach correct use of guns to a child is asking for trouble and putting my child at risk. I am with MMM 100% as a woman, mom, social worker, and human being!"—Barbara Pierce, Natchitoches, LA

"A close friend of mine once found a little boy that had been accidentally shot in the head by a friends' dads' gun. To this day she will never in a million years forget what it felt like to have that little boy tug and pull at her shirt during his last few moments alive. Had there been a trigger-lock on that firearm his life could've been saved. . . . As well as so many others . . ."—Angelique, Imperial Beach, CA

"As a physician assistant, I have had ample opportunity to see just what a bullet, fired by a gun, does to human flesh. Believe me, it is thoroughly disgusting, wholly obscene, sinful. Now, relate that description to the body of a child. Lastly, think of your own child . . .

Do you still want to do nothing?"—Patricia Hoppen, Saugerties, NY

"At 16 years old I was shot while baby-sitting and suffered permanent damage to my wrist. Now that I have a one month old son I want to insure that he, or any other child, doesn't suffer as I did."—Carol, Alpharetta, GA

"We have been quiet for too long. I'm tired of watching the NRA dictate arms control. I think there are more of us than them, and we need to get more vocal about it."—Stephanie, NY

"As a former ER nurse, never once did I see a robber shot by a home owner! All of the shootings were by people who knew each other."—Ivy, PA

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

(Mr. METCALF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

(Ms. STABENOW addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

INTRODUCTION OF THE U.S. CAPITOL FIRE PROTECTION ACT OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, as the Twenty-first century dawns, fire remains a serious threat to life and property, especially for the U.S. Capitol, House and Senate office buildings, the Library of Congress, and their occupants and visitors. Today, with the gentleman from Pennsylvania (Mr. WELDON), co-chair of the Congressional Fire Caucus, and the gentleman from New Jersey (Mr. ANDREWS), I am introducing a bill intended to enhance fire protection of the United States Capitol complex and the safety of the thousands who work in or visit the complex every day.

No one can deny that the Architect of the Capitol, the official responsible for operation and maintenance of the complex, has taken steps to improve fire safety on Capitol Hill. However, recent reports warn that much work remains in order to make these buildings safe. A December 1998 report by the House Inspector General found the condition of House's fire-protection systems, such as alarms and sprinklers, to be "deficient." A follow-up report just issued by the Inspector General warns that the AOC continues to take a "haphazard approach" to fire protection throughout the House complex.

A January 2000 complex-wide inspection by the Office of Compliance identified numerous violations of occupational safety and health standards made applicable to the Congress by the 1995 Congressional Accountability Act. The Compliance Office subsequently issued eight citations requiring corrective actions, including two requiring prompt implementation of a program of inspection, testing and maintenance for key fire-protection systems and equipment.

This Congress must take every reasonable step to make fire protection of the Capitol complex and its occupants a top priority. To assist the Architect in fulfilling his responsibilities in this area, and to enhance the status of fire-safety and protection efforts, our bill will create within the Architect's office the position of Director of Fire Safety and Protection. Reporting directly to the Architect, the Director will coordinate and take charge of fire-protection activities and work to bring the Capitol complex into compliance with the applicable codes and standards established by the prestigious National Fire Protection Association. The work of the NFPA acknowledges the difficulties associated with protecting historic buildings like the Capitol from fire, and our bill provides the Architect the flexibility he needs to preserve the Capitol's historic character. The measure requires the Architect to report regularly to key House and Senate committees on his fire-safety and protection efforts.

Mr. Speaker, there are doubtless several reasons progress on fire protection of the Capitol complex has not been more rapid, but the simple reason is that the subject has not received sufficient attention. By creating a high-level official within the Architect's office to carry out all fire-safety duties, this bill will correct that problem, expedite progress, and make clear that Congress is serious about protecting the complex and its occupants from fire. I urge my colleagues to support this important measure.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LACK OF PRESCRIPTION DRUG INSURANCE COVERAGE IN MEDICARE, AN INTOLERABLE SITUATION IN AMERICA TODAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today to discuss an intolerable situation in America today, the lack of prescription drug insurance coverage in our Medicare program. Seniors are simply not receiving the prescription drug coverage that they so desperately need. Prescription drugs did not play a significant role in health care when Medicare was created back in 1965, but today the advances in pharmaceuticals have made prescription drugs a fundamental part of the typical senior's health care.

While seniors represent only 12 percent of the population, they account for more than one-third, more than one-third, Mr. Speaker, of the prescription drugs used in our country each year.

□ 1630

The typical American who is 65 or older uses 18 prescription drugs a year, and 85 percent of the beneficiaries of

Medicare fill at least one prescription per year for such conditions as osteoporosis, hypertension, heart attacks, diabetes, or depression. It is obvious, Mr. Speaker, that the need is there for prescription drug coverage.

We must defend the seniors of America from the rising costs of medicine, which monthly worsens the situation for those without prescription drug coverage. The price for the 50 drugs most commonly used by seniors increased at nearly twice the rate of inflation last year. The prices for prescription drugs rose faster than any other category of health care, increasing by more than 15 percent, while total health care costs rose by less than 6 percent.

In my San Diego Congressional District on the United States-Mexico border, thousands of our citizens are forced to cross the international border to find the drugs they need at a much lower cost. Why is such a trip necessary for American citizens? How can seniors find the money that they need to purchase these vital drugs? Many are on fixed incomes. Many do not have the choice of a high paying job with good private medical plans.

Think about your parents; think about your grandparents. We are forcing them to choose between food on the one hand and essential prescription drugs that protect their quality of life on the other. Mr. Speaker, this is a choice that no American should have to make.

The President has proposed a plan that would extend prescription drug coverage to all seniors, provide lower premiums for Medicare beneficiaries and contain the rising costs of pharmaceuticals. Let us work together to make life-saving prescription drugs available to all of America's seniors.

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The SPEAKER pro tempore (Mr. MILLER of Florida). Under a previous order of the House, the gentleman from New York (Mr. NADLER) is recognized for 5 minutes.

(Mr. NADLER addressed the House. His remarks will appear hereafter in the Extensions of Remarks).

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ENSURING THAT CHILDREN RECEIVE NEEDED IMMUNIZATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, most Americans are surprised to learn that in some States one in four children are not receiving the immunizations they need to prevent disease and death. Yet despite gains in recent years, we are still not doing enough to make sure that children get the right immunizations when they need them.

As this chart shows, in some States, like my home State of Texas, Michigan, and Nevada one in four children are not receiving one or more of the

immunizations they need by the time they are 2 years old. In Houston, we share seven Members of Congress in Houston, and that is my district, over 44 percent of our children do not receive one or more of the immunizations. Over 44 percent of the children receive less than one or more of their immunizations.

I am introducing two bills that will help correct this situation. The first is the sense of Congress that calls for increase in funding to crucial State immunization infrastructure programs. The second bill, the Comprehensive Insurance Coverage of Childhood Immunization Act, will require health plans to begin providing immunizations to children as a covered benefit.

America's children need our help. In recent months, some have questioned why vaccines are needed at all. Some have linked them to adverse effects, such as autism. While there is no scientific link between immunizations and autism, and I will repeat, no scientific link between immunization and autism, I support efforts to completely and thoroughly research this issue to put the minds of parents at rest.

We should not lose our focus, however, on the huge health gains that have resulted from immunizations. The Centers for Disease Control list vaccinations for children as the number one public health achievement of the last century. Before we had the smallpox vaccine, 48,000 Americans per year had this disease; 1,528 died. Before we had a measles vaccine, close to one-half million children a year got this disease, and over 400 died. Before we had the mumps vaccine, close to 150,000 died each year of this disease. Before we had diphtheria vaccination, over 175,000 children got sick each year.

None of these diseases have been eliminated. Only smallpox has been eradicated. An epidemic of unvaccinated children is entirely possible, as we saw with measles in 1989.

Children still die of the measles, mumps, rubella, and whooping cough. These are dangerous and harmful, painful and sometimes fatal diseases. Measles can lead to seizures and death. Mumps can lead to deafness. Polio causes paralysis that can lead to permanent disability and death. Diphtheria can result in coma and death. Whooping cough can result in death for infants.

Providing access to lifesaving vaccines should be one of our Nation's top priorities. Tracking children who have not been vaccinated, in order to prevent future outbreaks, should be another priority.

To meet these goals, the sense of Congress resolution I have introduced with my friend and colleague, the gentleman from Pennsylvania (Mr. GREENWOOD), calls for an increase in Federal funds to the Public Health Service's Section 317 infrastructure program. A similar resolution was approved by the Senate Budget Committee in March. These funds are used by States and cit-

ies to support a complex array of programs and activities, including implementation of registries, community outreach, management of vaccines, quality assurance services, and surveillance and outbreak control.

As this chart of funds illustrates, infrastructure funds have reduced rather dramatically in the last 5 years, from \$271 million in 1995, to \$139 million today. That is a 40 percent decrease in funds for infrastructure immunization. Yet the need for outreach and registry and infrastructure development is greater today than it was in 1995.

If you have not heard from your State health director on this issue, you will. Cuts in infrastructure funding have meant different things in different States. In Florida, for example, the State reports that it has reduced surveys on pockets of need and has reduced monitoring due to lack of adequate staffing. The State has reduced community outreach staffs and reduced the number of reminder cards it sends. Florida has also reduced its school-based immunization clinics and has had to cut back on efforts at day care centers.

In California, where infrastructure funds have been reduced from \$27 million in 1997 to \$14.9 million in 1999, only 35 percent of children have been vaccinated against chicken pox, and the State has no system to monitor chicken pox cases.

In California, a targeted immunization information campaign aimed at Latino, African and American Southeast Asian families has been eliminated.

The need for increased infrastructure funding is particularly important in light of a recent journal of the American Medical Association showing that 50 percent of America's children are either over- or under-vaccinated.

Mr. Speaker, the JAMA study shows that 21% of toddlers received at least one extra immunization while 31% missed at least one. In other words, over 50% of American children are receiving too few or too many vaccinations. We should do a better job of tracking these children.

A Section 317 funding increase is supported by: the American Academy of Family Physicians, the American Academy of Pediatrics, and the American Public Health Association.

The increase is also supported by the Association of Maternal and Child Health Programs, Every Child by Two, the Association of State and Territorial Health Officials and the Association of County and City Health Officials.

My second legislative initiative, the Comprehensive Insurance Coverage of Childhood Immunization Act of 2000, requires all health plans governed by the Employee Retirement Income Security Act (ERISA) to provide coverage of immunizations for children 18 years old and younger.

The vaccines required to be covered are those recommended by CDC's Recommended Childhood Immunization Schedule, issued periodically by the CDC's Advisory Committee on Immunization Practices.

This schedule is approved by the American Academy of Pediatrics and others and serves

as the standard for immunization in the United States. Plans may not charge any payment for the immunizations or vaccines. And vaccines must be made available to children as soon as they are approved by the Advisory Committee.

Beginning for plan years in 2001, ERISA governed health plans must provide the benefit.

For plans that are negotiated as part of a collective bargaining agreement, the effective date is delayed until plan years following the termination date of the current underlying collective bargaining agreement.

The adoption of collectively bargained plan amendments made solely in order to comply with the new requirements will not affect the timing of the effective date under this special rule.

Why is federal legislation needed? The federal government gives this benefit to its own workers: it requires plans that contract with the Office of Personnel Management to provide immunizations for children as a covered benefit.

Many states have recognized the importance of covering vaccines. Twenty-four states, including Texas, have enacted laws to require state-regulated plans to provide vaccines.

How big is the problem? A March, 2000 William M. Mercer survey done for the non-profit Partnership for Prevention showed that nearly one in five employer-sponsored plans do not cover immunizations for infants and children.

Nearly one in four children in Preferred Provider Organizations (PPO) and Indemnity plans do not have coverage for immunizations.

The Comprehensive Insurance Coverage of Childhood Immunization Act of 2000 is endorsed by the American Medical Association, the American Academy of Pediatrics and others.

It, and our Sense of the Congress resolution, will improve the health of millions of American children in a cost-effective manner.

For each dollar we spend on vaccines we save twenty-four dollars in future health costs. That's a good investment.

I urge my colleagues to support these two bills and I yield back the balance of my time.

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DENY PERMANENT MOST FAVORED NATION STATUS FOR CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, in 3 weeks the Republican leadership will ask this body to vote for permanent most favored nation status trading privileges for the People's Republic of China. They tell us engagement with China, that more trade with China, that giving trade advantages to China, will make everything better. It all started back about a dozen years ago with Ronald Reagan, then President George Bush and President Bill Clinton, telling us that things would get better with China.

Eleven years ago the United States had a \$100 million trade deficit, with an "M," with Communist China, the People's Republic of China. Today that trade deficit has grown to \$70 billion,

that is billion with a "B," from \$100 million in 11 years to \$70 billion trade deficit with China.

We sell only \$15 billion worth of goods to China every year. We buy \$85 billion worth of goods from China. We sell more to Singapore, we sell more to Taiwan, we sell more to Belgium, than we do to China, because China's markets are closed to American products by and large. In fact, those products we sell to those countries, Belgium, Taiwan, Singapore, those are countries with about 1/50 the population of the People's Republic of China.

This process of engagement and giving them most favored nation status and giving China trade privileges simply has not worked. Other conditions have worsened. The trade deficit, as I said, went from \$100 million to \$70 billion in 11 years.

Other conditions, child labor has worsened, slave labor conditions in China have worsened. We continue to give them trade advantages. They answer by continuing their thumb in the eye of the values that we hold dear.

The Chinese communist party persecutes Christians and Buddhists and Muslims, not to mention their indigenous religious organizations such as the Falun Gong. The Chinese government winks at, sometimes even encourages, forced abortions, something that almost every country in the world, probably every country in the world, finds absolutely abhorrent.

Today, China continues its assault on Taiwan. A few years ago, I believe 3 years ago when Taiwan held the first free elections in Chinese history, the People's Republic of China sent missiles into the Straits of Taiwan to warn them against democracy. Today, as Taiwan begins a new era where their first native Taiwanese will be inaugurated president later this month, the Chinese again are threatening military maneuvers on the east coast of China.

If we let China in the World Trade Organization with full trading privileges, as the Republican leadership and the President here wants to do, what is to stop China from doing even more to Taiwan? They will not have any check on their behavior.

Perhaps the most insidious part of this whole debate is how American corporations have lined up on behalf of the Communist party dictatorship. The CEOs of the largest businesses in America, the most prominent corporations in America, are walking the halls of Congress today and all the House and Senate office buildings imploring Members of Congress to vote to support the People's Republic of China, to support most favored nation status trading privileges for China.

Wei Jing Sheng, a Chinese dissident, said the vanguard of the Chinese Communist Party revolution in the United States is America's most prominent and prestigious CEOs.

There are more corporate jets at National Airport today, leading up to the MFN vote, the most favored nation sta-

tus, trading privileges for China vote, than at any time during the year. Corporations understand. They tell us that China has 1.2 billion potential consumers, that America needs to sell to them. What they really mean to say is China has 1.2 billion workers, investments made from American companies, in China, people making 13 cents and 15 cents and 20 cents an hour, working 60 and 70 and 75 hours a week, selling products back to the United States, exploiting Chinese workers and costing American jobs.

Most favored nation status privilege is permanent. MTR for China is a bad idea. I ask this Congress to defeat it.

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COMMUNICATION FROM DISTRICT DIRECTOR OF HON. ROGER F. WICKER, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Harold Lollar, Jr., District Director of the Honorable ROGER F. WICKER, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 27, 2000.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil trial subpoena for testimony issued by the U.S. District Court for the Northern District of Mississippi.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

HAROLD LOLLAR, Jr.,
District Director.

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COMMUNICATION FROM HON. SAM FARR, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable SAM FARR, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 1, 2000.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that the Custodian of Records in my office, the Office of Representative Sam Farr, has been served with a subpoena for production of documents issued by the United States District Court for the Northern District of California.

After consultation with the Office of General Counsel, we will make the determinations required by Rule VIII.

Sincerely,

SAM FARR,
Member of Congress.

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PATIENTS' BILL OF RIGHTS: IS IT NECESSARY LEGISLATION?

The SPEAKER pro tempore (Mr. MILLER of Florida). Under a previous order

of the House, the gentleman from Florida (Mr. STEARNS) is recognized for 5 minutes.

Mr. STEARNS. Mr. Speaker, I am here this afternoon to talk about the Patients' Bill of Rights. Is this legislation necessary? The issue of whether or not Americans enrolled in HMOs, health maintenance organizations, need passage of the patient protection in order to sue their plans is currently in conference here in Congress.

Today, I would like to call my colleagues' attention to a study by John S. Hoff. Mr. Hoff wrote this study for the Heritage Foundation, and he outlined some very compelling arguments about why passage of this legislation would result in more government control of our health care system.

It is interesting that we are having this debate, because, Mr. Speaker, I think the majority of Americans already made clear their views on more regulation for health care when the Clinton health care bill was overwhelmingly rejected.

The Heritage Foundation Backgrounder N1350 concludes that increased regulation, plus increased litigation will equal rising costs in health care and, ultimately, more uninsured Americans. The gentleman from Iowa (Mr. GANSKE), my good friend and colleague, has been very critical of this study and did a Special Order to refute the analysis of this health bill. I am not here to comment on his presentation; but my purpose is, more importantly, to talk about Mr. Hoff's analysis and why Mr. Hoff's analysis, I think, has credible evidence. So I am here to merely present the other side of the argument that opposes imposing further Federal Government regulations on health care plans and delivery of health care.

So according to Mr. Hoff, let us take each of the major items. He believes the Patients' Bill of Rights, in conference as we speak, increases regulation. If passed, it would impose detailed regulations by the Federal Government on health care plans and the delivery of health care. The question is, does anyone in this House think passing more government legislation will decrease the Government's involvement? In fact, I think most of us, every time we pass legislation that is going to increase government involvement, there is going to be more regulation. I think the regulation, as Mr. Hoff pointed out, is pervasive in this bill.

For example, private health plans normally evaluate medical services, treatments and procedures. Under the Patients' Bill of Rights, however, managed care plans and fee-for-service plans are allowed to conduct such utilization reviews only, only as specified by the Federal Government. The time allotted for a decision and the status of those making a decision are two examples of such specifications. Further regulation involves an appeals process for denial of coverage. The proposed legis-

lation requires an internal appeals process that follows precise, regulatory details on each and every procedure.

It further requires a provision of external appeals of decisions made in the internal appeals process. The external appeal requires that the plan contract with an entity that is directly or indirectly certified by the Department of Health and Human Services, or the Department of Labor. So there we have it. We have both of these large agencies involved in conducting the reviews. I think this arrangement can lead to a situation in which the final determination of what is covered by a plan is made by an entity certified, regulated, and answerable only to the United States Government.

Mr. Speaker, the proposed legislation also leads to Federal intrusion into the physician-plan relationship. Under the Patients' Bill of Rights, provisions of contracts between plans and health care providers are void if they restrict or have the effect of restricting the provider's ability to advise a patient about their health status or medical treatment. The legislation further intrudes by precluding a plan from discriminating with respect to participation by providers or in payment to them on the basis of license or certification under State law.

Let us take another item. I mentioned earlier increased litigation. In addition to the increased burdens of regulation, this Patients' Bill of Rights in conference is talking about increased litigation. Each of the many regulations contemplated by the legislation will create legal rights that could be causes of action.

In addition to an increasing number of actions that plans may be liable, the legislation opens up employers themselves to the possibility of being sued for damages resulting from denial of coverage. While the bill purports to protect employers if they refrain from the exercise of discretionary authority to make a decision on a claim for benefits, courts have been willing and creative in finding ways around similar provisions.

Defenders of the legislation point to provisions which limit litigation. These provisions, however, apply to actions brought under ERISA claims only; they do not apply to state tort actions. Tort claims under state law may result in "malpractice-type" lawsuits with large jury awards awarded to sympathetic victims of faceless insurance companies.

Effect of increased regulation and litigation: According to the CBO, the House bill would increase health insurance premiums by 4.1 percent. This increase may lead to more than 1.2 million Americans losing employer-based health coverage. In addition to rising costs, the threat of malpractice suits and the exposure of employers to liability could lead to millions more Americans joining the ranks of the uninsured.

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ENACTING PRESCRIPTION DRUG BENEFITS FOR MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Penn-

sylvania (Mr. GREENWOOD) is recognized for 60 minutes as the designee of the majority leader.

Mr. GREENWOOD. Mr. Speaker, this evening some of my colleagues from the Committee on Commerce, as well as from the Committee on Ways and Means, are going to spend the next hour talking about a subject that is the subject of a lot of talk lately, and that is usually a good sign, because right before the Congress gets around to legislating, the level of rhetoric picks up and the amount of speeches on the floor increases. So I think we are getting actually very close to the point where we will, in fact, enact a prescription drug benefit for Medicare.

In 1965, when Medicare was created, it was a big step in the American health care history. Prior to that time, if one is a retiree, if one was elderly or if one was disabled and one could not afford their own health care, they did not have any. So in 1965, the Congress of the United States, in a historic moment, decided to provide Medicare coverage for the elderly and ultimately for the disabled, and then what it covered was that which is most obvious, hospitalization and visits to physicians. No one really gave serious consideration in 1965 to extending that Medicare benefit to prescription drugs, for a couple of reasons.

Number one, it was a huge step to do what the Congress did in 1965 in providing coverage for hospitalization and physicians; and, secondly, Americans were not relying upon prescription drugs anything like they are today. Today, we are blessed as a Nation, and indeed as a world by an industry that has created miracle drug after miracle drug; wonderful, brilliant scientists in laboratories who have cracked the mysteries of the human genome, who have cracked the mysteries of the human body physiology to the point where we can prescribe and create drugs for a variety of illnesses that used to not only cause great pain and suffering, but premature death. Today, if one does not have access in the year 2000, if one does not have access to a good prescription drug benefit plan, one simply does not have good access to good health care. So the Congress of the United States, although it has been talking for years about the need to provide this coverage, has heretofore, so far, not accomplished that.

Why can we do it today and why are we talking seriously about it today? We are talking about it today because the Congress, in fact, since the Republicans have taken over the majority of the Congress, have taken the necessary fiscal steps to end the endless deficit spending that our Nation was experiencing for so many years. We have balanced the budget. We have reformed Medicare itself to bring the costs into a reasonable level. We have reformed welfare, and we are going to save something on the order of \$55 billion, or probably \$200 billion over the next 5 years in welfare costs alone. We have

taken just this year, just in the last several months, we have taken Social Security finally off budget. We have said that no longer will we spend the Social Security surplus on a host of other causes, but, in fact, we will use Social Security payments only for Social Security and the rest of the surplus will be used to pay down debt; and we are now paying down the Nation's debt.

So finally, now that the budget is balanced, now that we are paying down debt, now that we have a surplus, we are in a position to responsibly, to responsibly provide a prescription drug benefit for Medicare for the Nation's elderly and for the disabled. About two-thirds of the Medicare population already has access to some kind of prescription drug benefit, but a fully one-third does not, and those are disproportionately low-income individuals.

What are our goals in doing this? Number one, we do want to provide affordable coverage to every American who is a Medicare beneficiary by virtue of their age or their disability. Secondly, we want to do that in a way that does not break the bank all over again. We do not want to create a runaway spending program that is unregulated and causes the Federal Government to go back into the bad old days of deficit spending and budgets in the red.

Thirdly, we want to reduce the cost of prescription drugs for everyone who is now paying the highest price. And today, if one does not have a prescription drug plan and a doctor provides a prescription, one walks into a pharmacy and they pay the highest price that anybody pays in the world, you may if you are all alone in the marketplace and do not have anyone to bargain for you.

Finally, we do want to make sure that when we have accomplished this, that the industries, the pharmaceutical companies and their brilliant scientists, the biological industry that is doing so much to create new miracle cures will be vital enough to continue to provide those products for us into the next generation, the drugs that will eventually cure cancer, that will cure AIDS and so many other ailments.

Mr. Speaker, I am joined this evening first off by a colleague from the Committee on Ways and Means who is working on a joint task force that the Speaker has put together, drawing on members of the Committee on Commerce on which I serve and the Committee on Ways and Means, the distinguished gentlewoman from Connecticut (Mrs. JOHNSON), who is an expert on health care, and I yield the floor to her.

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is a pleasure to be with my colleague tonight to discuss the issue of Medicare covering prescription drugs. It is extremely important that we change the law so that Medicare will cover prescription drugs, because modern medicine, modern medical care, without medicines, is an

oxymoron. We cannot have good medical care if we cannot buy prescription drugs that both cure illness now and manage long-term, chronic illnesses; really, as Americans, live longer. This issue of managing chronic illness is going to become a bigger and bigger issue and a more important one in our lives, and management of chronic illness is primarily a medication-based science.

We do have another chart here on the floor that I think is helpful in helping us discuss the problem of prescription drugs, because there is one very significant difference between the President's proposal in this area and the Republicans' proposal, the House Republicans' proposal. That is, if one looks there at the far end where the line goes way up, then one will see that for a small number of seniors, about 15 percent of seniors, 20 percent, the drug costs are extremely high, \$6,000; \$8,000; \$10,000; \$11,000 a year. People on fixed incomes, I mean the great majority, 85, 95, 99 percent of people on fixed incomes cannot handle \$12,000; \$11,000 in prescription drug costs a year.

So we need to look at two things. First of all, we do need to look at protecting all seniors from catastrophic costs, from those very high drug costs often that follow remarkable life-saving, life-preserving, quality-of-life-restoring cardiac surgery, cardiac surgical procedures that we are now capable of. So those very high-end drug costs, we need to protect our seniors against them. We also need to help those seniors that have the lowest incomes, to have a prescription drug benefit without facing the choice of food on the table, of decent shelter, and drugs; and one can see on this chart that the poorer beneficiaries who are under the current system are very much less likely to have drug coverage than, of course, our more affluent seniors. It is sort of a no-brainer, but the chart does show it.

So it is very important that that 37 percent that are living on less than \$10,000 a year have not only the program available, but the premium coverage, the premium subsidies that they would need to have the drug coverage that is so critical, not only to their recovery from illness, but to their quality of life in living with chronic disease.

So our goal is both to provide prescription drug and total coverage, 100 percent coverage for low-income seniors, but also to protect 100 percent of all seniors from catastrophic drug costs. And then to create, for those seniors in between, affordable, insured drug policies that will guarantee that they will be able to have the drugs that are so critical to the quality of their lives.

Just to go back to the preceding chart for a minute, we can see from that that the great majority of seniors do not spend more than \$2,000 on drugs; and 80 percent, if we follow that line out, if my colleague will follow that

\$2,000 line out, then it is clear that 80 percent of seniors do not have more than \$2,000 in drug costs.

□ 1700

And the great majority have a lot less than that, and about 90 percent do not have more than \$4,000 in drug costs.

So we need to help that group, but we need to really also think about the number that have very high drug costs. Because, frankly, my fear is that that number is going to grow as we develop the kind of sophisticated drugs we need to cure cancer, to cure some of the difficult diseases that haunt our elder years, prevent Alzheimer's, those kinds of solutions. And it is very possible that at least for a year or two at a time, many seniors are going to be faced with \$10,000, \$12,000, \$14,000 drug costs. So catastrophic coverage is absolutely an essential part of a prescription drug program.

Some people say to me, Why can we not have the government pay all of our drug costs, just like they pay all but 20 percent of office visits, all but the first day of hospital coverage? The answer to that, basically, is sadly very simple. It would bankrupt the Medicare program. And if we added all that spending on top of the current program, the younger generation would be spending more than half of their tax dollars on people over 65. It is simply sad but true.

Sometimes my colleagues do not like me to say that, but right now, 35 percent of all Federal spending goes to people over 65. So that means that our child, if we are a grandparent, our child in the tax force, all of their tax money going to Washington, one-third is going to subsidize the lifestyle of people over 65. If we do nothing, do not add prescription drugs, that will be up to 45 percent in 10 years. And very soon thereafter, if we add prescription drugs in with no participation from seniors, then over 50 percent of all of our tax dollars will be allocated to people over 65.

Frankly, we will not be able to provide the public education our children need. We will not be able to provide the seaports, the air traffic control system, the highways that our economy depends on.

So most seniors I know would not want that to happen. And, furthermore, many seniors I know have better drug benefit programs than Medicare could ever provide.

Mr. GREENWOOD. Mr. Speaker, if the gentlewoman would yield briefly on that point, the question is why should the Congress not just say to every retiree, everyone on Medicare, every beneficiary: we will pay 100 percent of all of your prescription drugs benefits. The answer is, in part as you said, the younger generation asked to pay that bill would be wiped out.

But, secondly, two out of three seniors today already have a prescription drug benefit, many of them provided by their former employer. As I travel to

the senior centers around my district I say, How many of you already have some kind of a prescription drug benefit? And there is a show of hands. How many of you receive them from your former employer? And a goodly number of hands go up. Usually, it is either the big Fortune 500 companies that were able to provide these generous benefits, or they worked for a governmental entity, a school district or a State or the Federal Government.

If we moved in and started to pay all the prescription drugs, employers would drop that coverage like a rock and all of a sudden the two-thirds of the seniors who already have a benefit, albeit maybe not the perfect one and we might be able to supplement their benefits, but those would all of the sudden be shifted from the private sector to the public sector and be enormously expensive.

Mrs. JOHNSON of Connecticut. That is a very, very important point. We do not want to shift costs from the private sector to the public sector, and we do not want to do it for another important reason. Many of the people who have coverage through former employers have very, very good coverage, and they have total choice of prescription or generic or whatever is best for them personally.

If we look at Medicaid, if we look at the big managed care plans, we tend to have the choice of those drugs offered in a formulary. Maybe that formulary, in other words the choices of drugs, will be good. Maybe it will not. In the Patients' Bill of Rights we are going to give certain rights to go outside the formulary, but they will have to be documented by health need. And sometimes we would just rather have the one that we believe is going to be the best for us.

That kind of total choice is not common in the plans that are out there now. And in order to provide a range of plans, in order to allow people who have that total choice through their employer to keep it, we need to provide many solutions so seniors have their choice of the kind of drug plan that will best suit them. We need to protect them from catastrophic costs. We need to guarantee that if there are a seniors out there with a \$4,000, \$6,000 annual income, they will have prescription drug coverage.

But we also need to provide the opportunity for all of our seniors who currently get coverage to keep that coverage, if they choose it; to join another plan, if they choose it. And we want to be sure, this is very important to me, we want to be sure that the prescription drug programs can be integrated into the managed care programs, because many managed care programs now are developing ways to manage chronic disease, and they are doing it much better than we were ever able to do it under fee-for-service.

Mr. Speaker, they are saying to people who are coming out of heart surgery: Listen, we will pay for your

drugs, but you have to be part of this management protocol. Through that protocol, they cannot just follow the doctor's orders to take the medicine. They have to follow the doctor's orders to exercise. They to follow the doctor's orders to lose weight. But they are going to have help. They are going to have allies, and these programs that are providing allies to people are seeing people stopping smoking, not just for a month, not just for 2 months, but permanently. Changing their lifestyle.

So then, of course, the medicine does much better. The person does much better. So if we do everything our doctor says, we lose weight, exercise, and take the medicine, and we have allies to help us do that, then we are going to do better.

More and more plans are saying they will give their insured customers a better deal on drug coverage if they will take their responsibility to take a holistic approach to their health and take responsibility for their health.

So we want plans to have the opportunity to incentivize people and reward people for improving their own personal health, not just taking medicine, as important as that is.

Mr. GREENWOOD. Mr. Speaker, if the gentlewoman will yield, what is interesting, of course, is that no matter who we speak to in this town, talk to Republican Members of the House or Democratic Members of the House, Republican and Democratic Members of the Senate, the President, et cetera, we all agree on one thing: let us provide a prescription drug benefit to Medicare beneficiaries, and let us do it this year.

So there is wide agreement, which is historic. It has not really happened before. Now what happens? We have different opinions. The President has a plan. There are numerous plans in the House. Republicans in the House, like the gentlewoman from Connecticut and I, have a plan that we have proposed. And now we get into the business of deciding how to work these different ideas and merge them into one.

What I find so frustrating is that it is an election year. It is not only an election year for the entire House and a third of the Senate, but for the presidency of the United States. And this issue is so easy to demagogue. If we listen to C-SPAN regularly and listen to the rhetoric on the floor, it is easy to accuse the other party of not really caring about seniors, and of course that is nonsense. We would not be here doing this job if we were not interested in the welfare of our constituents, particularly the elderly and those disabled who do not have a prescription drug benefit.

So we are going to have a good discussion about methodology. How do we do this?

What we do, what the Republican House plan does is say let us use the insurance model, since we know that pouring money and paying everything ourselves will not work for the reasons we have discussed. Let us create an insurance model.

How do we do this? First off we want to make sure that that insurance premium is affordable for middle-class Americans. And as we look at this chart, again, insurance companies have been reluctant to provide affordable drug-only plans because of this end over here, because of that high end of the chart. Because they can sell a prescription plan tomorrow and the next day a brand-new drug comes out that costs a \$1,000 or \$2,000 or \$3,000 a month; and it comes onto the market, and now the insurance company is losing money hand over fist.

What we have said in our plan is we will stop the loss at somewhere in this range, somewhere between \$6,000 and \$8,000 is about where we will cut off the insurance company's exposure to risk, and the Federal Government, through Medicare, will pay for all of that.

Now, we have a plan that only has to cover the first several thousand dollars of exposure, which most Americans will fall under that, and it becomes affordable.

Now, how does it become affordable to the lowest end of the socioeconomic ladder? What we would do is we would pay 100 percent of the premium for everyone below 150 percent of poverty. So the poor elderly and the poor disabled would get free insurance. Talk about giving everything for free, they would get the whole plan free at no cost. For those middle-class-and-above Americans, they would have a small, relatively affordable monthly premium that they could pay and could choose between plans out there in the market to buy the plan that is best for them.

An elderly person with very little in the way of prescription drugs might want a plan that has a low premium and a high deductible. If someone has a lot of expenditures, they might want a different plan. We enhance choice with our approach.

Mr. Speaker, that is our idea in a nutshell, and we can go on later about some of the details. The President has a plan, as I say. But for goodness sake, what must happen this year is that Republicans and Democrats, the Congress and the President have to get together and say: let us roll up our sleeves, let us get the best of your ideas, the best of our ideas, merge them into a bill, get it signed into law. Because at the end of this year, either we will have done that and done a tremendous service to the people of this country, President Clinton will have some legacy, something that Presidents want to have before they leave office, and the system will have worked.

On the other hand, if all we do is point our fingers at one another and try to take political advantage of the issue, shame on all of us. And what I recommend to the voters at the next election is vote us all out of office if we do not figure out how to work together collaboratively.

Mrs. JOHNSON of Connecticut. One of the reasons we are doing this Special

Order is to point out how terribly important it is that we address this problem for seniors and also to point out how much agreement there is. The President's proposal is really a proposal to cover 50 percent of the costs of the drug. There is no proposal out there, because it is so expensive, that recommends covering 100 percent of the costs of the drug.

I think people, sometimes when they hear us talk about covering prescription drugs under Medicare, they think we are talking about covering all of the costs. They think the President is talking about that.

The President's proposal is really very simple. He is talking about covering 50 percent of the cost up to about \$2,500. In other words, the insured would cover \$1,250 and the Government would cover \$1,250. And they would not cover the first \$1,250; they would cover 50 percent of each premium up to that. And I am not sure whether the limit in the President's program is \$2,000 or \$2,500.

But we can see from the chart that by having no coverage at all thereafter, that 20 percent of seniors that have the highest drug costs get very little help from the President's plan. But the House plan is, too, and I have not read another plan that is not a cost-sharing plan, usually 50-50.

I think what is slowing down the production of the final bill a little bit is the complexity of the stop-loss provision, of helping everybody to be protected from catastrophic loss. It is a matter of peace of mind. It is a matter of confidence and ease and security in our elder years to have stop-loss insurance and know that prescription drugs will never bankrupt us, just like long-term care insurance gives a peace of mind.

That is why we are working so hard this year to make long-term care premium costs deductible on income tax. We could do that. Then for a rather modest investment in a long-term care premium, we have the peace of mind of knowing that we will never have to spend down to poverty to pay for long-term care costs. And under prescription drugs, with a stop-loss provision, we will have the peace of mind of knowing that we will never be bankrupt by the costs of prescription drugs.

□ 1715

So this is not a concept that the President opposes at all. We are all talking within provisions that we all know would be helpful to our seniors. We simply have to work out, not only their costs, but how they fit in with the real world, how we can protect seniors who already have good drug coverage and do not want it disturbed, how we do not want to encourage their employers to drop good coverage.

So we want to make sure that we do not compromise opportunities that seniors currently have but that we create new opportunities for seniors who either have no drug coverage or inadequate drug coverage.

It is really important for everyone listening to remember that, under both the Republican and the Democrat and the President's plan, because those are the two on the table now, that all seniors would be helped.

They would both be optional plans. They are voluntary. They are not mandatory. Seniors can elect them. That is why seniors who have other plans that they prefer can continue to benefit from those plans.

Mr. GREENWOOD. Mr. Speaker, reclaiming my time, as we have discussed a little bit, there have been criticisms of the plans. And one of those criticisms has been, what part of the debate has been, what are we really going to do to lower the cost of prescription drugs?

A lot of the debate and rhetoric that we have heard about this issue has been focused on strictly the cost of prescription drugs, how do we bring down the cost of prescription drugs.

There are those who think that the answer to that question is to have some sort of governmental price controls on prescription drugs. That is a pretty scary proposition, because once we start down the road of price controls in a free enterprise market like the American system, we run the risk of killing the very industries that are providing these miracle drugs.

So how do you do it? Well, the answer is that, for that one-third of the Medicare beneficiaries, the elderly and the disabled who do not have this coverage today, that one-third walks into a drug store with the prescription, they have an illness, they have an ailment, they are suffering from something, they go to their doctor, their doctor writes a prescription for them, they take that prescription, they go into the drug store, and they have to pay full retail price out of their pocket with nobody's helping them at all.

Of course that is the most expensive way one can buy a prescription drug. Some seniors order the drug. The pharmacist fills the prescription, hands them the bottle, and the price tag. When they see the price tag, which is often, it is not anything for one prescription to cost \$100 or \$200, they are embarrassed and have to walk away from the drug store and say I do not have that kind of money.

Others may be able to scrape together the money to pay for the drug. But then they take it home, and the label says take four times a day or six times a day, and maybe it is a prescription that they are going to need for the rest of their lives every month, week after week, for the rest of their lives, they know that they cannot afford to go back and fill that prescription over and over again.

So, instead of taking the pill four times a day, they will take it two times a day. That does not do them any good because the prescription is not providing the kind of physiological response that it was sustained to provide. So that senior is really held hos-

tage, and those are the seniors we are trying to help.

So how do we help them and bring down the prescription drug costs at the same time, by allowing these elderly to join in a group health care plan. That is what we are doing, we are providing a group prescription drug plan for them that would cover large groups of Americans at a very affordable cost. Again, if one is low income at zero cost, if one is middle income and above at a very affordable monthly cost. Those individuals gain from the fact that they are now part of a big group.

The spokespersons for that group, the leaders of the insurance companies, the managers of the insurance companies will then negotiate with every pharmaceutical company as to what price they are willing to pay. That is how we bring down the cost of prescription drugs because we are now having the big insurance plans that are buying drugs for our seniors and for our disabled, negotiating tough prices with the pharmaceutical companies so that we get and they get affordable prices.

I have been joined now by the gentleman from Louisiana who is on the Committee on Ways and Means and on the Speaker's Task Force and has been the leader in drafting this prescription drug program.

Mr. Speaker, I yield to the gentleman from Louisiana (Mr. MCCRERY).

Mr. MCCRERY. Mr. Speaker, unfortunately, I have been in another meeting on another health care subject and not been able to hear the discussion so I do not know what has been said so far.

But I do want to compliment the President on coming forward with a plan. I do not want anything that I say here to say that I am not appreciative of the President getting in the mix and trying to put forward a prescription drug plan, because I think it is important that he be part of the process.

All of us, the President, the gentleman from Pennsylvania (Mr. GREENWOOD), I, Republicans, Democrats, I think, agree that, in order to have a modern Medicare program, we have got to have a prescription drug benefit. Thirty-five years ago when Medicare was created, prescription drugs were a very small part of the health care regimen of a senior citizen. So we took care of their hospital needs and their doctor needs, Part A and Part B, and that was fine for most seniors.

Today that has changed. Now if one takes care of the hospital bill and the doctor bill, in many cases, there is a third item, prescription drugs that constitutes a very large portion of that senior's health care needs, the health care regimen of that senior.

So we all agree, and I think it is appropriate for all of us to be discussing how we best do this, including the President, Republicans, and Democrats. So I appreciate the President putting out a plan.

I think the President's plan is insufficient. In his defense, he was trying to craft a plan that would meet certain

budgetary guidelines. His plan spends about \$34.5 billion over 5 years. He decided to put the bulk of that money into a benefit for low-income seniors and giving every senior a very minimal benefit. Let me tell my colleagues what I mean when I say "minimal."

Based on the figures provided by the White House for the premiums that a senior will have to pay, the level of the benefit, which is \$2,000, once one reaches \$2,000 of expenditures for prescription drugs, one's benefit is over under the President's plan.

So when one adds up the premium that a senior has to pay for the plan and the co-insurance requirement, which is 50 percent, basically a senior will pay \$1,750 for \$2,000 worth of drugs. Not a great deal.

But, again, in the President's defense, if one only has a limited amount of money to spend, in his case \$34.5 billion over 5 years, and one provides 100 percent of the benefit to low-income seniors, there is not a lot left to give the average senior a benefit.

So I think the President's plan, while it is a good start, is insufficient. The glaring insufficiency in the President's plan is that he does not give any protection to extraordinarily high costs that seniors may have. So that if one has got a senior citizen who has done everything right his whole life, he worked hard, he paid his taxes, he saved for retirement, and then after he is 65 years old, he contracts some chronic disease that requires a very high level of drug maintenance, he bleeds those savings. Those savings are just gone.

That is not right. We ought to give seniors some protection against just financial ruin because of bad luck in health care and having very high prescription drug costs. Our Republican plan does that. That is why I think that we need to work with the White House, the White House needs to work with us.

We need to get a plan in law that gives seniors, not only low-income seniors, that basic benefit that both our plan and the President's plan does, but also some protection against those very high drug costs that are killing some of our seniors, not killing, they are staying alive because of those drugs, but it is bleeding their savings; and that is not right.

Mr. GREENWOOD. Mr. Speaker, reclaiming my time, just if I can comment on the gentleman's point for a moment. It has been my experience that, the older I get, the more cautious I become. As we go through life, we bump up against enough things that, by the time one reaches the age of 65 years of age and one is ready to retire one is not looking for any more risk. One wants to pretty much know what one's life is going to be like for one's golden years.

The problem that, the criticism that we do have with the President's plan is, as one said, one is sitting there with this big risk over one's head; and that

is, maybe when one is 65 and when one is 66 and when one is 67, one will be able to have low drug costs that are under the \$2,000 threshold, or I think the President's threshold increases over time. But still there is always a cap on it.

Now one day, one can come down with some terrible disease, and go to the doctor, and the doctor says, Guess what, the good news is there is a drug that will solve your problem and keep you alive for another, you know, another 5 or 10 years. But the bad news is it costs \$10,000 or \$20,000. Well, that senior suddenly has exposure to a risk that there was no way that he or she could have planned for.

So what we provide with our plan is the peace of mind, the peace of mind of knowing, no matter how expensive your prescription is, no matter whether you are on one drug or 10 or 15, you will be covered. The sky is the limit on one's coverage because that is where our plan comes in for everyone. Every American pays all of their costs above that ceiling.

Mr. MCCRERY. That is right, Mr. Speaker. I want to be honest here. We have come up with a conceptual plan that does the things that the gentleman from Pennsylvania and I have talked about.

We have not had the numbers crunched by the Congressional Budget Office. That is in the process of being done. We have worked with some actuaries who think we can do what we have described within the budgetary confines that we are working in, which is \$40 billion over 5 years. But we do not know yet to what extent we can protect those seniors from those high costs. We have to wait until we get those numbers from the CBO.

But I believe that any plan that we include in Medicare ought to provide not only a basic benefit for low-income seniors and other seniors but also must include a stop-loss provision which protects that senior citizen from skyrocketing out-of-pocket costs that could bleed his lifetime savings. So we have got to wait and see what the numbers show.

But I think, from a conceptual standpoint, we ought to agree that we are going to provide a basic benefit which both our plan and the President's plan does, and that is protection against those very, very high drug costs. If it ends up costing more, then we have got to figure out a way to finance that.

But from a conceptual standpoint, I think any drug benefit that we include must have those two elements, a basic benefit for everybody, including low-income seniors and protection against those extraordinarily high drug costs that some seniors, a few seniors run into.

Mr. GREENWOOD. Mr. Speaker, as the gentleman from Louisiana talked about, the fundamental goal is to provide coverage for everyone. What has been discouraging and frustrating to

me is that we have crafted this plan so that it benefits everyone regardless of income. If one is at the lowest end of the scale, we cover 100 percent of one's premiums. We think we can go up to 150 percent of poverty and cover that. The President's rhetoric and language has suggested that that is all we do, that we are only providing a benefit for the really poor; and it is really not the case.

Mr. MCCRERY. That is not the case, Mr. Speaker.

Mr. GREENWOOD. Mr. Speaker, the mechanism that we use by stopping the loss for everyone is what makes the premium affordable. Maybe the gentleman from Louisiana could share his thoughts on that as well, because that is so important to get straight with the American people.

Mr. MCCRERY. Mr. Speaker, it is fairly easy to explain, but not easily understood. Let me take a shot at it. It is really different from a stop-loss provision that I have talked about for an individual senior. That is a stop the loss out of his pocket.

What the gentleman from Pennsylvania is talking about is the Federal Government telling the insurance industry we will stop your losses for any seniors in, say, the top 2½ percent of expenditures for drugs. We know that that top 2½ percent of seniors in terms of their drug cost constitutes about 25 percent of the total drug expenditures for the senior population.

So if we give the insurance industry some reinsurance protection, so to speak, against those extraordinarily high-cost seniors, then they will be able to write a product, produce a product in the marketplace at a premium that will be substantially lower, perhaps as much as 25 percent lower than they could if we gave them no protection in a reinsurance way against those extraordinarily high-cost seniors.

□ 1730

So the gentleman is exactly right. By basically buying down the tail of those high cost seniors for the insurance industry, we allow them to write a product that is fairly predictable in terms of their cost, and we allow them to write those products at a premium that would be substantially lower than they could if we gave them no such stop-loss protection for the insurance industry.

Mr. GREENWOOD. And since Americans are not used to buying drug-benefit insurance, this is a little alien to them. But if we think about buying automobile insurance, if we went to buy automobile insurance that would provide liability coverage for \$10 million, that would be expensive. The premium that we would pay on a monthly basis or annual basis would be quite expensive to get that coverage. And if it were unlimited, if we had unlimited liability protection, of course it would be unaffordable and the insurance industry would have a hard time putting a price on that.

That is almost the way it is with prescription drugs now, because we cannot

predict the exposure with these new modern expensive drugs. So what we are saying here is, if it was automobile insurance and the Federal Government said we will cover everything over, let us say \$50,000 of liability, then we know that the premium is going to go way down and we would have the coverage covered by the Federal Government. It is the same thing here. By the Federal Government, by our House Republican plan proposing to pay for that top, from the cap to the sky being the limit, suddenly now we have an affordable product that every American can afford to purchase.

Mr. MCCRERY. That cap that the gentleman is talking about, though, is an after-the-fact determination according to the actual costs in the industry. So at the end of a year, what we do is we go back and look at the cost for drugs for all seniors, and then we determine above what level constitutes the top 2.5 percent of expenditures. It might be \$10,000; it might be \$12,000; it might be \$15,000; it might be \$7,000. Somewhere, though, we will reach a point where all expenditures above that by all seniors constitutes the top 2.5 percent of expenditures.

So a plan knows very quickly how many seniors it has with expenditures over that \$10,000 level or \$12,000 level. They report that to the Federal Government. The Federal Government ships them a check basically for those seniors and the costs for those seniors above that level. It is doable. It is kind of an after-the-fact risk adjustment that we can do, and we are hopeful that the insurance industry will be comfortable with that kind of risk adjustment mechanism and will write products in the marketplace that will give seniors a choice of products and give the basic benefits that we have talked about.

Mr. GREENWOOD. And when this plan is enacted into law, as we hope that it will be this year, the average middle-class American who does not have a prescription plan now, who has one next year because of this program, will wonder, okay, so what was in this for me? What did I get out of this? They will know what they got out of this when they go to write their check for their insurance to cover their prescription plan. That check will be a heck of a lot smaller. The amount they have to write that check for will be very small compared to what it would be if we had not decided to cover this top end of the exposure.

Mr. MCCRERY. I agree. And I thank the gentleman for allowing me to participate in the discussion on the prescription drug plan for seniors.

Our good friend and colleague, the gentleman from California (Mr. THOMAS), the chairman of the Subcommittee on Health of the Committee on Ways and Means, has joined us. So with the gentleman's permission, I am going to go back to my other health care meeting and turn it over to the gentleman from California.

Mr. GREENWOOD. By all means. I thank the gentleman for his participation and would now yield to the gentleman from California, who is, in my mind, the leader on this issue in the House of Representatives, and has been leading us for a number of years now.

Mr. THOMAS. I thank the gentleman very much, one, for taking the time and, two, for beginning to get into the details.

This does become somewhat complex for most people, but the key point that we need to have everyone understand is that if we were discussing, as the gentleman indicated, automobile insurance or homeowner insurance, and we peeled back what most people know about the insurance business, it is pooled risk. And it would get into exactly the same kind of discussion that we are getting into here.

One of the reasons that we are doing it is to create a comfort level, I believe, notwithstanding all the details, that what we are trying to do is to create a product that takes care of the real concerns of seniors. It is not the first dollar that we spend on prescription drugs; it is that last dollar. And we do not know when it is and we do not know how much it is going to be. That is what insurance is all about: pooling the risk in a way that everyone can afford to protect themselves against that last dollar, no matter how much it is going to be. And that is what we are trying to create.

There are others, for example the President, who said let us just set up a prepayment plan. Everyone will know how much they are going to get. And he has a plan that eventually gets to like \$5,000; but it is \$2,000, and that is all anyone is going to get no matter what their costs are. That is better than what we have today. There is no question it is better than what we have today. But if we are going to put a plan in place, I think the gentleman and myself and others who have been working on this agree, including Democrats who have been working with us, is let us try to do this the best we can.

The way we really need to deal with prescription drug cost is to take care of the low income and create a risk structure that allows the private sector to write the product. Now, why in the world are we always saying let us get the private sector into this process? It is very simple. If we take a look at prescription drug insurance today, there is value brought by those people who are managing the prescription drug programs. It is so specialized that even people who offer ordinary health care, and if they include prescription drugs, will hire these people to run their prescription drug portion.

One, taking drugs, especially taking more than one drug, becomes risky business if there are not knowledgeable pharmacists and others to help in the management of taking those drugs. Sometimes drugs that would be life-saving are not worth very much if we only participate in a portion of the reg-

imen; if we leave pills in the bottles; if we do not follow the directions; if we do not take them in a timely fashion. Seniors are one of the groups that have the least support of any group in assisting in taking drugs. This is one of the real value-added features brought by one of these programs.

We keep talking dollars and cents. Dollars and cents is important, but availability, deliverability and proper usability of drugs is very, very critical. That just comes as a kind of a free aspect of putting this kind of a plan in place.

The other thing that we have to remember is that seniors have been very knowledgeable in this whole process. I have become quite enamored with their ability to realize that when someone promises something for nothing, they know they cannot get something for nothing. And what we are trying to do is put a plan in place that will assist those who, through no fault of their own, do not have the wherewithal to pay for it; and those seniors who, through no fault of their own, cannot afford the enormously high cost of the drugs that happen to meet their particular health needs. And for those who would like to have the protection, whether or not they fall into one of those other groups, to be able to participate in a minimally reasonable fashion, I think, is a proposition that most seniors would be interested in.

I know that the idea is enormously popular to promise people that they will not be involved financially and they will not be involved administratively or behaviorally. But, frankly, I think the seniors have been appreciative of our open approach, which says all parts of the society are at fault and all parts of the society are the solution. The pharmaceutical industry is part of the problem, and they are also part of the solution. The insurance industry, the same. Members of Congress, the same. The children of our seniors, the same. And, of course, the seniors themselves.

It has to be a positive, cooperative effort that builds a plan that not only works today but, more importantly, 5 and 10 years from now when those biotech drugs come on the line that are more expensive and, through no fault of our own, the cost is something we could not handle. There must be an insurance product available for seniors. More importantly, not that it is just available, but that we have created a system that allowed us to get into it at a time when the costs were reasonable, where now that they are not reasonable that we are covered. It is simply something that needs to be done.

I appreciate the gentleman taking the time not just to talk about prescription drugs, because we are focusing on that as a new addition to Medicare, paid for, by the way, and I do not think we say this often enough because people do not realize it, the \$40 billion that the Republican leadership has laid on the table to cover the prescription

drug and the modernization cost for the next 5 years is money that we have saved from the Medicare program. We are not taking it from taxpayers. We are not robbing current programs that need money to pay for this. And we are not simply saying that it is a revenue-neutral game and that if we pay money for drugs it is coming out of hospitals or doctors or some other health care costs.

It is money that was saved because of the changes in the program that we have put in place that we are reinvesting. The leadership has said let us put this money back into Medicare that we saved from Medicare, but let us put it back in in a new way in which we get an even better benefit out of the dollars that we have spent. And to that end, part of the other program that we are advocating is that as we add prescription drugs, we do not just tack it on to a system that now says we get drugs and we get health care.

Because the way medicine is delivered today, as the gentleman well knows, and those of us who have looked at it for some time, and especially those seniors who have participated in the health system, drugs and old-fashioned, as we say, health care have merged. We cannot deliver health care today without, as I say, an integrated approach with prescription drugs.

So as importantly, in my opinion, as adding prescription drugs to Medicare is the extra care and attention we are trying to provide to creating a system that integrates this new benefit in with the other benefits that are defined and guaranteed in the Medicare program in such a way that seniors are now going to receive health care just the way the rest of the society receives health care. Frankly, they are a decade or more behind because we do not have this integrated prescription drug aspect to seniors' Medicare health care. It is overdue. It needs to be put into effect, and it needs to be integrated. And that is what we are trying to do.

Mr. GREENWOOD. I think what is important, as we compare the President's plan to the House Republican plan to other plans that may be in the Senate and elsewhere, what is important to understand is that there are some similarities. The low-income folks in both plans would have no cost and would have access, for the first time many of them, to a prescription drug plan.

Mr. THOMAS. If the gentleman will yield, not only are they similar but they are identical. No one should say that the President's plan or our plan treats low income differently, because we treat them exactly the same. They get complete coverage.

Mr. GREENWOOD. That is a very good point. And then for every one of the elderly and the disabled above that 150 percent of poverty, under both plans there will be out-of-pocket expenses. Under both plans, whether paying for a premium in our case, or

whether paying 50 percent of the cost of every drug, there is cost out of pocket. So the middle class and above will have to pay something for their prescription plan.

We have two systems by which we try to figure out how to make that most manageable, most affordable, most flexible, and to provide the most security at the end of the day from catastrophic, potentially ruinous costs, where someone would have to choose between literally selling their home to buy the medicine they need or doing without and having their life foreshortened as a result.

In the course of this debate, in fact in the course of this last almost hour here, I think my colleagues and I have been very careful. Not once have we questioned the motives of the President or the motives of the other party. We have started with the assumption that every Member of Congress in the House and the Senate, that the President and the Congress have the same goal, to provide affordable health care. What I think the public needs to watch for and be most critical of is not the fact that we have differences of opinion and not be judgmental about a Member who takes this tack or that tack, but rather be judgmental about Members of Congress or other politicians or the President, to the extent that he does it, when they begin to question the motives of the other party. Because if we avoid that, we will get this job done.

Certainly the President has some ideas that are worthy of our consideration and we have some worthy of his. And certainly if we are going to get this done, at some point in the process there is going to be an amalgamation of the President's best ideas and our best ideas, and we ought to be able to learn from each other.

□ 1745

Mr. THOMAS. Mr. Speaker, the gentleman makes an excellent point. Because, as everyone knows, we can take a fixed amount of money and spend it a number of different ways. And, in essence, that is what we do. The amount that we lay out for prescription drugs is about the same amount roughly as the President. But their goal was to achieve a slightly different payment balance.

We place the emphasis on low income as the President does, but we talk about making sure that those out-of-pocket payments that are unexpected and too high to pay for fall under an insurance umbrella on shared risk.

The President has chosen to take a bit more of that subsidy and some of the earlier basic costs to create, which I think, in fairness, we could say one size fits some because those who have the very high cost would not be served by that system, but that there is a consequence in the way we write the program. And it is entirely possible that, for the middle-income person who is not low income and who does not have the extra high drug costs at that mo-

ment in time they occupy that position, they may in fact be paying more than they would under the President's plan for roughly the same support.

But most of us know and the seniors certainly do, at some time or other over the course of the rest of their lives they are going to fall into the category where they are going to get expenses for drugs, hopefully on a temporary basis, that they cannot afford to pay. That is what we are trying to protect against.

We believe it can be done today. Not 5 years from now, not 7 years from now, not 8 years from now, but today.

So our discussion, as my colleague points out, will quite rightly be how do we best construct a program to meet the most important and dangerous concerns that seniors face; and that will be, hopefully, the policy discussion that we are engaged in.

My colleague is quite rightly proud of the product that we are moving forward. My goal, frankly, in the next several days is to be able to stop using the phrase "the Republican plan."

I have engaged in a number of discussions with Democrats both here in the House and in the Senate. Some of them I think could be described honestly as excited about the idea once they understand the policy direction that we are trying to go, not only excited but supportive about it and will be able to talk about the bipartisan plan that the Congress is moving forward as a legitimate contender, one we believe most appropriate to meet seniors' needs and that we will be dealing with this on a policy level and not a political level.

I thank the gentleman from Pennsylvania (Mr. GREENWOOD) for taking the time and for allowing me to participate.

Mr. GREENWOOD. Mr. Speaker, reclaiming my time, I thank the gentleman from California (Mr. THOMAS) for his participation and his leadership, as usual.

The experience that I had not too long ago was I visited a senior center and asked a group of my elderly constituents whether they had or had not coverage and what their experiences were.

I met a woman who told me that she was taking 18 different prescription drugs and that she was working three jobs in order to pay for those drugs because she had no coverage. And at the end of the day the question for those Americans is not is this a Republican plan, is this a Democratic plan, is this the President's plan, is this the Congress's plan, but the question at the end of the day is can the Republicans and the Democrats in the House and the Senate and the Congress and the President figure out how to solve this problem so we do not have a single elderly person in America, not a single disabled person in America having to make that awful choice between their health and their finances so that they do not get to the point where they have to say to a doctor, do not bother writing that prescription for me because I

cannot afford to pay it, or taking a prescription home and not being able to take all of the pills that they need to take in a given day and not being able to renew that prescription because of their inability to afford it.

I am convinced that, at the end of the day, Republicans and Democrats will join together on this, we will negotiate a bill with the President and it will mark the point in our history, the history of Medicare, of which we all can be proud.

Mr. Speaker, I yield to the gentleman from Kentucky (Mr. FLETCHER). I am glad to have him here to join. He has been a real leader in this issue, as well, and I am glad to have his participation.

Mr. FLETCHER. Mr. Speaker, we just came from a meeting, but I did want to get in at the few minutes left and certainly participate. We have got 1 minute remaining it looks like.

First of all, I think it is very important and I am very encouraged by this plan. I think it is essential. Health care without prescription drugs in this modern age is really not health care.

I give my colleagues an illustration. In assisted living, I was visiting with some seniors who talked about a gentleman living there. For the first half of the month, he was a perfect gentleman. The last half of the month, he was a tyrant in the place. The problem was he could only afford the first half of the month's prescription drugs.

We see a number of seniors like this. So I think it is very important we put \$40 million aside versus the President's \$28 billion over the 5 years. His does not start for 3 years. We are toward the target at making sure it is affordable, available, and optional. So I think it is an outstanding plan that targets those that really need it and it is essential.

Again, health care without prescription drugs is really not health care in this day and age with the way prevention and chronic disease management has become the major portion of health care versus acute care, which we had back when Medicare was first developed.

So I wanted to come and just certainly say I think, hopefully, we can get good bipartisan support. We did in a bill that I filed back last year, we got bipartisan support, which is very similar in concept. So I am very encouraged by this and look forward to us being able to get something done. There are a number of seniors out there that need this and it is going to be very important for their health and future.

Mr. GREENWOOD. Mr. Speaker, the gentleman from Kentucky (Mr. FLETCHER) is one of the few physicians in America who has chosen to leave his practice behind temporarily and come to serve in Congress. His leadership is greatly appreciated.

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PRESCRIPTION DRUG BENEFIT

The SPEAKER pro tempore (Mr. THUNE). Under the Speaker's an-

nounced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I intend tonight with some of my Democratic colleagues to also take up the issue of prescription drug benefit under Medicare.

I must say that I was pleased to hear that my Republican colleagues on the other side of the aisle were concerned about the issue. I certainly do not doubt their sincerity in raising the issue, but I am very concerned about the proposal that the Republican leadership has put forward and I express that concern because I do not believe that it will actually do anything to provide a prescription drug benefit to most American seniors.

I say that with heavy heart because I really believe that this is one of the most important issues that we need to address in this Congress, and I believe that we will not get a prescription drug benefit unless we get it on a bipartisan basis. And so, we do need to have Republicans and Democrats work together.

But it is also important to point out distinctions and to make it clear that the Republican leadership proposal that has been set forth really does not do anything to help most senior citizens and in fact is just, in my opinion, a way to show concern in an election year to give the impression that somehow this issue is going to be addressed in an effective way when it will not if the Republican plan were to be adopted.

Let me just summarize, if I could before I yield to my colleague, some of the problems with the Republican plan.

First of all, it will leave millions of seniors uncovered. Their proposal would do nothing to assist more than half of all Medicare beneficiaries who currently lack prescription drug coverage because it provides assistance only to beneficiaries with annual incomes of under \$12,600. Seniors with modest incomes above \$12,600 would receive absolutely nothing under the Republican plan.

The benefit will fail to be an affordable option even if it is available. And if enacted, the Republican proposal would mark the first time in the program's history that Medicare would not provide coverage for all American seniors.

Now, I say that because, basically, what they are proposing is a private insurance plan, not a Medicare benefit. Every time that we have expanded Medicare to provide more coverage, it has been a benefit that has been available to everyone under Medicare either as a guarantee or as a voluntary benefit that they can opt into by paying a premium, as they do right now under part B for their doctor's care, for example.

Well, all of a sudden we have a proposal which really is not Medicare at all but is, basically, saying that the

Federal Government will subsidize for low-income people a private drug insurance plan. We do not believe that those plans will ever be available.

So one of my chief criticisms is that this is not really a Medicare benefit at all, this is not really Medicare at all, this is simply a private insurance plan which even most of the insurance companies say will simply not be available for most seniors.

Also, even for those seniors who would be perhaps able to take advantage of what the Republicans are proposing, it does not even guarantee, if you will, the coverage for many of those who have an absolute need. The Republican plan relies on these private insurers to voluntarily offer a drug only benefit.

In testimony before the Congress, even the insurance industry itself had expressed skepticism about the effectiveness of this approach.

The other thing is, one of the key issues that has come up in the context of the prescription drug issue and that the Democrats, particularly my colleague the gentleman from Maine (Mr. ALLEN) has pointed out, is the need for access to lower prices.

Price discrimination is a major issue here. What happens is that the seniors that are in an HMO or have access to some larger plan maybe through the Government, like the veterans' plan or whatever, they are getting lower prices. The senior who goes out and tries to buy the prescription drug on their own, they are charged a lot more.

Well, there is nothing in the Republican proposal that would provide access for the average senior citizen to discounts on prescription drugs that these larger plans, the people in the HMOs and the people in the veterans' plan, obtain.

I mean, one of the advantages that we have with our Democratic plan is that we try to address that issue of price discrimination and make it so that everyone who is in the Medicare program would have the benefit of those same types of discounts.

Also, and this is the last thing I want to say on the issue of why this Republican plan really is nothing that is going to help the average senior, it is not really funded.

Earlier this year the Republicans promised that they would commit \$40 billion for a prescription drug benefit. Their own budget resolution dedicated as little as \$20 billion to pay for this weak and limited plan that would leave so many seniors without coverage.

Moreover, the lack of their willingness to release 10-year numbers on their prescription drug proposal raises serious concerns that their tax policy consumes virtually all revenue necessary to adequately fund a drug benefit in the future.

My point is the Republicans continue to advocate a huge tax cut that primarily benefits corporations and wealthy individuals. They do not leave any money left for this type of Medicare prescription drug plan that would

actually help most Americans. They do not have the money to accomplish that because of the tax cuts that they have proposed.

Well, I do not want to just keep harping on what they are doing. I would like to talk a little bit about what the Democrats have in mind.

But before I do that, I would like to yield to the gentlewoman from Michigan (Ms. STABENOW) who has been such a leader on this issue.

Ms. STABENOW. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) very much for all of his efforts. He is tireless in his efforts coming to the floor of the House not only on the important issue of prescription drug coverage and lowering the cost for seniors but the Patients' Bill of Rights and some other important issues for health care. So I appreciate his leadership on all of these important health care issues.

As my colleagues know, I have been involved in the great State of Michigan in an effort that I have called the prescription drug failure fairness campaign, where we have put together a hotline for people to call and share their stories.

I have encouraged people to send me copies of their high prescription drug bills so I can bring them to the floor. And I am continually coming down and sharing stories. I started on April 12 of this year bringing letters down to the floor. I am down again. And I am going to continue to share stories of people in Michigan until we can get this right and until we can pass a plan that really does the job.

As my colleague indicates, the plan, unfortunately, that is being proposed on the other side of the aisle I believe takes us back to where we were before Medicare. Before Medicare, half the seniors in the country could not find health care insurance or could not afford it. So to say that we are going to rely on that same kind of system for prescription drugs just does not make any sense.

Medicare needs to be modernized. It is simple. Everybody understands it. It covers the way health care was provided back in 1965 when it was set up in the hospital, operations, prescriptions in the hospital.

As we know, most care is provided now on an outpatient basis in the home and with prescription drugs. And so, it is critical. I believe it is the number one quality-of-life issue for older Americans today is to address the issue of the high prescription drug costs and to modernize Medicare.

I want to first commend Newsweek this week, who has a feature story called "The Real Drug War." They talk about this problem and what is happening. I urge my colleagues to have a chance to take a look at this article. They do mention what a number of us are doing, the fact that I did take a bus trip to Canada with a number of the seniors that are from Michigan. We lowered the costs by 53 percent just

crossing a bridge. Just crossing a bridge from Detroit to Windsor, we lowered the cost 53 percent.

I also want to commend Newsweek, who is doing live talk. They are the hosting a live talk on the Internet tomorrow at noon. So for anyone listening who would like to participate and share their story at noon tomorrow, Eastern Daylight Time, they can log on to Newsweek.com.

□ 1800

I am anxious to see what people are sharing through that mechanism.

I think it is important to recognize that in the last 20 years we have seen a huge increase in the cost of prescription drugs. The price increases from 1981 to 1999 have gone up 306 percent, while at the same time the Consumer Price Index has gone up by about 96 percent. So, in other words, the costs of medications have tripled, have gone up 3 times as much as the cost of living for everything else, which is a critical issue.

As the gentleman mentioned also, the second piece is price discrimination. If one has insurance, if they are in an HMO, then they have somebody fighting for them to go out and negotiate a group discount. If they are a senior or if they are a woman who has breast cancer, and we have done a study in my district on women with breast cancer and the kinds of drugs they need to use and the costs, or if one is a child, any family member who walks into the drugstore without insurance, they are out of luck. They pay whatever the market will bear; and unfortunately, the market today for the uninsured is at least twice, if not three or four times, higher than someone with insurance.

We can start with Medicare. Medicare can fight for the seniors of this country if Medicare coverage is put into place so they can negotiate a group discount, just like every other insurance carrier.

I would like this evening to share a letter from Mrs. Johnnie Arnold from Decatur, Michigan. I am so grateful for Mrs. Arnold's letter, and I wanted to share it. It is like so many letters that we have all received. She says, "Dear Congresswoman STABENOW, I am writing about my prescription drugs. I am 76 years old and get \$280 a month drawing from my husband's Social Security. He is a notch baby," which is another problem, "and only gets \$661 a month."

So that is \$941 a month that they receive.

"Our supplemental insurance costs us \$281.34 a month. We are having a struggle for my drugs I need. I have had open heart surgery and complete thyroid removal for a cancer. I have high blood pressure and I have had aorta aneurysm surgery. I am in a wheelchair part-time and have been turned down three times for SSI now. My Vasolin high blood pressure medication is \$65 for a month's supply. My Claritin is \$80 for a month's supply. My

other medications are an additional \$85.26, and I have additional medications, not counting the Claritin, that come to \$150.26. I do not buy the Claritin every month because when you add up all of my drugs after my supplemental insurance payment, I cannot afford them.

"Lasix used to be \$6.27. Now it is \$18.25. It takes all my husband's Social Security to pay utilities, insurance and his supplemental insurance."

So it takes all of his Social Security to pay utilities, insurance and his supplemental insurance. That is two-thirds of their income.

"Help us, if you can. Mrs. Johnnie Arnold."

We need to pay attention to this. We need to have a sense of urgency. Mr. and Mrs. Arnold are every month literally trying to decide do we buy our food now, do we afford this medication, that medication, do we pay the electric bill, how do we survive and remain at home and keep our health and benefit from the medications that are currently available today?

I think Newsweek is right. That is the real drug war. This is the drug war we are fighting right now, the drug war to lower the prices of prescription drugs for everyone; and for seniors who use the majority of medications this is life or death for too many people, and it is a situation that we can correct. Instead of putting up those kinds of programs that just sound good on the surface but do not do anything, to do what I know the gentleman from New Jersey (Mr. PALLONE) is going to talk about tonight, what he is going to talk about in terms of the plan that we are supporting that really does something, now is the time to do it. We have economic good times. If we do not do it now, when do we do it? If we do not get it right now, we never will.

Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) very much for allowing me to participate in this important discussion.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman from Michigan (Ms. STABENOW) for her remarks. I appreciate the comments she made, first of all, to give us an actual example of the constituents that write to us and the problems that they face because this is a real story. This is not abstract. This is a reality that people face every day in our district.

Ms. STABENOW. Right.

Mr. PALLONE. Also because I know the gentlewoman has always been a leader on addressing and having people contact us through the Internet. She really, more than anybody else, brought to my attention the value of reaching out through that vehicle, and I think it is so important. So I thank her again.

Mr. Speaker, I wanted to follow up on what the gentlewoman from Michigan (Ms. STABENOW) said, though, also in terms of a report that recently came out. The Democrats, of course, for some time and the President ever since

his State of the Union address this year, and even before that, has kept watch and constantly talked about how we have to address this problem because of the costs to seniors, and a new report recently came out by Families USA. Families USA has been highlighting the problem of price discrimination for some time, but this report just came out within the last week or so from Families USA. It is entitled, "Still Rising: Drug Price Increases for Seniors 1999 to 2000." So they are just talking about the last year or so.

Once again, this report demonstrates that failure to provide a voluntary, affordable and accessible Medicare prescription drug benefit, which is what the Democrats would like to see, that this imposes, this failure imposes a continuing and growing burden on middle-class, older Americans and people with disabilities. The President released this report just a few days ago, and I just wanted to present, if I could, Mr. Speaker, some of the key findings of this Families USA report.

First, it showed that on average the price for the 50 drugs most commonly used by seniors increased at nearly twice the rate of inflation during 1999, last year. On average, the prices of these drugs reportedly increased by 3.9 percent from January 1999 to January 2000 versus 2.2 percent for general inflation.

Second item or second major point in this Families USA report is that over the past 6 years the prices of the prescription drugs most commonly used by seniors also increased by twice the rate of inflation. The report finds that the price of the 50 prescription drugs most commonly used by older Americans increased by 30.5 percent since 1994, again twice the rate of inflation.

Another point in the report is that more than half of the most commonly used drugs that were on the market for the entire 6-year period had price increases that were double the rate of inflation.

In addition, the Families USA report concludes that more than 20 percent of these prescription drugs increased in price by 3 times the rate of inflation over that same time period.

Fourthly, the report shows that seniors with common chronic illnesses are often forced to spend well over 10 percent of their income on prescription drugs.

Lastly, in terms of the key findings of this report, it shows that the findings are consistent with the conclusions of studies conducted by the Department of Health and Human Services showing that the price differential for older and disabled Americans with and without coverage has nearly doubled.

So, again, I am giving the statistics; and the gentlewoman from Michigan (Ms. STABENOW) gave us an example with her letter of a family of seniors that face the rising cost problem and what it means for them. What it means essentially is that they go without cer-

tain drugs, that doctors prescribe certain prescription drugs that they cannot take advantage of and they simply go without or in other cases they may simply buy the prescription drugs and go without food or have other basic necessities that they cut back on. It should not be that way.

The promise of the Medicare program when it was set forth was that seniors at least, as a group of Americans, would not have to worry about coverage for health care and that they would be provided with coverage.

Of course, when Medicare was founded back in the 1960s, prescription drug needs were not as significant as they are today. They have grown significantly in those 30 or 35 years or so that they are now a crucial factor in terms of preventive care. Without the preventive care that comes from prescription drugs, we have seniors getting sick, having to be hospitalized, having to go into a nursing home or ultimately leading shorter lives. It is just not right. That is not what we are supposed to be about as Americans.

Because my colleagues on the Republican side did precede us and essentially tried to tout what they are doing with regard to prescription drugs, I need to, I feel, focus again on the limitations of the Republican leadership proposal. Again, I am not saying that all Republicans are bad or that they are not well intentioned, but the problem is that the leadership proposal really does not help most Medicare beneficiaries.

This leadership proposal, in my opinion, was developed more for those who sell drugs than those who need them. The Republican leadership essentially provided no details of the premium for the policy, what the basic benefit would cover or how much it would cost the Medicare program. That is probably because it really is not part of the Medicare program, effectively.

The details that are in the Republican leadership's outline, which is consistent with proposals supported by the pharmaceutical industry, raise a lot of serious concerns, and I just wanted to mention three.

First, covering prescription drugs through drug-only private insurance plans rather than Medicare, even though insurers have raised doubts about their willingness to offer such policies, the Republican leadership assumes that these drug-only insurance policies are going to be available, and the insurance companies are telling us that they are not going to be available.

Second, limiting premium assistance for basic benefits to beneficiaries with income up to 150 percent of poverty, again I mentioned before \$12,600 for a single individual, \$17,000 for a couple. Well, this leaves out millions of uninsured and underinsured seniors. Medicare was promised on the idea that it would be available to everyone. Why are we now talking about a prescription drug plan that is only going to cover certain individuals? This should

be universal. It should be a basic benefit under Medicare that one can voluntarily opt into if one wants to.

Thirdly, again, a major shortcoming of the Republican leadership proposal is encouraging private plans to participate by having the Government bear most of the risk of covering sick beneficiaries. What is really being done is giving the insurance companies a lot of money without guaranteeing them that they are actually going to come up with coverage.

There are so many reasons why this essentially reneges on any kind of commitment for a meaningful prescription drug benefit. Again, just to talk about the funding, before I introduce another one of my colleagues, the Republican budget chairmen have acknowledged that their budget resolution uses only half, \$20 billion, of its Medicare reserve for prescription drugs. This is insufficient to finance a meaningful, affordable, accessible drug benefit for all beneficiaries.

Again, they have not explained how they are going to spell out their 10-year funding commitment for prescription drugs. Again, I think that is because essentially most of the money that they are setting aside in the budget is for tax cuts, primarily for wealthy individuals. There will not be enough money left over for a prescription drug benefit program.

The main thing that I keep stressing, and I will continue to stress, is that what the Republican leadership has come up with is not really a Medicare benefit. It is simply a way of suggesting that somehow someone is going to be able to go out and buy some kind of private insurance that will cover prescription drugs, and there is absolutely no reason to believe that that is going to work. It really has nothing to do with the traditional Medicare program that most seniors are used to seeing and used to having as a guaranteed benefit.

Let me, if I can, now begin by talking about the Democrats and what the Democratic proposal is that we have set forth as a party here in the House. I would just briefly mention the principles that the Democrats have put forward as part of their Medicare prescription drug proposal; and then I will yield to my colleague, the gentleman from Texas (Mr. GREEN), who I see is here.

□ 1815

We have said, first of all, that any Medicare drug benefit has to be voluntary. In other words, beneficiaries can elect prescription drug coverage under a new Medicare program. However you describe it, it would be part of Medicare. You can voluntarily opt into it, for example like you do now with Part B for your doctor's care.

There would be universal coverage accessible to all. It has to be for all individuals, all seniors, not just for low-income seniors. The benefits should be designed to give all beneficiaries meaningful defined coverage. That means

that you know beginning at a certain date that you are going to have a certain coverage up to a certain dollar amount. What percentage you are going to have, what percentage your copay is, all this is defined.

Next, you have to have catastrophic protection. At some point there has to be a guarantee that above a certain dollar amount or a certain level of out-of-pocket expenditures, that there would be some catastrophic protection, and that coverage would be complete, that you would not have to pay out any more money above a certain amount.

Also as a principle, access to medically necessary drugs, it would guarantee access to all medically necessary drugs, and the benefit will be affordable to all beneficiaries, the taxpayers, with extra help for low-income beneficiaries. Obviously, if we are going to provide a Medicare prescription drug benefit, it has to be a premium that you opt into that is affordable. For those who cannot afford to pay that premium, that that premium is provided and paid for by the government, very similar to what we have now with Part B coverage.

Lastly, to address the issue of price discrimination, we have as one of our Democratic principles that the program has to be administered through purchasing mechanisms that maximize Medicare beneficiaries' market power.

Again, I will go back to what my colleague from Michigan said before, and that is that the Medicare beneficiary should be able to access the discounts that are now available for the large purchasers, such as the HMOs, or some other government plans like the veterans' plan.

With that, I now yield to my colleague from Texas (Mr. GREEN), who has again been one of the people who has contributed the most to this debate and to putting together these principles that we as Democrats believe have to be basic to any Medicare prescription drug program.

Mr. GREEN of Texas. Mr. Speaker, I thank my colleague from New Jersey for, one, requesting this special order. It seems like we have been doing this for a good while on the prescription medication problems seniors have, but not only seniors, but everyone in our country, but particularly seniors, because of the limited income.

I know dozens of Democratic Members participated last week on April 26th all around the country, I forget if it was 60 Members talked to seniors, had different events in their district on the problems with prescription drugs, and we did one in Houston that we found, in fact this was our third time to do a study of prescription drugs in Houston, this time compared to what the same prescriptions for their pets would be.

Our three other studies showed that seniors pay almost double, in some cases in fact more than double, than what the most preferred purchasers of medications would be, like VA or the

local HMOs or something like that. We found that for seniors walking into their local drugstore, whether it is a chain or an individual.

The next study we did in our district, and I think the numbers around the country may vary, but typically you can say seniors pay double the cost.

We are 6½ hours drive from Mexico, and in Houston people can save almost half their prescription costs by going to Mexico. The same thing on the Canadian border. In fact, I know there is a candidate running for the Senate that has bus loads of seniors he takes to Canada from somewhere up in the northern United States. I had a constituent that suggested I do that. I said it is a much longer bus ride to Mexico than it is to Canada.

But the one we released last week showed that some of the same prescriptions that you and I and seniors may take are also prescribed for pets. Again, oftentimes seniors, humans, pay double what the same prescription is for the pet for the same disease.

We met at the Magnolia Multipurpose Center, we have a great senior citizen community there, actually it is a multipurpose center paid by community block grant money years ago, and we found that seniors might want to start taking out prescriptions in their pet's names instead of their own. It would save them hundreds, maybe even thousands of dollars a year.

I want to thank the Committee on Government Reform Democratic staff who conducted this study, not only in my district, but all over the country, and all three of the studies, and particularly this last one, the price differences between humans and animals. That third study the committee conducted on prescription drugs, it found that pharmaceutical companies were taking advantage of older Americans through price discrimination.

What we found out was that the third study showed if you are furry and have four paws, you get a better deal. If you are a grandpa or grandma, you have to pay top dollar for these same drugs. The committee staff found, and again these were five pharmacies in our district that they checked the costs with, that in some cases the average cost was 106 to 151 percent higher than what humans pay. It shows that our Nation's seniors are paying not only more than the preferred providers, that we do, and I see our colleague here from Maine, we are cosponsors of his bill that would allow for seniors to take advantage of that group purchasing like anyone else, that is free enterprise. We get millions of seniors together and we can get better deals for them on the most commonly used drugs.

We found that not only that, but you can go to Mexico or Canada and get cheaper drugs. In fact, you can almost go anywhere in the world and get cheaper pharmaceuticals than in the United States. Now we found that even in the United States, our pets for the same prescriptions, can get it cheaper.

Let me pick out two particular drugs. If you need Lodine, it is a popular arthritis drug, it will cost you \$38 if you are a pet for a month's supply, but if you are a human it costs you \$109 in Houston, the average price in our pharmacies.

If you need Vasotec, the 14th most prescribed human drug in 1998, you can get a 1 month's supply for \$78, but your pet can receive it for \$52.

What we had, and we had really a fine looking animal at our prescription drug event, he was a dog that the owner got out of the pound, but he looked like he was part German shepherd and was very good. Lucky was the dog's name. Lucky had asthma, and, as we stand here on the floor tonight, it is tragic that Lucky, even though Lucky is a fine animal and a great pet and was very docile during our press conference, that Lucky gets asthma medicine cheaper than my seniors who were there watching. It is a tragedy. It should not happen in these United States.

That is what is so frustrating. I know that is what is frustrating about what we have been trying to do. We have been talking about this for 2 years now. What we need is some broad coverage. Whether it is a supplement to Medicare, we need current coverage.

But we have made the case that in 1965 and 1966 and 1967 there are certain illnesses today that you can have prescriptions for that back then required to you go to your doctor, and Medicare would have paid that doctor, and will still pay that doctor. But now you can keep from going to that doctor by taking that pill, whether it is blood pressure pill, whether it is heart medication, whether it is cholesterol control, whether it is depression medication, and we have checked all these prescriptions in our district, whether it be going to Mexico, whether it be going to preferred provider, and our seniors pay so much more than any of those cases.

In Houston, when the Houston Chronicle covered it and talked about it, in fact the gentleman from Texas (Mr. BENTSEN) did an event that afternoon in his district, the response to that by the pharmaceutical companies was, well, those drugs are first developed for humans, and that is why they were developed, and then it is maybe a different company we license to sell to pets.

That does not make sense. You are making humans pay for the research cost, and I understand these drugs are not developed for free, they are developed with NIH funding, and hopefully we will continue the increase as we have done for the last few years, but they are developed with private sector dollars. But why should pets not have to pay the same, if they are being benefited, why should not the rest of the people in the world, if these pharmaceuticals are developed with tax dollars from our country, along with private sector dollars, why should the rest of the world not have to pay some of

the costs for the development, particularly our neighbors in Canada and Mexico.

I have to admit, I have bought prescriptions in Latin America. I used this at our press conference, I have allergies. I have had allergies for 25 years, and whether I am in Houston or Austin, Texas, where I served in the legislature, or Washington, I have allergies. I know what will solve my problem. If it is a small infection, I can take amoxicillin. Amoxicillin, by the way, was one of the few drugs we found that the cost for the pet and the human were close. But if I really have a bad allergy infection, I have to take Augmentin, which is a better antibiotic, much more broad coverage, and with Augmentin, the price discrimination was the same.

I have to admit, I have bought Augmentin and amoxicillin in Mexico, Costa Rica and a number of Latin America countries, where you do not have to have a prescription. My daughter, who is in medical school, tells me I should not self-diagnose, but I say no, I have been diagnosed that way for 25 years by doctors, so I know what will cure it. I realize how cheaper the pharmaceuticals are in other countries than in our own country.

Again, that is a tragedy, because as we stand here tonight we know we have seniors who say I cannot take that blood pressure medication as the doctor prescribed because I cannot afford it, so I am only going to take half the prescription now. Or they go in, and I heard it earlier, someone will go in and say, a senior will go in and get the bill for the pharmaceutical and say I cannot afford it, and they will walk out of that drugstore without getting that pharmaceutical filled. That happens to people in our own districts that are not seniors, but it is tragic that it happens to seniors who have paid their dues, who have built this country, who are the greatest generation, as we know, and yet they do not have the access to some of the greatest generation's accomplishments in the last 30 years in pharmaceuticals.

I want to thank the gentleman as the Chair of our Democratic Health Care Task Force and the effort he is doing. I enjoy serving on the task force, but also our Subcommittee on Health and the Committee on Commerce. I would like to have some hearings in our Committee on Commerce on this. That is what we are here for. We can have hearings on prescription drug benefits.

Now I know my Republican colleagues have a plan, and my concern about that plan is that they want us to provide where we could go down and buy health care coverage only for prescriptions. Well, it is kind of like what I heard the example was, it is kind of like health care for seniors, that is why we had to have Medicare. Every senior is going to have to have prescriptions. If you have insurance it works where you spread the risk. But if you do not have people to spread it to with sen-

iors, the pharmaceutical costs, the insurance costs will be so high nobody can afford it.

So that solution is not a solution. It may get them through November, they hope, but it is not a solution. We need to address this issue this year. We need to provide pharmaceuticals at a reasonable cost for seniors. We can use the Tom Allen bill that the gentleman from Maine (Mr. ALLEN) has worked on, and a bill from the gentleman from Texas (Mr. TURNER). I think it was one of the first ones we cosponsored.

We have a plan that the gentleman and I are cosponsoring that is a Medicare addition that would be allowed. I have some questions about how that will be done still, and the broad coverage for it, but we need to address it and we need to address it by having hearings in the Committee on Commerce, having hearings in the Committee on Ways and Means, and saying okay, what can we do to solve this problem, instead of continuing to bury our head in the sand and hopefully the November elections will get here and get past.

I do not think the American people are going to allow that. I hope the seniors will not allow us to do that. We need to address it now and we need to have a bill here on the floor within the next 30 days. We have been signing a discharge petition, and we are still working on getting our magic number of 218. So I do not know how many are on there that are our Republican colleagues, but I can tell you it is probably 10 to 1, maybe 20 to 1, Democratic signatures. We need to have that bill on the floor.

I would like it to go through the process. We have a legislative hearing process. Let us have the hearings and put all the bills there and have testimony on them, and let us have the give and take, so that we have at the end of the day, at the end of this Congressional session, we need to have a prescription drug benefit for senior citizens that is fair, that is cost effective, and it will keep them from having to make those tough decisions on whether they are going to have heating in the winter or air conditioning in the summer in Houston, or whether they are going to take their prescription medication. That is wrong, and we need to address it.

Again, I thank the gentleman for his leadership on this.

Mr. PALLONE. Mr. Speaker, I thank the gentleman. I appreciate the fact that the gentleman and, of course, our other colleague, the gentleman from Maine (Mr. ALLEN), who I will yield to next, because you are from States that border in your case on Mexico and his case on Canada, that you have tonight made your constituents and really the Nation aware of this price discrimination that exists, in this case across the border, and, of course, the gentleman from Maine has been talking about it here in terms of most seniors not having access to these discounts that the larger groups provide.

□ 1830

But I think in particular, if I could say to my colleague from Texas, this contrast between price, between animals, dogs and cats versus people, is really dramatic. It really brings home, I think, what this is all about and how we have seniors suffering when, at the same time, we have to try to buy the drug for one's pet, the cost is less. I have a cat and she is older and I have had to go to the drugstore and buy a prescription for her, and I have to say, I have never really looked to see what the differential was for the same kind of drug. I am going to make it my business to check on it the next time. I am sure I am going to find the same thing would be the case.

So I thank the gentleman again.

Let me yield to the gentleman from Maine, but before doing so, I just have to say that he has really brought the whole issue of price discrimination to our attention. One of the things that I said earlier which I think is so crucial is that we do not see any evidence that the Republican leadership bill will address this issue of price discrimination, and it has to be a part of what we do in the House, and obviously it is part of the democratic principles that we put together as a party on the Democratic side. So I yield to the gentleman.

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding. I appreciate the gentleman's leadership in pursuing this issue as long and as hard as he has. One of the things I am reflecting on today is I can no longer count the number of times that the gentleman from Texas, the gentleman from Michigan, the gentleman from New Jersey and I, and others on the Democratic side, have been down here pounding away on this issue trying to build enough support around the country and in this House to get some action.

I think back to the first study that was done in my district in Maine in July of 1998, which showed that seniors, on average, pay twice as much for their medication as the drug companies' best customers, the big hospitals, the HMOs and the Federal Government itself, through Medicaid or through the VA. We have been back over and over again. Most recently, on April 26, a number of us did another study, held events around the country, because we know that the only way we can break through the clutter of all the other news and all of the things that Americans have going on in their lives to get this message home is to do coordinated events and try to get the message home.

What I did in Maine was take another look at this problem of price discrimination. What I did was to do a breast cancer study, to look at the 5 drugs that are most commonly prescribed in Maine to deal with women, to help women who have breast cancer. We have done the

study that shows seniors pay twice as much as the drug companies' best customers; we have done the study that shows that Mainers pay 72 percent more than Canadians and 102 percent more than Mexicans for the same drug in the same quantity from the same manufacturer, and we did the animal study that the gentleman from Texas (Mr. GREEN) was referring to which shows that when drugs are sold to pharmacies for human use, the charge is 151 percent more than when the same drug is sold to veterinarians for animal use.

Why is this? Well, basically, it is simple. The pharmaceutical industry charges what the market will bear. They squeeze as much as they can out of the people that they are selling prescription drugs to, and the people in the largest health care plan in the country, which is called Medicare, those people, 37 percent of whom have no coverage for their prescription drugs, they pay the highest prices in the world.

So in short, basically, it is very simple: the most profitable industry in the country charges the highest prices in the world to Americans who can least afford to pay those prices, including many of our seniors; also, as the breast cancer study showed, including women who have breast cancer. What we found is that those women who do not have health insurance for their medication pay 102 percent to 106 percent more than the drug companies' best customers for those breast cancer medications.

For example, Tamoxifen, the most frequently prescribed breast cancer medication, costs uninsured Maine women 53 to 72 percent more than the drug companies' best customers. That comes to between \$1,800 and \$2,500 more each year. Bristol-Myers Squibb charges its favored customers \$39.60 for a 1-month supply of its hormone therapy medication, Megase. The same 1-month supply costs an uninsured Maine woman \$174.28. That is a 340 percent markup. It is also an additional \$1,600 each year that she will have to pay out of her own pocket.

In 1960, 1 in 14 American women were at risk of developing breast cancer. Today, that same number is 1 in 8 American women. Breast cancer is the most common form of cancer for American women. In 1997, the National Breast Cancer Coalition estimated that 2.6 million American women were living with breast cancer: 1.6 million who had been diagnosed and 1 million who did not know they have the disease.

Now, what we found is that uninsured Maine women who do not have coverage for their breast cancer medication are basically facing a pharmaceutical industry which has enormous, enormous power. Our friend and colleague, the gentleman from Vermont (Mr. SANDERS) has found that a month's supply of Tamoxifen that costs an uninsured Maine woman between \$88.50 a month and \$99.50 a month can be purchased in Canada for \$12.80. This is a national scandal, and it needs to end.

Now, we are going to enter into a period here where we have a debate over competing health care plans. But basically, there is a fundamental difference between what we Democrats are proposing and what the Republicans are proposing.

What we are saying is simple. We have to drive down the cost of prescription drugs for seniors who simply cannot afford to pay for their medication. There is no reason why Medicare should not do what United and Aetna and Cigna and the Blue Cross plans do. They negotiate, they negotiate lower prescription drug prices for their beneficiaries. Why should Medicare not do the same? That is basically what my legislation does, the Prescription Drug Fairness for Seniors Act. But a discount is not enough. We also need a benefit. A benefit under Medicare that will help people pay for their prescription drugs, because this will not help people who still cannot afford the high cost of their medication. So we need both approaches.

What we have seen from the Republican side is basically this: proposals that first protect the profits of the industry, and only second, try to help America's seniors. Why do I say that? The Republican plans emerging from the other body and, also here, basically involve a subsidy to seniors to buy private health insurance for prescription drugs.

Well, there are two problems with that. There is no way to hold down costs if we are going to rely on private prescription drug insurance. They are not able to do it internationally, and they are not going to be able to do it here.

But there is a second more fundamental problem. The Health Insurance Association of America has made it very clear that the industry will not provide stand-alone prescription drug insurance for seniors. Why? Because in the words of the executive director, it is like providing insurance for haircuts. Everybody is a claimant.

We have to have some pressure on price. Someone has to sit across the table from the pharmaceutical industry and negotiate lower prices. A plan that does not do that is a plan that is not going to make drugs affordable both for seniors and for the taxpayer. I mean, let us face it. If we are going to spend money, Federal money for a benefit, we want to make sure we are getting a good deal for the taxpayer. That is what Democrats are standing for, and that is not what would happen under the Republican proposals.

Let us step back and look at this other problem. If the private health insurance industry is not going to provide stand-alone prescription drug coverage, what are we talking about? What we are talking about is an illusion, cover, a program that is never going to take effect in the real world. That is not what seniors need. Seniors need help; they need it now.

Mr. Speaker, spending on prescription drugs goes up 15 to 18 percent every year. If you think this problem is

bad today, it is going to be much worse in just one year. And so we need to enact legislation this year that provides a discount, that provides a benefit, that allows the Federal Government to negotiate lower prices, to make sure we have some control over some pressure on price of the pharmaceutical industry.

If we do not do that, basically we will have one of those proposals that in the real world will not work, that is designed to help the pharmaceutical industry before it really helps seniors. And I think it is the wrong way to go.

Clearly, the Democrats, the folks on this side of the aisle, believe that as well.

Mr. Speaker, I notice our friend and colleague, the gentleman from Arkansas (Mr. BERRY), has come here; and I can say no one in this caucus has done more for the cause of reducing prescription drug prices for seniors than the gentleman from Arkansas, and I just want this chance to thank him for that.

Mr. PALLONE. Mr. Speaker, I want to thank my colleague, the gentleman from Maine (Mr. ALLEN). And one of the things that you stress, and I think it is so important, because we did have our Republican colleagues on the other side precede us this evening, and what they said sounded wonderful, and I am convinced, of course, that they are well-intentioned, but the bottom line is that the Republican leadership proposal is illusionary. It is not going to really help the average senior citizen. That kind of hoax, if you will, even if it is not intentional, I do not believe that it is, is not fair.

They are crying out for relief. They need attention. They are having problems buying prescription drugs, and they tell us about it every day. This is real. We just cannot stay here in the Congress, in the well here and say that we are going to do something when we are not, or certainly something that is not going to be meaningful for them, because this is such an important issue.

I did want to yield to my colleague, the gentleman from Arkansas (Mr. BERRY). He also is one of the cochairs of our Health Care Task Force; and we, of course, have put forth this statement of Democratic principles about what we think a prescription drug plan should consist of, and he has been tremendously helpful in putting that together as we proceed to try to get legislation passed in this Congress over the next few months while we are still here. I yield to gentleman.

Mr. BERRY. Mr. Speaker, I want to thank my distinguished colleague, the gentleman from New Jersey, (Mr. PALLONE) for his leadership in all health care matters, Patients' Bill of Rights, prescription drugs, all other health care issues that we have dealt with since I have been in the United States Congress. He has done a great job and I appreciate him; and I also say that to my colleagues,

the gentleman from Maine (Mr. ALLEN), who has also provided great leadership on this prescription drug issue, along with the gentleman from Texas (Mr. TURNER).

Mr. Speaker, I am on the floor this evening, because, quite simply, the prescription drug manufacturers in this country are ripping off the American people, and even worse, they are ripping off the senior citizens of this country. It is absolutely unbelievable that, as a Congress, we allow this to go on day after day after day.

In the district that I am fortunate enough to represent, I never stop and visit anyone that this issue does not come up, that we do not have to talk about the fact that we have senior citizens that have to make a decision on a daily basis whether or not to buy something to eat or to buy their medicine. This is a situation that we cannot allow to go on.

Mr. Speaker, I come from a small town. If we had someone in that small town going door to door, stealing from senior citizens, taking the money out of their pocket, throwing them into such economic circumstances that they were not able to buy food or stay alive because they did not have the money to buy their medicine, we would go find that person, and we would lock them up, I hope; but at the very least we would stop it from happening.

Yet we are allowing the prescription drug manufacturers in this country to continue to go into our citizens' homes on a daily basis and create this situation, and they are doing it legally.

Americans are just simply overcharged for these products, and it is not right. The taxpayers of this country pay for the research and development, most of it that takes place through grants, through tax credits, through various other mechanisms that we make possible. These same companies have the lowest taxes on their profits of any companies in the country.

Americans pay for this research that the whole world benefits from; and yet we are charged two to three times as much for these products as any other nation in the world. It is just simply not fair, and it is time the Congress does something about it.

When you have something that is this unfair, it is the job of the United States Congress to step in and do something about it.

Mr. Speaker, I beg my colleagues this evening to recognize this problem and do the right thing. We have just seen in the last few months a great uproar in this country over whether or not a young man from Cuba would be sent back to be with his father, whether he would stay Here.

□ 1845

We are all concerned about that situation. That situation pales in comparison to the hardship that our senior citizens are put in every day because of prescription drug companies in this

country are charging them far more than they charge anyone else in the world, and they just simply cannot afford it. And we, as a Nation, cannot afford it anymore. Mr. Speaker, I beg my colleagues to take this opportunity to do something about it.

Mr. PALLONE. Mr. Speaker, I thank the gentleman, and I think that he really brings home this whole issue of price discrimination and that is really what goes on and the heart of what our constituents' concerns are. They say it to us every day.

We had 2 weeks back in the district the last 2 weeks, and I just heard it so many times over and over again. And I do not think it matters where we are, Arkansas, New Jersey. Wherever we are, we just hear so many seniors that tell us that the costs are just too exorbitant, that they cannot pay them.

Mr. Speaker, I thank the gentleman for all his help in helping us put together the Democratic principles in the plan that we have been developing.

Mr. Speaker, I know that I do not have a lot of time left; but I wanted to, if I could in the time that I do have, to basically outline what the Democratic position is.

Democrats believe that in order to develop a meaningful Medicare prescription drug benefit, two crucial characteristics of the prescription drug marketplace for seniors have to be recognized.

The first is that the high cost of prescription drugs is not a problem exclusive to low-income seniors. Millions of middle-class seniors are feeling the effects of excessive prescription drug costs as well.

And the second is the price discrimination that seniors without health insurance are subject to when purchasing pharmaceuticals. I think tonight my colleagues outlined the problems with the costs and the problems that so many seniors are having now in terms of their ability, or their inability, to purchase medicine or prescription drugs.

But the bottom line is that a Medicare drug benefit should be offered to every Medicare beneficiary, and it should be voluntary and affordable. Seniors who have coverage they like should be able to keep that coverage. Seniors who have no coverage at all, or inadequate coverage, should be able to get the coverage they need. Low-income seniors should receive subsidies for the cost of benefits, including complete subsidies for those with the least ability to pay.

In addition, Democrats say that the coverage should consist of a meaningful, defined benefits package, including guaranteed access to medically necessary drugs. It must provide so-called catastrophic coverage for seniors with excessive drug costs, and it must be administered through a purchasing mechanism that maximizes the purchasing power of Medicare beneficiaries. By doing so, the program can reduce the costs of drugs to seniors and make the benefit affordable to the taxpayers.

Finally, Mr. Speaker, I will say there is broad support for what I have outlined and what my colleagues have outlined tonight amongst Democrats in the House of Representatives and in the Senate. All of these criteria about what this prescription drug benefit should include have been incorporated into the Medicare drug benefit plan that President Clinton has proposed.

But Democrats are not in the majority in either House of the Congress. We need the support of Republicans on a bipartisan basis if we are to succeed. I heard my colleagues on the other side of the aisle say that they want to provide a meaningful benefit. And my goal really, and the goal of us collectively, is to convince the Republican leadership to buy into these same principles that the Democrats have put forward so that we can provide seniors with the care they need to live out their golden years with the dignity that they deserve. I do not want any more of my constituents coming up to me at any point and saying that they have to make a choice between drugs and food or drugs and other necessary services.

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CONGRESS MUST CAREFULLY WEIGH TAX CUT PROPOSALS

The SPEAKER pro tempore (Mr. REYNOLDS). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes.

Mr. GANSKE. Mr. Speaker, times could hardly be better. We are in the longest business expansion in our Nation's history. The economy is booming. Companies are reporting solid profits. Orders for durable goods were up 2.6 percent in March, and the Commerce Department has reported first quarter GDP grew by 5.9 percent. Mr. Speaker, that is after growth in GDP at 7 percent the previous quarter.

Unemployment is at record lows. Welfare rolls are down 50 percent or more around the country, thanks to work requirements and job training and the welfare reform bill that Congress passed a few years ago, and, yes, also thanks to a very strong economy.

Last year, Congress paid down more than \$130 billion in national privately held debt. And we did not use the Social Security Trust Fund to fund our appropriations.

Part of the economic boom is due to the consumer perception that Congress, despite all our battles with the President, has kept spending down. At the same time, the increased government revenues have allowed for significant increases in funding for education, health care research, and law enforcement. And despite a rash of rampage shootings at workplaces and schools, about which I will talk more in a little bit, better law enforcement has led to lower crime, including violent crimes like armed burglary.

But the good economy helps keep crime down too, if only because having

a job helps reduce domestic tension. Indeed, we have almost an economic miracle going on. The wealth of the 50 percent or more of Americans who invest in the market has grown considerably. In testimony before my committee, Alan Greenspan, Chairman of the Fed, attributes this remarkable economic story to the fruits of increased efficiencies due to computer technology investment and also to Federal budgetary restraint.

It is true that the gap between the average wage earner and his boss has increased dramatically, primarily because of new wealth creation at the top. Bill Gates is just the prime example.

But new data also shows increases in average wages starting to rise. However, the average level of savings for wage earners in this country is very low. We need to do more to help all Americans become wealthier. It would be enlightened public policy, especially with baby boomer retirement starting in 2011, at which time a baby boomer will retire every 8 seconds, if the Government would facilitate personal investment accounts. But I digress.

The economy is great, and we can all be very thankful. The strength of the economy is going to determine how much Congress will be able to do in many areas, including a potential prescription drug benefit. I would argue not just for senior citizens, but something we ought to consider for all Americans.

However, Mr. Speaker, it is imperative that Congress not muck up this great economy. The Dow was down 250 points today. The Dow is off 1,500 points from its high this year. That is almost 13 percent, amid rumors that Mr. Greenspan is going to larger interest rate increases.

Mr. Speaker, since we just paid our income taxes, I want to talk for a minute about tax cuts. Last year, I was one of only four Republicans who voted against the congressional leadership's \$785 billion tax cut. That was a very tough vote for me, because I fundamentally consider taxes to be my constituents' money and not Washington's money.

It was no secret the Chairman of the Committee on Ways and Means, the gentleman from Texas (Mr. ARCHER), who I respect very much, originally wanted to introduce a much smaller and more focused tax cut. But, Mr. Speaker, the Senate got involved. Well, I will have more to say about that body a little later in this speech.

Now, on that vote I could have taken the easy way out, and I could have voted for a tax cut, knowing that President Clinton would veto it. But I will tell my colleagues something, the day I start voting on this floor politically rather than on the merits is the day I had better stay home.

I did not vote on President Clinton's impeachment because of partisan politics, and I will not vote on important economic matters that make a lot of

difference to my constituents because of party positioning either.

So why did I vote for the \$250 billion tax cut instead of the larger tax cut? By the way, Mr. Speaker, the tax cut I voted for made permanent the Research and Development Tax Credit which the larger tax cut neglected. So why did I make that vote?

Exactly, Mr. Speaker, because the economy is so superheated right now. Throwing a \$785 billion tax cut, a tax cut of that size, on this economy would be like tossing gasoline on a bonfire. Chairman of the Fed, Alan Greenspan, in testimony before my committee made it clear that in the interest of sustained economic growth, he is going to raise interest rates. Can my colleagues imagine what the interest rates would be today had that larger tax cut become law last year? I think we would have seen interest rate increases twice as large.

Mr. Speaker, I do not need to tell my colleagues, I do not need to tell the people back in Iowa what a prime rate 1½ points or 2 points higher than it already is after Mr. Greenspan's quarter point increases, what that would be doing to the economy.

We are already starting to see the effect of those smaller interest rate hikes. Look at the volatility of the markets. Just the other day I asked a businessman in Des Moines, How are things going, Jim? Great, he replied, but the increased interest rates and reduced consumer confidence in the market are really starting to affect our home sales.

Mr. Speaker, I think we need to be very careful with congressional action that can affect the economy. We should be very careful not to rock this boat too much.

Yes, we can safely do a modest tax cut, as long as we keep some control of spending. And when we factor in cost of living increases and average emergency funding for things like droughts and hurricanes, that \$2 trillion surplus that everyone talks about shrinks to about \$600 billion over 10 years, and that is over if the economy continues to do well.

I believe the time for a really big tax cut is when the economy needs a stimulus, not when it may actually need a little Ritalin.

What should we do yet this year? Well, Congress passed and the President signed a \$250 billion tax cut in 1997. I hope that by the end of this year, we could actually get signed into law about \$250 billion in tax cuts that would increase health insurance deductibility and address the marriage tax penalty. Beyond that, Mr. Speaker, I think we should wait and see how the economy does in 2001.

There is nothing wrong with doing a responsible tax cut every few years. But we must be prudent and careful, and we should keep our fingers crossed that Congress and other fiscal policymakers can bring this big roaring jumbo jet of an economy to a safe and sustained landing.

Mr. Speaker, I also want to talk briefly about three health matters: violence in schools, children smoking tobacco, and HMO reform. Let us talk first about school violence.

SCHOOL VIOLENCE

Mr. Speaker, we are just past the 1-year anniversary of the Columbine High School shooting in which two high school students killed 12 fellow students, a teacher and themselves. Columbine, unfortunately, is not an anomaly. There have been school shootings in Moses Lake, Washington; Springfield, Oregon; Olivehurst, California; Bethel and Jonesboro, Arkansas; Edinboro, Pennsylvania; Grayson and West Paducah, Kentucky; Fayetteville, Tennessee; Conyers, Georgia; Pearl, Mississippi.

□ 1900

Well, Mr. Speaker, public action can make a difference. Increased cops on the beat, keeping guns out of the hands of felons, and longer jail terms for violent criminals have helped lower crime. Yet even though some types of criminal behavior such as burglary have decreased, the Littleton massacre was one of only 13 rampage attacks last year; and we have already seen several this year.

It is a sad fact that multiple murders at work and at school are becoming commonplace news stories that barely shock us. What can we do to prevent these rampage killings? Well, there is a tangle of cultural, psychological, and medical factors that I think leads to these events: higher divorce rates, parental abuse in some cases, poor impulse control stemming from violence on TV and the movies, lack of access to mental health services, and a general sense of isolation and alienation from other people.

The decline of the traditional family may be the most important factor. However, there is a common thread to the children and adults who commit multiple murders. They are almost invariably mentally ill. They may be schizophrenic, maybe they are just sociopathic; but they almost always are depressed and suicidal.

The two Columbine students carefully planned their own deaths for nearly a year. John Stone, the Jefferson County Colorado sheriff had it right. He said, "They wanted to do as much damage as they possibly could and then go out in flames."

Case studies of rampage killers have shown that they typically leave warnings of suicide and violence long before they shoot to kill. But they do not get the help they need. If we are going to address the growing incidents of rampage shootings, we must devote time and resources, both public and private, including personnel, including taking some responsibility ourselves back in our communities with individuals to identify and treat the mental health conditions that lead to that destructive murderous behavior.

It is also true that these isolated dependent people have more lethal

means at their finger tips than ever before. In the largest survey on gun storage ever taken, the American Journal of Public Health recently reported that more than 22 million children in the United States live in homes with firearms. In 43 percent of those homes, the guns are not locked up with trigger locks. And this statistic is mind boggling because some 1.7 million children live in homes today where guns are kept unlocked and loaded.

In 1997, 4,207 children and teenagers were killed by guns. Guns are the medicine of choice for suicidal use. More than two-thirds of boys and more than one-half, more than 50 percent of girls who kill themselves use a gun. The rate of suicide deaths from guns for those 14 and under in the United States is nearly 11 times that of the next largest 25 industrialized countries combined.

Many, including Members of Congress, are trying to find solutions to this problem. Just this past month, I and 357 other Members of this House voted to spend \$100 million in block grants to States that choose mandatory jail sentences for gun crimes.

Mr. Speaker, I expect Congress to increase appropriations to the Federal agencies that prosecute felons who buy guns. But this is what I really hope for: I hope that we increase funding to treat the mentally ill.

Mr. Speaker, it is noteworthy that the woman who helped the Columbine high school shooters obtain some of their guns had said it was too easy. She has urged closure of the loophole that allowed her to buy the guns at a gun show without a background check.

Congress should listen to the public this year. A recent poll shows that 88 percent of the public supports a change in the law to require a person attempting to purchase a handgun at a gun show to wait 3 business days. And this is the important proviso: if the instant background check on that person shows an arrest record. Let me repeat that. If an instant background check on a person who wants to buy a handgun shows an arrest record, 88 percent of the public supports a change in the law to require that person to wait 3 business days until they are fully checked out, to make sure that one is not selling a gun to a criminal who should not get it.

Mr. Speaker, more than two-thirds of the public think that a trigger lock should be attached to all stored guns.

Tragically, we are going to see more rampage shootings unless we reach out and help those mentally disturbed youths and adults, and unless we also address the easy availability of the guns they use to kill themselves and kill others.

Mr. Speaker, let us talk for a minute about the number one public health issue facing Americans today, the use of tobacco.

Mr. Speaker, each day 3,000 kids start smoking in this country. One thousand of those kids, those under the age of 18,

1,000 of that 3,000 that started smoking today will die of a disease related to smoking tobacco. Each year in this country, over 400,000 people die of smoking-related disease.

Prior to coming to Congress as a surgeon, I took care of many of these people. I have held in my hands lungs filled with lung cancer from somebody who smoked. As a reconstructive surgeon, I have had to remove portions of people's tongue and lips and jaws and neck because they either smoked or chewed tobacco. Then I have had to try to put them back together.

Heart attacks. Smoking is the leading preventable cause of heart attacks or strokes in this country. The list goes on and on. There are like 20 different types of cancers that are caused by smoking.

Peripheral vascular disease. I am also board certified in general surgery. In my training I have taken care of many people who no longer have any circulation left in their legs because of atherosclerosis caused by smoking.

In Des Moines, we are starting to see now billboards that are like these. Here is one, the Marlboro Man. At the top, this one is on Fleur Drive on the way in from the Des Moines Airport. It says, "Bob, I have got emphysema."

This billboard is on I-235 coming into Des Moines from the east side. Two cowboys riding along there, and one says, "I miss my lung, Bob."

Here we have got the Marlboro Man, who by the way, did my colleagues know that the Marlboro Man died of lung cancer. Before he died of lung cancer, he came out and made commercials against smoking tobacco. This one says, the cowboy is talking to his horse, "Chemotherapy scares me, Scout."

Well, I introduced a bill about 2 weeks ago that would give the FDA authority to regulate tobacco and nicotine. The gentleman from Michigan (Mr. DINGELL) is my Democratic cosponsor on that bill. It is not a tax bill. It would not increase the price of a pack of cigarettes. It is not a liability bill. It does not deal with the right to sue. It does not have anything to do with the State settlements. It is a real simple bill.

It would give the FDA the authority to regulate nicotine, which, according to the tobacco companies' own documents, show that it is an addicting substance with nicotine being as addictive, if not more addictive, than morphine and cocaine.

I mean, why is it so hard for people, especially when they start smoking young, to quit smoking? It is because nicotine is really addicting. Just this week, I rented a movie. It is a movie with Al Pacino in it; it is called *The Insider*. I would highly recommend that everyone watch this movie. It is about how Jeffrey Wigand, who was the chief tobacco scientific investigator for Brown & Williamson, decided to give his story to 60 Minutes. It is a riveting story. It will tell my colleagues just

how the tobacco companies play to keep. I would highly recommend it to all my colleagues.

Well, what did those internal tobacco documents show? It showed that they knew that the earlier one can get somebody hooked on tobacco, the harder it is for them to quit. That is why they targeted kids. They wanted to get those 11-, 12-, 13-, 14-years-olds hooked on tobacco, so they came up with Joe Camel. They came up with things like, remember all those inducements to products that one could get with Marlboro on it, or Joe Camel on it.

Well, here is a chart that maybe has a little different spin on the type of product that maybe a tobacco company should really be offering. It says the more one smokes, the more cool gear one will earn. Then it has an all-expense paid trip to the cancer clinic of one's choice. It has got here a deluxe carrying case, which is a coffin. I really like this one. A sport defibrillator for one's smoking. Or how about when one goes on one's hikes, with all those points from purchasing those cigarettes, one can get a portable respirator.

We need to talk about the truth. There are over 1 million high school boys who are chewing tobacco today. What did those tobacco companies do? Well, first of all, they reduce the nicotine because they do not want to make those boys sick and green from too much nicotine. So they reduce it. They flavor it in just the flavors the research that they do that makes it taste great to get those kids hooked. Once they get them hooked, they increase the nicotine to really get them hooked.

Well, here is a chart. As I said, what happens when one chews tobacco? We have not had spittoons around here for a long time. Well, one keeps that wad right there next to one's gum, and pretty soon one is going to have mucosal lesions, and those mucosal ulcers and sores turn into cancer, and then one loses one's lip and one loses one's jaw.

So this is how to ask for some chew after the doctors remove one's tongue. If one chews tobacco, one can get oral cancer, one can lose one's lip, one's tongue, one's cheek, one's throat. So for somebody who wants to keep smoking and chewing, they better learn sign language. This shows us how to ask for chewing tobacco. It says, "chewing tobacco, please."

□ 1915

And if that is not enough to bother my colleagues on both sides of the aisle, remember I mentioned how tobacco causes atherosclerosis? This is a photo of a billboard that is in California. Why am I not surprised it is California? It probably is especially effective in California because what it says is, and here we have a gentleman with a droopy cigarette, it says "recent medical studies indicate cigarettes are one of the leading causes of impotence." I can hardly wait. Maybe the

tobacco companies are going to combine Viagra now with nicotine.

Mr. Speaker, I now have about 65 bipartisan cosponsors to the FDA Tobacco Authorities Act. I encourage all my colleagues to join on to that. This is a bill that, as I said before, is not a tax increase, it is not a litigation bill, it is a real simple bill. It would allow the Food and Drug Administration to implement those 1996 regulations which were directed specifically to preventing tobacco companies from marketing and targeting children to get them smoking. That is what it is about. Let us pass this. Let us do not get bogged down like they did a couple of years ago.

The Supreme Court just ruled 5 to 4 that Congress needs to give the FDA explicitly that authority. But if we read Sandra Day O'Connor's final paragraphs in her opinion, she practically begs Congress to give the FDA that authority. We should do that.

Mr. Speaker, I want to finally speak for just a few minutes about HMO reform. Mr. Speaker, it has been 6 months since this House passed, 275 to 151, in a bipartisan vote, a bipartisan managed care consensus, the Managed Care Reform Act, the Norwood-Dingell-Ganske bill. Six months. The Senate had already passed their bill and they have been in conference. And where are they going? Nowhere. That is why today President Clinton invited the conferees down to the White House to see if they could get something moving on this very important issue.

Why is this issue important? This issue is important because, for instance, the HMOs are able to, under Federal law, deny repair of this baby with a cleft lip and palate as medically unnecessary. More than 50 percent of the reconstructive surgeons in this country within the last 2 years have had cases like this or related to this birth defect denied by HMOs. These are real people that are affected.

We are all familiar with the young lady who about 70 miles west of here fell off a 40-foot cliff, broke her skull, broke her arm, fractured her pelvis, had to be air flighted in to the emergency room and then her company refused to pay because she had not phoned ahead for prior authorization. I mean, like she was supposed to know ahead of time she was going to fall? Or maybe when she was on a morphine drip in the ICU she was supposed to make the phone call? Come on.

At least that young lady got better. This woman did not. This woman had care inappropriately denied by her HMO and she died. Her children and her husband are now without their mother and wife. This story was profiled on the front page of Time magazine, if my colleagues want details. Talk about HMO abuse.

Now let us talk about this little boy. This little boy, 6 months old, tugging at his sister's arm, was sick one night, a temperature of about 104, 105 at about three in the morning. His mother

phoned the HMO's 1-800 number saying I have to take Jimmy to the emergency room. Fine, they said, but we will only authorize one hospital, and that was 70 miles away. And little Jimmy had an arrest in the car before he got there. Somehow they managed to save his life, but they did not save all of him. And because that HMO made a medical decision, because they did not say just take him to the nearest emergency room but said they would only authorize her to go to their emergency room, which was a long, long ways away, they contributed to his cardiac arrest by that decision. That was a medical decision. And it resulted in this little boy losing both hands and both feet.

We have been working on patient protection legislation now, my colleagues, for 5 years. It is time that we come together and get something to the President's desk that he will sign. Now, in light of the fact that very little progress is being made in the conference, and I should point out that of the Republican conferees that were appointed to this conference from the House, 13 or 14, only 1 actually voted for the bill that passed the House. And the two Republican authors, the gentleman from Georgia (Mr. NORWOOD) and myself, the authors of the bill, were not even named as conferees. We are not on the conference. We wrote the bill which passed the House 275 to 151, but we were not named to the conference.

Well, I would refer my colleagues to a timely new investigative report that documents how campaign cash, particularly unlimited soft money contributions, has cemented an alliance between pro managed care interests and Senate leaders that has thwarted strong new patient rights protection that is supported by the majority of Americans. This is in a report on the Internet, so I will give the address: <http://www.citizen.org/congress/reform/hmo-senate.htm>.

My colleagues need to read this report. Drawing on interviews, according to this report, with key lobbyists, Capitol Hill staff and written sources, the report details the intimate working relationships between two top managed care trade associations that are major contributors to the majority party in the Senate.

We are talking about the Blue Cross/Blue Shield association and the National Federation of Independent Businesses. Now, I want to hasten to say that my voting record with the NFIB has always been good and we share many goals. But on this issue the NFIB lobbyists here in Washington are wrong and, in my opinion, are not representing the desires of their own NFIB members back home.

I have met with NFIB members back in my State, and overwhelmingly they tell me they support our patient protection legislation. And that is borne out by this: According to a Kaiser Family Foundation and Health Re-

search and Educational Trust study done last year, there is overwhelming employer support for patient protections. We are talking about payment for emergency department visits. Eighty-five percent of small firms think that Congress ought to pass a law that does that. Large firms, 69 percent; the general public, 76 percent. So employers support that even higher than the general public.

How about on the issue of a denial of care, where an individual goes to an independent appeals process? Small firms, according to this Kaiser Family Foundation study, supported that provision for Federal law to the tune of 94 percent; large firms, 79 percent; the general public, 83 percent.

Now, on the issue of enforcement, on the right to sue, small firms, the employers who own these small firms, 61 percent support that provision. Why? Because they have got the same policy as their employees and they have seen their employees abused by HMOs and then have no recourse. They do not think that is right. That is almost two-thirds. That is almost two out of three employers of small businesses. And the general public feels even stronger about that; 70 percent on that.

That is why I think that some of the Washington lobbyists are not even representing the wishes of their own constituents back home.

This report reveals the extraordinary range of pressures that Senate leadership has deployed to keep reluctant Republican Senators in line. And based on this new analysis of political contributions that is in this report, the report lays bare the financial ties that bind the iron triangle of pro managed care contributors, their lobbyists, and Senate leadership that has worked in concert against strong patient rights legislation. Senate leadership represents the last bastion of HMO resistance to public regulation of HMOs, which most Americans blame for decreasing the quality of health care.

In 1998, Senate leadership prevented the Senate from even considering the Patient's Bill of Rights. In 1999, they steered a weak patient rights bill through the Senate by a narrow margin. Only 2 months later, the House of Representatives, as I have said, passed a strong bill. But, today, one of those Senate leaders chairs the House-Senate conference, and he often makes pessimistic statements on the outlook. He recently told Congressional Quarterly magazine, "It's not a high probability to even have a successful conference." While his pro managed care allies fight to kill any legislation.

Here are some of the report's highlights. Let me repeat this again. This report is in <http://www.citizen.org/congress/reform/hmo-senate.htm>. Here are some of the highlights of this report:

Members of the pro managed care, this is the HMO organization, the health benefits coalition, have given more than \$14 million in campaign contributions to the majority party and

its candidates since 1995. That is about 80 percent of their total, according to new data analyzed by this report. Nearly 40 percent consisted of soft money donations to the majority party. Senate leaders have established an intimate iron triangle working relationship with two leading health benefits coalition donor lobbyists, Blue Cross/Blue Shield and, as I said, NFIB.

The Blues, which comprise the Nation's largest provider of managed care services have dispatched lobbyist Brenda Becker, their national PAC coordinator and key lobbyist, to serve as one of a small number of co-chairs for the majority party fund-raising. She has responsibility for soliciting millions of dollars from the health care industry and other businesses. She has co-chaired the annual GOP House-Senate fund-raising dinner for the last several years. She cochaired the majority fund in 1997 and again this year. She has personally orchestrated leadership PAC fund-raisers for Senate leaders, as well as golf tourney fund-raisers, including the upcoming Senate leader sponsored event in July.

There is an appendix to this report that my colleagues can look up on the Internet that details this. NFIB, sadly, chairs the health benefits coalition. As I said, I think they have worked on a daily basis with the Senate leadership and the Senate leadership staff to develop legislative strategy to kill strong patient protections.

According to interviews with congressional staff and lobbyists, Senate leaders have employed a variety of strong pressures, including social ostracism on majority Senators to create near unanimous Republican support on the Senate for a weak patient rights bill. Those Senate leaders pressured four independent-minded Senators.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The Chair must remind all Members that under the rules and precedents of the House it is not in order to cast reflections on the Senate or its members individually or collectively.

□ 1930

Mr. GANSKE. Mr. Speaker, I appreciate the advice.

Let me talk about a parable. There is a book down in the lobby. It is called House Mouse, Senate Mouse. It is a little book that I take to grade schools, usually about third-graders, and I read this story about the House mouse and the Senate mouse in the Congress. They have, for instance, the oldest mouse in the Senate is Senator Thurmouse.

Well, let us just talk about this mouse Senate. It seems to me that this report is very similar to what may be going on in the mouse Senate, where senior mouse senators from Rhode Island who tried to work in an independent manner, bipartisan fashion, were ostracized by those other mouse majority senators.

Or how about the senior mouse senator from Arizona who tried to work with the junior mouse senator from Illinois.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The gentleman will suspend. The Chair kindly reminds the gentleman from Iowa (Mr. GANSKE) that, under the rules and the precedents of the House, it is not in order to cast reflections on the Senate or its members, even by innuendo.

Mr. GANSKE. Mr. Speaker, I would ask a question.

Do you think that when I am referring to a mouse Senate that I am actually referring to the actual Senate?

The SPEAKER pro tempore. Would the gentleman just kindly refrain from casting reflections upon the Senate or Members of the Senate individually or collectively. The gentleman may proceed in order.

Mr. GANSKE. Well, I appreciate the discretion of the Speaker.

Mr. Speaker, and even though we are talking about some diminutive legislative activities, just what I think I will do is I will simply recommend again to my colleagues that they look up this report. It details connections between lobbyists and legislation related to patient protection legislation that is going on here in Washington, and I think it does establish an unsavory connection between campaign contributions and public policy. I highly recommend it.

Let me once again point out that on the Internet this is under <http://www.citizen.org/Congress/reform/HMO-Senate.htm>.

That report concludes that there is a strong body of evidence linking pro-managed care industry campaign contributions with, in my opinion, what is going on in the conference.

We need to break that iron triangle. That is one of the reasons why the House passed the Shays-Meehan campaign finance bill. It needs to be dealt with, both campaign finance reform, and also getting real pro-consumer Patients' Bill of Rights in order to address the tragedies that occur due to HMOs making medical decisions that harm patients and a Federal law that prevents those HMOs from being responsible for those decisions and a lack of a Federal law that would set up a mechanism to prevent those tragedies from happening before they occur.

That is what we passed on the floor of the House, a strong bipartisan patient protection bill, the bipartisan consensus Managed Care Reform Act, the Norwood-Dingell-Ganske bill.

I would beg the conferees not to give up, to bring forward from the conference committee a real patients' protection bill so that we do not have to continue to deal with these tragedies.

Mr. Speaker, I appreciate your indulgence.

FEDERAL RAILROAD ADMINISTRATION PROPOSED RULE ON USE OF LOCOMOTIVE HORNS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 60 minutes.

Mr. LIPINSKI. Mr. Speaker, first of all, I want to congratulate the previous speaker in his special order. I thought he did a magnificent job in numerous areas. I am proud to have had the opportunity of sitting here and listening to him, and I certainly plan on supporting many of the pieces of legislation that he spoke about.

Now, Mr. Speaker, I rise tonight to highlight a serious problem that all of America will soon experience. As early as next January, thousands of cities, towns, villages and hamlets will be deafened by the wail of a train whistle.

That is right. If the Federal Railroad Administration's proposed rule on the sounding of locomotive horns at every highway rail crossing goes into effect, the ear-splitting sounds of train whistles will wake people at night and generally disrupt people's lives.

Unfortunately, few Members of Congress know about the problem that confronts us. As mandated by the Swift Rail Act of 1994, the FRA came up with rules on train horns; and in January, the FRA came out with their proposed rule.

While I understand that the rule is intended to save people's lives, the way in which the rule was written will severely impact millions of people in a very negative way.

At this point, I would like to suspend my remarks and yield to one of my colleagues, the gentlewoman from Illinois (Ms. SCHAKOWSKY), and then I will resume my comments in regards to this matter.

Ms. SCHAKOWSKY. Mr. Speaker, I want to thank the gentleman from Illinois (Mr. LIPINSKI) for the opportunity today to speak on this very important subject and raise my concerns about the Federal Railroad Administration's proposed rule on the use of locomotive horns.

All of us, the Federal Railroad Administration and the gentleman from Illinois (Mr. LIPINSKI) and I, are very concerned about safety at railroad crossings. No one wants to see any more accidents involving trains and school buses full of children. However, the rule as written will cause undue harm in Northeastern Illinois and may even undermine safety.

I had the opportunity to raise these concerns when the Federal Railroad Administration came to the Chicago land area to conduct four hearings, and I would like to reiterate some of the concerns that I raised and to point out that I think that there are other far less disruptive means to improve safety here.

We have a long history of dealing with rail crossing safety issues. Over the past 12 years, injuries and fatalities

in Northeast Illinois have declined by over 60 percent. At the same time, the train traffic has increased by nearly 50 percent.

As a result of cooperation between advocates and transportation officials, safety at rail crossings has dramatically increased. While more must be done, we are clearly headed in the right direction.

The FRA's proposed rule would require mandatory whistleblowing at all grade-crossings unless significant upgrades are made. I believe there are several reasons why the FRA's proposed rule is not the appropriate approach for Northeast Illinois.

First, there is the question of safety. Because of technological and cost impediments to the specific upgrades, the FRA's proposed rule would require mandatory whistleblowing in many areas.

While it is clear that this would have a profound negative impact on quality of life in our area, there also remains serious questions as to whether whistleblowing actually reduces collisions.

Many experts have pointed to what is called the "Chicago anomaly" where the data shows that there are actually fewer collisions at gated crossings where whistles are banned than where whistles are blown.

The Chicago anomaly strongly suggests that at least there are alternatives that can better increase safety. Mandatory whistleblowing may actually undermine our efforts.

Illinois is focusing its efforts and resources on addressing the most dangerous rail crossings based on safety records. The FRA approach would require expensive and time-consuming technological enhancement at all at-grade rail crossings even if safety records demonstrate no problems at those crossings. This would divert resources from making safety improvements at extremely dangerous crossings.

I think we ought to take a very hard look at such a dramatic switch in strategies, particularly since the rules for upgrades may be unaffordable and unworkable.

While all are committed to rail safety, there are wide discrepancies in the cost estimates of complying with the proposed rule. These concerns are legitimate.

The FRA estimates that the cost of implementing this program nationwide would be \$116 million. But the Chicago Area Transportation Study estimates that the true cost will be more than that in Illinois alone, a total in our State of \$170 million to \$234 million.

We need to increase spending on rail safety. I want to commend my colleague the gentleman from Illinois (Mr. LIPINSKI) for his leadership on rail safety and his commitment to finding additional Federal resources to achieve that goal.

I am proud to be a cosponsor of his legislation, H.R. 2060, the Railway Safety and Funding Equity Act of 1999,

which would double Federal spending for State grade crossing programs. We will work hard to get the necessary funding, but we need to make sure that the resources are there.

Even if we succeed in providing the needed resources, there are serious technological barriers to compliance with the FRA proposal. The first is time. The proposed rule gives communities now operating with whistle bans 2 to 3 years to adopt supplemental or alternative safety measures in order to avoid mandatory whistleblowing.

We have nearly 1,000 at-grade rail crossings in Illinois that have whistle bans and would have to be physically ungraded within that very short time period in order to avoid lifting the bans. The Chicago Area Transportation Study, again, estimates that it would actually take about 10 years to accomplish this massive job.

Unfortunately, the proposed rule does not provide adequate time to begin with, let alone allow flexibility for logistical delays.

There is also a real suspicion that the required upgrades required in the proposed rule are impossible. For example, barriers along the side of roads that lead up to gated rail crossings would prevent cars from driving around the gates to cross the tracks, but they would also prevent snow blowing, a significant problem in an area like Chicago.

Another example is the requirement of photo enforcement, which just happens to be illegal under Illinois State law.

Quad gating is also illegal in the State because of the concern that otherwise law-abiding motorists may get trapped on the tracks by closing gates if we close all access to and from the tracks with quad gates.

Last, but by no means least, I want to discuss what happens if we do not adopt alternatives to mandatory whistleblowing because of safety, technological, or cost issues.

As I mentioned, 2.5 million people live within one quarter mile of rail crossings in Chicago, 75,000 in my own district. Children attend school near rail crossings. They would be subjected to repeated train whistleblowing at levels between 84 and 144 decibels at all hours of the day and night. Eighty-four decibels is well above the Illinois Department of Transportation's trigger for noise abatement procedures, and 144 decibels is above the pain threshold. Their lives would literally be disrupted.

Given the "Chicago anomaly" and given the strong argument that Illinois can pursue alternative means to accomplish the same or even higher safety goals and given the fact that millions of people would be harmed, I believe that we have to find alternatives to the current rule as it is proposed.

I think we need to revisit the rule, think of better solutions. And my sense from the Federal Railroad Administration is that there was some willingness to consider these alternatives.

Such action, in conjunction with the passage of H.R. 2060, is what is needed to truly provide for improved safety and quality of life in my district throughout the State and throughout the Nation.

Again, I thank the gentleman from Illinois (Mr. LIPINSKI) for his help on this important initiative.

□ 1945

Mr. LIPINSKI. Mr. Speaker, I thank the gentlewoman from Illinois (Ms. SCHAKOWSKY) for her superb statement. I have been working on this issue for a long time but there are several items that she made mention of in her statement that I was not aware of in regards to the four quadrant gates in Illinois and a couple of other things she made mention of. So I appreciate her contribution very much.

GENERAL LEAVE

Mr. LIPINSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LIPINSKI. Mr. Speaker, the gentlewoman from Illinois (Ms. SCHAKOWSKY) made mention of the hearings that took place.

Let me interrupt myself for a moment once again. I see I have been joined here by my colleague, the gentleman from Illinois (Mr. RUSH), and I would now like to yield to him.

Mr. RUSH. Mr. Speaker, I certainly want to applaud commend and thank the gentleman from Illinois (Mr. LIPINSKI) for this special order. It is a very, very important special order and it is very timely.

Mr. Speaker, requiring trains to blow horns at railroad crossings is not a bad idea, in theory. This small action may prevent accidents and it may prevent deaths at railroad crossings, but in practice the train whistle rule does not apply to my State of Illinois where railroad crossing accidents have decreased by 52 percent since 1989.

Once enacted, the Railroad Administration rule requiring trains to sound their horns at all rail crossings will greatly reduce the quality of life for Illinois residents. We in Illinois have already succeeded in drastically reducing railroad crossing fatalities. In my district alone, nearly 200,000 residents will be affected by the whistle blowing rule and more than 66,000 of those residents, my residents, will be severely impacted. Of the approximately 2,000 crossings identified by the FRA, 899 are located in Illinois, putting my home State at a severe disadvantage when FRA finally enforces the whistle rule. Installing alternative safety measures that meet FRA requirements could cost Illinois an estimated \$590 million, which will require right-away acquisitions and other infrastructure improvements in order to put these, quote,

quiet zones, end quote, measures into place.

In short, Mr. Speaker, to comply with the FRA rule, which is not needed in Illinois, our constituents must pay either with the loss of peace and quiet, sleep and rest, or with the loss of their tax dollars. Certainly we in Illinois want to save lives and we have saved lives. There is no question about this, but we must address this issue regionally. Illinois should be left to handle railroad crossing safety on its own.

The numbers clearly show what we are doing is working. Why fix it? It is not broke.

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman from Illinois (Mr. RUSH) for his comments. I appreciate his contribution to our special order. He certainly was right on target. I hope that we will be joined later by a few more Members from Illinois and from other parts of the country but in light of the fact that I am the only other speaker I will start again.

As I mentioned, and the gentleman from Illinois (Mr. RUSH) mentioned and the gentlewoman from Illinois (Ms. SCHAKOWSKY), there were four hearings held in Chicago and to show how much this affects the City of Chicago and the Chicago-land area, there were 12 hearings held nationwide. Four of the 12 hearings were held within the Chicago-land area. The hearings were attended by the Federal Railroad administrator, Administrator Jolene Molitoris, and we certainly appreciate that but that once again shows how significant she thinks the Chicago-land area will be affected by this notice of proposed rulemaking.

The four hearings in Chicago were extremely well attended. Over 200 people testified in opposition to this rule as it is constituted at the present time. I do want to say that the Federal Railroad Administration, underneath the leadership of the administrator, has been very understanding, has been very cooperative, because they recognize the huge impact this rule has on the City of Chicago, the County of Cook, the surrounding counties and the State of Illinois.

I would like to mention this law, when it was passed back in 1992, it was a law that was not debated in the House. It was not passed in the House. It was not debated in the Senate. It was not passed in the Senate. It was placed in a conference report on another bill. It became known as the Swift Rail Act, but this was not a bill that went through the normal process that we have here on Capitol Hill. It was put in, as I say, in conference. It was under the jurisdiction of the Committee on Commerce at the time. Now it is under the jurisdiction of the Committee on Transportation and Infrastructure.

Now, as I say, this was passed back in 1992. In 1995, I did get an amendment put on an FRA bill that granted communities one year to implement this in the event this rule came down. Fortunately, the Federal Railroad Adminis-

tration did extend that to 2 or 3 years, that would be 2 to 3 years from January of 2000 when this notice of proposed rulemaking was announced.

Now, Chicago, as I mentioned earlier, is very unique. It is unique because it is the center of the railroad industry in North America, has been probably since the time the first railroad train pulled in to Chicago. That is good and it is bad. It is very good because it creates a lot of jobs, it creates a lot of economic development in the City of Chicago. It is bad because it causes us to have an enormous number of grade crossings within the Chicago-land area.

Illinois has 899 whistle bans as allowed under the Illinois Commerce Commission, which is almost half of all the whistle bans in the United States of America. In fact, it comes down to being 46 percent of all the grade crossings in this country that will be affected by this rule are within the State of Illinois. Of those 899 grade crossings, 780 of those are located within the six counties that make up the Chicago-land area; 355 of those are within the City of Chicago itself. The new proposed rule will give these communities only, as I mentioned earlier, 2 to 3 years to come up with supplemental safety measures.

Now I believe that it is absolutely necessary that the Federal Railroad Administration grant us a minimum of 10 years to implement what they want this rule to implement. As the rule is presently constituted, we need at least 10 years to implement this rule because it is going to cost an enormous amount of money in the State of Illinois. On top of that, it is highly questionable whether or not the equipment can be manufactured quickly enough and it can be installed by railroad crews that have to install it in a 2 to 3 year period of time. All the estimates that I have received say it is going to take financially and equipment-wise and installation-wise at least 10 years to do it, underneath the present rule.

Now 64 percent of all Illinois population live within one mile of public highway crossings, 64 percent. Forty-six percent of all residents of Illinois will be severely negatively impacted by this rule. That comes directly from the Federal Railroad Administration.

Yet in Illinois, collisions at public grade crossings have declined by 52 percent since 1989. In northeastern Illinois, injuries have declined by 70 percent. In northeastern Illinois, fatalities have declined by 65 percent. So obviously Illinois is doing a great deal right when it comes to railroad safety.

The FRA states that 177,000 people in Illinois would be impacted by the rule, of which 74,000 would be severely impacted. The Chicago area transportation study estimates that 1,644,000 people in Illinois would be impacted, of which over 1 million people would be severely impacted by this rule.

The FRA estimates the cost at \$116 million for whistle-ban communities, based on assumptions that every com-

munity will install the lowest cost alternatives to whistles. The Chicago area transportation study estimates the cost of a reality-based alternative to be between \$440 million and \$590 million for whistle-ban communities. That is an awful lot of money. Illinois will spend \$95 million in the year 2000 making improvements at roughly 200 crossings. If the proposed rule goes into effect, the State of Illinois will be forced to spend money at an already safe crossing instead of at bad crossings in down-state Illinois which account for only 1.5 percent of daily traffic but 33 percent of the accidents and 40 percent of the fatalities in Illinois.

The FRA's analysis indicates that whistle-ban crossings, without gates, are the biggest danger to the public and are the primary targets for this proposed rule. Since 77 percent of the crossings in northeast Illinois have gates and all of the whistle bans in northeast Illinois have gates, why should northeastern Illinois be a target of this one-size-fits-all rule?

The FRA study admits to an anomaly in the Chicago area, as the gentlewoman from Illinois (Ms. SCHAKOWSKY) mentioned, where collisions were 16 percent less frequent. The FRA claims it was caused by an outdated inventory of crossings, but using a complete inventory of crossings and FRA methodology CAT still found, that is the Chicago area transportation study, they still found that the collisions are 4.5 percent less frequent at whistle-ban crossings.

Now we have made, I think, significant progress with the Federal Railroad Administration in modifying the rule they were originally going to propose a number of years ago. We cannot negotiate with the Federal Railroad Administration until the first part of next month because up until the close of the comment period they are prohibited by law from negotiating.

□ 2000

Administrator Molitoris, I believe, is open to further compromise. I think that this is going to be absolutely necessary, because there are a number of people here in the House who do not believe that this law is needed at all, particularly not in the State of Illinois, where the State of Illinois is doing such a significant job. If we do not get significant compromise out of the Federal Railroad Administration, I believe that there will be a move afoot to repeal this law entirely.

As I mentioned earlier, I believe it is imperative that we get at least 10 years to implement this rule, with further modifications, not where we have to put up four gates, but where two gates will definitely be acceptable to the Federal railroad administration.

Right now approximately \$150 million is spent each year in this country by the Federal Government on upgrading railroad crossings. With this rule going into effect, there is going to be a much greater need for funds from the

Federal Government, as well as funds from state governments and from local municipalities.

I have a bill at the present time that I have introduced that would bring in approximately \$160 million more each year to the Federal Government for upgrading grade crossings. That bill takes the 4.3 cents that railroads now pay on their diesel fuel tax that goes to deficit reduction. Based upon all of the statements that I hear out here in Washington throughout the country, we no longer have a deficit in this country, we have a significant surplus in this country, so I do not believe that we should be taking the 4.3 cents that the railroads pay for deficit reduction any longer and putting it into the general revenue of this country.

I believe that we should take that 4.3 cents and put it into a trust fund to upgrade rail crossings in this country. As I say, it would increase the total amount available to over \$300 million. We would certainly have to add a portion from the state and a portion from the local municipalities, something like 75 percent from the Federal Government, 15 percent from the state, or 20 percent from the state and 5 percent from the local municipalities. This money thereby would be helping out railroads, it would be helping out citizens, it would be helping out safety in this country.

I would also like to say that this rule, I understand, originally was passed into law because the railroads were interested in reducing their liability as much as possible. I can understand that, I can appreciate that, but, because of that, I think it would be wise for the railroads to join in supporting my bill that would utilize their 4.3 cents now routed for deficit reduction, which apparently we no longer need it for, to upgrade rail crossings. I would also say part of my bill would say that when we pass the next highway transportation bill in this Congress, which will be in 3 or 4 years, that the 4.3 cents would revert back to the railroads and they would no longer have to be paying it.

Mr. Speaker, in conclusion, I want to thank all the Members that have spoken here this evening. I want to thank the individuals who have submitted statements for the record, particularly the Speaker of the House. This is an enormous problem for the country, but it is a gigantic problem for the State of Illinois, and particularly for Northeastern Illinois. The money is not available, the time is not available, the resources are not available to do what the Federal Railroad Administration wants us to do underneath the existing rule.

On top of that, Northeastern Illinois probably has done more and the State of Illinois has probably done more than any state in the union to upgrade railroad safety. We simply must have this rule amended so that many of the very worthwhile things that have been done by the State of Illinois and North-

eastern Illinois will suffice as far as the Federal railroad administration is concerned to bring us up to a superb safety standard.

Certainly we do not want to see anyone lose their life at a grade crossing, but I think that we in Illinois have done an outstanding job in resolving this problem, and if we can get some further help from the Federal Government in regard to funding, I think that we will even do a better job.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Illinois (Mr. LIPINSKI) for arranging a special order today on the preservation of rail safety in the State of Illinois. I would also like to thank the gentleman for his continued work on rail safety throughout the nation, and his efforts over the last several years in making sure that any proposed rule on the use of locomotive horns does not adversely affect rail safety in Illinois.

Mr. Speaker, I rise today to speak on behalf of rail safety in the State of Illinois and the potentially adverse impacts of the recent Federal Railroad Administration's (FRA) Proposed Rulemaking on the Use of Locomotive Horns at Highway-Rail Grade Crossings.

As the Representative of the 14th District of Illinois, which covers portions of five counties and contains approximately 18% of all highway public-at-grade crossings in the state, I have intently followed this issue since I was first elected to Congress, and have witnessed firsthand Illinois' history with mandatory whistles. In fact, when the Illinois Legislature passed a mandatory whistle law in 1988, it met with such intense public backlash that it resulted in a court order to stop the whistles.

On January 12, 2000, the FRA published their Proposed Rule which will require all freight and passenger trains to sound the train's air horn when approaching and entering a public at-grade highway-rail crossing. According to the proposed rule, each train horn must be sounded with a series of two long, one short, and one long horn blasts to signify the locomotive's approach to a crossing. The timing is a combination of state laws with minimum federal requirements.

There is currently no federal law requiring horn sounding, however many states, including Illinois, currently require trains to sound their horns at all public at-grade crossings unless specifically exempted by the Illinois Commerce Commission (ICC). The grade crossings in Northeast Illinois that currently do not have air horns routinely sounded may have them sounded every time a train approaches a grade crossing if the new regulations are put into place. This occurs up to 140 times a day at the region's busiest grade crossings, and, at 66 of the crossings in Northeast Illinois, 101 or more trains per day pass through. Within my district, Aurora (50, Elgin (25) and West Chicago (22) rank #2, #11, and #14 respectively in the number of grade crossings per city in the state. In fact, should this rule go into effect as drafted, 80 of 148 crossings in DuPage County alone would have to change operating practices. Thus, the direct impact on Illinois, and the unique nature of the state with respect to this issue is clear.

In Illinois, rail safety is the responsibility of the ICC, which may exempt crossings from routine horn sounding if they have automatic flashing lights, bells and gates and have experienced less than three accidents in the past

five years. The state of Illinois currently has 899 whistle ban rail crossings.

Mr. Speaker, the history of increased rail safety in Illinois is a proud one. Illinois has a proven program of substantially improving rail crossing safety at an annual average cost of approximately \$40 million. In 1998 alone, the state of Illinois spent over \$60 million on grade crossing improvements. In fact, between the ICC and Illinois Department of Transportation (IDOT), Illinois has invested hundreds of millions of dollars over the years to install modern safety devices at grade crossings throughout the state. Illinois is also well along in a program to install innovative remote monitoring devices at every active grade crossing (Illinois is the only state where this is happening).

I am pleased to report that these investments in safety have paid off. In Illinois, collisions at public grade crossings have declined by 52% since 1989. In Northeast Illinois, injuries have declined by 77% and fatalities have declined from 26 in 1988 to 9 in 1997, a 65% decrease. The large rate of decline is more impressive when you consider that between 1980 and 1999, train traffic and average vehicle miles traveled by motor vehicles, have both increased by approximately 45%. My primary concern with the FRA's proposed rule is that it would preempt the responsibility of the ICC, which has a demonstrated history of improving grade crossing safety. In fact, I am concerned that the proposed rule could have the unintended consequence of decreasing rail safety in the State of Illinois.

As you are well aware, Mr. Speaker, the State of Illinois is the hub of rail activity in North America. Nowhere is the issue of rail safety more important. Citizens of Illinois appreciate the need for, and support efforts to, increase rail safety. The question addressed by this proposed rule, therefore, is not whether we should try to decrease the number of rail collisions, we can all agree on that, but how this can be best accomplished.

People in Northeast Illinois are constantly reminded of the need for rail safety. In the last several years, Illinois has suffered several high profile accidents, most notably in Bradley-Bourbannis and Fox River Grove. Both of these tragic accidents resulted in significant loss of life, and the people of Illinois are committed to making these tragedies a thing of the past. It should be noted for the record, however, that none of these accidents can be attributed to the lack of a horn being sounded.

As I stated earlier, we can all agree that increasing rail safety is a laudable goal and that even one death on the nation's rail system is one death too many. Let me assure you that the ICC, IDOT and the people of Illinois work towards this goal every single day. I believe the data show that their efforts have paid off—rail crossings in Illinois are safer today than they were yesterday and will be safer tomorrow than they are today.

Unfortunately, the proposed rule offered by the FRA threatens the progress we have already made in Illinois. While offering little, if any, benefit in safety, this rule becomes an extraordinary unfunded mandate on local communities and the State, who will have to divert a large portion of their resources to upgrade already safe crossings in order to maintain their quiet zones; otherwise they will face the specter of incessant horn blasts at all hours of the day and night.

Thus, I believe this rule is fatally flawed in that it preempts already proven and effective State control. It is a "one size fits all solution" that does not fit Illinois. I believe that, at a minimum, this rule should not be finalized without recognizing Illinois is unique with respect to its rail crossing environment and that a more-tailored approach, which does not undermine state control, is developed.

In summary, I believe that after hearing all of the evidence delivered to the FRA at the public hearings held in the Chicagoland Area last week, they are essentially left with only two reasonable options: (1) The FRA can conclude that their study, upon which the proposed rule relies, is fatally flawed and, given the extraordinary costs and quality of life issues at stake, determine that additional studies need to be undertaken before publication of the final rule; or (2) The FRA can recognize that Illinois is unique with respect to its rail crossing environment and safety record, and alter the final rule in such a way as to preserve Illinois' authority over rail crossing safety.

Again, I thank the gentleman for the opportunity to address this issue. And I look forward to working with the FRA in the future to bring a solution to the state of Illinois that continues the strong safety record that has been demonstrated over the last 10 years and does not devote resources away from these efforts.

Mr. PETRI. Mr. Speaker, I wish to voice my concerns, and those of my constituents, about the current situation in many of our communities—as a result of the long-pending Federal Railroad Administration requirements for improved grade-crossing safety equipment as a condition of escaping 24-hour-a-day locomotive horn noise. When the law requiring these regulations was enacted in 1994, railroad jurisdiction resided in the Commerce Committee. According to the terms of the statute, FRA was to adopt regulations making universal sounding of horns the "default" rule—that is, the requirement in the absence of FRA-specified equipment. FRA was to issue the regulations specifying the horn requirements and the equipment requirements in two phases—one by November 1996, and the other by November 1998. In fact, FRA did not even propose regulations until January 2000. Meanwhile, many railroads—in an understandable attempt to minimize liability for grade-crossing accidents, have adopted policies of universal horn-blowing at grade crossings. This leaves cities and towns in a "Catch-22" situation": The horns are blowing, but the FRA has given no guidance on what it takes to avoid the noise.

I submit for the RECORD at this point a newspaper editorial about what this means in practical terms to the affected communities.

[From the Oshkosh Northwestern, Thurs.
Apr. 13, 2000]

EDITORIAL.—RAIL CROSSING RULES ONE MORE MANDATE

The Federal Railroad Administration is again showing how bureaucrats can twist sensible Congressional intentions into expensive new regulations that are shoved down the throats of local communities.

Oshkosh will be forced to spend \$320,000 on median barriers at railroad crossings if the federal bureaucrats have their way. This is another example of federal funding that is not as freely flowing as the rules that are spawned.

If the city does not comply with the proposed rules, trains will blast their whistles

almost continuously as they make their way through the city's 16 railroad crossings.

Fortunately, there still is time for the public to speak out against this mandate madness.

The Swift Rail Development Act was passed by Congress in 1994 and requires train whistles be sounded upon approaching every public grade crossing, unless there is no risk to persons, it is not practical or if safety measures have been taken to fully compensate for the absence of an audible warning.

Like many communities throughout the nation, Oshkosh has a ban on locomotives sounding their whistles within the city limits unless an emergency situation develops.

The ban recognizes that constant locomotive whistles would be a major irritation as trains rumble through 25 to 30 times a day (and night) through the city's most densely populated areas.

FRA officials drafted proposed regulations to comply with the law—regulations that still are under review and subject to a public comment period.

Our problem with the proposed regulations is they take railroad crossing safety measures to unnecessary extremes based on data that does not apply to Oshkosh.

Requiring trains to blow whistles at crossings without gates is not an unreasonable regulation. It stands to reason that the additional warning of a horn blast could help prevent accidents.

However, the FRA rules take the intention of the law to an unreasonable extreme because they say gates at crossings are not good enough to warrant honoring local whistle bans.

The rules allow the Transportation Secretary to determine what are acceptable safety measures at crossings. The secretary has determined that median barriers are essential because they prevent vehicles from getting around crossing gates lowered as trains pass through.

That's a barrier too far for two reasons.

First, the federal government wants to protect the public but has not provided any additional funding for the improvements apart from existing highway grants. Second, the FRA is relying on statistics in a misleading fashion. The agency concludes there is an average of 62 percent more collisions at gated crossings with whistle bans in place.

However convincing that figure may appear, it leaves out two important facts: of the crashes at intersections with gates in non-whistle communities, 55 percent of the collisions occurred because motorists deliberately drove around the lowered gates. Another 18 percent happened because motorists were stopped on the crossings.

So nearly three-quarters of the accidents happened because drivers chose to break the law or ignore basic safety precautions.

Concrete barriers and other extravagant measures are not going to protect people from themselves if they have a death wish.

Nor has Oshkosh seen increased carnage at its crossings. In fact, the addition of gates in 1998 has turned the city from one of the deadliest to one of the safest in the state.

Our accident totals are at zero and counting with a whistle ban in place. And Oshkosh meets all of the other criteria set by the agency to continue the whistle ban, including long-term law enforcement initiatives at crossings and targeted public education programs.

Rep. Tom Petri, R-Fond du Lac, should exercise his considerable rank on the House Transportation Committee to encourage the FRA to reconsider its barrier requirements before allowing for a quiet zone.

In addition, the public can send comments on the proposal to Docket Clerk, DOT Cen-

tral Docket Management Facility, 400 Seventh Street, S.W., Plaza-401, Washington, DC 20590-0001. Comments will be accepted through May 26 and should include the reference "Docket Number FRA-1999-6439."

Let's hope it's not too late to get the FRA to change its mind.

Certainly, FRA's complete failure to adhere to the schedule in the statute has been a major contributing factor in this unfortunate situation. At the same time, it appears that there may be some overreaching by some railroads in adopting across-the-board horn-blowing requirements. I want to resolve this situation as rapidly as possible. To that end, I have sent to the FRA a letter requesting a formal legal opinion on the exact degree of federal preemption of state and local noise regulations, in the current situation—that is, where there are as yet no final and effective FRA regulations in place. No matter what policy decisions are to be made here, it is in the interest of all parties to know what the current legal situation really is.

At this point, I submit for the RECORD a copy of the April 28 letter sent by Mr. LIPINSKI of Illinois and myself to FRA Administrator Jolene Molitoris, requesting a formal legal opinion on the degree of legal pre-emption that obtains while the FRA rulemaking is still pending.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 28, 2000.

Hon. JOLENE MOLITORIS,
Administrator, Federal Railroad Administration,
Washington, DC.

DEAR ADMINISTRATOR MOLITORIS: We are writing to request an official legal opinion from the Federal Railroad Administration on an important issue of rail safety regulation—the pre-emptive reach of the "whistle-ban" provision in current rail safety law, 49 U.S.C. 20153.

As you know, this provision was enacted as part of the 1994 FRA rail safety reauthorization. Section 20153 in general requires FRA to adopt rules requiring the sounding of horns or whistles at all grade crossings, except where safety measures specified in final FRA regulations have been applied to the individual crossing in question. Although final regulations were to be issued in two phases (one by November 2, 1996, and the other by November 2, 1998), FRA has thus far only issued proposed regulations, which were not promulgated until January 13, 2000. Section 20153 further provides that final regulations, when issued, may not take effect for 1 year after issuance.

Section 20153 does not in itself appear to address explicitly the pre-emptive effect of the statute in the current situation, where final regulations have not yet been issued or taken effect. However, the language in subsection (b) strongly implies that federal preemption of existing requirements occurs only when FRA has actually issued rules requiring the sounding of horns or whistles: "The Secretary of Transportation shall prescribe regulations, requiring that a locomotive horn or whistle shall be sounded while each train is approaching and entering upon each public highway-rail grade crossing" (emphasis added). Since no such regulations have been issued, it would seem that Section 20153 alone does not yet have any current pre-emptive effect.

The issue is further complicated, however, by the general pre-emption provision of the FRA rail safety statutes, 49 U.S.C. 20106, which antedates the whistle-ban provision by a number of years. Section 20106 provides in pertinent part that "[a] State may adopt or continue in force a law, regulation, or order

related to railroad safety until the Secretary of Transportation prescribes a regulation or issues an order covering the subject matter of the State requirement." Since this limitation on federal regulatory pre-emption is limited by its terms to "state" rail safety requirements, it could be argued that it implicitly precludes rail safety requirements (including whistle-ban ordinances) adopted by local governmental authorities below the state level.

We understand that some railroads have taken one or two legal positions on this subject: either (1) the very enactment of Section 20153 immediately displaced all state and local authority to adopt and enforce grade-crossing whistle bans; or (2) that Section 20106 independently precludes locally enacted whistle bans, and allows only state-promulgated requirements in this area, prior to adoption and effectiveness of final FRA regulations.

This is an issue of immediate and pressing concern to our states. As FRA acknowledged in its proposed regulations [65 Fed. Reg. 2230, 2234 (Jan. 13, 2000)], well over half of all whistle-banned grade crossing in the United States are located in Wisconsin and Illinois. It is our understanding that many, if not most, of the bans now being ignored by some railroads were promulgated by local rather than state governmental units.

We are therefore requesting the formal legal opinion of the ERA on the following questions:

(1) Does Section 20153, Title 49, United States Code, pre-empt adoption and enforcement of state-issued or locally issued whistle bans prior to promulgation and legal effectiveness of final regulations issued by FRA under that section?

(2) Does Section 20106, Title 49, United States Code, pre-empt the adoption or enforcement of whistle bans issued by local governments prior to promulgation and legal effectiveness of final regulations issued by FRA under Section 20153 of that title?

Thank you for your prompt assistance on this important matter of rail safety policy.

Sincerely,

WILLIAM O. LIPINSKI,
Ranking Member,
Aviation Sub-
committee.

THOMAS E. PETRI,
Chairman, Ground
Transportation Sub-
committee.

Second, I have also prepared legislation which would spell out the ground rules governing local, state, and federal jurisdiction in this area, while the FRA rulemaking is still pending, and no fully effective regulations are in place. As with the request for the legal opinion, this legislation may prove to be an important option in clarifying the authority of state and local governments in the field of railroad noise abatement at grade crossings.

Finally, I want to commend the gentleman from Illinois, Mr. LIPINSKI, for arranging this evening's discussion of this important transportation safety issue. I look forward to working with him as we address this problem.

Mr. PORTER. Mr. Speaker, I rise today as one of the many Members of Congress opposed to the Federal Railroad Administration's proposed rule for trains to sound their horns at public crossings. Let me first state that I do not oppose efforts by the FRA or any other part of the Department of Transportation to improve safety. Each year there are over 35,000 transportation related deaths in America. We must reduce this terrible statistic. In fact, safer travel is the basis for my opposition to this proposed regulation.

In my opinion, the approach taken by the FRA to prevent train crossing accidents is extreme. I believe that the spending mandated by this regulation would be wasteful and ultimately not improve safety. These scarce dollars and resources can be used more effectively, saving more lives, if spent in other areas. Implementing this rule would draw funds away from other important safety measures for drivers, pedestrians, and other travelers on Americas roads in Illinois and elsewhere.

The main parts of the proposed rule are now well known: trains must blow their horns at all public grade crossings unless a new level of safety measures is installed. While there is flexibility in the types of safety measures and the time in which they must be installed, this sweeping regulation is flawed for several reasons.

First, the FRA data used to conclude that blowing horns at crossings reduces accidents fails to count a significant number of crossings and fails to properly classify and incorporate the nature of the accident. In fact, data has been compiled which indicates that in certain regions of the country, my district being one of them, there is a decrease in the number of accidents in places where train horns are prohibited from sounding. Further, the data does not account for the vast differences in vehicular traffic at the rail crossings where information was gathered.

Second, the majority of the data used by the FRA to formulate this proposal came from a multiyear study of areas in Florida that had implemented and then repealed bans on train horns at crossings. In my opinion, the specific data from the Florida crossings is neither applicable nor appropriate to determine the need for horn bans in the majority of the other states. In Cook County, Illinois there are more gate crossings than in the majority of states in the country.

Third, a recent Illinois study of detailed data compiled between 1988 and 1998 highlights several important facts that should be considered by the FRA. For example, train accidents involving vehicles remains a rare occurrence resulting in less than one percent of highway fatalities. Further, the study found that of train related vehicular accidents, over forty percent occurred because the driver circumvented the existing safety measures. Of the remaining accidents, a significant percentage occurred when a vehicle impacted against the side of a train, rather than the train striking a vehicle. From these facts, we can conclude that in many cases the safety measures currently in place are adequate for those citizens who chose to use them, and expenditures to further improve these safety measures would be better spent.

Mr. Speaker, little consensus exists on whether the data and analysis used by the FRA to support their position is correct, and whether the proposed rule is good public policy from any standpoint. Before forcing states and communities to pay for massive investments in rail crossing safety measures, this issue must be resolved. I ask the Federal Railroad Administration to consider the tens of thousands of citizens in Illinois and millions across the country that would be greatly impacted both financially and physically by this onerous proposal and to change the rule. At a minimum, the individual states should have much more flexibility to decide where they need to spend funds for transportation safety.

RECESS

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

Accordingly (at 8 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

□

□ 2253

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 10 o'clock and 53 minutes p.m.

□

REPORT ON RESOLUTION WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE COMMITTEE ON RULES

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106-605) on the resolution (H. Res. 488) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

□

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. NADLER, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. WICKER) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. WHITFIELD, for 5 minutes, May 4.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BROWN of Ohio for 5 minutes today; and,

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. STEARNS for 5 minutes today.

□

SENATE CONCURRENT RESOLUTION

A concurrent resolution of the Senate of the following title was taken

from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 81. Concurrent resolution expressing the sense of the Congress that the Government of the People's Republic of China should immediately release Rabiya Kadeer, her secretary, and her son, and permit them to move to the United States if they so desire; to the Committee on International Relations.

□

SENATE ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolutions of the Senate of the following titles:

S. 452. An act for the relief of Belinda McGregor.

S.J. Res. 40. Joint resolution providing for the appointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 42. Joint resolution providing for the reappointment of Manuel L. Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution.

□

ADJOURNMENT

Mr. REYNOLDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, May 4, 2000, at 10 a.m.

□

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7450. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-313, "Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000" received May 2, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7451. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-315, "Adoption and Safe Families Amendment Act of 2000" received May 2, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7452. A letter from the District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code section 1-732 and 1-734(a)(1)(A); to the Committee on Government Reform.

7453. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dassault Model Mystere-Falcon 50 Series Airplanes [Docket No. 98-NM-262-AD] (RIN: 2120-AA64) received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7454. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757 Series Airplanes [Docket No. 98-NM-354-AD; Amendment 39-11601; AD 2000-04-18] (RIN: 2120-AA64) received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7455. A communication from the President of the United States, transmitting His ap-

proval of the findings of the Secretary of Commerce in his report "The Effect on the National Security Imports of Crude Oil and Refined Petroleum Products," pursuant to 19 U.S.C. 1862(d)(2); to the Committee on Ways and Means.

□

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1523. A bill to establish mandatory procedures to be followed by the Forest Service and the Bureau of Land Management in advance of the permanent closure of any forest road so as to ensure local public participation in the decisionmaking process; with an amendment (Rept. 106-604 Pt. 1).

Mr. REYNOLDS: Committee on Rules. House Resolution 488. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 106-605). Referred to the House Calendar.

□

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X, the Committee on Agriculture discharged. H.R. 1523 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

□

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X, the following action was taken by the Speaker:

H.R. 1523. Referral to the Committee on Agriculture extended for a period ending not later than May 3, 2000.

H.R. 3244. Referral to the Committee on Ways and Means extended for a period ending not later than May 8, 2000.

□

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BILIRAKIS (for himself and Mr. BROWN of Ohio):

H.R. 4365. A bill to amend the Public Health Service Act with respect to children's health; to the Committee on Commerce.

By Mr. HOYER (for himself, Mr. WELDON of Pennsylvania, and Mr. ANDREWS):

H.R. 4366. A bill to establish in the Office of the Architect of the Capitol the position of Director of Fire Safety and Protection to assume responsibility for fire safety and protection activities of the Architect of the Capitol, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:
H.R. 4367. A bill to amend title 10, United States Code, to enhance the ability of States and local governments to participate in projects conducted under the alternative authority of the Department of Defense to acquire and improve military housing; to the Committee on Armed Services.

By Ms. DELAURO (for herself, Mr. WELDON of Pennsylvania, Mr. ANDREWS, and Mr. BOEHLERT):

H.R. 4368. A bill to amend the Consumer Product Safety Act to provide for the flam-

mability testing and labeling of upholstered furniture which is sold in interstate commerce; to the Committee on Commerce.

By Mr. LUCAS of Kentucky:
H.R. 4369. A bill to amend title 10, United States Code, to improve access to benefits under the TRICARE program; to extend and improve certain demonstration programs under the Defense Health Program, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Government Reform, Veterans' Affairs, Ways and Means, and Commerce, 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.

By Mrs. MINK of Hawaii:
H.R. 4370. A bill for the relief of the Philippine citizens collectively referred to as the "Marcos Entourage"; to the Committee on the Judiciary.

By Mrs. MINK of Hawaii:
H.R. 4371. A bill to amend the Immigration and Nationality Act to extend the retroactive period of provisions providing for the crediting of service with the Armed Forces of the United States toward the period of required United States residence of a citizen parent in order for a person born outside the United States of an alien parent and a citizen parent to acquire United States citizenship at birth; to the Committee on the Judiciary.

By Mr. RANGEL:
H.R. 4372. A bill to amend the Convention on Cultural Property Implementation Act to improve the procedures for restricting imports of archaeological and ethnological material; to the Committee on Ways and Means.

By Ms. SCHAKOWSKY:
H.R. 4373. A bill to amend the Fair Credit Reporting Act to limit disclosure of consumer reports on an employee which are obtained in connection with allegations of illegal conduct; to the Committee on Banking and Financial Services.

By Mr. SMITH of Texas:
H.R. 4374. A bill to provide for the appointment of 2 additional Federal district judges for the Western District of Texas; to the Committee on the Judiciary.

By Ms. BALDWIN (for herself, Mr. WAXMAN, Mr. STARK, Mr. PALLONE, Mr. KLECZKA, Mrs. THURMAN, Mr. ALLEN, and Mr. MINGE):

H.R. 4375. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of self-administered drugs that, when used as a replacement for covered drugs, result in overall cost savings to the program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, 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.

By Mr. GREEN of Texas (for himself and Mr. GREENWOOD):

H. Con. Res. 315. Concurrent resolution expressing the sense of the Congress with respect to increased funding for the immunizations program under the Public Health Service Act; to the Committee on Commerce.

By Mr. PAYNE (for himself and Mr. CAMPBELL):

H. Con. Res. 316. Concurrent resolution concerning efforts to avert drought and famine in Africa, particularly Ethiopia; to the Committee on International Relations.

□

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

- H.R. 49: Ms. MILLENDER-MCDONALD.
H.R. 59: Mr. NORWOOD.
H.R. 207: Ms. NORTON and Mr. WOLF.
H.R. 252: Mr. GARY MILLER of California and Mr. MCKEON.
H.R. 372: Mr. GILMAN and Mr. STRICKLAND.
H.R. 488: Ms. LEE.
H.R. 632: Mr. BLUMENAUER, Mr. WYNN, Ms. ROS-LEHTINEN, and Mr. WEXLER.
H.R. 1044: Mr. WELLER, Mr. EHLERS, and Mr. BERRY.
H.R. 1053: Mr. BALDACCI.
H.R. 1070: Mr. GREEN of Wisconsin, Mr. SHIMKUS, and Mr. SMITH of Texas.
H.R. 1083: Mr. DOOLEY of California and Mr. THOMPSON of California.
H.R. 1102: Mr. HEFLEY and Mr. GIBBONS.
H.R. 1113: Mr. CONDIT and Mr. DOOLEY of California.
H.R. 1129: Mrs. LOWEY.
H.R. 1176: Mr. GILMAN.
H.R. 1196: Mrs. LOWEY and Ms. PRYCE of Ohio.
H.R. 1217: Mr. RAMSTAD, Mr. BECERRA, Mr. BACA, Mr. STUPAK, Ms. DANNER, and Mr. DOOLEY of California.
H.R. 1239: Mr. SAXTON.
H.R. 1271: Mr. LUTHER, Mr. HOFFEL, and Mr. NEAL of Massachusetts.
H.R. 1303: Mrs. MYRICK.
H.R. 1325: Mr. HOFFEL.
H.R. 1456: Mr. ROMERO-BARCELO, Mr. MEEHAN, Mr. MARKEY, Mr. PRICE of North Carolina, and Mr. SCOTT.
H.R. 1495: Mr. PAYNE.
H.R. 1523: Mr. HAYWORTH, Mr. CANNON, and Mr. PETERSON of Minnesota.
H.R. 1592: Mr. FRELINGHUYSEN.
H.R. 1647: Mrs. MINK of Hawaii and Mr. GILMAN.
H.R. 1686: Ms. BALDWIN and Ms. JACKSON-LEE of Texas.
H.R. 1708: Mr. COLLINS.
H.R. 1885: Mrs. THURMAN, Mr. RILEY, and Mr. McNULTY.
H.R. 1899: Mr. EVANS and Mr. CONYERS.
H.R. 1935: Mr. OLVER.
H.R. 2002: Mr. WATT of North Carolina.
H.R. 2121: Ms. CARSON and Mr. MOORE.
H.R. 2175: Ms. JACKSON-LEE of Texas, Ms. MILLENDER-MCDONALD, and Mr. ABERCROMBIE.
H.R. 2270: Mr. LEWIS of Kentucky and Mrs. JOHNSON of Connecticut.
H.R. 2288: Mr. BACA.
H.R. 2308: Mr. UDALL of Colorado, Mrs. CUBIN, Mr. MCHUGH, Mr. GREEN of Wisconsin, and Mr. TANCREDO.
H.R. 2321: Mr. KLINK, Mr. BATEMAN, and Mr. DOYLE.
H.R. 2409: Mr. CROWLEY and Mr. UDALL of Colorado.
H.R. 2451: Mr. LEWIS of Kentucky, Mr. EHRlich, Mr. SHOWS, Mr. HAYWORTH, and Mr. EVERETT.
H.R. 2485: Mr. GARY MILLER of California.
H.R. 2498: Mr. PORTMAN, Mr. SANDERS, and Mr. HALL of Ohio.
H.R. 2505: Ms. RIVERS.
H.R. 2570: Mr. MASCARA.
H.R. 2624: Mr. DAVIS of Illinois.
H.R. 2640: Mr. SHIMKUS, Mr. GILLMOR, and Mr. HOBSON.
H.R. 2706: Mr. CROWLEY.
H.R. 2736: Mr. LEWIS of Georgia, Mr. BERMAN, Mr. RODRIGUEZ, Mr. WU, Mr. NEY, Mrs. EMERSON, Mr. HOLT, Mr. BRADY of Pennsylvania, Ms. MCKINNEY, Mr. EHRlich, Mrs. MEEK of Florida, Mr. BLAGOJEVICH, Mrs. LOWEY, and Mr. TAYLOR of Mississippi.
H.R. 2738: Mr. WATT of North Carolina and Mr. DIXON.
H.R. 2790: Mr. OLVER, Mr. EHRlich, and Mr. WELDON of Pennsylvania.
H.R. 2871: Mr. SANDERS.
H.R. 2880: Mr. UDALL of Colorado.
H.R. 2883: Mr. KING.
H.R. 2892: Mr. PICKERING and Mrs. BIGGERT.
H.R. 2899: Mr. MARKEY.
H.R. 2902: Mr. OBERSTAR and Mr. FALEOMAVAEGA.
H.R. 2911: Mr. BLUNT.
H.R. 2915: Mr. WEINER.
H.R. 2982: Mrs. LOWEY.
H.R. 3010: Mr. EVANS and Mr. SANDERS.
H.R. 3043: Mr. PETRI.
H.R. 3083: Mr. UNDERWOOD.
H.R. 3107: Mr. PHELPS.
H.R. 3136: Mr. BACA.
H.R. 3155: Mr. PETERSON of Pennsylvania.
H.R. 3235: Mr. CONDIT, Mr. ROGAN, and Mr. PALLONE.
H.R. 3315: Mr. HINCHEY, Mr. SANDLIN, Ms. MILLENDER-MCDONALD, and Mr. LIPINSKI.
H.R. 3433: Mrs. MORELLA, Mr. ROMERO-BARCELO, Mr. BENTSEN, Mrs. CAPPS, Mr. OWENS, Mr. LANTOS, Mr. BROWN of Ohio, Ms. KILPATRICK, Mr. BISHOP, Mrs. MALONEY of New York, Mr. BALDACCI, Mr. GILMAN, Mr. KENNEDY of Rhode Island, Mr. KLINK, Mr. WYNN, Mr. GREEN of Texas, Mr. EVANS, Mr. ANDREWS, Mr. PASTOR, and Mr. WEINER.
H.R. 3500: Mr. DAVIS of Illinois and Mr. HINOJOSA.
H.R. 3518: Mr. GREEN of Wisconsin.
H.R. 3578: Mr. HILL of Montana, Mr. OSE, Mr. HILLEARY, Mr. HERGER, Mr. BARTLETT of Maryland, Mr. TOOMEY, Mr. DOOLITTLE, and Mr. SHADEGG.
H.R. 3580: Mr. SUNUNU, Mr. GUTIERREZ, Mrs. EMERSON, Mrs. MORELLA, and Mr. BONILLA.
H.R. 3593: Mr. FOLEY, Mr. WELDON of Florida, Mr. JOHN, Ms. BROWN of Florida, Mr. GALLEGLY, and Mr. CHAMBLISS.
H.R. 3613: Mr. SABO.
H.R. 3625: Mr. STUPAK, Mr. STUMP, Mr. HAYES, Mr. JOHN, Mr. GOODE, Mrs. CLAYTON, Mrs. EMERSON, Mr. LEWIS of Kentucky, Mr. BURR of North Carolina, Mr. KNOLLENBERG, Mrs. NORTHUP, Mr. FOSSELLA, Mr. NORWOOD, Mr. SHADEGG, Mr. TAUZIN, Mr. SANDLIN, Mr. HOLDEN, Mr. MURTHA, Mr. MOLLOHAN, Mr. PICKETT, Mr. PETERSON of Minnesota, Mr. ADERHOLT, Mr. COBLE, Mr. CALLAHAN, Mr. BRADY of Texas, Mr. BARR of Georgia, Mr. BARTLETT of Maryland, Mr. DEAL of Georgia, Mr. WATTS of Oklahoma, Mr. DEMINT, Mr. SMITH of Michigan, Mr. SCHAFFER, Mr. SAM JOHNSON of Texas, Mr. CAMP, Mr. PITTS, Mr. SUNUNU, Mr. TRAFICANT, Mr. GOODLING, Mr. BURTON of Indiana, Mr. SKEEN, Mr. REGULA, Mr. ARMEY, Mr. WATKINS, Mr. MCKEON, and Mr. SHOWS.
H.R. 3650: Mr. ENGEL, Mr. OLVER, and Mrs. TAUSCHER.
H.R. 3655: Mr. RAHALL, Mr. MEEHAN, Mr. OLVER, Mr. GONZALEZ, Mrs. MCCARTHY of New York, Ms. BERKLEY, Mr. MEEKS of New York, Mrs. THURMAN, and Mr. SNYDER.
H.R. 3663: Mr. ROMERO-BARCELO, Mr. FROST, Mr. CONYERS, and Mr. BAIRD.
H.R. 3682: Mr. DUNCAN.
H.R. 3694: Mrs. KELLY and Mr. KING.
H.R. 3698: Mr. GORDON, Ms. HOOLEY of Oregon, Mr. MURTHA, Mr. GONZALEZ, Ms. WATERS, Mr. ROGAN, Mr. BRADY of Pennsylvania, Mr. COYNE, Mr. MARTINEZ, and Mr. PETERSON of Pennsylvania.
H.R. 3732: Ms. MCKINNEY, Mr. CLEMENT, Mr. FARR of California, and Mr. ISAKSON.
H.R. 3816: Mr. BACA.
H.R. 3826: Mr. PORTER.
H.R. 3841: Mr. WOLF.
H.R. 3842: Mr. STRICKLAND, Mr. SHIMKUS, Mr. ABERCROMBIE, Mr. MOORE, Mr. COSTELLO, Mr. GILLMOR, Mr. MINGE, Mr. TIERNEY, Mr. MOLLOHAN, Mrs. EMERSON, Ms. WOOLSEY, Mr. GANSKE, Mr. BOUCHER, Ms. KAPTUR, Mr. SKEEN, and Mr. ISAKSON.
H.R. 3873: Ms. JACKSON-LEE of Texas, Mr. STUPAK, and Mr. ETHERIDGE.
H.R. 3880: Ms. SCHAKOWSKY, Mrs. LOWEY, and Ms. MCKINNEY.
H.R. 3896: Mr. EVANS.
H.R. 3900: Mr. NETHERCUTT.
H.R. 3901: Mr. SANDERS.
H.R. 3916: Mr. SMITH of New Jersey and Mr. ISAKSON.
H.R. 4013: Mr. BLUMENAUER and Mr. SABO.
H.R. 4029: Mr. WAMP.
H.R. 4033: Ms. LOFGREN, Mr. WU, and Mr. HUTCHINSON.
H.R. 4035: Mr. EVANS.
H.R. 4049: Mr. WEINER, Mr. GREEN of Wisconsin, and Mr. DOOLEY of California.
H.R. 4053: Mr. GALLEGLY and Mr. BALLENGER.
H.R. 4064: Mr. BARCIA and Mr. EVANS.
H.R. 4073: Mr. SPENCE.
H.R. 4102: Mr. PITTS.
H.R. 4106: Mr. JONES of North Carolina.
H.R. 4118: Mr. GILLMOR.
H.R. 4132: Mrs. MINK of Hawaii, Mr. THORNBERRY, Mr. BRADY of Texas, Mr. STUPAK, Mr. BAKER, Mr. EWING, Mr. PRICE of North Carolina, and Mr. DICKEY.
H.R. 4144: Mr. SHIMKUS.
H.R. 4152: Mr. HILLEARY, Mr. JEFFERSON, and Mr. DUNCAN.
H.R. 4157: Mrs. BONO, Mr. COX, Mr. RADANO-VICH, Mr. THOMAS, Mr. CALVERT, Mr. CUNNINGHAM, Mr. DREIER, Mr. THOMPSON of California, Mr. HERGER, Mr. GALLEGLY, Mr. MCKEON, Mr. WAXMAN, Ms. BERKLEY, and Mrs. NAPOLITANO.
H.R. 4182: Mr. GREEN of Wisconsin.
H.R. 4210: Mr. KUYKENDALL, Mr. HORN, Mr. MCGOVERN, Mr. COX, and Mr. DELAY.
H.R. 4215: Mr. TIAHRT, Mr. HALL of Texas, Mr. MCCOLLUM, Mr. CHAMBLISS, Mr. GEKAS, and Mr. NORWOOD.
H.R. 4233: Mr. GARY MILLER of California and Mr. ROGERS.
H.R. 4239: Mr. CAPUANO and Mr. FRANK of Massachusetts.
H.R. 4246: Mr. NETHERCUTT.
H.R. 4260: Mr. BOSWELL and Mr. WELLER.
H.R. 4271: Mr. SPENCE, Mr. DAVIS of Virginia, Mr. ENGLISH, and Mr. BALLENGER.
H.R. 4272: Mr. SPENCE, Mr. DAVIS of Virginia, Mr. ENGLISH, and Mr. BALLENGER.
H.R. 4273: Mr. SPENCE, Mr. DAVIS of Virginia, Mr. ENGLISH, and Mr. BALLENGER.
H.R. 4279: Mr. CAMPBELL.
H.R. 4306: Mr. MATSUI, Mr. DAVIS of Florida, and Mr. SHERMAN.
H.R. 4315: Mr. CHABOT, Mr. PORTMAN, Mr. GILLMOR, Mr. BOEHNER, Mr. KASICH, and Ms. PRYCE of Ohio.
H.R. 4328: Mr. GUTKNECHT and Mr. SHOWS.
H.J. Res. 2: Mr. VITTER.
H.J. Res. 60: Mr. LEACH and Mr. RAHALL.
H.J. Res. 64: Mr. WELDON of Florida, Mr. METCALF, and Mr. GUTKNECHT.
H. Con. Res. 170: Mr. KINGSTON.
H. Con. Res. 251: Mr. McDERMOTT, Mr. LUTHER, and Mr. ENGLISH.
H. Con. Res. 259: Mr. BROWN of Ohio and Mr. STARK.
H. Con. Res. 266: Mr. SOUDER, Mr. GRAHAM, Mrs. MALONEY of New York, Mr. CAPUANO, Mr. SHIMKUS, Ms. SANCHEZ, Mr. ENGLISH, and Mr. STUPAK.
H. Con. Res. 285: Mr. RILEY, Mr. DAVIS of Virginia, Mr. ROGAN, Mr. FRANKS of New Jersey, and Mr. BILBRAY.
H. Res. 147: Mr. FROST.
H. Res. 398: Mr. MOAKLEY, Mr. BERMAN, Mr. KNOLLENBERG, Mr. FARR of California, Mr. NEAL of Massachusetts, Mr. McDERMOTT, Mr. RYAN of Wisconsin, Mr. EHRlich, Mrs. JOHNSON of Connecticut, and Mrs. ROUKEMA.
H. Res. 420: Mr. CUNNINGHAM.
H. Res. 462: Ms. SCHAKOWSKY and Mr. STARK.
H. Res. 463: Mr. HAYWORTH, Mr. METCALF, and Mr. RAHALL.



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Vol. 146

WASHINGTON, WEDNESDAY, MAY 3, 2000

No. 53

Senate

The Senate met at 9:34 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, our Father, we are recipients of the impact of the prayers of intercession prayed by millions of Americans around the clock. Help us to remember that You are seeking to answer those prayers as we receive Your wisdom and guidance. May we never feel alone or solely dependent on our own strength. Your mighty power impinges on us here as a result of people's prayers. An unlimited supply of Your supernatural wisdom and strength and vision is ready to be released.

Remind us also that our ability to receive all that You have to give is dependent on our willingness to pray for each other here as we work together in the Senate. We commit ourselves to become channels of prayer power, not only for our friends and those with whom we agree but also for those with whom we might disagree, those we might consider political adversaries, and especially those who test our patience and those whom we need to forgive. So lift our lives from the battle zone of combative words to a caring community where leaders pray for and communicate esteem to each other. Thank you for giving us unity in spirit as we deal with the diversity of ideas.

This morning, gracious Lord, we ask for Your blessing, peace, and healing for our friend, Mike Epstein. Be with him and help him to know that You are indeed Jehovah Shema and Jehovah Shalom.

In Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Colorado is recognized.

SCHEDULE

Mr. ALLARD. Mr. President, today the Senate will be in a period of morning business until 11 a.m., with the time controlled by Senator THOMAS and Senator WELLSTONE. Following morning business, the Senate will resume consideration of S. 2, the Elementary and Secondary Education Act, with four amendments also in order under the previous agreement. Members can expect votes throughout the day.

For the information of all Senators, the Senate will continue to debate this important education legislation throughout the week. It is hoped that the Senate can make substantial progress on this bill, and that we can continue to debate education-related amendments.

I thank my colleagues for their attention. I yield.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that, because we got started a little bit late, both sides have 45 minutes in morning business.

Mr. ALLARD. No objection.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, there

will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the first 45 minutes is under the control of the Senator from Minnesota, Mr. WELLSTONE, or his designee.

I now recognize the Senator from Minnesota.

MIKE EPSTEIN

Mr. WELLSTONE. Mr. President, let me thank the leadership of both parties for allowing the Senate to talk to a very dear friend, Mike Epstein. I want you to know, Mike, and your family, that a lot of our staff are back here as well with me. I think this is a little unusual, that the Senate stops its business and focuses on an individual in this way. But I think there are some things that many of us want to say to Mike.

I want to start out this way. When I mentioned in the past couple of days to Senators, but also support staff everywhere here, that my friend Mike was struggling with cancer, I just could never have anticipated the reaction. Mike, I want you to know I can think of at least four or five times where someone said to me: Mike? He's an institution.

I know Mike's priorities, so let me be clear about the people who talk about Mike as an institution. And, Mike, I know you; this was real. This was real.

Some of the people who said Mike is an institution were support staff. People said to me: Mike just treats everybody so well. He is such a nice, good person. He is great, just because of the way he treats people.

Mike, that is the best compliment of all.

Then Senators said to me: PAUL, Mike Epstein is an institution in the Senate. Some may have been thinking about history. Some in the Senate—I

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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do not think that many because we have had a lot of new Senators—know of Mike's role with the Church committee and the important investigative research he has done.

There are others who are familiar, Mike, with the kind of work you have done with Senator KENNEDY. Mike did some of the most important investigative research on HIV infection and AIDS early on when other people in the country did not even want to focus on this.

Then other Senators said to me: PAUL, we are going to come to the floor and talk to Mike today because we have worked with him on the Senate Foreign Relations Committee when he was chief counsel to the committee.

Then way down on the list of priorities—because I am talking to you, Mike, about great work that you do—has been the work that Mike and I have done together. Mike, I know you will not like me saying this, but I am going to say it anyway because it is true. I believe from the bottom of my heart that everything I have been able to do as a Senator that has been good for Minnesota and the country is because, Mike, you have been there right by my side, 1 inch away from me.

A lot of the people in the Senate know that. As a matter of fact, I say to my colleagues on the floor, I will never forget one time when I finally learned at least a little bit of the rules and I was able to come to the floor and fight very hard a number of years ago for some assistance for victims of a tornado that hit Chandler, MN, and other small communities. Mike was there as my tutor, as my teacher, teaching me, as you do, Mike.

It worked out well, but afterwards, Alan Simpson, a former Senator from Wyoming, came up to me and said: PAUL?

I said: Yes?

He said: You see those fellows on the other side of the aisle?—pointing to the Republicans, and I think Nancy Kassebaum was there as well.

I said: Yes.

He said: They have been looking at you.

I said: Yes.

Mike was a ways behind me about where Tinker is sitting right now.

He said: He has been right next to you the whole time. It doesn't look good. It looks like you can't do it yourself. It looks like he is doing it for you. PAUL, the trick is this: You want to have Mike far enough away from you so that it looks like you are doing it yourself but close enough to you in case they throw a whizzer on you, he can be 1 inch away from your side.

That has basically been my methodology as a Senator. I had Mike far enough away so it looked like I was doing it on my own, but Mike was close enough so that always when I needed the advice, I got it.

Mike Epstein, I speak on the floor today in the Senate, and others are coming out to speak, because you are

an institution and I want to make sure you and your family hear these words loudly and clearly.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, when I learned Mike was sick, I thought I should come down and say a few words. I thought: What can I say? I do not want to say anything that will not be appropriate. I went to my person who does my floor work in the Senate, Peter Arapis. I said: Tell me about Mike Epstein. What do you know about Mike Epstein?

He said—and I made some notes—he always told us some jokes and he was always funny, always had a smile, and he appears to be Senator WELLSTONE's best friend. Those are the same things I felt about Mike Epstein.

The feelings about Mike are pretty well known in the Senate. He has a great sense of humor. He always had that sly grin on his face when he was in the Senate, which I appreciated a lot.

Mike, I always appreciated your being so courteous to me. I had a lot of dealings with you because as we proceed in the Senate—and I say this through Senator WELLSTONE to Mike—it seems one of my responsibilities is to get the legislation moving. A lot of times Senator WELLSTONE threw a monkey wrench into legislation moving. Who would I go to to find out what really was happening? I would go to the back row and talk to Mike and say: Mike, what is going on here? He would have a grin on his face as he would tell me what was going on. He was always the person I would go to to break through the Wellstone logjam that was created.

I was looking this morning for something to describe you, Mike. I found a quote by James Barrie that is pretty good. I believe it really sizes up what you appear to be to me. Barrie said, "Always be a little kinder than necessary."

Certainly with Mike Epstein, that is the case. Mike was always a little kinder than necessary to me. Always kind. A lot of times I thought to myself: Wow, that is really a nice person. I guess I thought maybe he was a little kinder to me than was necessary.

I never looked at Mike's resume. My staff gave me a little background resume of Mike today. Here is a man who graduated from Brown University. Brown is an Ivy League school. It is a wonderful school; some say the best school in America. It is very hard to get in. It is a small school, and they only take the best people whom they think can academically be a success.

Then, of course, he went to Boston University Law School, which is one of the top law schools in the country.

He had a resume. He could have gone anyplace in the world to work in the legal field. He could have gone anyplace in the legal field in America to work. He decided very early on that he wanted a life in public service, and that is what he did. As soon as he got out of

law school, he served in the Justice Department as staff counsel, prosecuting attorney, special assistant to the Attorney General, and worked in the Criminal Division.

In 1970 or 1971, Mike moved to Capitol Hill where he spent the rest of his career. What a career it was. I repeat, at any juncture of Mike's career, he could have gone anyplace in Washington to make the big bucks as a lobbyist, as an attorney in one of the big law firms, but he decided not to do that.

He decided to be a counsel to the special commission to investigate intelligence activities—Senate counsel on the Intelligence Committee. He was counsel to one of the Senate Democratic leaders. He was chief counsel to the Foreign Relations Committee. And he, of course, for the last 10 years or so has been the legislative director for Senator WELLSTONE.

At any juncture of his career, including any time he worked for Senator WELLSTONE, he could have gone anyplace in town to make a lot of money. He has a great academic background, and of course his experience is tremendous.

So I feel very moved to say nice things about Mike Epstein, things I wish I had said earlier.

So, Mike, I certainly wish you the best. I know your health isn't as good as we would like it. But I certainly hope you have some peace and rest in the next little bit and that you recognize how much we would like to see you in this back row, helping Senator WELLSTONE—kind of the "Mini-Me" of the Wellstone operation.

I think it is also important that Jonathan and Bob—your two children—recognize the great contributions you have made to Government in America. Things are better because of you. Certainly, I know the many contributions Senator WELLSTONE has made during his career have been directly related to your expertise.

I yield the floor.

Mr. WELLSTONE. Mr. President, I thank the Senator from Nevada.

Mr. DASCHLE. Mr. President, I am not sure what the time allocation is, but I will use my leader time to make a few remarks, if I may.

Mr. President, every day—until very recently—if you looked toward the west entrance to the Senate floor, as my colleague from Nevada has just noted, chances are, you would see Mike Epstein—with that wonderful, warm smile—Senator WELLSTONE's learned and much-loved legislative director.

Today, however, as so many of my colleagues have already noted, Mike is not with us. He is at home resting, because he is very, very sick. His absence from this floor, from this Senate he loves so well, is conspicuous. It is being felt in the hearts of every member of the Senate community. Indeed, it is being felt in the very heart of this institution itself.

For Mike Epstein is actually an institution within an institution.

He is a Senate staffer of the old school. He came to the Senate in 1971—before virtually every member of the Senate staff, and before all but seven sitting Senators.

That is not the kind of thing Mike would ever tell you. As a staffer of the old school, he isn't given to boasting or self-promotion. Then again, he doesn't have to: his experience and his ability speak for themselves.

During Mike's tenure here, he has served on the staffs, as I am sure my colleagues have already noted, of some of our most distinguished Senators to serve in my lifetime, including Senator ROBERT C. BYRD, Senator TED KENNEDY, Senator PAUL SARBANES, and now—for the last 9 years—our dear, dear Senator from Minnesota, Mr. PAUL WELLSTONE.

He also served as a member of the staffs of the Committees on Foreign Relations, Ethics, Labor and Human Resources, and Judiciary.

He first came to Washington in 1962 as a young attorney working at the Department of Justice for Attorney General Robert F. Kennedy.

Along the way he picked up a library full of knowledge, and a mind full of wisdom.

He became—at the elbow of the master, Senator ROBERT C. BYRD—an expert in Senate history, rules, and parliamentary procedure.

He also became a friend, teacher, and mentor to generations of Senate staff.

And he became a valued and trusted counselor to the Senators for whom he worked, and for many others—this Senator included.

What a career. What a remarkable achievement. But then again, what a remarkable man.

What is perhaps most remarkable about Mike is his passion.

Even though all those years of public service tends to wear someone down, Mike is still fiercely, proudly committed to the ideals of a progressive agenda, much like his boss, Senator WELLSTONE.

But "boss" is the wrong term to use in describing the relationship between Mike and PAUL. They are more like family. In fact, Mike says PAUL is like a brother to him. I know PAUL feels exactly the same way about Mike.

Before joining PAUL's staff in 1991, Mike told a friend that his dream job would be to work as Senator PAUL WELLSTONE's legislative director. That dream came true for Mike, and he and PAUL have been inseparable ever since.

So, Mr. President, on behalf of the Democratic Conference, the Democratic staff, and frankly, the entire Democratic Party, not to mention our Senate community, I thank my friend, PAUL WELLSTONE for being here today and for telling this Senate how much Mike Epstein means to this institution and to all of us.

Most of all, I want to express our heartfelt gratitude to our gallant, courageous colleague, Mike Epstein, for his friendship—and for his inspired

service to the Senate and to the Nation.

Mike, we are keeping you and your family very much in our thoughts and in our prayers.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, yesterday Senator WELLSTONE told our caucus of the health challenges Mike Epstein has been facing. I am someone who knows Mike. Am I his closest friend? No. But Senator WELLSTONE had his office next to mine in the Hart Building. Every day—during votes, and coming and going in the Senate—I would see Mike Epstein and see my colleague, Senator WELLSTONE, moving back and forth. I watched, with some wonder, at the work he did for Senator WELLSTONE.

I know he is now facing a health challenge that is difficult. I know there are times in this fast-paced world of ours—especially here in the Senate, with the travel and the hearings and the moving about quickly—that it is easy to forget what makes this work and what has real value in our lives.

This is a moment, as Mike faces this challenge, to say to Mike: Our thoughts and prayers are with you today as you face this serious health challenge. But we also want, as we think of you, to say thanks for what you have done here. The people who serve here, especially my colleague, Senator WELLSTONE, know how important personal relationships are.

The only thing we really have, as we try to deal with public policy, is our work. Personal relationships are everything. But it is not just personal relationships between Senators; it is also the relationships that exist around here between Senators and some talented, dedicated people who help make this institution work. One of those is Mike Epstein.

Each of us aspired to serve our country in different ways. That is what persuaded us in the Senate to seek public office. It is what inspires some of the most talented, dedicated men and women in our country to want to come and serve and work in these Senate offices.

Mike Epstein has worked with Senator WELLSTONE for many years. I know Senator REID just talked about at the end of considering pieces of legislation. I say to Senator WELLSTONE, at the end of the consideration of pieces of legislation that are long, torturous trials, trying to get all the amendments in, Senator REID and I have always tried to figure out, how do we get these amendments compressed? In almost every case, at the end of the process, it has been Senator WELLSTONE who has had three or four amendments.

The reason: I know Mike Epstein would be sitting behind Senator WELLSTONE, and Senator WELLSTONE would be exhibiting this passion, saying: No, we have to do these. This is

important. It has been because he shares Mike's commitment to give voice to the voiceless, and hope to the hopeless, and to not let the big things obscure things that are important to average Americans and people who are struggling out there every day.

That is the legacy of the service of someone such as Mike Epstein to this Senate. As he struggles with this health challenge, I just wanted to comment, as a member of this caucus, and to say to Senator WELLSTONE, and say directly to Mike Epstein, our thoughts and prayers are with you. This country is better because of your service in this Senate.

We wish you well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, first of all, I thank my friend and colleague, Senator PAUL WELLSTONE, for having the foresight and the intelligence to have Mike Epstein on his staff for all the years he has been here in the Senate.

I say to you, Mike, you could not have picked a better person to work for in the Senate. PAUL is in the great tradition of those you have worked with before in the Senate.

I also want to thank you, Mike, for all of your work in the Senate over all these years. When I heard the other day that you were home battling cancer, I said, it is impossible; I saw him right back here just the other day, in back of the balustrade over here. Many times I would be sitting here when debate would be going on, and I would go over and say, "Mike, tell me what is happening," or "What is going on here on the floor?" or "What is the amendment? What is our strategy?"

Mike would fill me in. I thank you, Mike, for keeping me up to speed as to what was happening on the floor a lot of times. Mostly, I also want to thank you, Mike, for all the times we rode back and forth on the subway cars together. It seems around here that sometimes you just kind of meet certain people at certain times. It is unplanned and it sort of happens. I don't know why, but you and I, Mike, seemed to be on the same schedule to ride the subway. I don't know what the subway ride is, a couple or 3 minutes. There was always time for me to get a 3-minute briefing from you, Mike, on what we were doing and what we were fighting for. It revolved around I think what I would like to say is the liberal cause.

If there is one thing I would like to really thank both Mike Epstein and PAUL WELLSTONE for, it is for fighting for the liberal cause. I can't think of anyone who embodies more of what I believe is the real face of liberalism in this country than you, Mike. I think of what President Kennedy once said. I may get the words a little wrong because I am reaching into my memory bank now. But President Kennedy was

once asked—I believe when he was running for President—about being a “liberal,” whether he was a liberal or not. President Kennedy responded by saying: Well, if by liberal you mean someone who is soft on defense, someone who is not concerned about ethics and morals, someone who doesn’t believe in responsibility and accountability—if that is what you mean by liberal, that is not me. But if by liberal you mean someone who cares deeply about the health and the welfare and the happiness of our people, and if by liberal you mean someone who fights for the education of all of our kids, even the most disadvantaged, and if by liberal you mean someone who will fight for the elderly and their rights in our society, if that is what you mean by liberal, then I am one, and I am proud to be one.

So, Mike, I think you embody exactly what President Kennedy was talking about. In all the years I have known you, that has really been your mantle. In all the strategies we had here in fighting for legislation, I think you, Mike, really represented those who didn’t have a high paid lobbyist pushing for them, such as children in poverty, working parents who needed some help, and even my people living in rural areas—a lot of times you helped them.

I just wanted to take this time to thank you, Mike, for always fighting for what I believe is in the best traditions of liberalism in this country. It is the liberal attitude that I believe makes us more compassionate and understanding toward one another, and you have embodied that during the entire time I have known you for all these years.

Again, I thank you for that. You have been a great person, a remarkable person. For as long as I am here, I am always going to turn back to the balustrade and look for Mike Epstein to tell me what is going on and what our strategy is and to keep me focused on what really matters around this place, and that is what we do to enhance the lives of people at the bottom of the ladder. That really is the mark of what we are about and should be about as a Senate.

Mike, I thank you, and I thank PAUL for getting us together this morning to pay tribute to you. I know you are struggling right now, and I just want you to know that you are always in my thoughts and you are always in my prayers. I can just tell you that all the things you have fought for and believed in so strongly in the Senate, believe me, we are going to keep on going with them. So take care of yourself and just know that we are with you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I join with my other colleagues, first of all, in thanking a very special friend and someone we admire and care so much about, our colleague, PAUL WELLSTONE, as TOM HARKIN has said, for bringing us

together. I thank him for persuading our leaders who have responded positively that we take a few moments from the business of the Senate to give recognition to an individual who has given so much of his life to this institution and, really, to our country.

I am grateful to join with my colleagues in adding a word about this extraordinary individual because, in a very important way, his life has been the U.S. Senate. I was fortunate enough, along that pathway of his, to have the opportunity to work with him, as several of my colleagues did, those who are here now, such as Senator SARBANES, and some who are not with us, Phil Hart and Claiborne Pell, as well as Senator Byrd. So I welcome this chance to join with others in recognizing Mike Epstein’s extraordinary service.

Mike Epstein came to the Senate Judiciary Committee after 9 years at the Department of Justice, where he served as a Federal prosecutor. He used those same skills that made him a top-notch prosecutor to investigate some of the most difficult issues before our country. If there was a lead, he pursued it. If there was a fact to be found, he would find it. He left no stone unturned. He served the committee well, and I am proud that he was a member of my staff.

It was during that period that Mike’s love for this institution grew and matured. Though he left briefly in 1974, he couldn’t stay away for very long. Within months, he was back working for the Senate Intelligence Committee, and later for three additional committees, and then for several of my colleagues.

It is a mark of the man that Mike worked for so many different committees and Senators. His career in the Senate reflects an extraordinary breadth of interests and a genuine love for this institution. He is well-versed on issues ranging from international affairs to education; from health care to drug treatment and prevention. In fact, the country owes Mike a debt of gratitude for his tireless work on the 1988 drug policy legislation. He was an articulate advocate for a more balanced and comprehensive approach to drug policy.

Because of his landmark work, the country began to enhance its enforcement efforts by also considering the importance of drug prevention and treatment, as well as a fairer approach to sentencing.

Mike’s work on each of these issues was guided by a love for national policy and also for the Senate and its procedures. He understands so well the relationship between the rules and the outcome of a legislative debate, which is so key in being a useful and productive and effective Member of this body.

The rules form a framework that ensures the fairness of the debate and an outcome that can be respected. Mike knows that, and it is reflected in his work. In so many instances, his knowledge of the ways of the Senate was

drawn upon by so many of our colleagues in ways to advance the cause of our common humanity and decency.

Mike Epstein’s work in the Senate will be long remembered—the legislative battles he helped us win, and the losing battles he helped us fight so well. But his true legacy will be his commitment to public service, and his dedication to the institution. He is among the ranks of those who choose to give deeply of themselves to make a significant difference in the lives of so many people across this country. That achievement will stand as a shining example to everyone who works in the Senate—Senators and staffers alike.

I grew up in a family where members of the family were taught that they should and they could make a difference, and that each of them should try.

I remember listening to the members of our family who said you do not have to be a United States Senator to make a difference. All you have to do is give of yourself and work towards a purpose.

This country is a better country because of Mike Epstein. Today there are scores of people—there are children who are getting better opportunities, young people who are getting better educations, older people whose lives have been enhanced—who will never know the name of Mike Epstein. But because of Mike, their lives are more graceful and more useful and more productive, and their sense of hope is realized—all because of the extraordinary service of an extraordinary human being.

We love you, Mike, and we always will.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Maryland.

Mr. SARBANES. Mr. President, I join my colleagues in expressing appreciation to Senator WELLSTONE for arranging for this period this morning to give us a chance to send a message to Mike, and to talk with him, as it were, long distance for just a few minutes.

I was struck as I listened to my colleagues as they spoke about Mike’s attributes. His kindness, his warmth, which I think everyone who came in contact with him would subscribe to.

I still remember him on the staff back row here in the Chamber with, I guess one might call it, a mischievous smile on his face, and his generosity with his counsel.

Presumably Senator WELLSTONE was aware and gave a special dispensation to all of us to contact Mike, even though he was working for PAUL, for his counsel and advice on matters that were before the Senate.

I took advantage of that opportunity on many an occasion, and always benefited from it.

He has been spoken about by many of my colleagues as an institution in the Senate, and I think that is very true.

But I want to make this point in talking about Mike as an institution, and the impact he had on this body. I

think we are also paying a tribute to all of the loyal and hard-working staff in the Senate who make it possible for this institution to function and to play its proper role in the American constitutional system.

He and Senator WELLSTONE developed a very close relationship. As some have noted, they were like family—like brothers towards one another. But Mike's family is also all of us because he was such a caring friend.

So this is a trying time. Mike, we want you to know that you are very much in our thoughts and in our prayers, and as the Chaplain said this morning when he opened the Senate and pronounced his blessing we also hope that you will derive some peace and harmony from this conversation.

I want to talk for a moment about Mike Epstein as a thoroughly committed fighter for progressive principles.

As others have noted, when he finished law school in 1961 at Boston University where he graduated with honors and was an editor of the Law Review, he came to Washington and went to work for the Justice Department. That was headed at the time by another Kennedy. Mike enlisted in that effort and served with great distinction in the Department of Justice for almost 10 years.

He then came to Capitol Hill and held a number of very significant responsibilities in the Senate: Counsel to Senator KENNEDY; then Counsel to the special committee to investigate intelligence activities, the Church committee. He was counsel to the Select Committee on Intelligence; counsel to the Democratic leader. For more than two years, he was chief counsel to the Senate Committee on Foreign Relations, which is where I got to know him best. I had that wonderful opportunity to work closely with Mike and I still treasure the close relationship we developed.

Consistently throughout all these responsibilities, Mike reflected his abiding commitment to the U.S. Constitution.

He understood the significance of the Constitution in our political system, and Mike, again and again in carrying out your responsibilities, your determination that we should pay appropriate respect and deference to the Constitution constantly came through.

Secondly, I was struck by Mike's commitment to American democracy. It is a complicated business to make American democracy work—We are a very diverse, pluralistic nation. We are now getting up towards 300 million people. Mike understood the importance of opportunity and fairness for the workings of the American political system and was constantly committed to those goals and to those objectives.

He had an abiding commitment to working people. As Senator KENNEDY noted, there are hosts of people across the country who never met Mike Epstein and don't know his name, but

lead better lives today because of the work and the commitment of Mike Epstein here in the Halls of the Congress for now almost three decades.

So Mike, we want to take this opportunity to just talk with you and tell you how much you have meant to all of us.

I want to close with one final observation. Mike, throughout all of this commitment and tough fighting for principle and for causes, you consistently reflected a civility and a decency and a respect for others which I think, explains, why you have come so much into the hearts of so many people.

I join others in expressing my gratitude to you for all you have meant to us, and in wishing you the very best now in this difficult and trying time, and in saying a very heartfelt thank you for being our friend.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, it is an honor to be able to talk to Mike for just a couple of minutes and to do so with my friends whom you and I care so much about and to say, particularly to Senator WELLSTONE, thank you for standing up in the caucus and for telling us about Mike's battle and inviting us to speak with him.

The message I want to give you today, Mike, is that you have made a mark in the Senate. It is hard to do that because I am sure you know we have at least 100 fairly large egos around here. To make a mark in such a place is a tribute to you. You have made a mark among so many Senators—by the way, you picked some wonderful ones to work for—and also among staff.

I don't know whether you can see the staff here, Mike, but there are quite a number of them here today. If they could grab a microphone away from us, I know they would. They also send their strong and best wishes to you and their love.

It is kind of unusual for someone to have that kind of amazing respect and admiration from Senators and staffers alike. There is a reason for it. You chose this career for the right reasons—not for the power, not for the influence. In many ways, you have that through the powerful and effective people for whom you work.

But that is not why you decided to make your career in public service. It is really because inside you, you have this burning feeling that we need to make life better for all the American people. That is reflected in the work you do, as well as the people for whom you chose to work. That is reflected in making life better for families, children, and workers, regardless of who they are or what their status is.

But I want to tell you, Mike, I remember just a couple of weeks ago when I was feeling my oats because we had won an amendment on the floor dealing with sensible gun laws. It had been such a struggle. I found myself in the subway, going back to my office

with you, Mike. Boy, I was feeling good because we don't win a lot around here these days. It was a good feeling. You looked at me and instead of saying, good work—which is of course what I wanted to hear from you—you said: You know, we really have much more to do on this. We have to build on this. We have to take it the next step.

At first, I thought, this was not what I wanted to hear. I wanted to relax and enjoy the moment. When I got back to my office I realized: He is right, we just have to build on our success. We have to keep on working and keep pushing.

That gleam Mike always has in his eye really comes with this message of fighting. That is why I think he and PAUL WELLSTONE are such a great combination. You can't have more of a fighter for the people than PAUL WELLSTONE. It is a great and contagious quality. We need more of it around here. It is easy to give up, whatever side of the aisle you are on, or wherever you stand on the issues. It is tough to get in some of these battles. It is tough to stand and debate and fight for your point of view.

There is a lot at stake, Mike, and you always understand that. I hope you can take that amazing spirit, fight, and spark with your family, engage in this fight you are in right now, and know that a lot of Members, including staff and Senators alike, really care about you and respect you so much.

Thank you.

Mr. FEINGOLD. Mr. President, I am pleased that Senator WELLSTONE is on the floor at this point. I want to join my colleagues and speak regarding our good friend, Mike Epstein, and I send my thoughts to Mike as well. This is a wonderful place to work in the Senate and in this community. But it is a tough town. Mike Epstein is one of the warmest, best people I have ever met. For a while, I was a little jealous that he worked for Senator WELLSTONE, until I found out that Senator WELLSTONE, with Mike Epstein, is a team operation. Whenever I needed encouragement out here and Paul wasn't around, or somebody from my office, all I had to do is turn back and look at Mike who would give me a warm smile and good advice. He is a good friend. I am proud to be associated with Mike and to have worked with him over the years.

I thank Paul very much for giving us this opportunity.

Mr. WELLSTONE. Mr. President, my colleague from Wisconsin sent a wonderful letter that was read to Mike and he loved it. I thank him for that.

Mr. WELLSTONE. I thank all of the Senators who spoke for Mike and his family. There are other Senators who will be speaking who could not work into this timeframe. It is quite amazing to have so many people come down.

Mike, I want you to know that the Parliamentarian, staff, Republican, Democrat, everybody here has a look on their face, an expression of love and support for you and your family.

I finish this way, Mike. It has not been our friendship—the relationship is not like I hired somebody to be my assistant; it is more like I hired somebody who has been my teacher. Maybe that is why we are joined at the hip.

Sometimes when I come to the floor, probably I make mistakes, maybe get too intense, feel too strongly. I will ask Mike, how have I done? He will be willing to give me quite a bit of constructive criticism. But sometimes I will be down on the floor with other Senators and I will go back to the office and I will go to Mike and look for approval. I will say: Mike, how did I do? And he will say: That was just right.

Mike, I hope you think this was just right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. What is the time status?

The PRESIDING OFFICER. Under the previous order, the time until 11:15 is under the control of the Senator from Wyoming or his designee.

Mr. THOMAS. Let me first say how touching and impressive it was for the Senators to come to the floor and make these comments. All of us have Mike in our hearts and prayers.

I yield to the Senator from Idaho as much time as he desires.

EDUCATIONAL OPPORTUNITIES ACT

Mr. CRAPO. Mr. President, I appreciate the opportunity to come to the floor today and speak with regard to the Educational Opportunities Act we will be debating later today. The Educational Opportunities Act represents an opportunity to make a striking change in education in America. I will quickly go over what it is that this act with which we are dealing will do.

Title I of the act is dedicated to helping disadvantaged children meet the high standards of education that we seek to have them achieve.

Title II is dedicated to improving teacher quality throughout the Nation.

Title III contains enrichment initiatives for our schools, including initiatives such as the gifted and talented programs; the advanced placement programs; help for neglected, delinquent, and at-risk students; and help for each school to meet each child's unique educational needs.

Title IV deals with developing safe and drug-free schools.

Title V deals with initiatives for educational opportunities, initiatives that will involve opportunities such as taking maximum advantage of the technology education we need to provide for our children.

Title VI involves innovative education where we give flexibility and power to the local teachers and parents to create innovative educational programs in their communities that will help empower students.

Title VII deals with bilingual education and language enhancement ac-

quisition so those who need to develop the necessary skills to speak English can be given the assistance to do so.

Title VIII deals with impact aid, a form of aid critically important for those areas where the Federal Government creates an additional burden through its use of Federal property. And Title VIII deals with Indians, Native Hawaiians, and Alaskan Native education, dealing with specific needs throughout the Nation where we need focused efforts.

I thank the chairman of the HELP Committee, Senator JEFFORDS for his leadership on this bill. I also like to thank the ranking member, Senator KENNEDY, and all the members of the committee for their time and efforts to bring forth a bill that invests in public schools and offers our children an unparalleled opportunity for education reform and a better education. I commend all for your endeavors in tackling the tough decisions that face our schools and our children.

The pending ESEA bill offers students and parents a tremendous opportunity for better schools and a better education. Perhaps our greatest accomplishment in this bill is the reduction of Federal regulations. While the Federal financial contribution is approximately 7 percent of total education costs, the requirements currently placed on States represent a disproportionate burden in redtape and Federal control.

Granting waivers to States, and allowing them to bypass complex, confusing, and time consuming mandates, is one of the most important things S. 2 does to help schools reach their full potential.

In exchange for increased State and local flexibility, the Education Opportunities Act requires greater accountability for improving student performance. By establishing high standards and demanding accountability, this bill represents a great step toward ensuring the academic success of all students.

Senator GORTON's Straight A's proposal also allows interested States to consolidate up to twelve Federal formula grant programs in exchange for flexible approaches that boost student achievement. The Straight A's program gives States more flexibility in the use of Federal funds, so long as it can be demonstrated that the flexibility is used to achieve higher academic results for students.

Senator GREGG's efforts to promote portability should also be commended. This child-centered approach establishes per-pupil amounts to be used for supplemental services, such as tutoring. This change, would for the first time, ensure that the money follows the student. No longer will a school with title I students go without receiving funding for the very students it is asked to educate.

As I have looked through this bill and reviewed the various provisions, I am particularly pleased to see a number of measures I introduced earlier

this year in separate legislation have been included. These bills focused on the growing needs of education in our rural communities. Earlier this year, I introduced an education bill—now title VI part B, the Rural Education Initiative—that would allow school districts to combine the small amounts of funding they may receive for specified programs, to accumulate a book of funds large enough to address local priorities. The committee recognized the unique challenges facing rural school districts by incorporating this important provision into the bill before us today. The students, parents, teachers, and administrators in Idaho appreciate your commitment to small, and sometimes poor, rural school districts.

Regarding title VIII and the Impact Aid Program, I am pleased to see legislation I authored earlier this year included in the bill. My legislation recommended changing the formulas by which Impact Aid funds are distributed to schools. This change, and other important changes in the bill before us, reaffirm our commitment to those children in schools where the loss of local property taxes due to a large Federal presence has placed an extra burden on local taxpayers.

The Educational Opportunities Act also ensures that teachers are an integral part of the effort to improve public education. The bill recognizes that strong professional development for our teachers is the foundation of our effort to facilitate improved student achievement. Whether professional development is emphasized through technology training, quality mentoring, or programs to recruit, hire, and train certified teachers, all which I proposed in legislation earlier this year, under this bill schools will have the flexibility to influence education based on local principles and local successes. Nothing can replace qualified teachers with high standards and a desire to teach. Coupled with professional development opportunities, our teachers must be equipped to positively influence and inspire every child in their classroom, and ultimately accelerate student achievement.

As I close, I would like to clarify one position that I have heard misstated, not only during this debate, but in various forums on education reform. Some have expressed the unwillingness of Republicans to adequately fund education initiatives like many of those we are debating today. Some individuals have gone so far as to say that we have proposed significant cuts. This is far from the truth. Last year's consolidated appropriations bill included significant funding increases for education. In fact, education was funded at \$990 million above the President's budget request and \$2.4 billion more than fiscal year 1999 levels. While there is a clear disagreement on how to spend education funds, I hope that we can proceed with an honest and accurate discussion about the support for adequate funding.

If we put our differences aside and work together to pass this bill, ESEA will be reauthorized for five years, with a price tag of nearly \$160 billion. In 1965, the original ESEA bill was enacted to close the achievement gap between rich and poor students. I have yet to speak to a Senator who is not willing to provide the funds to achieve this worthy goal. But, I believe there are some Senators who share my concern that we will continue to fund a system where the original goal of this 35-year-old law is no closer to being met. Instead of narrowing the achievement gap, we see the gap actually widening. Too many of our students continue to perform at low standards, with many ranking near the bottom of a list of 21 industrialized nations in many subject areas. Continued Federal funding should be implemented with the goal of closing the achievement gap, and rewarding successful schools, rather than funneling money into failing programs. If our original goal remains—closing the achievement gap—it is not unreasonable for Federal funds to be tied to strict accountability standards.

Congress takes up the reauthorization of the Elementary and Secondary Education Act every 5 years. What we do now will significantly impact the lives of all students. We cannot sit around any more waiting to see if our old programs suddenly work. In 5 years, one child will have completed his or her elementary career. Another will graduate from high school and enter our increasingly demanding technological workforce. Are we willing to let another 5 years go by before making real changes? Are we willing to allow another child to be pushed through a failing system? I am not, and that is why the provisions and initiatives incorporated in this bill must be supported.

Education is the key that unlocks the future for our children, our State, our Nation, and there is no higher priority. I support the Educational Opportunities Act, which reauthorizes the Elementary and Secondary Education Act and I urge my colleagues to work together to pass a bill we can all take pride in supporting.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise today to talk about our vision for the future, our vision for the future of education and why that is important for the future. We have to provide a high-quality education to the students of the United States in order for them to be able to compete, for them to be able to grow, for them to be able to prosper into our future. I think it is critical at this juncture that we in this country talk about what that vision is of our future, that vision of education in our future.

We are talking about a different model. We are talking about a different way to go. We are talking about more innovation. We are talking about more

individual decisionmaking. We are talking about a system which will allow students in that individual classroom, and teachers and local boards of education and States, to make more decisions about their future than they have had the freedom to make, using education dollars, at any time in the past.

This is a model we followed previously. I think the correct model to look at is welfare reform that this Congress, in 1995 and 1996, debated and passed. It was major welfare reform legislation in that we went from a federalized system of one-size-fits-all rules and regulations to a State system. We set up some parameters and guidelines at the outset. We said our objective was to get people to work and have the freedom of the workforce and not continue to be strapped down in a system that did not allow individuals to blossom. It was a system that confined people, in many cases, to failure.

We said we were going to let the States innovate. We were going to let the States work to help people more instead of having this one-size-fits-all system. It has been a brilliant success in welfare reform. Welfare rolls are down 50 percent. People are working and receiving a check in the mail, and they are happy about it; they are in charge of their future rather than thanking the Federal Government for a small subsistence payment to mire them in poverty all of their lives.

It was innovation, it was opportunities, it was local decisionmaking, and it has been wildly successful. We want to replicate that model in education—local decisionmaking, innovation, individual opportunities, and I think this is going to be wildly successful if we are given the opportunity from our colleagues on the other side of the aisle in the Democratic Party to allow us to move forward with this model of education reform.

I hope we do not get hung up as we did last week on the marriage tax penalty saying, to pass marriage tax penalty, we want to deal with germane amendments, and then we were stopped by a number of nongermane amendments on topics that were not relevant at all to the marriage tax penalty. It appears we are starting down the same track.

We want to do something significant in education reform. We can do it. We have the time, we have the floor, and we have the opportunity. Or are we going to be stopped by things that simply do not pertain to education at all?

The Democratic Party is going to have to decide whether we move forward with an education bill or this is just another chance to block major legislation and complain about a Congress that does not do anything when there are those on their side of the aisle who seek to stop us from doing anything.

In a vision of the future, I imagine a future in which a human being actually steps onto another planet in our solar system, and I imagine that the coming

generations will look forward and say: We do not fear cancer as a major threat to health. In fact, the odds may be pretty good we both have a pretty accurate vision of opportunities in the future.

Indeed, at this point in our Nation's history, in the wee hours of a new millennium, we have tremendous potential to accomplish things that until now have been unimaginable—eliminating cancer as a major health risk in the country or going to other planets.

However, for the future to become how we envision it today, our Nation's children must receive a first-class education. Over the next couple of weeks, we will have a chance to address our visions for the future in providing that first-rate education for our children.

When I say visions for education, I use the plural for a reason. When Senators from both sides of the aisle close their eyes and envision the future of American education, they often see very different results. One vision about which we have heard quite a bit in the past few weeks is the vision of the status quo. Some want to move into the new century using the old model which spends education funds through specific categories that the Department of Education sees fit. They will continue to hold school districts accountable primarily for filling out their paperwork correctly and on time.

In one sense, this model is very successful. This model has been successful at creating programs. Currently, ESEA is comprised of over 60 different programs, each one specifically tailored to address a problem or problems with public education that Washington perceives. With 46 million students in approximately 87,000 public schools, it is pretty impressive that we can figure out their needs so well from here—one place.

The status quo model has also been extremely successful at holding States, school districts, and schools accountable for filling out paperwork. While the Government provides only 7 percent of local school funding, it demands 50 percent of all school paperwork. Those are pretty bad odds. In fact, some State education agencies devote 45 percent of their staff to administering the funds they receive from the Federal Government. Quite wasteful.

This paperwork burden demands 49 million hours each year, or the equivalent of 25,000 employees working full time on paper rather than kids. Indeed, fewer than 50 percent of the personnel employed by public schools are teachers today.

Unfortunately, with all of its success over the past 30 years, the status quo model has been a failure in one very important aspect, and that is student performance. Many of the status quo programs have been specifically targeted toward low-income students. Yet in the fourth grade, 77 percent of the children in urban high-poverty schools are below basic on the National Assessment of Educational Progress test.

Problems with student performance are not confined to urban districts. These problems have touched the lives of literally millions of Americans. Since 1983, over 10 million students have reached the 12th grade without having learned to read. Over 20 million have reached their senior year unable to do basic math.

The bill before us has in it a different vision for American education. This new vision is the vision of innovation versus the vision of status quo. Under this model of innovation, instead of relying on Washington to assess the problems facing 46 million students, we rely on the parents, teachers, and principals who know the children's names. Instead of counting on the bureaucrats at the Department of Education to figure out the needs of 87,000 public schools, we leave it up to the school board members and State education officials who can tell you about the neighborhood where the school is located.

Under this model, we count on these people to identify the problems facing our students and schools and to be innovative in finding a solution to fix these problems.

This model has already started to work in places such as my State of Kansas. Over the past 3 years in Kansas, we have seen Federal education funds increase by over \$21 million. However, when one talks to the people who deal with the Federal education funds, they want to talk about the success of consolidated planning, which Kansas implemented under an Ed-Flex waiver.

Consolidated planning was a modest step which helped eliminate some unnecessary bureaucracy and helped the State use Federal funds more efficiently. More than that, it gave Kansans a taste of what can be accomplished with a little innovation. I want to give Kansas and the rest of the Nation more room, an incentive to be innovative. That is why I support the bill before us today.

Under the leadership of the Senator from Vermont and other colleagues such as Senator GREGG, our committee was able to produce a piece of legislation that takes very important steps toward the innovator model, the first being the Straight A's proposal about which several of my colleagues have already spoken.

In conclusion, we have had a taste of this in education, and it has worked. We like the taste of it, and we like what it produces. We experienced it in welfare reform, and we have seen enormous success.

Let's move forward with this innovation. Let's allow this opportunity to blossom so our kids not only can envision but fulfill the dreams of going to other planets and of curing cancer, but they need a quality education to fulfill those dreams. I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Missouri.

Mr. BOND. Mr. President, I have been listening with a great deal of interest as my colleagues on both sides of the aisle have expressed their views on education. I particularly commend my neighbor and colleague from Kansas and my good friend from Idaho for their very perceptive comments about education.

As I listen to the debate back and forth, it is clear we have two very different approaches to education being championed. On the one side, we have trust of local schools; on the other side, we have mistrust.

On one side, we advocate local control; on the other side, they advocate Federal control.

On our side, we say that parents, schools, teachers, and school boards know best. On the other side, they say Washington knows best.

For me it is not a tough choice. This is not rocket science: trust, local control, parents, schools know best. There is no question in my mind.

I come to the Senate floor today to say—and I have said it before and I will say it again—I spent my adult career working with parents, teachers, and school boards in Missouri. I have watched them work. I have watched their education decisions. I spent the last 13 years in this body watching Congress debate issues and watching the Federal bureaucracy administer programs.

When it comes to wasting money, it is not even close. It is not a contest. It is a good thing that local schools do not operate as does the Federal Government because local schools could not afford to. Luckily, schools are far better at applying resources to the needs of children in their schools. Unfortunately, the Federal bureaucracy has been good at creating waste, misdirected priorities, red tape, and unnecessary hassles and regulations.

As it is the case in other areas as well, our congressional zest to provide assistance has become part of the problem—our good intentions. And they are good intentions. Nobody questions the intentions. When the Congress went about creating 765 programs, every single one of them was a good idea. Unfortunately, it was at the wrong place. It was a good idea in Washington, not a good idea at the local school level.

Our good intentions have become burdensome regulations, unfunded mandates, mounds of paperwork, and unwanted meddling. We have created a system where parents, teachers, and local school officials have less and less control over what happens in the classroom.

Instead of empowering parents, teachers, and local school officials, we have empowered the Federal Government and the bureaucrats. We have been slowly eroding the opportunity for creativity and innovation on the local level and have put a system in place where the Olympians on the hill pretend to know what is best for the peasants in the valley.

We need to be bold enough to stand up and admit that these good intentions have gone astray. Our good intentions are failing our public schools and, most importantly, they are failing our children. Let's recognize what we do not know in Washington has become obvious. Washington does not always know best, especially when it comes to micromanaging the education of children in local schools throughout this country.

What is wrong with giving control of education to local schools and to the States? What happened to everyone saying that education is a national priority but a local responsibility? I firmly believe that is true. If that were true, and the other side trusted those at the local level, this debate would not be as controversial as it is.

What is wrong with letting classroom teachers, principals, and school boards fashion plans to improve learning and achievement in their own schools?

Back in my home State of Missouri, no one thinks the answer to improving public education lies within the Halls of Congress or in the granite buildings in downtown Washington's Department of Education.

Almost everyone I have talked to will say: Stay out of the way and give the local schools the opportunity.

Missourians know, and I know, that the real solutions—the laboratories—are the local schools when they are given the opportunity to excel and not have to play the "Mother, May I" game with Washington, DC.

My colleagues on the other side of the aisle keep talking about class size, afterschool programs, and numerous other programs. These will be new programs, with new mandates, and new responsibilities for schools directly controlled and regulated by Washington, smothered with reports and regulations and redtape. Is this the direction we want to go? I do not think so. This will only exacerbate the "Mother, May I" game.

As we debate ESEA today, I hope we will keep certain things in perspective. One of those things is how much money the Federal Government actually provides to the local school district and what amount of Federal involvement is appropriate with the amount of funding provided.

I have heard over and over again that the Federal Government provides less than 10 percent of a local school district's budget. Yet the Federal Government accounts for over 50 percent of the local school district's paperwork burden. How can any of us justify this proportion of Federal meddling and paperwork burden for less than 10 percent of the district's funding? In my State of Missouri, on average, Federal funding accounts for only 6 percent of the local school district's budget.

My great State of Missouri has some wonderful teachers, principals, superintendents, and school board members—some of the best in the country. I cannot believe my colleagues are not

hearing the same thing from their constituents that I am hearing from mine. If you are not, I suggest you are not listening. Go back and ask them. They will tell you. However, just in case you have not heard, let me share some of the things I have been told.

The Superintendent of Springfield Public Schools in Missouri said:

The amount of paperwork that the federal government causes local school districts to engage in is often overwhelming. That extra effort and time often reduces productive classroom time and energy that could better be spent working directly with children.

Mr. Berrey of the Wentzville R-IV School in Missouri said:

Limiting federal intrusion into decisions best left to local communities is what I believe our founding fathers had in mind.

From Neosho R-5, in Missouri:

The individuals working most closely with the students are indeed the ones who can best decide how this money can be spent for the benefit of students' education.

From the Superintendent of the Special School District of St. Louis County, MO:

As head of a school district specializing in special education, I fully understand how my district's financial needs differ from other school districts' needs. In order to best utilize the limited funds that are at my disposal, I need maximum flexibility in determining how to put those funds to the best use.

From the Board of Education President of the Blue Springs School District in Missouri:

Without local control, the focus is taken away from the needs specific to the children in each school system.

I think the Superintendent of the Taneyville R-II School District in Missouri sums it up well:

I feel that the State and Federal government has tied our school's hands with mandated programs and mandated uses for the monies we are receiving. The schools are likened to puppets on a string. Pull this string this way and the school does this; pull it another way and the school does that. School systems and communities are as different from one another as individual people are different. What works for one will not work for another.

These are the types of comments I have heard over the past couple years. These comments led to the development of my Direct Check for Education proposal that is S. 52.

As introduced, S. 52 took six Department of Education programs, primarily competitive grant programs, and combined them and determined that the funding would go out based on average daily attendance in school districts. It would give school districts added flexibility.

I intend to offer an amendment that would allow us to try this as a demonstration program.

I know it is hard sometimes to get Governors to support this concept. But I stand here as a recovering Governor. I know that Governors and States have the responsibility for welfare programs, State transportation programs; but the responsibility for directly de-

livering student education rests in the hands of those at the local level.

Let's give them the opportunity to demonstrate they can deliver. States can still establish standards and requirements. They still have the ability to control their local school districts. What I am saying, with Direct Check, is to keep their hands out of the bureaucratic maze that the Federal Government imposes on them. I hope my colleagues will take a look at that proposal when I offer it.

Another area I am looking at very carefully is having an amendment on Impact Aid. Impact Aid is one of the oldest Federal education programs, dating from the 1950s, and is meant to compensate local school districts for the "substantial and continuing financial burdens" resulting from Federal activities. These "activities" include Federal ownership of land, such as military installations or Indian reservation lands, as well as local school enrollment of children whose parents work on Federal property. It is a Federal responsibility.

In my State, we have two outstanding military bases: Fort Leonard Wood and Whiteman Air Force Base. I would argue it is a quality-of-life issue for our military and one we must address. I look forward to working on it with my colleagues. I believe the Senator from Oklahoma will be working on it.

I also offer my support, in advance, for an amendment I have been working on for some time with Senators STEVENS and JEFFORDS, along with a number of our other colleagues, that focuses on early childhood education and development.

While most of the debate this week will be about elementary and secondary education—the years of what we might call "formal schooling"—the education and mental development of a child, however, begins long before that child enters kindergarten. In fact, the education and development of a child begins practically at birth. From the experiences we have had in Missouri with parents and teachers, we know that those first 3 years are vitally important. Giving the parents the right tools to help that child get started can make a tremendously important difference in the educational achievement of that child throughout that child's educational experience.

The amendment the Senators from Vermont and Alaska will offer recognizes these basic facts; that the education and mental development and entire development of a child begins early in life. Through this amendment, we hope to support families with the youngest children to find the early childhood educational programs that can help those families and parents provide the supportive, stimulating environment we all know their children need.

The amendment recognizes that if we want to do everything possible for our Nation's children and their overall edu-

cation, we need to focus on the earliest years, as well as the years of formal schooling. We can do this—and this amendment proposes to do this—by supporting and expanding the successful early childhood programs and initiatives that are working right now at the local level. I invite anybody to come to Missouri to see how well these programs work.

I am pleased to say the amendment is based on the basic ideas and principles set forth in legislation that I was pleased to introduce several years ago with my good friend and colleague from Massachusetts, Senator KERRY.

Mr. President, it is my opinion that if we want to improve our public education system to educate our children for a lifetime of achievement, we must take the stranglehold of the Federal Government off the local school districts and the States and give the resources directly to those local school districts and States so they can do their job.

I look forward to supporting an amendment by my colleague from Missouri, Senator ASHCROFT, which deals with some of the very serious problems that the current IDEA imposes. Talk to any school official, any schoolteacher, any school personnel in Missouri, and they will tell you they are scared because the requirements of IDEA put other students, teachers, and school personnel at risk from dangerously violent students who sometimes carry guns and are sheltered by the Federal regulations that come with the individual education program. We should not have a Federal Government program that puts people associated with schools at risk. We need to change the laws to protect and nurture those with IEPs but not to expose those with whom they deal to violence and perhaps even to guns.

In closing, we must empower parents, teachers, school administrators, and school boards because education decisions can best be made by educators, board members, parents, teachers, and local school officials who know the names and the needs of the children in their schools. I hope we will be spending our time debating education, not every issue under the Sun that may come up as an effort to derail this vitally important reform of our education system.

Our children deserve the reform this bill delivers. This ESEA bill deals with one of the most important national priorities, and that is education. It deals with it by moving the control and the responsibility out of Washington and back into the real world where the best decisions can be made. I look forward to working with my colleagues.

I thank the floor manager, the chairman of the committee, for allowing me the extra time. I look forward to continuing the debate and working with colleagues on both sides of the aisle to achieve successful ESEA reform, with perhaps some of the bells and whistles added that I have mentioned.

Mr. JEFFORDS. Mr. President, what is the order of business?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. JEFFORDS. When does morning business terminate?

The PRESIDING OFFICER. Morning business terminates at 11:15.

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EDUCATIONAL OPPORTUNITIES ACT—Resumed

The PRESIDING OFFICER. The clerk will report S. 2.

The legislative clerk read as follows:

A bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

Mr. JEFFORDS. Mr. President, I ask unanimous consent the order of amendments to S. 2 be modified to show Senator MURRAY's class size amendment is the fourth amendment in lieu of Senator KENNEDY's teacher quality amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. I yield to the Senator from Washington.

Mr. GORTON. I believe under the previous order it is now in order for me to offer an amendment.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 3110

(Purpose: To strengthen the Academic Achievement for All Demonstration Act (Straight A's Act))

Mr. GORTON. I send an amendment to the desk for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself, Mr. GREGG, Mr. LOTT, and Mr. COVERDELL, proposes an amendment numbered 3110.

Mr. GORTON. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 630, strike lines 24 and 25.

On page 653, strike lines 12 through 22.

On page 654, between lines 16 and 17, insert the following:

“(12) ACHIEVEMENT GAP REDUCTIONS.—An assurance that the State will reduce by 10 percent over the 5-year term of the perform-

ance agreement, the difference between the highest and lowest performing groups of students described in section 6803(d)(5)(C) that meet the State's proficient and advanced level of performance.

“(13) SERVING DISADVANTAGED SCHOOLS AND SCHOOL DISTRICTS.—An assurance that the State will use funds made available under this part to serve disadvantaged schools and school districts.

On page 656, beginning with line 22, strike all through page 657, line 5, and insert the following:

“(9) Section 1502.

“(10) Any other provision of this Act that is not in effect on the date of enactment of the Educational Opportunities Act under which the Secretary provides grants to States on the basis of a formula.

“(11) Section 310 of the Department of Education Appropriations Act, 2000.

On page 657, line 6, strike “(11)” and insert “(12)”.

On page 657, line 9, strike “(12)” and insert “(13)”.

On page 657, line 21, insert “that are consistent with part A of title X and” after “purposes”.

On page 665, strike lines 16 through 18, and insert the following:

“To the extent that the provisions of this part are inconsistent with part A of title X, part A of title X shall be construed as superseding such provisions.

On page 846, line 15, strike “and”.

On page 846, between lines 15 and 16, insert the following:

“(E) part H of title VI; and

On page 846, line 16, strike “(E)” and insert “(F)”.

Mr. GORTON. Mr. President, we are now launched into that portion of this vital debate on education when amendments will be proposed, debated, and voted upon. Under the order, there will be first a Republican amendment; second, an amendment for a Democratic alternative; the third, another Republican amendment; and fourth, the Murray amendment that was just outlined by the Senator from Vermont.

I hope, and I think the leadership hopes, we will vote on the first two amendments before the end of business today, but that certainly is not guaranteed. At the present time, there is no time agreement.

Mr. KENNEDY. Will the Senator yield?

Mr. GORTON. I yield.

Mr. KENNEDY. I appreciate what the Senator said. I think we can move more rapidly if we exchange the amendments. We have just received the Gorton amendment and we want to be responsive in a timely way. We would be glad to try to stay two amendments ahead so those who have the responsibility to inform their colleagues, as well as to speak on these issues on the floor, have an opportunity to be prepared to address those questions.

I hope, out of a spirit of comity, we could try to do that. It is generally done in areas of important policy. There is no reason not to. We know what these matters are. I indicated to the chairman of the committee 2 days ago what our amendments were going to be, and they are the ones we offered in committee. There are no surprises. I hope we could at least try to do that as a way of moving this process forward.

This is related not only to the Senator from Washington. We know he has spoken to other groups that he intended to offer an amendment, but we will try to work with the floor managers to exchange these amendments so we can move it forward in a way that will benefit all Members.

Mr. JEFFORDS. Mr. President, I will do all I can to make sure the Senator has appropriate notice.

Mr. KENNEDY. We will provide to the leader our first amendment, as I indicated, the Democratic alternative, and then the Murray amendment. I will be glad to give the particulars to the floor manager.

Mr. JEFFORDS. Thank you.

Mr. GORTON. Mr. President, I think the suggestion of the Senator from Massachusetts is an excellent one. As I say, I hope we will debate for the balance of the day on the amendment I have just submitted and on the Democratic alternative. I, for one, will have no objection during the course of the day if the Democratic amendment is before the body more or less contemporaneously with my own. They can be debated at the same time. Whether we will be able to finish today and vote on both of them is uncertain. I think it is the hope of the leadership we can do so. The idea that the next two amendments that are already enshrined in the unanimous consent agreement should be exchanged today so each side can see them for debate tomorrow, in my view, is an excellent idea.

The subject of my amendment is one of the important and dramatic changes proposed in the bill reported by the Health, Education, Labor, and Pensions Committee. It is an amendment to the Straight A's portion of that bill. I will discuss Straight A's a little bit more in detail as we go forward today, but, fundamentally, Straight A's in the form in which it is found in this bill is a 15-State experiment available to 15 of the 50 States, pursuant to which roughly a dozen of the present categorical education programs—including, most notably, title I—would be combined and consolidated without the great bulk of the rules and regulations literally amounting to hundreds of pages and the forms and bureaucracy that accompany those rules and regulations.

There would, however, be one overwhelming requirement substituted for the procedural rules that accompany the present programs that are included in Straight A's. Those procedural rules have literally nothing to do with student achievement. They have to do with eligibility. They have to do with the nature in which the money coming through those programs is spent. They, of course, have as their goal student achievement. But most notably, the 35 years of title I have not been marked by any significant reduction in the difference between partially privileged student achievement and those of the underprivileged students, at which title I is aimed.

This amendment is slightly more than a technical amendment, but it

certainly does not change the philosophy of Straight A's. It has a more binding requirement; that the 15 States which take advantage of Straight A's actually reduce the achievement gap between high- and low-performing students by a minimum of 10 percent over the 5 years of the contract under which Straight A's is offered to those 15 States.

S. 2, this bill, already includes a very considerable carrot that gives a bonus to States that close that gap by 25 percent during the course of the agreement. That is a new, novel, and vital part of Straight A's. However, in order to see to it that the States which take advantage of Straight A's actually reduce that gap, a more modest but still significant reduction is simply required as a condition of continuing to be eligible for Straight A's.

Second, there has been some criticism that elements in this bill could be construed to be vouchers. That is not the case, in my view. It was not the intention of the draftsman of Straight A's or of the bill as a whole, but a portion of the amendment that is before the Senate now creates exactly the situation that exists under present law, where the use of Federal funds for vouchers is not explicitly provided for or disallowed but is essentially dependent upon the interpretation of current law by the Department of Education.

A third change in this amendment requires that districts and States that use Straight A's provide an assurance that Federal funds will be used to certain disadvantaged districts and schools. I do not think that differs from Straight A's, as it was originally drafted, but it makes that requirement more explicit.

Finally, it sets up a list of eligible programs in Straight A's and in another part of this bill, performance partnership agreements, as being identical, as matching. They were meant to match. There were a couple of technical differences in the bill as reported. This corrects that disparity. But the purpose of the amendment, in addition to those minor changes, is to focus the attention of this body on that portion of S. 2 that deals with Straight A's.

I have spoken on a number of occasions on that subject. I would like to do so now once again. I should like to say, to reuse an analogy I used in my remarks last night, we are, as is the case with every group that proposes a dramatic change, threatened with all kinds of disastrous consequences if somehow or another we change the status quo. That is not a property exclusively belonging to members of one party or to the other. But it does seem to me that what we are proposing in S. 2 taken as a whole, with Straight A's as a major portion, is the most significant redirection of Federal education policy since the advent of title I itself some 35 years ago.

Every addition to Federal education policy since then, with the modest exception of Ed-Flex, has increased the

control and the influence of the Department of Education here in Washington, DC, over the education policies of 17,000 school districts in the 50 States across the United States. Every frustration at a lack of success—and there have been many such lacks and many such frustrations—has been marked by a Federal statute that increases the control and the authority the Federal Government has imposed over education policy. If 100 pages of rules is not working as we desired it, maybe 200 pages of rules would work better.

At least unconsciously, if not consciously, that has been the direction in which the Congress and many Presidents have led Federal education policy over the course of the last 35 years, to the point at which we have a huge disparity between the modest 7 percent or 8 percent of the money spent on public education in this country that is appropriated by Congress and the blizzard of rules and regulations governing the spending of that 7 percent or 8 percent, a set of rules which has a huge impact on the way the other 93 percent that is supplied by States and local communities themselves is spent.

This is an attempt to reverse that direction, to show far more trust in parents, who obviously are concerned about their children's education, and trust in the men and women who dedicate their careers to that education—their principals, their teachers, their school superintendents, and those civic-minded citizens who expose themselves to the same kind of assaults in the political world as we do as Senators. But in 99 percent of all cases as they run for membership on school boards, they do so without compensation and close to home.

We believe firmly that these people, the people who, by and large, know our children's names and our grandchildren's names, are better suited to make many of the decisions about the quality of education and the direction of education those children receive than is the Congress of the United States or are the bureaucrats in the U.S. Department of Education. That is the goal of Straight A's, to restore some of that authority on an experimental basis to States and to school districts in 15 of the States of the United States.

As I said earlier, it is regarded by a number of Members of this body with absolute horror that we should think of doing so. We are given a series of nightmares about what might happen if we allow parents and these professional educators to make decisions they have continuously been deprived of the authority to make over the years.

The analogy to which I referred was welfare reform. The Presiding Officer can remember that debate only a few years ago. We were told if we took this tremendous step in a very different direction, a different direction after 50 years or more of a welfare system that was also more and more encrusted with

rules and regulations and assumptions about what people would do under certain circumstances, we would devastate the social fabric of the United States. After a debate that encompassed several years, with a number of vetoes, we did in fact dramatically reform our welfare system, and we have had a dramatic success in doing so, with only a few bitter enemies critical of the direction of that welfare reform.

I know of no other issue during my time in this body comparable to that change and to that debate until we got to this debate. We are now at the point at which we found ourselves, maybe 1 year into the debate on welfare reform, here with education reform. Our view is that if more decisions are made closer to our students' lives by people who know those students, the quality of their education will improve and we will have a greater opportunity to help the great mass of students in the United States, our young people, with the complicated challenges of the 21st century.

However we do not leave it at that. We do not simply say: We think you can do a better job, so here is the money. Go out and do it. We tell the 15 States that will be privileged to exercise the Straight A's option: You have to perform. We are not going to give you a whole bunch of rules and regulations about how you fill out forms and how you assure that money is spent on a narrow category of programs; we are simply going to tell you that you have to do better. You are going to have to come up with a way of measuring achievement in your State—as most States have, at this point. You are going to have to tell the U.S. Department of Education that if you are allowed into Straight A's, in the 5-year period of your contract the achievement of your students will improve by a specific amount that you outline in this contract. And if you fail, you are going to lose that ability, that authority to spend the money as you see fit for your priorities, for your children, for your States and in your communities.

That is the ultimate in accountability. When we deal only with process accountability—how well do you abide by the rules, how well do you fill out the forms—we do nothing in particular for our children and for their education. We hope the results will be good, but there is no measurement of the actual quality of their education as reflected in the way in which they deal with standardized tests in each one of these States. We have an accountability, not to process but to performance. I want to repeat that. Our accountability is not to process but to performance. In order to succeed, in order to continue in the Straight A's Program, you are going to have to show that you are providing a higher quality of education to the students in the school systems in your State.

As I introduced this bill more than a year ago, it was not limited to 15

States, either in the House or in the Senate. I suppose it is a commentary on the dramatic nature of the change, that it has been reduced to a significant demonstration program in this bill. The House of Representatives allows it in 10 States. We, in this bill, allow it in 15 States. I would much prefer every State have that option, but only 15 are going to be able to do so. At the same time, I want to point out a very important fact, not just about Straight A's but about all of the innovative directions in this bill. The Performance Partnership Act, the Teachers' Empowerment Act, other provisions of the bill—none of them is mandatory; they are all elective.

It is important for everyone in this body to recognize—it is important for all the people to recognize—that we are not requiring these changes. Any State in the United States of America that believes the present system of categorical aid programs and the present system that has 127 at-risk and delinquent youth programs in 15 Federal agencies and Departments, 86 teacher training programs in 9 Federal agencies and Departments, and more than 90 early childhood programs in 11 Federal agencies and Departments, not to mention the programs that are included in Straight A's, any State that wishes to continue under that system is free to do so—any State. If they like the present system, if they are accustomed to the present system, they can continue to perform under it.

If this bill passes and becomes law, in a relatively short period of time in our history, 5 years at the maximum, we will know which system works best. We will know whether or not allowing our educators a far greater degree of freedom to set their own priorities is, in fact, the way to do it. We will be able to measure objectively, by the forms of accountability they are required to follow in order to get into Straight A's, whether or not it works.

I may go beyond that proposition to say, of course, Straight A's is not the only element in this bill that allows our local educators in our States to make more of the decisions that affect their children. There is a Performance Partnership Act in this bill that is a modification of Straight A's, supported by the National Governors' Association, an association through which many of the dramatic reforms in education over the last few years that are allowed by the Federal Government have, in fact, taken place.

That Performance Partnership Act does not have all of the flexibility Straight A's has, but it has a significant portion of it. All States under this bill will be allowed to take that more modest step toward making their own decisions than is available in Straight A's, which is only to 15 States.

Again, no State will be required to do so. What does that mean? That means there are at least three paths States can follow in this connection: 15 States can take Straight A's, a number of

other States can take the Performance Partnership Act, and a number of other States—and I am sure there will be some—will decide not to choose either of those alternatives.

Again, not only will our students learn more, we will learn more about the best way or perhaps more than one successful way toward our goal, a goal we all share, and that is a better education for our children.

The same thing is true for the Teacher Empowerment Act. The same thing is true with title I flexibility that is included in this bill. These are elective with the States and sometimes with the school districts themselves.

How is it we can be so certain that the present system is so good that we do not want anyone to use a different system? Have we been so overwhelmingly successful that we do not need to have this debate at all; that all we need to do is just reratify for another 5 years what we have been doing for the last 5 years? I do not think anyone believes that; everyone believes we can do better. But can't we at the very least allow people to do better in a different direction rather than simply saying, we have a whole bunch of programs now; all we need is more rules for the existing programs and a few new ones, added on to the dozens and hundreds we have at the present time that affect the education of our children from prekindergarten to and through the 12th grade?

Straight A's gives us the ability in some of the States to determine the accuracy of the statement that our parents, our teachers, our principals, our superintendents, and our school board members care deeply about the education of the kids admitted to their charge or in their families; that they are smart enough to make fundamental decisions about the course of that education; that we want an alternate way of reducing the gap between underprivileged children and those in more successful schools; that we have not been overwhelmingly successful—at all successful—in reducing that gap in the last 35 years, and that perhaps another way is better and at the very least we ought to compare it with the current way in which we do business.

We will hear during the course of this debate: No, we just need to do more of the same; if we can just do more of the same; it is just that we have not done enough of what we have been doing in the past; and no, we cannot allow some States to go off in a different direction from others; no, we cannot repose that degree of confidence in the people in our school districts all across the country; we dare not do it; this threatens to have this adverse consequence or that adverse consequence or a third adverse consequence.

I only ask my colleagues to reflect on the fact that this debate will be, for all practical purposes, identical to that debate over welfare reform of a few years ago, and if we had taken counsel of our fears then, this country would be far

worse off than it is today, when instead of taking counsel of our fears, we took counsel of our hopes and worked rationally toward those goals.

The attitudes that gave us welfare reform ought to give us this bill, including Straight A's, during the course of this debate and provide a better future for children all across the United States.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I wish to, if I may, ask my friend and colleague from Washington a question. If I understand this correctly, there are two essential provisions that he includes here. One is, in the 15-State block grant, the Senator prohibits the use of funds for vouchers to private schools; is this correct?

Mr. GORTON. Yes. I said I believe it did already, but this makes it more explicit. It simply keeps the present rules with respect to vouchers in effect.

Mr. KENNEDY. As the Senator knows, there are different provisions in the 50-State block grant than in the 15-State block grant. During the exchange in our committee, the principal proponent, Senator GREGG—and I am sure he will speak to it—indicated that he did not dismiss the use of those funds for private school vouchers.

Is the Senator from Washington saying—many of us have been critical of the overall program and the use of vouchers, that this is a block grant and voucher program—with this amendment, there would be the elimination of the language in the 15-State block grant that would have permitted the voucher program for private schools?

Mr. GORTON. Mr. President, that is not what I say. I do not believe it allowed it previously, but in any event, I think we have satisfied that criticism with respect to those who made it with respect to Straight A's. I do not think it allowed vouchers before. It clearly does not now.

Mr. KENNEDY. I appreciate the Senator's response. I hope the Senator will stay with me because usually when the proponent of a particular measure, such as Senator GREGG, says that it does and then another Senator says he reads the language that it does not—generally speaking, the members of our committee believed that it did, whether we agree with it or not, for the very significant reasons that the Senator from New Hampshire pointed out—so we want to understand now, once and for all, whether you believe it did or did not before.

Your understanding is that it eliminates the use of vouchers for the private school partnerships as part of your amendment?

Mr. GORTON. The amendment we have proposed essentially restates current law, where the use of Federal funds for vouchers is neither expressly provided for nor disallowed but intended upon the interpretation of current law by the Department of Education.

Mr. KENNEDY. Whatever the exchange is that we are having here between the Senator from Washington and myself—I know he is reluctant to somehow say now this is the effect of the amendment. It certainly is my understanding, and I think the other members of our committee would agree, that when it was proposed, very clearly—you can go back into the RECORD and see—this was the intent of the Senator from New Hampshire.

I may stand corrected by the one who put that in, that it was to be an allowable use of these funds to be used under the block grant program. They were going to consolidate the programs and then turn the funds over to the States, and then some would go down into the local communities. But one of the purposes that would have been legitimized for the first time was a voucher program for private schools.

On our side, we support the use of title I funds in terms of public school choice. But this was a departure from that. That is exactly the way we read it.

Under the Senator's amendment, the option of private school vouchers will not be there.

Secondly, in the 15-State demonstration block grant, you add a provision. Could the Senator tell me what the effect of the language for the 15-State block grant is, on line 5, on the "Achievement Gap Reductions"? What does the Senator intend to achieve by that language?

Mr. GORTON. The language is designed to require that there be a reduction of 10 percent over the 5-year period between the highest and the lowest performing students described in an earlier part of the act, which is basically title I.

Mr. KENNEDY. I am trying to understand. Exactly of what would the 10 percent reduction be? What is the Senator trying to drive at? As I understand it, the Senator is trying to deal with the provisions of the legislation that relates to accountability.

We have the overall State accountability. Then we have the 15-State block grant. The 15-State block grant is going to come under overall State accountability. The provisions of the overall legislation will apply.

Could the Senator please clarify? We can probably move to an early acceptance of the Senator's amendment, but I just want to understand exactly what it does and what it does not do. I have difficulty in seeing exactly what this really means in terms of the total accountability.

Does this change the overall State requirements that are spelled out on page 662, the "Failure To Meet Terms.—If at the end of the 5-year term of the performance agreement a State has not substantially met the performance goals . . ." Does this in any way change that?

Mr. GORTON. It makes it tougher.

Mr. KENNEDY. Can the Senator tell me exactly what are the penalties that

will be included in here if they do not achieve that?

Mr. GORTON. The penalties will be the same as they are in the original form of the bill; that is to say, if a State does not meet the commitments it made in getting into this 15-State Straight A's Program, it runs the risk, at the discretion of the Department of Education, of losing the ability to continue in that program. It would revert to the present system of categorical aid programs and the accountability provisions contained therein.

What this does is add another mandatory requirement to what the State undertakes, a 10-percent reduction in this differential. So it makes it somewhat tougher for the State to be entitled to continue in Straight A's after its initial 5-year period.

Mr. KENNEDY. The reason I ask this is, I say to the Senator, he is not in any way changing the "Failure To Meet Terms" that a State must meet. As I understand it, the Senator is amending a different section, and that is the 15-State block grant.

What we find out further, on page 662, is, "If a State has made no progress toward achieving," there will be certain reductions of funds. But that is when there is "no progress." On page 662 it is: "substantial progress". I do not see how your 10-percent over the 5-year period of the performance agreements really does very much.

Mr. GORTON. I say to the Senator, given the fact that in 35 years of title I we have not reduced it at all, a requirement to reduce it by 10 percent in 5 years is rather substantial.

Mr. KENNEDY. If the Senator would explain to me where—this is the controlling law. It states very clearly, on page 662, what the test is going to be. It talks about "agreement a State has not substantially met the performance. . . ." There is no definition of what "substantially met the performance" is. That has not changed by the Senator's addition. The penalty described on page 662 only applies when there is "no progress."

I fail to see how that does very much in terms of accountability. It does not stop at the end of 2 years.

Does the Senator's program have the requirement of a reduction of funds administratively at the end of 3 years, as the Democratic program does? It does not. Does it have a further reduction after 4 years? No, it does not. Does it have requirements that the State has to intervene; and that, if not, there could be the closing of a particular school if it does not achieve those kinds of reductions? It does not. The Democratic program does.

It is basically feel-good language.

I would recommend, if it is going to make the Senator from Washington feel good—and evidently is going to make others on that side feel good—that we are not going to be able to use vouchers for private schools, we have been maintaining that block grants are blank checks for States. We have

talked about, this Republican proposal is going to provide vouchers for private schools, and we have been told: Oh, no, that isn't so. We have some of our Republican friends saying: Oh, no, that was not even intended for part of it. We had the proponent of the amendment saying that was so. Now the Senator from Washington wants to eliminate that. Well, I certainly would urge our colleagues to support that.

Mr. GORTON. I thank the Senator.

Mr. KENNEDY. I see some colleagues here who might want to address this issue. The way I see it is that this language, as the Senator has pointed out, would effectively reduce the block grant.

I would say, just out of comity, since this language was prepared by the Senator from New Hampshire, could the Senator indicate to me whether he is supporting this program—just out of comity, since it is directly related to his language?

Mr. GORTON. I am not sure what the question is.

Mr. KENNEDY. The question is, since this is the amendment of the Senator from New Hampshire, has the Senator inquired if the Senator from New Hampshire supports him?

Mr. GORTON. The Senator from New Hampshire joins me.

Mr. KENNEDY. He joins you. That is interesting. He gave me a different interpretation. I appreciate that.

Mr. President, I think it is basically very weak language.

On page 662 of the legislation, in relation to the States, it does not have any penalty. And, furthermore, you have to wait 5 years to find out whether there is going to be any progress made.

I think families in this country want progress now. They want accountability now. They want guarantees now. Under our bill, that process of accountability begins in the second year, third year, fourth year, fifth year; and it builds in terms of accountability, in terms of the requirements of the States to help those particular communities, which is not being done today.

Does the Senate understand that it is not being done today? We have the most recent surveys done by the Department of Education that polls underserved title I communities. According to the surveys, more than half of the Title I communities have said that when they have asked the States to help them, they have gotten virtually no response whatsoever. This is very weak accountability. I will be glad to recommend that we move ahead and accept this amendment and then get to the Democratic alternative so that the Members of the Senate and the American people will understand and be able to compare and contrast the accountability provisions because this is still woefully inadequate and woefully weak.

Mrs. MURRAY. Will the Senator yield for a question?

Mr. KENNEDY. Yes, I am glad to yield.

Mrs. MURRAY. The Senator from Massachusetts and I both sit on the Labor Committee, which went through the entire progress of this issue. I came to the floor and was trying to understand what the amendment actually accomplishes. Does the Senator recall that during the committee hearing we asked the author of the amendment specifically if funds could be used for private schools, and his response to us was yes?

Mr. KENNEDY. Yes, that is absolutely my recollection of it.

Mrs. MURRAY. And that the portability for title I could also be used for private schools.

Mr. KENNEDY. The Senator is correct. If the Senator will permit, does the Senator's language affect the portability provisions?

Mr. GORTON. It affects only the Straight A's title of this bill at this point.

Mr. KENNEDY. That's fine. He has indicated we could not use vouchers for private schools. Now we are asking, "Are you going to be able to use funds for private school vouchers under the portability provision?" Under the portability provision, there is every indication that you could use funds for private schools and religious schools as well. I am trying to understand whether we are addressing both of these concerns or just part of them.

Mr. GORTON. That question would be more properly directed to the Senator from New Hampshire who, I may say, I think disagrees with the Senator from Massachusetts as to his interpretation of the provisions of the Senator from New Hampshire. This provision, the 10 percent, applies to the Straight A's provision of the bill which, in turn, allows 15 States to have that degree of flexibility. It is very easy to talk about accountability from the point of view of punishing States and school districts by taking money away from them so that will increase, somehow or another, their performance. Part of our bill, in my view, is that the States who succeed will get a bonus, which is not included in the Democratic bill or in any previous education bill.

Mrs. MURRAY. If the Senator will yield further, does the Senator understand, as I do, that this amendment would not apply to title I portability? And we, again, asked the author of this amendment in committee if the title I portability funds could be used for private education institutions, and his answer was yes. This amendment doesn't fix that. I am glad it fixes the first part of it, but it doesn't—and the Senator can respond—fix the portability.

Mr. KENNEDY. I appreciate the Senator's attention to this matter because it shows something enormously interesting that is happening here. On one hand, this amendment addresses the issue of voucher programs for private schools under the 15-State block grant program. On the other, it doesn't affect private school vouchers that are permissible under the title I portability

program. It seems to me that if you are going to fix it in one program, you ought to fix it in both.

If you look at the portability provisions on page 127, it states:

... an eligible child, for which a per pupil amount shall be used for supplemental education services for the eligible child that are (A) subject to subparagraph (B)—

And this deals with the portability provisions—

provided by the school directly or through the provisions of supplemental education services with any governmental or non-governmental agency, school, postsecondary educational institution, or other entity, including a private organization or business

So you are striking one section, but leaving the other section. Well, that will have to remain there until we address that in our alternative. I, for one, want to move ahead in the debate on this, and I would be glad to urge acceptance of this amendment.

Mrs. MURRAY. If the Senator will yield for one other point, because I have continually heard that with title I funds, for over 35 years kids have not increased their abilities, and test scores don't show that, it is my understanding that we test title I students, or analyze their performances, and as kids do better, they move out of the program. So each year, we have new kids coming into the program who need the extra services for reading, writing, and basic instruction. So we are not testing the same kids year after year. When we hear the comments that student achievement has not increased under title I, we essentially haven't been testing the same group of students, and we cannot show that because they have moved out and we are testing new kids. Am I correct?

Mr. KENNEDY. The Senator is entirely correct. It is one of those important facts that one has to understand in order to be able to respond to those who say, look, there hasn't been any change for 2 or 3 years. We can demonstrate there has been academic progress made in terms of classes in a number of areas.

Mrs. MURRAY. I thank the Senator from Massachusetts. I don't think any of us disagree with the goal of reducing by 10 percent over 5 years the term of performance agreements—the difference between the highest and lowest achieving students. But I think to rhetorically say that we can do it through a test is very difficult. I think we all want students to achieve better. Here on the Democratic side, we believe that by providing high-quality teachers and class sizes that are reduced, where a teacher has time to teach math and English, where we are in classrooms and where students can actually learn and they are not there in overcoats because there is no heating, or there are holes in the roof, and that we continue to put Federal resources into programs that have been shown to work those achievement gaps will decrease. I hope our colleagues understand this as we move forward. I thank the Senator from Massachusetts for yielding.

Mr. KENNEDY. Mr. President, we are prepared to accept the amendment.

Mr. GORTON. Mr. President, I am going to ask for a rollcall vote on my amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second.

There is a sufficient second.

The yeas and nays were ordered.

Mr. GORTON. There are Members on our side who wish to speak to that amendment, I hope, with the consent of the manager of the bill because we are debating education as a whole. We would be happy to allow the Senator from Massachusetts to propose the Democratic alternative now, and we can debate them jointly for the balance of the time in the time available. Any time the Senator from Massachusetts wishes to introduce an amendment, there will be no objection on this side to allowing that.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, there have been a number of representations that have been inaccurate from the other side, and I regret that. I think that maybe they are concerned that the substance of this bill works so well, they have to mischaracterize the actual process in order to attack it. The representation that there are voucher proposals in this bill is inaccurate. The senior Senator from Washington has offered an amendment which would make this absolutely clear. He put the status of the Straight A's proposal in this bill in the same position as the present law under the ESEA of 1965, which law does not limit the ability to use the funds for public entities. So that law, as viewed, is a chilling event on school systems from using it for private entities which would create the voucher issue.

The amendment of the senior Senator from Washington clarifies that point, which was a point raised in committee and which was the language reported out of committee. If a State such as Florida has a private voucher system—I guess the issue now is whether they have one or not—those funds can be used in this manner. But as a practical matter, what the Senator from Washington is making clear is that they can't—that they will be subject to the chilling event that presently exists for any title I money. That chilling event has basically made it virtually impossible for vouchers to be used by any State. This was the concern of the Senator from Maine.

That is why I have agreed wholeheartedly with the amendment of the Senator from Washington, as I believe we should not allow the bogeyman vouchers—it has been used as a bogeyman by the other side—to be used to try to undermine what is a really good idea, which is the concept of Straight A's.

The basic theme of Straight A's doesn't need vouchers in order to work

well, and we don't have to get in the voucher debate in order for Straight A's to work well. I am perfectly happy to have the voucher issue taken off the table. I don't think it was really on the table to begin with because I don't think many States have a system to make it available. But even if it was on the table, the Senator from Washington is taking it off the table.

I heard about this attempt this morning from a number of people on a couple of talk shows. Representatives of the educational lobby are here in Washington in full charge against any idea of changing the status quo because they basically are the beneficiaries of the status quo. They are also trying to use the term "vouchers" to stigmatize this piece of legislation, which I suppose is the defense of folks who really can't defend their positions in opposition to this language on substance.

The fact is that Straight A's, as put forward, is an optional program. It is up to each State whether they want to pursue it.

If a State pursues Straight A's, the achievement obligations in the area of increasing the educational success of our low-income children is very strict. Straight A's is an attempt to give low-income children a better education and to require that better education actually be proved to have occurred, something that has not happened under title I over the last 35 years after \$130 billion has been spent.

Also, one of the Senators came out and said it is also about portability. There is no voucher program for portability. Portability is not a voucher program. All the money under portability stays with the public school systems. The public school systems write the check. The public school systems control the dollars.

This is once again a bogeyman attempt to try to mischaracterize the bill and, as a result of using mischaracterization, to try to, therefore, tune up opposition to it.

I think we ought to stick to the substance of the actual language versus those types of presentations which I don't think are constructive to the debate.

I yield to the Senator from Georgia.

Mr. COVERDELL. Just a clarification: I thought I distinctly understood the Senator from Washington comment that it was represented in committee that portability was indeed a voucher.

Mr. GREGG. No. Under no circumstance was portability ever represented as a voucher, or ever represented as a voucher in committee. What I said was Straight A's could have been used by a State to qualify that it had set up a voucher program such as Florida had. Yes, in those instances Straight A's could have been used. The Senator from Washington was making it very clear that is not going to happen.

Mr. COVERDELL. I thank the Senator.

Mr. GREGG. I yield to the Senator from Maine for a question.

The PRESIDING OFFICER. Will the Senators suspend for a second.

The Senator from New Hampshire has the floor. Does he yield for a question?

Mr. GREGG. Yes. I yield to the Senator from Maine for a question.

Ms. COLLINS. Thank you, Mr. President. I thank the Senator for yielding for a question.

I thank the Senator from New Hampshire and the Senator from Washington State for their terrific, truly extraordinary leadership on this entire bill.

As the Senator from New Hampshire knows, the issue of whether or not Straight A's authorizes Federal funds for private school vouchers was most important to me. I have worked with him and with the Senator from Washington. Indeed, I am the author of the provisions in the Gorton amendment which makes it crystal clear that Federal funds could not be used for vouchers under the Straight A's proposal.

Will the Senator from New Hampshire agree with me that while there is nothing in this legislation that prohibits a State from using also its own funds for some sort of voucher proposal, that the Gorton amendment now makes clear that Federal funds under the Straight A's proposal could not be used for private school vouchers?

Mr. GREGG. It makes that as clear as it is under present law relative to other title I moneys.

Ms. COLLINS. I thank the Senator from New Hampshire for his clarification on this.

Mr. GREGG. I yield the floor.

Ms. COLLINS. I ask to be a cosponsor of the Gorton amendment. I am pleased to have contributed to it in this area in clarifying the law since I think it was ambiguous as to whether we were changing current law, and that ambiguity has now been eliminated.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we can talk about this all we like, but I draw attention—and I congratulate the Senator from Maine—to the additional views of Senator COLLINS, which say, I am opposed to using Federal funds for private school vouchers. I believe the language about academic achievement for all programs must be modified to prevent having diversion of Federal funds to private schools.

That is exactly our position.

The Senator from Washington can deny that is his understanding, and the Senator from New Hampshire said this isn't really a voucher debate. It isn't just on our side, it is on their side too.

I am glad the position of the Senator from Maine has prevailed on this issue.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I congratulate the Senator from Maine also for working on this issue.

My amendment, I think, fixes one problem with which many of us were concerned. However, regarding the title

I portability funds in the bill, I am reading the language of the bill on page 127. It says:

Subparagraph (b): Provided by the schools directly or through the provision of supplemental education services with any governmental or nongovernmental agency, school, post-secondary educational institution, or other entity, including a private organization or business.

The language in the bill allows title I portability funds to go to a public or private school.

In committee, we asked if it could go to a private school. We didn't use the word "vouchers." We said: Could this portability money go to a private school? The answer is yes. That is what the language does. The amendment before us fixes the Straight A's question, but it does not fix title I portability.

Mr. GREGG. If the Senator will yield for a question, is the Senator aware that under title I, if a public school wishes to contract with a private entity, such as a Sylvan Learning Center, it can do that?

Mrs. MURRAY. Yes. But the school is in control of those funds.

Mr. GREGG. Is the Senator aware that under this proposal the dollars will still flow through the public school if it goes to a Sylvan Learning Center?

Mrs. MURRAY. Under title I portability provisions that are in the bill before us, it will allow families to take the title I funds they receive to any institution, school, or private—I just read all of it. They can choose.

Mr. GREGG. No. The Senator is incorrect in her characterization. The family does not have possession of the funds. The funds go to the public school. The public school, at the request of the family, may then and should then take the money and use it to support that child in an additional learning activity. In other words, the child has to go to the public school. The child cannot go to a private school under portability and use funds for the purpose of going to a private school. The child must attend the public school. If they decide to do so under the plan as presented to the Secretary of Education, under their portability plan as designed by the public school system, the public school may use those dollars as it does today for the purpose of giving additional support to the low-income child in assisted learning.

Mrs. MURRAY. I reclaim my time.

Mr. GREGG. If the Senator doesn't want me to clarify the point.

Mrs. MURRAY. The Senator from New Hampshire has made a statement and I am looking at the language of the bill. It says.

(B) if directed by the parent of an eligible child, provided by the school or local educational agency through a school-based program . . . that a parent directs that the services be provided through a tutorial assistance provided.

It is not directed by the school but directed by the parent.

I think that is one of the underlying flaws and concerns we have. As a

former school board member, I do not know how a school district is going to manage this when parents come to the school indicating they have the right to this money, and you figure, as a school, how you do your accounting, how you determine whether that child actually gets the money, how you hire teachers. And, frankly, the parent is in control. It is very clear in the language of this bill.

The Senator from New Hampshire made a very specific case that he thought it was the school. If the language reflected that, I would believe it. But the language says very clearly that the parent can take their title I money and take it to another school. We interpret that, and everyone else will, as private or public because it is not defined as public.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I regret the Senator will not yield to debate this issue in a forum-like manner. Let me answer the question on my own time because I guess the Senator isn't making her point because she recognizes her point is inaccurate.

If the language is as they stated, the school has the control over the dollars. The parent has the right to direct the school to pursue an assisted learning activity. But the child is in the public school and the public school controls the dollars for that assisted learning activity.

The only difference between the present law and what this does relative to that assisted learning activity, in this case the parent gets involved. Under present law, the parent is not involved in the assisted learning activity. If they want to bring in the Sylvan Learning Center or any tutorial service to help the low-income child, they can do that, but the parent does not have the right to say do it or not do it. Under this proposal, the parent has the right to say, yes, please send my child to an assisted learning facility.

The school, however, has the right to say they don't think that an assisted learning activity qualifies as being a quality educational activity and is applicable to this child's needs. If the school overrules it because they say that the assisted learning activity is not a qualified activity, then the parent can't direct the funds to go in that area.

Essentially, what we are proposing is a system which already exists in Arizona—in fact, I think Seattle may have some form of this system—where parents actually get involved in the process of educating low-income kids. Parents actually have something to say about it.

We all know from history and from study after study after study that pertinent for improving the quality of education of the child is parental involvement. We also know that the single biggest problem we have with low-income children is the fact that par-

ents are not involved. This is an opportunity to draw the parent into the process and have the parent have a role in the process. That is very important.

Equally important, this is an opportunity to make sure the dollars actually benefit the low-income child. Under the present law, there are lots of low-income children who don't get any benefit from the title I dollars, which are low-income dollars theoretically. Why is that? Because if a school does not have a threshold number of children, does not have the 35 percent, or in some States it is up to 65 percent of the kids in the school who qualify as low income, in other words, kids who meet the School Lunch Program, then no dollars go to that school.

If you are a low-income child attending a school where you don't have 35 percent of the other kids in the school as low-income children, you don't get any title I assistance. Does that make any sense? Of course, it doesn't make any sense.

We are saying, instead of having the dollars go to the school systems and to the administration and to the bureaucracy, let's have the dollars follow the child. Let's have the dollars actually follow the child to different public schools so every child who is a low-income child actually gets funded, actually gets dollars benefiting that child.

That is a pretty good idea because that means we are actually going to point the dollars at the kids who we allegedly are trying to help, the low-income kids. The dollars never leave the public school system in the sense that all dollars must go to the public school. In other words, the parent does not have the control over those dollars. He doesn't get a check.

If John Jones goes to public school A, the dollars go to public school A. If the parent says they don't think public school A is doing the best job for their child, and then moves John Jones to public school B, the dollars go to public school B. When John Jones gets to public school B, if the parent says they think John Jones needs some assisted learning outside of his schoolday—remember, his whole schoolday is dominated by the public school system and he cannot go to a private school with these dollars—then the dollars go to the assisted learning to the extent it is required in order to pay for that assisted learning subject to the public school system, and subject to the public school system saying that the assisted learning is actually something that is qualified and will do the job as they deem it appropriate, recognizing that under present law we already allow this to occur. We allow assisted learning which is a private activity.

To characterize this as a voucher is an inexcusable attempt to try to stigmatize this with a term that is being used for the purposes of creating an irrational response from folks, especially teachers and the educational community. It is simply hyperbole for the purposes of trying to beat this for political

reasons. It is not a substantive or an accurate response to what this proposal involves.

Remember, this proposal—whether it is portability or whether it is the Senator from Washington's Straight A's proposal—is an option. No State has to pursue this. No community has to use this. If they decide to pursue this, if the State decides it wants to use portability, it is the educational community in that State that has come together, that has thought about the issue, that has said: Title I isn't working in its presents form; let's try a portability initiative.

It will be the educators who write the portability initiative in the State and who apply for it. They will have the say in how it is structured. They don't have to do it if they don't want to do it.

If the State of New Hampshire decides they like the way they are doing title I, they don't care about trying this new idea of portability or this Straight A's idea, they can walk away from the proposal. They don't have to do it. They can keep the law the way it is.

Why is there such fear on the other side of the aisle of putting on the table a bunch of different options, having a cafeteria line that States and communities can go through? I don't understand it. They have been stratified, iced into the status quo, petrified into the status quo to the point they are not willing to adjust in any way or give the States any opportunity for adjustment. It is regrettable. It is regrettable because it means we basically, as we know for 35 years, are locking our low-income kids into generation after generation of failure. We know for a fact our low-income kids simply have not achieved. We ought to try some other ideas. We ought to let our States try some other ideas.

There are a lot of States out there that want to try other ideas, and we should not lock them out of that opportunity with Federal dollars.

I yield the floor.

The PRESIDING OFFICER. The distinguished minority leader.

Mr. DASCHLE. Mr. President, I have not had the opportunity to participate in this debate over the last couple of days. This is the first chance I have had. I would like to make a statement, and at the end of my statement I will be introducing the Democratic substitute which, under the agreed-upon order, will be the second amendment to be considered during the debate on this legislation.

I think, as everyone has already noted, this is an important debate for a lot of reasons. The Elementary and Secondary Education Act is truly the blueprint that guides all Federal education policy from prekindergarten through high school. So this is the big one. This is the one that really counts when it comes to the Federal policy framework under which we will work for the next 6 years. Every 5 or 6 years,

Congress has the responsibility to do what we are doing now, to decide what is working, to fix what is not.

In the past, this debate on ESEA has always been vigorous, but it has always been bipartisan. In the end, the votes have always been bipartisan. Unfortunately, that is not the way things have shaped up so far this year.

Two months ago, Republican leaders in the Senate stunned us by announcing that they were abandoning efforts to develop the bipartisan approach we have used now for 35 years. Instead, they put forward legislation so sharply partisan that even the Republican chair voted "present" on two major Republican amendments in committee.

The truth is, this bill does not redefine the Federal role in education, it abandons it. It essentially repeals the role of the Federal Government in education. Instead of targeting Federal education dollars where they can do the most good, the bill takes money from Federal education programs and puts it in block grants. All the Federal Government would do is sign blank checks. Governors and State legislators would decide how the money is spent. Block grants eliminate any guarantee the funds will be spent where they are most needed or on reforms that are most effective.

Our Republican colleagues claim to hold States accountable for the results. They require states to have a plan in this legislation, but in that plan the State sets their own performance goals and the goals be based on State averages. If children from well-off families made all the gains, that would be good enough. This bill does nothing to make sure the children in disadvantaged communities have access to good teachers and strong academic programs.

If States fail to achieve their goals, nothing happens for 5 years. After 5 years, the only penalty for failure to comply is that a State cannot participate in the block grant program for the next year.

It is also ironic that they are claiming to "do something new." What new suggestion they are proposing is to take the block grant idea that goes all the way back, at least to 1981, to repeat it again now in the year 2000. That is their new idea. They take an idea that was proposed and passed in 1981, to convert several Federal education programs into a block grant, and to do now what we did then.

It is important, as my Democratic colleagues have noted, to look at what has happened to that new idea back in 1981. Since then, the funding for that new idea, funding for that blank check, that block grant, has been cut in half, largely because it is difficult to advocate for a blank check.

Republicans have made clear their highest priority is enacting huge tax cuts. Those irresponsible policies would leave absolutely no room for critical investments in education. So this cutting in half of the blank check might fit that scenario.

Perhaps we should not be so surprised at their interest in creating new education block grants. This new, revolutionary reform idea of the year 2000, similar to the one in 1981 might be the design: Let's create a block grant, let's sign a blank check, let's cut that blank check in half in 20 years, and let's provide more in tax cuts. What we need is a bipartisan commitment to maintain the national commitment to education and invest in solutions that we know work.

One of our great leaders in South Dakota history has been the Indian leader Sitting Bull. More than a century ago, he actually came to Washington and noted in a speech to policymakers at the time that if we put our minds together and see what life can make for our children, we will all be the beneficiaries.

Today, we make that same request of all of our colleagues. For the sake of all of our children, let's put aside these extraordinary partisan differences, put our minds together, and see what we can do for our children's future. That, in essence, is what Democrats are providing with this comprehensive plan to improve America's public schools. Our entire caucus has worked hard on this plan. I am very gratified that our entire caucus supports it.

Our plan is a substitute for the Republican block grant proposal that is now on the Senate floor. It actually includes many pieces of the bipartisan plan our Republican colleagues abandoned in March. It is not a blank check. It sets high standards for students and teachers. It gives communities the resources and tools to meet those standards. It holds them accountable for results. It targets Federal education dollars where they will do the most good.

We do this by helping communities reduce class size, by recruiting and training qualified teachers, by helping to rebuild and replace overcrowded and crumbling schools and helping close the digital divide so all children can compete in the new economy, and by strengthening parents' involvement in their children's education, through report cards and other information, so they can hold schools accountable.

It also helps create opportunities for safe before- and afterschool programs where children can receive responsible adult supervision. It is troubling to many of us that every afternoon in America, 5 million kids go home after school to empty houses while their parents sit at work and worry about their safety. Our Democratic colleagues believe we can do better than that.

Improving public education must be our top priority.

State and local governments clearly have the responsibility for funding and running our Nation's public school programs. Federal programs should be the catalyst for change. We need to focus our efforts on fundamental changes that work to make sure every child has the opportunity to learn.

We took important steps in 1994 by requiring States to set high standards for learning and to assess student performance, and we are starting already to see some results in some areas, as some of my colleagues have noted.

Student performance is rising in reading, math, and science. Why? Because we took action in 1994.

SAT scores are rising. Why? Because we took action in 1994. Why? Because the Federal Government created the incentives. Why? Because we have been the catalyst to move these programs in the right direction.

More students are taking rigorous courses and doing better in them. The percentage of students taking biology, chemistry, and physics has doubled. Why? Because we took action in 1994. Why? Because the Federal Government has been directly involved, not in decisionmaking but in incentivizing.

More students are passing AP exams. Fewer students are dropping out. Why? Because we took action.

What we are saying now is that it is time for us to continue to build on those success stories at the national level that worked then, that are working now, and that provide us with the opportunity to do even more.

There is much more to do. Not all schools and not all students are reaching their potential. The achievement gap between rich and poor, between whites and minorities, is unacceptable. Students from disadvantaged communities have significantly less access today to technology. We cannot afford to leave any child behind, and we have to do better.

Schools face many challenges that must be addressed if all students are challenged to achieve high standards. School enrollments are at record levels and continuing to rise. A large part of the teaching corps is getting ready to retire.

Diversity is increasing, bringing new languages and cultures into the classroom.

Family structures are changing. More women are in the workplace creating the need for quality afterschool and summer school activities.

We are learning how important good development in early childhood is in determining success in school.

The importance of higher education has never been greater. Our public schools need to make sure that all students are prepared to continue to learn in college or in technical training or on the job.

These are national changes, and the Federal Government, as we have been, must be a partner in addressing them.

My State of South Dakota has many small rural school districts. These schools face a particular set of challenges and limited resources to address them. Many have a hard time attracting qualified teachers, and teachers often have to teach more than one subject. Course offerings may be limited. Because students can come from long distances, many rural schools have high

high transportation costs. In many rural communities, the tax base is actually shrinking. The crisis in the farm economy is making it difficult to modernize schools and meet all of these student needs.

Federal resources are important for these schools, but they do not even get enough funding to make effective programs in the first place.

The Democratic alternative includes a provision to provide supplemental payments to qualifying rural schools that they can use to hire and train teachers, reduce class size, improve school safety, and upgrade technology.

For more than 50 years, and going all the way back prior to that period 50 years ago when the first baby boomers were born, our parents committed themselves to the most ambitious school construction program in our Nation's history. They had just fought the Second World War, and they could have said: We have sacrificed enough for a while. We fought the war; we won the war. Now it is somebody else's responsibility.

Instead, they said: We love this country; we love our children; we want them to have at least as good a life as we have had, and we are willing to work to give them that chance.

Most of us who now serve in Congress attended those schools. We have benefited greatly from the decisions and sacrifices they made. The question facing us now is pretty simple, but awfully important: Are we willing to give our own children, are we willing to give our own grandchildren, the same chance we were given? Are we willing to work with each other, with parents, teachers, and community and business leaders to strengthen our schools? Or are we going to turn our backs?

The answer to that question is going to be decided in part by the decisions we make over the next several days on the education bill and, frankly, on this amendment.

If one visits London, they will see the work of Christopher Wren everywhere. He was the 17th century architect whose work defines London's skyline today. He built 51 churches. He built palaces, hospitals, and libraries. His most famous work, of course, is St. Paul's Cathedral. If one goes to the crypt at St. Paul's and looks hard, he will see a small black stone marking the architect's final resting place. It is written in Latin. It simply says: If you seek his monument, look around.

The blueprint we are drafting today is like a cathedral. It is like a blueprint that will help shape our children's education and, thus, their future. If we do it well, it will inspire them to find the best in themselves.

The monuments we are creating are for our children, and we need to ask ourselves what will our monuments say about us and what we value.

Twelve years ago, America's Governors were able to do just that. All 50 Governors, Republicans and Democrats, agreed on eight national goals:

No. 1, all children will start school ready to learn.

No. 2, graduation rates will increase by 90 percent.

No. 3, all children will demonstrate competency in challenging subject matter.

No. 4, teachers will have access to programs to improve their professional skills.

No. 5, U.S. students will be first in the world in math and science achievement.

No. 6, every American adult will be literate.

No. 7, every school will be disciplined, safe, and drug free.

And finally, No. 8, every school will promote parental involvement and participation.

In a few weeks, the children who were in the first grade when those goals were written will graduate from high school. Children grow up quickly. Instead of abandoning our Federal commitment to education, we need to work together to build that monument so one day we, too, can say: If you want to see what this great country did on education, look around. If you want to see how good we are, go into the schools where eight goals were pronounced and now are reality. If you want to see whether or not we as Senators have succeeded and achieved our goals representing the great legacy left to us by others, look around.

Let us do this right. Let us pass good comprehensive elementary and secondary education today so that we can provide the kind of incentive, the kind of commitment, the kind of investments, the kind of direct, responsible approach that is so warranted if, indeed, we say that our children are important and our future is really what it is all about.

AMENDMENT NO. 3111

Mr. DASCHLE. Mr. President, I ask unanimous consent that the pending Gorton amendment be laid aside, and that I be permitted to call up my amendment, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 3111.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor today to thank our minority leader, Senator TOM DASCHLE, for the tremendous effort he has made in helping us craft the Democratic alternative to the underlying bill that we are considering today, the Elementary

and Secondary Education Act. This amendment the minority leader has put forward is going to make very important corrections to the Republican bill that will help all students in this country and their schools get the help they really need.

On Monday on the Senate floor, I, along with a lot of my colleagues on this side, outlined the many ways that this Republican bill is going to hurt our students. I outlined our positive agenda that will help all students reach their potential by investing in the things we know work.

Today, I have come back to the Senate floor to support this alternative which sets the right priorities for our students. This is a positive agenda for making improvements to the role the Federal Government plays in helping our local districts provide education.

Across this country, schools are making remarkable progress, but none of us can remain satisfied with the status quo.

As Americans, we believe every child should be able to meet high standards and reach his or her full potential. This debate in this Senate is our chance—our only chance, perhaps in 6 years—to make sure every child has the tools to succeed.

As a parent, as someone who has fought for our students on the PTA, as a school board member, I have seen what works in our schools. Parents and educators have told me we need to invest in smaller class sizes. We need to invest in teacher quality. We need to help to have more parental involvement in our schools. We need to invest in safe and modern schools for all of our kids. Those are proven strategies that are transforming schools across the country. We should invest in those powerful approaches.

Unfortunately, the Republican proposal before us goes in the exact opposite direction. Instead of making a commitment to what works, and to what we know works, it experiments with things that have no record of producing results for students.

Today, surprisingly, the Federal Government only provides 7 percent of all education funding. But those dollars are very importantly targeted to help America's most vulnerable students meet their critical needs. It is a responsible, accountable way to meet the needs in America's classrooms.

The Republican approach would take the things that are working and turn them into a block grant. Their block grant does not go to the classroom. It goes to State legislatures and adds a new layer of bureaucracy between the education dollars and the students who are so important.

The Republican approach puts all of its faith in block grants. I am here to tell you that students will lose out because, as I have said before, a block grant cannot teach a single child to read. A block grant cannot teach a single child the basics. But investing in teacher quality and reducing our class

sizes can help teach children the basics. That is what we should be doing in the Senate.

The Republican block grant proposal is a reckless, giant step backwards. First of all, the Republican bill is going to hurt disadvantaged students. Today, education dollars are targeted at the Federal level to America's most vulnerable students, ensuring that children who are homeless or children of migrant workers get the resources they need. They travel from school to school, from State to State; and we need to make sure, no matter what school or State they are in, they get the help they need. Under block grants, there would be no assurance that the education dollars intended for these very vulnerable students will actually go to those vulnerable students.

Educationally disadvantaged students have very few advocates. Believe me, as a former school board member, I know they do not show up at school board meetings. They do not show up in State legislatures. They certainly do not travel here to the Congress to stand up for the programs that serve their children. We have the responsibility to do that for them. By eliminating the targeting that helps poor students, block grants would simply cut the lifelines that run to disadvantaged students. We cannot let that happen.

Secondly, block grants reduce accountability. Under block grants, we do not know where our tax dollars are going. We will not know if that money is being used for critical needs. We will not know if public taxpayer dollars are staying in our public schools.

Block grants have little or no accountability for student achievement. In this bill, we let 3 to 5 years pass before any accountability kicks in. We are going to lose kids in that amount of time. The Republican bill simply is a 3-year experiment that breaks our commitment to the things we know work, and it risks having students fall behind. Under the current bill, block grants would even allow public taxpayer dollars to be used for private schools.

The amendment that was previously offered supposedly fixes that, but it does not fix the fact that, under the title I portability requirements, public tax dollars will still be able to be used in private schools.

Finally, block grants mean less money for the classroom. Pure and simple, block grants will mean less money from the Federal Government to our classrooms.

By the way, block grants are not new. They do have a history here. That history shows us, very clearly, that when a specific program is turned into a block grant, inevitably the funding will get cut.

For example, an education program that we call title VI, which funds innovative education efforts, was turned into a block grant in 1982. Guess what happened between 1982 and 1999. The

funding for that program was cut in half.

The effects of putting our education budget today into a block grant would be felt in every school across this country. We would see more overcrowded classrooms with fewer resources dedicated to improving teacher quality. That will be the result of block grants.

The Republican agenda is made up of block grants and vouchers, cutting lifelines to vulnerable students, having less money for our classrooms, and less accountability for taxpayers.

There is no reason to experiment with block grants and risk leaving students behind. We know how to improve education, and we should be doing that on the Senate floor. That is why I support the Democratic alternative that is now before the Senate.

We believe we must keep our commitment to vulnerable students. We believe we should keep our schools accountable. We believe we should not let block grants shortchange students. That is why we are fighting these block grants and standing up for the strategies that make a positive difference in the classroom. That is why we are working very hard to pass this Democratic alternative.

This alternative makes a real commitment to reducing classroom overcrowding. It keeps our commitment to help local school districts hire 100,000 new teachers to reduce classroom overcrowding, an approach that we know works—parents know it works, teachers know it works. Studies are showing that reducing class size in the first, second, and third grades makes a difference in our student's ability to read, to write, and to reduce discipline problems in our classrooms. That is in the Democratic alternative.

Over the past 2 years, Congress has provided more than \$2.5 billion for the specific purpose of recruiting, hiring, and training teachers to reduce class size. Unfortunately, the underlying Republican bill walks away from that commitment. The Democratic substitute will authorize the Class Size Reduction Program, and provide \$1.75 billion to help districts hire new, fully qualified teachers.

In addition to keeping that commitment, this alternative will address the need for a qualified teacher in every classroom. I assure you, when they send their child off to school on the first day of school in September, every parent wants to know two things: how many kids are in their classroom, and who is their teacher?

Why do parents ask those questions? Because they know if their child is in a classroom that is small enough, where they get individual attention, and if they have the best teacher, that child is going to learn.

We want to make sure every child has a qualified teacher in their classroom. This Democratic alternative makes a move in the right direction.

The amendment will hold schools accountable for better student perform-

ance. It will expand and strengthen afterschool opportunities for students, which Senator BOXER has been so strong on, knowing that it makes a difference in the educational lives of thousands of students across this country.

We will repair and modernize America's aging schools. I can't tell you how many times I have been in a school where we have seen kids with coats on because the heat didn't work, where water was dripping through the classrooms, where they were in portables. We send first, second, and third graders out across schools to use restrooms because there isn't any running water in their building. We believe our children can learn if we pay attention to what they are learning in.

Our underlying Democratic alternative increases parental involvement. Every parent knows intuitively if they participate with their child in their school, their child will learn better. We make sure that happens in the Democratic alternative.

Finally, we work to close the digital divide. As Senator MIKULSKI so eloquently speaks about, we have to make sure every child is on the right side of the digital divide. This Democratic alternative makes that happen.

I urge my colleagues to support this alternative. Clearly, the Republican proposal before us will leave students behind. By passing this amendment, we will show parents, teachers, and students across the country that we understand the challenges they face, and that we are going to be good partners at the Federal level to make sure all of our kids, no matter who they are or from where they come, will have the opportunity to reach their full potential.

I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, I rise in opposition to the Democratic alternative because I believe it inadequately addresses the issues and the things which we feel so strongly about—flexibility, innovation, and creativity at the local level; strong accountability; a child-centered education program, focusing on the child, not the system in Washington DC; flexibility, accountability, high standards, and, again, child-centeredness.

We have an opportunity, over the course of the next several days, to continue to build on themes that we debated, I believe, very effectively, last year on the Education Flexibility Partnership Act—Ed-Flex, as it came to be known. Ed-Flex was a bill that was signed by the President, which stresses flexibility, accountability, local control, and stripping away the Washington redtape. Over the last several days, we have heard statistics quoted again and again about how we are doing better in education today and citing new programs that have been introduced and new money spent in the

traditional old ways, to explain that we are doing better.

I think it is absolutely critical that we in this body and people around the United States recognize we are not doing better. American 12th graders rank 19th out of 21 industrialized countries in mathematics achievement. In science, my own field—remember, math and science serve so much as the foundation of what is going to occur in our economy, in job creation and global competitiveness, as we work to the future. In science, we are not 1st, or 5th, or 10th, or 15th in the world; we are 16th out of 21 nations. If you look at physics or advanced physics, we are dead last when we compare ourselves to other nations.

If we look at 12th graders, those people you would think were best positioned to enter the world of this new economy, since 1983 over 10 million Americans reached the 12th grade without having learned to read at a basic level. Over 20 million have reached their senior year unable to do basic math. We have heard that in the fourth grade—although we have made slight improvements—77 percent of children in urban, high-poverty schools are reading below the basic level on the National Assessment of Educational Progress.

So as we hear the debate unfold, basically saying that progress is being made, this is the foundation, these are the facts, and this is where we are today: Little or no progress has been made. If you look longitudinally at how we are doing in various fields in the last 30 years, when you compare us internationally, that flat curve of not doing better has to be compared to the fact that other countries around the world, competitors, other members of the global economy, are doing much better. That lack of achievement, that lack of accountability, that lack of progress is really what we are debating today. For whom? For our children. For that next generation.

I mentioned Ed-Flex. The purpose of Ed-Flex was basically to begin that process, that debate, of getting rid of the Washington redtape. We heard again that the Federal programs account for about 50 percent of the bureaucratic redtape that our teachers at the local levels, back in all of our local communities, suffer under each day. They want to teach, and they want to have that individual child become better educated. Yet in another Federal program, we have another set of regulations and we layer more and more redtape on their activities each day.

It is time for us to cut the redtape and remove these overly prescriptive—yes, well intentioned—programs that we see in the Democratic alternative just presented. It is well intended, but there are more programs, more of the same, cutting out that opportunity to capture an educational reform movement that is going on around the country today. If we look at what our schools and principals and teachers

want to do, the opportunity we have today in the underlying bill is to promote that innovation, that creativity, to take off those handcuffs, and capture that innovation of educational reform.

The bill that was just laid down—the Democratic alternative—is simply more of the same: more programs which cut out and reject the innovation and creativity which has the opportunity of accomplishing what the real goal must be, which is to take care of that individual child in a way that he becomes better educated.

Flexibility, combined with accountability, has to be our objective. The end result of the debate on education modernization, I call it, absolutely must and should be innovation—rewarding what works, and what doesn't work, putting it aside. That is captured in the underlying bill.

I had the opportunity on the Budget Committee—I serve on the Health, Education, Labor and Pensions Committee from which this bill has been debated and has emerged. I have had the opportunity also to serve on the Budget Committee, where we had a task force on education. For 6 to 8 months, we had a whole range of hearings and witnesses, both Democrats and Republicans, who came forward with a pretty uniform, simple, well-understood message after about the third or fourth witness, and that is that we have today in education, Federal education programs, almost a spider web of duplicative programs, oftentimes conflicting, each with their own bureaucracies, all trying to do something good, but resulting in this sprawling—like a spider web, behemoth, and it is hard to decipher what the incentives are to do better.

There has been no streamlining, no coordination over all these programs, which have been layered one on top of the other over the last 30 years. We have heard it again and again. This sort of spider web of responsibilities and conflicting programs—some people say there are 280 programs; some say there are 750 programs. The point is, there are a lot of programs, all aimed at that individual child, resulting in inefficiencies and waste and loss of focus on student achievement that is so apparent.

The sad part about that is, it ultimately gets translated into punishing our children today instead of helping our children today. There is a lack of educational progress, resulting in the international data I mentioned. Once again, instead of truly developing the full potential of the individual students, thousands, tens of thousands, are not being well educated in our schools today.

We filed a report based on our task force, and the No. 1 recommendation—because we heard so much again and again about the redtape, the burdensome regulations, tying hands of the individual teachers—the No. 1 recommendation out of the Budget Committee Task Force on Education was:

In light of the continuing proliferation of Federal categorical programs, the task force recommends that Federal education programs be consolidated. This effort should include reorganization at the Federal level and block grants for the States. The task force particularly favors providing States flexibility to consolidate all Federal funds into an integrated State strategic plan to achieve national educational objectives for which the State would be held accountable.

That is the No. 1 recommendation that came from this Senate Budget Committee Task Force on Education.

This need for consolidation really could not be more clear. We had this backdrop of stagnant student performance, in spite of different statistics and studies that have been brought forward and purport to show minimal progress. We have to come to the general agreement that student performance has been stagnant—because it has been stagnant. In spite of that, we find not what you would think would be a very streamlined focus to the Federal effort, but a sprawling, unfocused effort that really is driven by a lack of the question, What works?

Let's support what works, and what doesn't work. Let's no longer feed, as we have done over the last 20 or 30 years and would continue in this Democratic alternative bill, things that do not work. The Democratic alternative unfortunately feeds, yes, some good things that work but also continues this institutionalization of things that do not work.

Our bill, we have heard, contains a very important demonstration project called Straight A's. It is a demonstration program. Earlier, Senator GREGG, again, drove home a very important point on the floor, within the last hour, that we are not in this demonstration program and in our underlying bill forcing anybody to do anything; that they have a choice. If a local school district or a State is unsatisfied with this duplicative Federal effort and the categorical programs that have redtape tied to them, under our bill they can, if they want to but don't have to, continue with the same programs. But they have other options.

In Straight A's, we give schools in school districts the flexibility if they want it. I can tell you that many of them want it based on the hearings we have had in our committee, or based on the budget task force. Their goal is to increase achievement. If they say it can be best achieved in a local community in Nashville, TN, or Alamo, TN, or Soddy-Daisy, TN, requiring them to make decisions and giving them the flexibility to accomplish that achievement to educate the children, then they, for the first time, will have choice under our bill. But under the Democratic alternative they will not have that flexibility to innovate and to create.

Under our bill, States don't have to, but they may elect to partner with the Federal Government to consolidate those elementary and secondary education funding sources. A State may

choose to remain just where they are today under our bill in the categorical program, but they will have a choice for the first time.

Under the Straight A's demonstration project, States that participate could choose to spend that Federal money in the way that is best for them. The contrast will be the Democratic approach that says: No, we in Washington, DC, can best judge what works best. In Soddy-Daisy, TN, at the school that is serving the hundreds of kids in Soddy-Daisy, basically Republicans say no; that the school should be able to make the choice on how to use those funds. Why? Because, in Soddy-Daisy, they might need textbooks and not another teacher, for example. They have already reduced class size, *per se*. They may need to hook up that computer to the T-1 line, to the fiber-optic cable, that comes a block away so they can take advantage of that access. Or they may need an afterschool program. They are the ones—not us in Washington, DC, and not those of us in this Chamber—who are in the best position to make those decisions.

State and local school districts, I mentioned earlier, are attempting to be innovative today. They recognize that things are not working. I think it is, without question, based on the data we have listened to as we go back to our districts and in our various hearings, that it is the local school districts and the States that are the real engines for change, that recognize the needs, and are responding to those needs with innovative programs. They are yelling and crying out to take away these regulatory handcuffs and this excessive regulatory burden and redtape that strangles them and keeps that innovation from bursting forth.

It is teachers, it is parents, it is principals, and it is local communities who are demonstrating on a daily basis their enthusiasm and desire calling for this choice and increased flexibility.

Although the Federal Government—both the Congress and the President—is prepared to assist in improving America's schools, I think it is for all of us to remember that there are limitations. We have heard it on this floor. There are limitations in terms of the Federal role in education. In Tennessee, funding for education in our local schools is about 9-percent Federal funding and 91-percent local, community, and State.

There are not Federal teachers. There are not Federal classrooms. There are not Federal principals. Virtually all learning in America is occurring in classrooms and in homes outside of the purview of the Federal Government. But the Federal Government, tied to that 9 percent in Tennessee or 7 percent nationally, has this excessive regulatory burden which strips resources out of our local communities.

The Federal Government clearly plays an important role. Since we are failing so miserably, I argue, nationally, and thus, we are failing inter-

nationally in this increasingly global world, I believe the Federal Government must provide the leadership to identify the problems of education in K through 12 in this country as one that is clearly worthy of the collected energy and the attention of all Americans.

Yes, incremental resources both at the local and the national level are likely to be required and to be increased over time. But it is absolutely essential, along with the resources we provide today, that we give the States and the local communities the freedom to pursue their own strategies for implementation in how to identify the needs and thoughts of local communities.

State strategic plans are something that we, as a Federal Government, should support. It is allowed under our bill. It is encouraged under our bill. In fact, under such a plan the States would establish concrete, specific educational goals.

As we address this whole issue of accountability of what they do in return for this flexibility, they would also establish at the State level or at the local level very specific standards for accountability, and timetables for achievement. In return, they would be allowed to pool the Federal funds from all of the categorical programs that we built here in Washington, DC, and spend those consolidated resources in States on locally established priorities. Accountability is absolutely critical. Traditionally, accountability in the Federal perspective has been very much on quantitative measures rather than qualitative ones.

We talk about how many students are being served by title I. Everybody knows by now that title I is the Federal program with \$8 billion aimed at disadvantaged students. But we have not asked how well those students are doing. Again, is it child-centered? That is so important in the underlying bill. Is it child-centered and focused on how well that student is doing? How much is that student learning? How much is that achievement gap narrowing? We haven't asked that question. Now is the time. The underlying bill links that flexibility to accountability and to asking those fundamental questions.

The issue of partisanship comes forward again and again. Although both sides of the aisle say, yes, education is important, and, yes, we need to do better, the partisanship is interesting because people are painting the Straight A's component as partisan.

Again, the Straight A's demonstration project, flexibility, accountability, local control, choice—not forced choice but the free choice, is a partisan measure.

During a budget education task force meeting, it was fascinating for me to hear from the Democratic officials from the Chicago school system, who said the most important thing is flexibility. They credit much of their progress in reforming the system which

they adopted to the so-called block grants, the block grants which the other side is attempting to vilify. If you talk to Chicago, which is really a model in terms of flexibility and accountability, they attribute much of their success to the use of block grants that allow flexibility to rise forth to capture the innovation and the creativity that emerges once you take away these regulatory handcuffs.

The Chicago officials were clear:

We know the system and we believe we know the things that it needs to have in order to improve. So, the more flexibility we have with Federal and State funds, the easier it is to make those changes.

The partisanship we should put aside. Effective education policy absolutely should not be bound by party lines. We can have disagreements. We will say more flexibility, more local controls, child-centeredness. The other side may say another government program is the answer. That is a legitimate debate. But let's set the partisanship aside.

The Florida Commissioner of Education said:

We, at the State and local level, feel the crushing burden caused by too many Federal regulations, procedures and mandates. Florida spends millions of dollars every year to administer inflexible categorical Federal programs that divert precious dollars away from raising student achievement. Many of these Federal programs typify the misguided one size fits all command and control approach.

The concept of command and control clearly is one that we believe and believe strongly has not worked in the past and is something we should no longer rely upon as we march into the next century, recognizing the importance of a foundation of strong education for our children.

The Department of Education, when they testified before our task force, in many ways agreed there needs to be simplification. We have so many categorical programs. Testifying before the task force, Secretary Riley said the Department had eliminated 64 programs. Then just several weeks later, we had the General Accounting Office tell us the Department still oversees 244 programs.

Seeing the Department recognizes the importance of streamlining and consolidation leaves me a bit perplexed as to why the Department opposes the principles in our underlying bill. Under our bill, we allow choice between the current system and a more consolidated approach—not forcing consolidation, but a choice for consolidation.

If we were doing so well today, as we have heard again and again from the other side, I do wonder why they fear all the States will choose to participate in our Straight A's demonstration program, if they really think the categorical system is working so well.

I understand why the administration opposes our proposal. We do say we should not be micromanaging K-through-12 education for all of the 80,000 public schools out there out of Washington, DC. It means, for example,

if the administration has an agenda item, it would be increasingly difficult to impose that on a local community if the local community says you are wrong. That is not what is needed. That does not meet the needs we have identified based on our experience in a local community.

In the last several days, many of my colleagues on the other side of the aisle suggest that Straight A's does not have any guarantee that the money will be spent the way "it is intended." We have heard it again and again. I ask that fundamental question, the way "who" intended it be spent? Do we really think we in the Senate with the range of issues that we deal with, with the distance of being in Washington, DC, can speak for each individual school and the individual needs identified by that local school? Or is it the local teachers and administrators and educators who have been in the education business for years. Do we really think we know better than they what schools need to be successful? Are we so arrogant and think so much of our own thoughts to believe that without our individual programs that are targeted for specific purposes, our schools would not undertake specific efforts to reduce class size, to recruit quality teachers to the classroom, or to modernize their schools?

We have heard in the last several days from Democrats who have called the Straight A's demonstration project a blank check. Anybody who has read the bill or who has studied what Straight A's is all about simply cannot call it a blank check. For the first time, we are actually requiring States to show results. This bill looks at results, student achievement. It must be documented. We are requiring States to show for the first time how they are helping disadvantaged students reduce the achievement gap.

An editorial today in the Washington Post was interesting. It decries Straight A's for removing targeting requirements on Federal dollars. The editorial says:

It makes no sense that States somehow need the right to shift funds away from low-income schools in order to narrow the achievement gap between the lowest and highest achieving students.

Apparently, the editorial board encourages us to vote Straight A's down to protect the flow of money to the poorest schools.

It misses the point. The point is this Federal flow of money has done nothing for children in the poorest schools except to make us feel good; to say, yes, we are doing something. If you look at the objective results, we have done nothing. Report after report shows our poorest students are getting further and further behind. If you go back to our bill, you will see why we stress measurable results in reducing the achievement gap, linking it to the devotion and the investment of resources.

It requires you send the money to poor schools. In the underlying bill, S.

2, we have infused the fact that new responsibilities must be coupled with ensuring that students are actually learning, that standards are increasing, that we are doing what education is all about, and that is educating those individual students.

States must have measures in place to ensure that all children, poor and nonpoor, meet proficient levels of achievement within 10 years. What better catalyst for reform is there? What better way to ensure that poor children receive the same quality of education as their wealthier counterparts than requiring—which is what our bill does—that States demonstrate their poor children are achieving?

School districts should be allowed to use the Federal funds in the most effective way to reverse the trends I opened my comments with, trends which show us falling further and further behind as we compare our students in the 4th, 8th, and 12th grades internationally.

In the First in the World Consortium schools located outside of Chicago, administrators poured significant amounts of money into improving teacher quality through intensive professional development. The results, unlike the rest of America in the statistics which I quoted from the Third International Math and Science Study, which show we are falling behind, were just the opposite in the consortium than what we are seeing nationally. They saw improvement.

Last week, I heard from innovative State superintendents from Texas and Georgia that several of their school districts discovered that their reading teachers did not know how to teach children to read so they invested significant dollars in retraining all of them in the research-proven, the documented methods of reading instruction. This is local control, local flexibility, local identification of needs; not mandating what districts need out of Washington, DC. It is reinforced when you think some districts may want to offer programs on a district-wide scale to entice better teachers into the school system and into some of the poorest performing schools. The funds might not be sent directly to those poor schools, but the quality teachers would. Because we know a high-quality teacher is the most important determinant of a student's achievement level, that would be good. It would be a wise use of those funds. Our bill allows the use of funds in those ways.

Isn't it possible that this approach might just be more effective than simply throwing money at a poor school? Demanding that accountability while giving the flexibility to use those funds in that way?

Radical changes in flexibility and accountability, I believe, are precursors to the sort of reforms we are witnessing at the local level in selected pockets. I mentioned Chicago. Many of us have quoted the reforms that have gone on in Texas. In 1988 and 1995, the Illinois State Legislature enacted

sweeping reforms. The 1988 law gave unprecedented discretion to individual Chicago schools. The 1995 law gave the mayor an unprecedented role. In addition, the State legislature in Illinois has allowed the use of block grants for much of the funding for Chicago's schools.

According to Chicago school officials:

Most of our initiatives are locally-based, locally-funded, locally-developed by people who have been working in Chicago for many years. We know the system and we believe we know the things it needs to have happen in order to improve. So, the more flexibility we have with Federal and State funds, the easier it is for us to make those changes.

Remember, Straight A's is a demonstration project. It is not being forced on anybody. The school district, the State, can choose whether or not they want that increased flexibility or accountability. That is the beauty of the underlying Republican bill.

For the first time, Straight A's focuses on what matters most—the accountability, the achievement levels of the children who need the help the most. Under Straight A's, a State may do almost anything with the Federal money but—and the "but" is what you don't hear from the other side—but it has to prove it has increased the academic achievement of all of its students in the end. Poor kids, clearly, will be better served under this proposal.

Again, for the first time the object of the Straight A's Program is for States to focus on closing the achievement gap between those students who excel and those who do not, between rich and poor, between black and white; the achievement gap is to be closed.

The debate centers on flexibility, accountability, on child-centeredness, on local control. I have risen today to speak in opposition to the Democratic alternative which basically says those are not the principles, those are not the themes for the American people. The themes are another Federal program to add to the 760 programs that are out there.

The theme on the Democratic side is: We know what is best in Washington, DC. Republicans are basically saying: No, we do not know what is best. The people who know best are the people who are closest to our children, who do know their names and their faces, who are at the head of the classroom every day, teaching; those with the commitment, the teachers and the principals and the school superintendents and the parents—the parents, again, who understand, who see, whose input is so necessary as we answer that question of what works and what does not.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I rise in opposition to the amendment before us, the Democrat substitute. In that it is a total proposal, it gives us a chance to talk about the context of the total debate. I have to say I am appalled, looking at the scope of the data

over the last 30 years, that anybody could defend the status quo. It is just mind-boggling to think about it.

It does remind me of the welfare debate. I never could understand how anybody could look at that system and look at the number of people who were being damaged by it and not recognize that something had to be done to change it and we had to look to newer ideas. Not all the new ideas work, but we know the old ideas did not.

Today in America, 41 million adults are not effective readers. They have trouble with a phone book or a prescription drug label, reading a letter from a family member. That is a staggering number. I am going to get into some of these statistics, but I want to step back just for a moment to say I think everybody inherently knows education is an exceedingly important subject for all of us in the country. But from time to time, I think we need to step back and recognize that education and an educated mind are a cornerstone of American liberty.

Let's try to frame this for a moment. From our very founding, we have understood that a core component of maintaining a free society is that the population is educated. To the extent that any among us who are citizens do not have the fundamental skills, the basic education, they are truly not free. They cannot enjoy the full benefits of American citizenship because they are denied the ability to participate. They are inhibited in the ability to think for themselves, for their families, for their communities, for the Nation.

There have been a couple of assertions made here. One was made by the majority leader. The other I think was made by the Senator from Connecticut. I would like to talk about those for a minute.

The suggestion is that these deplorable statistics, that two out of every three African American students and Hispanic fourth graders can barely read, 70 percent of children in high-poverty schools score below the most basic level of reading, and on and on and on—the assertion by the Senator from Connecticut was: But the Federal Government only deals with 7 percent of the funding for schools and 93 percent comes from somewhere else so this blame cannot be directed at Federal policy.

That is a little misleading because for the 7 percent of these funds that go to the various States, about 50 percent of the bureaucratic overhead is associated with that 7 percent.

All the regulations, all the mandates, and all the forms associated with this Federal investment in education carry with them an enormous and staggering burden. There are hundreds upon hundreds of Federal employees in every State of the Union endeavoring to carry out the programs associated with the 7 percent.

Since 1994, by and large, the growth of employment in the public school

system has been for administrators, not teachers. We are arguing about how to get the appropriate number of teachers, and a system-oriented program is driving up administrators. I want to make the point that one cannot simply say it is just 7 percent of the money. That is just not the case. It is 7 percent of the money, it is 50 percent of the overhead, and it is mandate after mandate. It has local systems gnarled up.

On more than one occasion, there has been an inference that the States do not have the moxie or the know-how to get in there and get this done. Frankly, it is in the States where I see the most innovation. In my State of Georgia, a Democratic Governor is turning the system upside down. Or one can go to Wisconsin or Arizona. Why are they so energized? Why are they asking us for more flexibility and more options? Because they know what we have been doing is ineffective and not getting the job done and damaging our democracy because it is putting out on the street millions of Americans who cannot function properly in our society.

The minority leader earlier said that since 1994, we have been doing a whole lot better. First of all, we were doing so badly that it did not take a lot to improve. The point is, there really is no basic improvement. The data is atrocious. In mathematics, American 12th graders ranked 19th of 21 industrialized countries and in science 16th of 21 nations. Our advanced physics students ranked last. Who would ever have thought this to be the case in the United States of America?

Since 1983, 6 million Americans dropped out of high school. In 1996, 44 percent of Hispanic immigrants aged 16 through 24 were not in school and did not hold a diploma.

In the fourth grade, 77 percent of children in urban high-poverty schools are reading below basic on the National Assessment of Educational Progress.

In 1995, nearly 30 percent of all first-time college freshmen enrolled in at least one remedial course, and 80 percent of all public 4-year universities offered remedial courses.

According to U.S. manufacturers, 40 percent of all 17-year-olds do not have the math skills and 60 percent lack the reading skills to hold down a production job at a manufacturing company.

Seventy-six percent of college professors and 63 percent of employers believe a high school diploma is no guarantee that a typical student has learned the basics.

Maybe this is one of the statistics that is thought to have improved: The dropout rate for 9th and 12th graders in 1995 was 3.9 million—rounded off, 12 percent. In 1998, this period for which we were supposed to have seen significant improvement, the dropout rate was 3.9 million or 11.8 percent, or perhaps two-tenths of 1 percent—hardly anything about which to get excited.

In grade 4, according to the National Association of Education Progress,

poor students lag behind their more affluent peers by 20 percent. The results show no change—I repeat, no change—over the three assessments from 1992 to 1998. From where are we drawing any conclusions that somehow things have turned around?

In grade 8, 38 percent are below basic in mathematics; 48 percent of fourth grade students scored below basic.

In reading, there are more 12th graders scoring below the basic level; 20 percent in 1992 and 23 percent, up 1 percent, in 1998.

One has to be an eternal optimist beyond any description or definition that I can understand to think that somehow this incorrigible data we have received shows that we have a tourniquet on the problem and circumstances are improving.

Seventy percent of children in high-poverty schools scored below even the most basic level of reading.

Half of the students from urban school districts failed to graduate on time, if at all.

Forty-two percent of students in the highest poverty schools scored at or above the NAEP basic level for reading; 62 percent of students in all public schools met the standard.

We have been at this for 35 years and have spent approximately \$130 billion. In virtually every category, those students who were the targets of this program are not better off.

I want to talk about that for a moment. What does "not better off" mean? I said 42 percent, 13 percent, 30 percent, 6 million of those, 5 million of these. What does that mean? What if it is a person we know living in one of our cities? It means, to use a figurative name, Billy Smith cannot get a job because he cannot read. He has dropped out of school. He is pushed into probably a very poor environment. The likelihood of Billy Smith going to prison is three times that of a student who stays in school. The chances Billy is going to be the father of a child born out of wedlock are in huge multiples. The average annual income is virtually poverty line or below. Pushed to crime, Billy Smith, one of these millions about whom we talk, one of these percentage points or numbers, one of these people we have turned a blind eye toward for these many years, is just likely, more than anything else, to end up in trouble, end up in prison, end up on drugs, not be a productive element of society, and probably create a family of whom he cannot take care.

That is the picture that gets repeated by these millions and millions of people about whom we talk. There are 41 million American adults who cannot read. Look at the prison population and find out their reading skills. Of course, it is not that it is nonexistent, but it is not there. Every one of these children who falls out, and through, this system is being condemned to a very unpleasant and nonproductive future in our society.

Now comes this bill that we are considering. I am not a member of the

committee. But it talks about giving local school systems options, performance agreements. It talks about more flexibility. It talks about accountability. It makes it all optional. Nobody has to do it. If everybody is real comfortable with the status quo, with the abysmal data we see every other week, they can stay right where they are. I think they will find that the constituencies—the public—are going to demand that changes start to occur, which is why so many Governors are in the middle of all of this and why they are asking for flexibility and new options.

But even the opportunity to try different concepts is repulsed by the other side: No. We can't do that. We have to set the standard right here. We have to tell every one of those Governors they are not capable of knowing exactly what we should do anyway, so we have to tell them exactly what they need to do.

This is a classic debate between those who want to go to a new place and those who want to stay in the old, between the status quo and the new, between those who have confidence in the emerging effectiveness of local governments and State governments and those who don't.

In the early 1960s, there were a number of critiques written about State governments. You would not recognize any of them today. I think for us to assert that those folks on the ground, in the community, have to be told what to do is uncharacteristic of the American way.

I think that the substitute which says, no, let's keep things the way they are—they have bells and whistles in there; but essentially it is a defense of the status quo; let's just keep on looking at this data; let's not try anything different; let's not give some flexibility to these localities and States—ought to be defeated.

I compliment the chairman of the committee, who is not here at the moment, and also Senator FRIST of Tennessee, and all the others on the committee who worked so hard to produce the underlying bill we are considering, that does move to a new day, that does offer flexibility and accountability, that does offer new options. I commend them for their work.

I hope we will defeat this substitute and move on ultimately to passage of the underlying bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will take a few moments to respond to these general comments that have been made over the period of the past few days by those who are opposed to our proposal in terms of education reform. The proposed bill basically gives a block grant, a blank check, to the Governors to make these decisions.

It is always interesting to me to hear my friends on the other side of the aisle when they say: We are interested in local control, local decisionmaking.

That isn't what this is about. This is about giving a blank check—a block grant—to the States. Read the legislation. The States are the ones that are accountable to the Secretary of Education at the end of the day, after 5 years. They get the block grant. They can go out and do whatever they want for another 5 years. Then they can come back and say, look, we have had substantial compliance in what we originally proposed. Then the Secretary is either going to say, no, you have not; or yes, you have. The idea that the Secretary is going to cut off the States on any program is preposterous—anyone who thinks that will happen has not been around for any period of time under Democratic or Republican administrations.

But let's get back to some of the facts. First of all, if we are going to provide this money, why allow this money to be taken by the States before the money gets down to the local level?

The fact is, various GAO reports indicate that school districts received anywhere from 95 to 100 percent of the federal funds appropriated. This was true in 1995, for the title I programs, the bilingual education programs, the emergency immigrant education program, the safe and drug-free schools program. Specifically, for the Goals 2000 program, 93 percent of federal funds went to the local level; for the Eisenhower program, 91 percent; for IDEA, 91 percent; for the preschool programs, 88 percent. Ninety-five percent to 100 percent of federal funds get to the local community. That is where it is happening at the present time.

So the other side of the aisle says: All right. What we need to do is to have more flexibility. The Federal Government and its mandates are denying local flexibility.

Let's look at the GAO report dated January 25, 2000: "Elementary and Secondary Education, Flexibility Initiatives Do Not Address Districts' Key Concerns About Federal Requirements."

Do we hear that? We specifically asked the General Accounting Office to look into local communities to find out if we are effectively restricting them in their ability to use money effectively to enhance local decisions. The GAO report, on page 9, says, that what the local communities want, No. 1, are resources, funding. No. 2, they want to have management technology and techniques and training for the local schools. And third, they want information about what is working in other communities.

That isn't only the Democrats speaking. That is what the General Accounting Office reported. Local school districts have enough flexibility at the present time.

What does the other side say? They say: We do not want to do business as usual. We just want to send the money out there.

It is interesting when we look at what the situation is at the local level.

Let's look at the IG's report from March 2000. It reviewed State education agency officials in 15 States. They received complete responses back from 10 States. Of the 10 States that responded, 6 States do not permit any combining of funds whatsoever—no combining of local, State, or Federal funds; that is, 6 of the States prohibit that.

When we provide flexibility, we say, if that decision is going to be made, it has to be done there at the State level. Two States, of the 10 States reporting, allow combining of Federal funds only. One State allows combining of State and local. Only one State out of the 15 States looked at by the IG of the Department of Education permits the combining of funds at the State, Federal, and local levels.

(Mr. GREGG assumed the chair.)

Mr. KENNEDY. Mr. President, the problem isn't the Federal Government, the problem is the States. That is the contention. Let's hear the argument from the other side on that during this debate. You say those are interesting reports, Senator, but is this really the case? All you have to do is take the national assessment of title I that was done last year. In 1999, the national assessment of title I says:

Among the schools that reported in the 1998 survey that they had been identified as in need of improvement, less than half reported that they could receive additional professional development or technical assistance as a result of being identified for improvement from the States.

Here you have communities that are trying to ask for help, and only half are receiving any. States are not responding to half of those communities. What is the other side's answer? Send more money to the States. This is the wrong answer. States didn't care prior to the time we passed the Elementary and Secondary Education Act in 1965. They didn't care about ensuring that the most disadvantaged children were served. Then we gave them federal funds from 1965 to 1970 and they still didn't take care of disadvantaged children. We have learned that lesson. And now, we want to give States blank checks. Haven't we already learned from the past? States will allocate federal funds according to what the Governor wants to look out after, and there are no guarantees that it'll be targeted to the poorest or most disadvantaged children—the States aren't using their own dollars to do this now.

If Members on the other side could say: Senator KENNEDY, let me show you where we have 25, 35 States pinpointing as a matter of State priority in education what they are trying to do for the neediest kids and they are showing results, saying give us more help, they would have a strong argument. They can't do it. They don't answer that. You won't hear that. You will hear all the cliches such as, "What has happened in the past isn't working," and "They want more of the status quo."

Now, in contrast, let's look at what I have said is happening out there.

Needy children are the responsibility of the States. In 1986, the National Governors report said, "It's Time For Results." The task force urged Governors to intervene in low-performing States and school districts and take over closed-down, academically bankrupt school districts. Let's see what happened.

In 1987, 9 States were authorized to take over—9 States out of the 50. In 1990, the NGA report on educating America outlined strategies for achieving the national education goals. The task force, cochaired by Governors Clinton and Campbell, recommended States provide rewards, sanctions, linked to school academic performance, including assistance and support for low-performing schools. Take over if those do not improve.

In 1990, eighteen States offered technical assistance or intervened in the management of low-performing schools. In 1998, NGA policy supported the State focus on schools. In 1999, 19 States complied. It will take another 50 years to get all the States to take care of poor children. Now the Republicans want to send all that money out there, with virtually no accountability, virtually none. Five years, and then unless the Secretary of Education can demonstrate that they haven't substantially complied with it, States can get another chance at it for five more years.

That is what this is all about. Are we going to just send the money out to the States, or are we going to have some real accountability? Now, let me take one area and present our side's alternative.

In regard to teacher quality, we maintain in our alternative that there are new, important, tried and tested, and demonstrably effective policies that can enhance academic achievement. As we have pointed out, these policies are: smaller class size, afterschool programs, teacher quality, accountability, technology provisions, and others. These are virtually new. The other side may say that "they just want to do business as usual," but we didn't have technology 10 years ago or 30 years ago. We didn't have the documentation of the importance of small class sizes.

We assumed that all States were focused on ensuring that all classrooms were going to have certified teachers. That hasn't been the case. We stand on this side of the aisle to guarantee a well-trained and fully qualified teacher in every classroom in America after 4 years of the date of enactment of this Act. That is our side.

Let's hear what the other side has. First of all, on the issue of teacher training, recruitment and empowerment, they have the Republican Teacher Empowerment Act, which gives so much flexibility, States really don't have to do anything to change their current practices. They can continue hiring uncertified teachers, continue to provide low-quality, ineffective profes-

sional development and mentoring. In States, they could use most of the funds for a large variety of purposes that dilute the focus and attention on improving the recruitment and mentoring and professional development of teachers.

The question is, Does the underlying bill guarantee substantial funds for professional development? No. All the underlying bill says is there will be "a portion of the funds"; it doesn't say how much will be there. Our amendment guarantees professional development. The underlying bill doesn't guarantee funds for mentoring programs. It just allows the use of funds for those programs. Our amendment absolutely guarantees mentoring.

Thirdly, the underlying bill does not guarantee funds for recruitment programs. It just allows the use of funds for recruitment programs. Ours guarantees a recruitment program and gives priority for that. Their bill does not guarantee that teachers are trained to address the needs of children with disabilities or other students with special needs. It just allows the use of funds for such training.

Our amendment guarantees that teachers will learn how to teach these children. Their bill does not hold States accountable for having a qualified teacher in every classroom. It doesn't even require teachers to be certified. If you look carefully at the Republican program, it does not really guarantee much. In contrast, we clearly spell out what our bill accomplishes.

Their bill does not require a substantial priority for math and science training.

If you go and talk to any school teacher, any school superintendent, anyone that is involved in educating needy children in this country, and you ask them is: Do you have enough good math and science teachers? They will say that one of their top priorities is getting good math and science teachers in high-poverty areas.

Everyone says that.

I can give the various reports of what matters most in teaching for America's future. The report of the National Commission on Teaching on America's future was made up of Republicans and Democrats alike. One of their key findings was that if you are going to do anything about teaching, make sure you do something about math and science—there is no mention of a Republican block grant program.

Finally, their bill does not require accountability. Instead, it promotes ineffective professional development activities through Teacher Opportunity Payment Programs, what they call TOPS. TOPS supports individually selected strategies that aren't necessarily proven effective practices. Effectively, it says that if you are a teacher and you want professional development, you can go out and find any program, anywhere, and it will be paid for. Having the Federal Government reimburse for this untested and untried

program as matter of local control makes no sense.

Our amendment contains tough and high standards of accountability. Our amendment says if you do not make progress in student achievement, which is the bottom line, with better teachers after 3 years, you cannot continue to receive funding for this program.

There it is. We are prepared to say this is the challenge and this the way we ought to go and this is the way it ought to be tried and tested.

We are effectively guaranteeing parents in this country good, fully qualified teachers. The other side can't say that because their program doesn't justify that.

In addition, I want to look at the existing programs and the proposal that is before us. This is what I consider the "education report card."

They certainly get the F in terms of qualified teachers for the reasons that I have outlined.

We are talking about secure and gun-free schools and trying to make them safe.

We are talking about safe schools.

We are talking about small and orderly class sizes.

We are talking about afterschool programs.

We are talking about strong parental involvement.

And, we are talking about, most of all, accountability for better results.

This is the heart and soul of what we believe is necessary in order to enhance and strengthen the quality of education for children in this country.

These are the various areas of policy that we have to take action on. The existing bill grade is an F.

We have a program that we are prepared to debate and discuss, and to be challenged on. I hope we are going to escape the cliches and the slogans in this debate. We have heard the cliches. We have heard the slogans. We are prepared to deal with the real policy issues and the real policy questions because we believe this is a way that we can really respond to children's needs.

We need a guarantee. We don't need a blank check. We want to make sure the money is going to get to where it is needed and not go to the Governors' pet programs and pet projects in local communities in their States. That is what has been happening. That continues today.

You don't have to get a lot of reports to see what happens when we give Governors a blank check. What happened has been demonstrated in the tobacco bill. We sent money back to the States with the idea that money was going to be used for children in terms of smoking and children's health. We are finding out that it is instead being used to build sidewalks, and cut taxes.

We need to take responsibility for helping our neediest children with our scarce federal resources. The democratic alternative allows us to make a difference for children in this country.

Finally, I want to mention what has been happening in recent times. I

with great interest, my friend from Georgia talk about all the challenges we are facing. We understand that every child who goes to school in America today is facing additional complexities and problems than they were facing 2 or 3 years ago or 5 years ago. It is very challenging for a variety of different reasons that we can talk about. But the fact is that there has been some progress made. Primarily it has been made since 1994.

Let me mention the National Association of Educational Progress. Their reports show that there have been significant increases in math scores in the fourth through eighth grades, and reading and math performance among 9-year-olds in high-poverty public schools. Among the lowest achieving, the fourth graders have improved significantly. The achievement gap between blacks and Hispanics and white students has narrowed since 1982. The greatest gains in science were made by black and Hispanic students. Average SAT scores in math and verbal were higher in 1999 than the average for 1983 or 1989.

These improvements came at the same time that the proportion of test takers with native languages other than English have been increasing.

The dropout rates are lower today than in the 1970s and 1980s, and particularly lower for black youth.

In 1972, 21 percent of black youth dropped out of school.

In 1979, the rate was 13 percent. The dropout rate for Hispanics fell from 34 percent to 25 percent during that same period, and from 12 percent to 8 percent for whites.

In 1997, 89 percent of persons age 16 to 24 completed high school or attained a GED.

The number of students taking advanced courses has increased, especially those taking advanced placement courses.

No one is saying that we have this challenge solved. We are not saying that. But what we are saying is, we reject the statement made that our alternative is merely the status quo.

The programs we are talking about are dramatically different. They are innovative. They are responsive. They have a solid record of achievement. We are making some progress.

With this substitute, we believe we will be able to come back in 5 or 6 years and say we have made gains and that we made the right investment for the neediest children in America.

Finally, I want to put in a word for those children who are going to be wiped out under the Republican program—the migrant children, the immigrant children, and homeless children.

I read in the RECORD the other day the report that was given in 1987 when we were considering the McKinney Act. We asked States how many homeless children were being educated in their respective State. We had virtually no response to that particular question.

In March of 1987, the Center for Law and Education sent the questionnaire

regarding State practices and policies for homeless students to the chief State school offices in the 50 States and Washington, DC, and received 23 responses. The majority of the respondents had no statewide data on the number of homeless children within their jurisdiction or whether the children were able to go to school. The majority of States had no plan for ensuring that homeless students received an education.

That was prior to the McKinney Act, prior to the time of identifying homeless children, migrant children, and immigrant children.

Now our friends on the other side are saying we don't have to deal with those populations anymore, the Governors will know best.

They didn't up until 1987. They don't today, without these kinds of program. We are going to be back here, if their program is passed, mourning the day that we have essentially abdicated our responsibility to those children in our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I ask unanimous consent, after my presentation, Senator HUTCHINSON follow me. We will rotate. Senator DODD could not stay. He will be allowed to follow Senator HUTCHINSON.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I have had a chance to come to the floor the last couple of days. My colleague from Arkansas has been on the floor, as well. We will go back and forth in this discussion. I support some of what my colleague, Senator KENNEDY, had to say about the differences between the Democrat proposal now on the floor and the Republican proposal. The differences between our alternative proposal and the Republican bill make a huge difference.

I have loved being a Senator. It is quite an honor. I don't think I will ever feel otherwise. I only mean this in the spirit of a twinkle in my eye. Honest to goodness, Washington, DC, and this Congress is the only place I have ever been where people say: Let's hear from the grass roots, the Governors are here.

Governors are not what I know to be grass roots. There could be good Governors, bad Governors, average Governors, but my colleagues have a bit of tunnel vision thinking of Governors as grass roots. Grass roots is community, neighborhood, school district level.

This is a tough point, but it is a point that needs to be made. There is a reason, going back over 30 years, that we as a Congress representing the Federal Government, representing the United States of America, have made it clear we don't just do block granting without some major accountability when it comes to the question of whether or not we are going to invest in poor children in America. That is why we have a migrant children program. That is

why we have a program for homeless children. I think this legislation, S. 2, rather than representing a great step forward, and change, is a great leap backwards.

Mr. COVERDELL. Mr. President, will the Senator yield with regard to a unanimous consent about everybody's time?

Mr. WELLSTONE. That will be fine.

Mr. COVERDELL. The Senator from Arkansas has to go to a markup in about 15 minutes. His remarks will take 10 minutes.

Mr. WELLSTONE. Mr. President, I ask unanimous consent the Senator from Arkansas be able to proceed right now. I will be pleased to follow the Senator from Arkansas. I think I might get done, but I will defer to my colleague, not because I think he is right but because I think he is a good Senator.

Mr. COVERDELL. I appreciate very much the comity extended by the Senator from Minnesota.

Mr. HUTCHINSON. Mr. President, I thank my good friend from Minnesota, for his gracious comity, his willingness to afford me this opportunity on the very limited schedule. We are all fighting the schedule. I appreciate that very much.

I thank Senator COVERDELL for his continued management of this legislation.

I have spoken several times on the Educational Opportunities Act, the legislation that the HELP Committee on which I serve and Senator WELLSTONE serves has brought to the floor of the Senate. I will take a few moments to respond to the substitute proposal that has been offered by the Democrats under the leadership of Senator KENNEDY.

Senator KENNEDY stressed that what he is offering is a break from the status quo. He is trying to distance himself from this inevitable and unavoidable label that has been attached to the Democratic approach which is, in fact, the defense of the status quo. While you can run from the label of status quo and try to say no, this is not the status quo, you cannot run from your own words. It was Senator KENNEDY who said we have to stick with the tried and the tested. That is clearly an identification and defense of the existing model, the existing strategy, the existing approach we have used in this country for the last 35 years and one that has brought us to the current situation in American education and a situation that no one can, with a straight face, truly defend.

It is the status quo in the alternative, the option that has been offered. It speaks on behalf of the Washington-based establishment. It throws more money at a broken system rather than focusing upon children. The strategy is to claim the underlying bill is a blank check. It seems pretty clear this strategy is going to bounce.

This substitute amendment before us again presents more of the same programs that have been around for 35

years, a plethora of new programs to try to solve some nationally recognized problems, loads of new bureaucracy and paperwork for teachers and principals. Of the more than 60 programs that are in the substitute amendment—60 programs in the substitute amendment—there is no emphasis upon rewarding States and school districts that do well. There is no emphasis upon sanctioning or punishing those that do poorly.

The bottom line is that is more of the same. That is more of the same approach we have had where, if you fill out the forms correctly and you receive the funding and you spend it in the way that is prescribed by Washington, that is the end of so-called accountability. That is a defense of the old way. We are suggesting the real accountability is in whether kids are learning, whether the performance gap between the advantaged and disadvantaged is narrowing.

The emphasis in this substitute is on the status quo. I will quote in just a moment from an April 13 editorial that appeared in the Wall Street Journal regarding AL GORE's education agenda because I think it is reflected in this substitute.

So what's left in the Gore teaching plan? Hire more teachers. Smaller class sizes (hire more teachers). Pay more teachers more. Sounds like a textbook definition of more of the same . . . One of Democratic liberalism's underlying, decades-old premises of using highly controlled federal funds is that Washington's moral intentions always trump those of the untrustworthy states. After 40 years this theory is fairly shopworn, but the core of the Democratic Party will never let go of it.

This substitute is clinging to the shopworn formula of the last 35 years. The idea that Washington's moral intentions trump those of the untrustworthy States is being rejected on this floor and rejected in this country. Democrats keep mentioning that we need to continue our current commitments. This amendment not only will continue to support the status quo, it will continue to add on to the piles of programs created at the Federal level and the piles of paperwork that we require school districts to fill out. That is not the way to help students.

Yesterday, Senator HARKIN, very dramatically—I was watching it—held up a four-page application for class size reduction funds. He emphasized the point that all of this stuff about paperwork from Washington was blown out of proportion, there was nothing all that burdensome, nothing that onerous being placed upon local school administrators because it was only a four-page grant application on the class size reduction from one of his districts there in Iowa.

That might have been what was in the original application. But complying with Federal requirements usually imposes a much larger burden. Lisa Graham Keegan, Superintendent of Public Instruction for the State of Arizona, recently talked about the pa-

perwork burden that Federal programs impose on her State:

Their end (meaning the grant application sent by the Federal Government) may be five pages—

That is Washington's end—

but ours certainly isn't. We have to send in a hideous amount of justification. Plus they ask for "assurances" that we will align our state laws, policies, procedures, (thoughts, actions, desires . . .) to the federal program. Home loan applications also start out as one to two pages . . . by the time you are done with justifications, you have killed a forest. Same with federal applications.

That is the point. So Senator HARKIN may hold up a four-page application. This is the 110-page end result of what the States have to do. This is the 1999 IASA Program Data Checklist. There is, in fact, 110 pages in the application. That is much more typical of what ends up having to come back to Washington.

In her home State of Arizona, 45 percent of the staff of her State education department is responsible for managing Federal programs that account for 6 percent of the State's education program. As I pointed out the other day, in Florida, it takes six times as many people to administer Federal education dollars as State dollars—six times as many. So something is wrong.

What the substitute before us would do is create more programs, more paperwork, and reinforce more of the same without any of the focus upon children's academic performance and narrowing the gap that is the focus of the underlying bill.

I know most Members of the Senate want to do what is right for children. I ask them to consider where the focus really is in this substitute. If every school district in Arkansas—there are over 300 of them—applied for this one grant, the result would be over 30,000 pages of paperwork for those 300 school districts, for just one grant.

I know of two teachers in my home State of Arkansas who had to take 1 week out of the classroom to apply for a Federal grant. It is not easy for many small districts in Arkansas to find a person knowledgeable in the intricacies of the Federal grant process to locate funding that originally came out of their own pocketbooks, and there are no requirements in the substitute amendment for improvements in student achievement—no requirements. Instead, they are funding systems, not students, as we have done for 35 years. If we are to change the course of education in this country, it is time to realize that funding must support each and every child, not each and every program.

Senator DASCHLE charged that the underlying bill would replace federal targeting of funds and hand it over to the states to set their own performance criteria. I think this "blank check" strategy breeds contradiction. I am reminded of past bills that are now law where we voted to do just what the underlying bill requires. Let me give an example.

In August, 1998, the Senate HELP Committee—at that time it was the Senate Labor and Human Resources Committee—passed and sent to the floor the Workforce Investment Act—a bipartisan job training bill. Like our existing education system, the nation's job training programs were top-down, Washington-controlled and funded programs infested with bureaucratic red-tape. The WIA gutted the longstanding 1982 Job Training and Partnership Act, JTPA, and handed over years of federally controlled, prescriptive requirements to the states and localities. The States were given the green light by us to create their own plans to administer their own job training—teaching people the skills they need to make a living right on the local level.

I did not hear folks make the claims that this was a "blank check" 2 years ago. Where were they then? How can we have a bipartisan bill that overwhelmingly passed the Senate and handed the bulk of discretion over to States and local boards for teaching people job skills, but we cannot even think of doing the same for education. I will tell you why. It is because the Washington establishment for job training does not have Congress in a head-lock like the education establishment does. That is why.

The old adage, "you can't teach an old dog new tricks" sure has meaning when the Washington establishment weighs in. Sure enough, creativity and innovative means to education get chucked out the window. I will not allow such unfounded charges that mischaracterize the underlying bill to go unchallenged.

There can be a legitimate debate, and should be, but my constituents overwhelmingly believe local control and local flexibility is a better course for American education.

I am very pleased with the underlying legislation with which the Presiding Officer had so much to do in the drafting, and Chairman JEFFORDS showed such leadership in the committee. It is a bill on which we can stand with pride. I do not want to trade in or exchange the future for the past. That is what this debate is coming down to.

The substitute that is being offered is a return to the past. The underlying bill takes us in a new direction and pioneers new opportunities for American children. The vote on this substitute will be: Do my colleagues want to turn back to the past or do they want to go a new route or new direction for American education—a plethora of new programs or a new way? That is the question before us.

I look forward, as we continue this debate, for the Senate, following the lead of the American people, to say enough is enough; let's chart a new path; let's put trust in those laboratories of democracy in the States that have done such a marvelous job on welfare; let's give them the same opportunities in education. We will look back,

as we look back on welfare, in a few years and say we did right by the American people and, more importantly, the children of this country.

I again thank Senator WELLSTONE for his willingness to allow me to precede him. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, it is amazing, I say with a twinkle in my eye. I actually agree with my colleague from Arkansas on one thing: This really is a debate about the future and the past. I just think he has it mixed up as to which bill represents which.

I am looking at the people who are opposed to S. 2. I see the American Association of School Administrators, American Federation of Teachers, Antidefamation League, Council of Great Cities Schools, Leadership Conference on Civil Rights, Mexican American Legal Defense Fund, National Alliance of Black School Educators, National Asian Pacific American Legal Consortium, National Association for the Advancement of Colored People Legal Defense Fund, National Association of Elementary School Principals, National Association of Secondary School Principals, National Parent Teachers Association, National School Board Association.

What occurs to me—and I will try to say it differently than I said yesterday—is what we have is not bureaucratic or some top-down Government program, we have school board members; we have the PTA, parents, elementary school principals; we have high school principals; we have teachers.

One can argue that all these organizations do not represent all of the principals, all of the teachers, all of the school board members, and all of the parents in the country, but, with all due respect, they represent many of them. The reason my colleagues do not have any such support from the parents, the teachers, the school board members, and the principals at the local level is because S. 2 is not connected to what it is people are asking us to do.

I will again talk about what my colleague from Arkansas was talking about, which is past versus future. This is what they have for accountability. This is the sum total of the Republicans' accountability provision:

The Secretary shall renew the agreement for an additional 5-year term if, at the end of the 5-year term described in subsection (a), or soon after the term is practicable, the State submits the data required under the agreement and (2) the Secretary determines on the basis of the data that the State has made substantial progress—

Whatever in the world that is.

We turn back the clock 35 years. We abandon our commitment to poor children, to vulnerable children. We no longer have the specific commitment to migrant children and homeless children. Then the accountability provision is we wait for 5 years to see what

has happened to these kids, and then the Secretary determines, on the basis of the data, whether or not the State has made "substantial progress," which is not defined. This is hardly what I call a very rigorous accountability standard.

My colleague from Arkansas talked about the Workforce Investment Act. I wrote that bill with Senator DEWINE. I know something about that bill. Actually, it is a good example, but my colleague from Arkansas has made the mistake of assuming this was just a crude block grant program. That is not what we passed. It was a good compromise. Yes, we were able to go after some of the duplication and some of the bureaucracy. We also made sure there was a targeting and separate stream of funding for youth programs, for adult training programs, for dislocated worker programs, and I also think for veterans' programs.

When my colleague cites the Workforce Investment Act as an example of what we should be doing, it is precisely the opposite of what the majority party has presented. I will say it one more time, and then I will move on to a couple of other points in the positive. I first have to talk about what I am against, and then I have to talk about what I am for.

I am, as a Senator from the State of Minnesota, in agreement with the principals, school board members, the teachers, and the parents all across the country who oppose this legislation, S. 2, in part because it is an abandonment of the good commitment we made as a nation to our most vulnerable children. That, in and of itself, invites my opposition, and I believe it invites the opposition of most of the people in the country.

Secondly, when I look at the accountability language in S. 2, with all due respect, it is inadequate at best. Frankly, there is nothing there.

Now, my colleague is not on the floor now. Senator BROWNBACK is someone I am working together with on a good bill that is going to be dealing with the trafficking of women and children for the purposes of forcing women and children into prostitution and forced labor. It is an outrage. We are working together. But my colleague and other colleagues have said S. 2 is patterned after the welfare bill. He said: It has been a brilliant success, with the mothers working. And they are happy. People are working and happy.

For 2 years I have been trying to get a policy evaluation of what in fact is happening with the welfare bill. We do not know.

We know this. We have reduced the rolls by 50 percent.

We know this. We have barely reduced the poverty.

We know this. The vast majority of these mothers who are working have jobs barely above the minimum wage.

We know this. Mr. President, 670,000 more American citizens, many of them women and children, no longer have any medical coverage.

We know this. There has been a dramatic decline in food stamp participation.

We know this. The child care situation is dangerous. Many of these 2-year-olds and 3-year-olds, with their single parent working, are at home with someone who really should not be taking care of them or there are inadequate or downright dangerous child care situations.

We know all that. Can someone please give me the evidence for this being a great success?

We also know the Governors in the States are sitting on top of \$7 billion of TANF money, while the child care needs of these children—poor children—are not being met.

I have colleagues out here who are telling me that on the basis of what we don't know—and then on the basis of what we do know, which is that it has been really quite brutal what has been happening—we should use the TANF experience as the basis for moving toward this crude block grant approach. It does not make a lot of sense.

As a matter of fact, some of our Governors have actually used the TANF money with a little bit of a budget gimmickry for tax cuts. Some of the States are being called on the carpet.

Would it surprise anybody here that not all this money is going to poor women and poor children? That is the point, colleagues. Please do not bring that piece of legislation out here and say it is a brilliant success and that people are working and happy when there is no empirical evidence to support that at all.

So my first point is, it is a great leap backwards.

My second point is, the accountability provision of the Republican plan is pathetic.

My third point is, when we talk about block granting and patterning it after the welfare bill, the TANF experience, there is not a shred of evidence to support that. Whatever evidence we have would make us very weary of doing so, especially if we are concerned about how poor and vulnerable children might fare.

My fourth point is, the Workforce Investment Act is a great example of a bipartisan approach. I was proud to write that bill with Senator DEWINE. Why didn't we get an elementary and secondary education piece of legislation out here which was bipartisan? We would not have to have any of this debate.

Certainly, with the Workforce Investment Act, we did not abandon the idea that when it comes to certain groups of citizens, we make a commitment, and we do not just go straight to a block grant with no standards, no accountability, and no national priorities.

What will work is our alternative. My colleague from Arkansas took off after the Senator from Massachusetts—in a civil way; it is just a good debate—and said: Clearly, the Senator from Massachusetts, Mr. KENNEDY, is

for the status quo because he says we should focus on what works.

Honest to goodness, this is getting pretty nutty. That is what we should do. If we know that good teachers make for good education, we had better, I say to Senator KENNEDY, focus on what works. If we know that smaller class sizes make a real difference, we had better focus on what works. If we know that investing in crumbling schools makes a difference in terms of building the morale of our children, we had better invest in what works. If we know that programs such as the Eisenhower program for math and science, and other professional development programs, lead to good teachers and good teaching, then we had better be investing our resources in this area.

Are my colleagues suggesting that actually we should invest in what we don't know? Are they saying our priorities should reflect what we don't know? Are they saying that because we have an alternative out here which focuses on teacher quality, professional development, a teacher corps to get more teachers in low-income school districts and low-income schools, class size reduction—I am sorry, I forgot parental involvement and investing in dilapidated schools, with some school construction money—all of which are priorities that the people in our States ask us to please focus on, all of which are programs that have a proven record and work, all of which is the direction in which our constituents tell us they want us to go, all of which is about good education for children in our country—that we represent the status quo? If so, I want to be called the "Status Quo Senator."

But I will tell you something. If this is just a cute semantics debate, I would rather be on the side of programs that work, I would rather be on the side of good policy, good public policy, than on the side of turning the clock back 35, 40 years to some crude block grant program where all of a sudden we abandon some key national commitments to the most vulnerable citizens and where we are, frankly, unwilling to make the investment in the very decisive priorities and programs that work and really make a positive difference in children's lives. That, to me, colleagues, is what this debate is all about.

Because my colleague from Wisconsin is out here, I will just take a couple more minutes.

On the parental involvement, I have worked on this. We have been doing some preliminary discussion. One of the things I have worked on is ways in which we can creatively use some of the nongovernmental organizations, community groups that have credibility with parents, to get them more involved. I am excited about that.

As long as we talk about welfare, I promise my colleagues, if this bill is out here for a while, I will have this policy evaluation. I am telling you—I say this to Senator JEFFORDS from

Vermont—we have to have some honest policy evaluation of what, in fact, is happening because pretty soon we are going to be pushing everybody off the cliff. By the year 2002 there isn't going to be any of this welfare assistance to any families. Let's know what is going on.

I will have an amendment that deals with counselors—if it is not 100,000, then 50,000 more counselors—in the country. I tell you that we can do a much better job. The ratio is about 1 counselor per 1,000 students. That does not work. We can do a much better job of having an infrastructure of good counselors in our country that can make a real difference for kids, especially kids who are at risk, especially kids who are struggling with mental health problems. It is terribly important.

I will have an amendment that provides some support services for kids who witness violence in their homes. If my wife Sheila were out here on the floor, she would say: PAUL, repeat the statistic again that every 13 seconds a woman is battered in her home. Home should be a safe place. These children see it. They come to school. They have not slept through the night. They are depressed. They act out. They are really struggling.

I say to some of the pages, you can imagine what it would be like. I pray it never happens to you. We need to get some support services to those students.

I have several amendments that deal with the dicey and tricky question about whether or not we are just going to have standardized tests that hold kids back, as young as age 8, or whether or not we are going to: A, make sure these children have the same opportunities to succeed and pass these tests; B, to take into account learning disabilities or limited English proficiency before we start flunking 8-year-olds in the country; and, C, whether or not we are going to take into account the fact that everybody who works in this field says it is an abuse to rely just on one single standardized test.

Then finally, also, I am going to have an amendment that deals with urban education, Ed-plus, which is the counterpart to the rural education initiative, all of which I am for. But we want to make sure—this is what the Democratic alternative includes in it—this recognizes the challenge facing urban schools and enables the urban schools to build on some of these programs with more resources. We need to do that.

Mr. President, I conclude with what I think, frankly, is the strongest part of my presentation. This is the accountability provision of S. 2. Wait 5 years and then the Secretary determines, on the basis of the data, that the State has made substantial progress. Substantial progress is not even defined. We do a lot better.

Mr. President, the cargo in those yellow school buses is much more precious

than all the gold in Fort Knox. We can do better. We can do much better for our children, and our alternative does better for our children.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, Senator DODD is to be recognized at this time.

Mr. FEINGOLD. Mr. President, Senator DODD is not present. I ask unanimous consent that I be recognized at this time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, following Senator WELLSTONE's excellent remarks on education, I want to speak on the bill before us. I rise to add my thoughts to this important debate about the future of the Federal role in the education of America's children.

The Elementary and Secondary Education Act has shaped the Federal role in public elementary and secondary education for 35 years. Yesterday, we began the debate on a new 5-year reauthorization of this vital set of programs. This debate will also set the tone for the Federal role in education for the next 5 years and beyond.

The legislation that this Congress passes this year will affect today's first graders well into their middle school years, and will carry today's eighth graders through to their high school commencements.

We hold the future in our hands, Mr. President. It is our responsibility to find the right balance between local control and Federal targeting and accountability guidelines for the federal dollars that are so crucial to local school districts throughout the United States.

Ninety percent of American children attend public schools. During the 1998-1999 school year, the most recent year for which statistics are available, more than 879,000 young people in my home State of Wisconsin were enrolled in public education, from pre-school through grade twelve. I am a graduate of the Wisconsin public schools, and my children have also attended them.

Mr. President, just a few short years ago the members of the other body considered eliminating the federal Department of Education all together. Some tried to evoke the specter of a federal takeover of one of the basic responsibilities of local governments—the education of our children. But those voices have faded in recent years as the Department of Education, under the dedicated leadership of Secretary Richard Riley, has regained the confidence of the American people and dispelled the charge that it was out to usurp the authority of the local school districts and the states.

I am deeply concerned by the persistent calls by some in Congress and elsewhere for a drastically limited federal involvement in our children's education. While I strongly support maintaining local control over decisions affecting our children's day-to-day classroom experiences, I am concerned

about the lack of appropriated targeting of funds and accountability for results in the bill that is currently before the Senate.

Mr. President, the legislation before us today has generated vigorous debate in my home state of Wisconsin. I have heard from parents, teachers, school board members, school administrators, school counselors and social workers, state officials, and other interested observers. And there is one central theme in their comments: The United States Congress must not undermine the targeting and accountability measures that currently exist at the Federal level. These provisions are paramount to ensuring that no students are left behind and that all schools perform up to the standards set by the states and by local school districts.

I have also heard from a number of my constituents that this Congress should do nothing that would undermine all the good that the federal government's support has helped the states and local school districts achieve in public education over the last several years, in areas including smaller class sizes, technology education, standards-based reform, and accountability for results.

The education community in my state is also deeply concerned—and I share this concern—about provisions in this legislation that would shift scarce Federal dollars away from the public schools they are intended to support.

I fear that this disturbing trend toward block granting and vouchers will further widen the educational divide in which too many of our students are caught. We need to focus our scarce resources on rebuilding and reforming our public schools, not on tearing them down.

I worry that this block grant and voucher-driven weeding-out process will leave behind the most vulnerable students—those from low-income families, those with special needs, those at-risk for dropping out, and those with behavioral problems—those very students that title I was created to help. We cannot and must not abandon our most at-risk students in dilapidated schools with outdated textbooks and few resources. We can and must do better for all of our children. The answer is not to funnel scarce resources away from the public school systems that have served this country so well for so long.

And those who think vouchers will lead to real school choice are sadly mistaken. Private schools are already full to capacity and many have extensive waiting lists. We cannot simply shift students from public schools to private schools and think that all of the problems will magically disappear.

Mr. President, we will hear a lot of terms batted back and forth during this debate.—Accountability. Flexibility. Targeting. Parental involvement. Class size. Construction and maintenance. Teacher quality. Professional development. After-school pro-

grams. Education technology. School choice. School reform.—These concepts are at the heart of this debate. The question lies in how these terms are defined. I sincerely hope that the members of this body will be able to leave behind the partisan rancor that unfortunately pervaded the Health, Education, Labor, and Pensions Committee's consideration of this bill and come together to do what is best for all of our Nation's children.

I would like to take this opportunity to discuss some of my own priorities—and those of my constituents—for this important piece of legislation: class size, targeting, professional development, music and the arts, and the impact of this bill on preparation for post-secondary education and entrance into the job market.

I regret that this bill as reported by the HELP Committee does not contain the authorization for the funds necessary to implement the third year of the President's initiative to reduce class size in the earliest grades. And I particularly regret that this common-sense proposal was defeated in committee on a straight party-line vote.

My home State of Wisconsin is a leader in the effort to reduce class size in kindergarten through third grade. The Student Achievement Guarantee in Education program is a statewide effort to reduce class size in kindergarten through third grade to 15 students.

The SAGE program began during the 1996-1997 school year with 30 participating schools in 21 school districts. Now in the program's fourth year, there are 78 participating schools in 46 school districts.

According to the recently-released program evaluation for the 1998-1999 school year, conducted by the SAGE Evaluation Team at the University of Wisconsin—Milwaukee:

First grade students in SAGE classrooms statistically outperformed their peers in comparison schools in language arts, math, and total scores on the post-tests administered in May of 1999. And twenty-nine of the thirty top-performing classrooms for which two years of data were available are SAGE classrooms.

Case studies conducted at three SAGE schools during the 1998-1999 school year found that, "individualization is made possible because having fewer students enables teachers to know students better, it reduces the need for teachers to discipline students, which results in more time for instruction, and it increases teacher enthusiasm for teaching."

The case study also found that: "A product of individualization in reduced size classes in addition to academic development is student independence, thinking, and responsibility."

The results speak for themselves, Mr. President. Smaller classes translate to better instruction and better achievement.

I will support efforts to include this important program in this bill.

As I noted earlier, one of the things that my constituents have repeatedly told me is that the targeting mechanisms that ensure that vital federal dollars reach those students who need them most are a crucial part of any ESEA reauthorization. Time and time again, my constituents have expressed opposition to any effort to block grant title I and other programs under ESEA.

Title I pays for supplementary educational services for economically disadvantaged students, and those funds are targeted to the schools with the highest concentrations of eligible students. During the current school year, local school districts in my home State of Wisconsin will receive more than \$125 million in title I funding. According to the Department of Education, ninety-five percent of the nation's highest-poverty schools receive this vital title I funding.

I am deeply concerned about the so-called "portability" provisions in this bill, which would allow ten states and twenty local education agencies in other states to distribute their Title I money on a per-pupil basis rather than to the schools with the greatest need. This funding formula would allow parents to choose to use their child's share of these "portable grants" for supplementary services at their public school or for private tutoring services, which could be provided by private or religious schools.

This formula will all but ensure that those schools with the highest concentration of poor children in the ten states and twenty districts using the portable grants will no longer be able to count on this crucial Title I support.

And this provision also raises serious constitutional questions about the use of public funds for tutoring provided by non-public sources.

In addition, there is no clear way to determine accountability for the success of those children whose parents opt for non-public tutoring services.

I will support efforts to eliminate the portability language and ensure that Title I funding continues to be targeted to the schools with the highest concentrations of low-income students.

I have also heard a great deal about the importance of federal dollars for professional development for teachers, administrators, principals, and school counselors and social workers. We must do everything we can to ensure that teachers and other school professionals have access to the resources they need to continue their professional development. We often hear people say that we should encourage our children to become "lifetime learners." We must also ensure that those who educate our children have access to quality professional development programs that enhance their effectiveness and give them access to the latest methods in teaching, administration, and counseling.

In that same regard, we must ensure that our children have the opportunity to receive a well-rounded education

that is both academically challenging and rich in opportunities to study music and the arts. I am deeply concerned that many school systems around the country have decided to eliminate, or to severely scale back, their arts education programs. Research has shown that arts education can help students to become better learners in all subject areas.

The arts given students the opportunity to express themselves in ways that are distinct from those provided by the academic subjects. Students learn valuable lessons including cooperation, hard work, dedication, and the desire to strive for excellence—lessons that will help them in other areas of their education and in other aspects of their lives.

We must do all we can to prevent local school systems from having to choose between maintaining the arts as a vital part of their curriculum or building a new science lab. Both are important for our students, and one should not have to be sacrificed to have the other.

Finally, Mr. President, we must ensure that high school graduates have the skills they need to be successful adults, whether they choose to go on to college, technical school, the military, or into the job market.

I am pleased that the HELP Committee adopted an amendment offered by the Senator from New Mexico, Mr. BINGAMAN, which authorizes additional funding to expand a very successful existing program which increases access to Advanced Placement classes and exams. It is extremely important that we continue to strive to give all students, regardless of their economic status, access to these challenging academic courses.

And it is important that the Congress also help to provide the financial assistance that so many students need to continue their education. For that reason, I will continue my efforts, along with the Senator from Massachusetts, Mr. KENNEDY, and others, to increase the individual maximum Pell Grant award by \$400.

Mr. President, I wish to again remind my colleagues that this bill currently before us will affect 90 percent of the school-aged children in this country. While many of them have never even heard of the Elementary and Secondary Education Act of 1965, they will feel the impact of its pending reauthorization in their classrooms beginning next fall. I welcome this important debate. I hope that we can produce a truly bipartisan bill that will provide the financial assistance that our children deserve and the appropriate targeting and accountability measures that our states and local school districts continue to call for. And I hope we will do this without creating a system of block grants and back-door vouchers that will leave our most vulnerable children behind.

I thank the chair. I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order of recognition be Senator GORTON, followed by Senator DODD and Senator ASHCROFT, and then Senator HARKIN.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, may we amend that for this side? The order on this side would be Senators DODD, KERRY, SCHUMER, HARKIN, and DORGAN.

Mr. JEFFORDS. We are trying to alternate.

Mrs. MURRAY. We will alternate, obviously, between the sides. But that will be the Democratic speakers.

Mr. JEFFORDS. That is fine.

Mrs. MURRAY. The order on the Democratic side, obviously alternating with the Republican side, would be Senators DODD, KERRY, SCHUMER, HARKIN, and DORGAN.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. JEFFORDS. With the understanding that we will be intersecting in between with a Republican as announced.

The PRESIDING OFFICER. The Chair's understanding is that the speakers will alternate starting with Senator GORTON in the order listed.

The Senator from Washington is recognized.

Mr. GORTON. Mr. President, this has been already a remarkably substantive debate, with, I think, a clear delineation of education philosophies on each side.

The nature of the debate and the degree of heat that accompanies it has, I think, obscured one overwhelmingly important factor; that is, without exception, the Members on either side of the aisle have genuinely desired to improve the education system of the United States and desire a Federal participation that enhances that growth and that improvement. This, of course, is a wonderful characteristic of the debate where we are debating means and not ends.

As well, I hope, before the debate has concluded next week, or whenever we complete it, there will have been a reaching across the aisle that divides the two parties on proposals that do not unite everyone on both sides but at least will unite a sufficient number of Republicans and Democrats so that the last vote we take will be a vote on final passage of an education-related bill that can take the next step toward reaching the goals in which all Members join. That is not to underestimate the differences between us.

I found the statement made by the Senator from Wisconsin to be particularly eloquent, even as I disagreed with almost all of its particulars. If I may be permitted to do so, I think I characterize the difference as being a difference which relates primarily to our degree of trust and confidence in men and women for whom education is both a profession and an avocation, men and women who spend their lives as edu-

cators, as teachers, as principals, and superintendents.

This debate also expresses a difference with respect to our trust and confidence in parents to seek the best possible education for their children, and in those men and women who share with Members of the Senate the willingness to suffer the slings and arrows of political campaigns often hotly contested but, in their case, running for membership on school boards across the United States, most of whom, unlike us, are not compensated or paid for the job they undertake.

The real difference—and it is a difference—illustrated by the relatively narrow two amendments before the Senate at the present time, one relating to Straight A's and the Democratic alternative, is the degree of trust and confidence we have in allowing those decisions to be made by people who know the names of the children they teach.

The Senator from Wisconsin has set out in detail his priorities, the clear implication being in every single case that if we don't set these requirements, the arts will be overlooked, underprivileged children will be overlooked, teacher training will be overlooked; that some amorphous blank check somehow or another will not be used for primary education purposes.

I find it difficult to understand this kind of difference. After all, the men and women who are voters in the United States, who voted for us, are the same voters who vote for these elected school board members who, in turn, employ the professionals in education. Why is it they elect Senators who are sensitive to all of these needs and school board members who are not?

One of the two subjects before the Senate now is Straight A's. It isn't the Straight A's that I started out with, by any stretch of the imagination, either when I introduced it under that name more than a year ago or when its precursor was voted on in this body some 3 years ago. It is, among other things, only an experiment limited to 15 of the 50 States in the United States of America. But for those 15 States, it says essentially, we trust you. We trust the education authorities in each one of these 15 States not only to use the money as wisely as we do in our categorical aid programs but more wisely.

However, in spite of the use of the phrase "blank check," the check by no means is blank because in order to take advantage of Straight A's, in order to be one of these 15 States, the State must set up a testing system, an achievement system that measures how well its students are doing, must propose and sign a contract that the achievement level will rise as a result of their being allowed to use this experiment and that they risk losing this additional authority and trust if they do not meet the commitments they make in that original contract.

Mr. KERRY. Will the Senator yield for a few questions to explore what the Senator has just said?

Mr. GORTON. For a brief period, yes. I do want to finish my remarks, but go ahead.

Mr. KERRY. I thank the Senator, and I will not be too long.

We have come here for several years in a row with this impasse. The Senator from Washington and I have met privately trying to have a discussion about how we could find a meeting of the minds. I certainly don't question his desire to have kids in the United States educated.

Obviously, there is a difference between us, as he has said, in our confidence in what may occur. As the Senator from Washington knows, when title I began back in 1965, for instance, it was a block grant. Indeed, in Memphis, TN, moneys were used to pay for swimming pools. In Oxford, MS, moneys were used for cheerleading uniforms. In Macon County, AL, moneys were used for football uniforms. In Attala County, MS, two lagoons for sewage disposal were constructed with title I money.

The record of States not choosing to reduce class size or have afterschool programs or improve teacher quality is already there.

The question I ask the Senator, if everyone on his side is so willing to pass this bill with the notion there is a level of accountability that they will put in place for improving education, why would they not be willing to adopt a series of areas which we could all agree on to represent the top priorities in America for education, such as getting better teachers, improving teacher quality, having afterschool programs? Isn't it possible to agree on a broad categorization that does not tell local districts how to do it, doesn't tie their hands to one particular choice, but gives them a sufficient range of options? At least we know the Federal dollar will not be subject to the kind of abuse it was once subjected.

Mr. GORTON. The Senator from Massachusetts could not have asked a better question. He does remind me of the fact that he and I, with a number of other Senators in both parties, have had, over the course of last 2 or 3 years, a number of meetings in private to discuss whether or not we could reach just such an agreement.

We haven't reached it yet. That is obvious from our place on the floor of the Senate at this point. As I think he knows, negotiations involving at least some Republicans and some Democrats with that goal in mind continue at the present time.

I think it is the nature of our common humanity that we don't usually reach agreements on controversial issues until we are at the point of having to make final votes on these issues. I have every hope that we can.

In connection with the two proposals on the floor today, however, they state our dramatically opposing philoso-

phies. My answer to the specifics of the question asked by the Senator from Massachusetts is very simple. He, it seems to me, is examining a beetle stuck in amber, a fossil from 35 years ago, with five examples out of 17,000 school districts today that he believes did not use money properly when they could use it as they desired.

But we have had 35 years of experience since then, with increased Federal controls, increased Federal mandates, increased numbers of forms to be filled out. And they have not succeeded, in title I, in reducing the disparity between underprivileged students and the common run of students who do not fall into that category. Yet we see the proposal on which we will vote later this afternoon, that side of the aisle saying the problem is not that we have too many rules, we have too few, and, where we had 100 pages of regulations, we need 200 pages of regulations.

While we can all say we wish for our schools better teachers, more teachers, more computers, and a number of other items, what we see in a proposal of categorical aid is each school district needs so many more teachers, each school district needs so many more teacher training programs, each district needs so many more hours of art instruction, for example, rather than saying within these broad categories each school district ought to be able to decide the balance among each of those primary needs.

We also see, obviously, that there should be some form of accountability. We believe we have the ultimate form of accountability, that in Straight A's, in that portion of this bill at least, we say the bottom line is: How well educated are your students after they finish this program? Is there an objective measurement of their educational achievement? Has that improved? That seems to me to be a policy accountability against the process accountability we have required, increasingly, in the course of the last several years.

Mr. KERRY. Mr. President, I appreciate the answer.

I do not want to abuse the time because I know my colleagues are lined up to speak, but if I may ask further, I hear what the Senator is saying, but the examples I chose are examples of when it was a block grant. We changed the block grant precisely in order to obviate those kinds of examples. Bringing it to modern times, I know the Senator will agree with me that everyone in the Senate is not debating education because it is a nonissue in America.

No one would suggest that every Governor in this country is doing as well as some other Governors in the country. No one would suggest—I am not going to name States here—there are not some States that are light years behind other States in what they are willing to adopt.

So even measured against the modern system, I agree with the Senator from Washington. Let's tear apart some of the bureaucracy. Let's rip

away some of the layers and tiers, let's minimize the paperwork. But let's guarantee we are working together in a more genuine fashion. The fact that we have bills on the floor that are, frankly, as far apart—this is the first time in the eight times this bill has been to the floor that there is as little bipartisan effort at this stage as there is this year, a time when education is far more important than it has ever been in the history of the country.

So I ask my colleague if it is not possible, if we somehow cannot find a more reasonable middle ground where we achieve goals of both sides which are essentially to provide the best opportunities for our kids.

It seems to me, when you are looking at a 5-year period before you, in effect, measure what is happening, I am constrained to ask the Senator how that 5-year period helps a kid who goes into that foundational stage of education, or even a high school student? You go into freshman year and you are gone from high school before anybody has evaluated the program at the Federal level to make a judgment whether or not the Federal dollar is being well spent.

Surely the accountability mechanism in the Democratic alternative cannot be that unappealing to those on the other side who want to give local administrators power but at the same time be more responsible for the Federal dollar. I wonder why it is, in fact, so unacceptable, measured against a 5-year block of time where nothing takes place.

Mr. GORTON. I repeat the first half of my answer to the Senator from Massachusetts. I believe there are efforts—I hope he is a part of those efforts; I can assure him this Senator is—to reach just such an agreement in which each side would accommodate to some of the highest priorities of the other side, whether they are substantive or procedural with respect to accountability.

But I think the reason the differences are so great as against what they were 5 years ago, or 10 years ago, is that, if I may say so, on this side of the aisle there is a greater recognition that we are on a dead-end street, that 35 years of the kind of programs with increasing rules and regulations that have led us to this point simply have not worked. There is a greater disposition over here to say, at least in some States we ought to allow people to do something radically different from what they have before them.

The Senator from Massachusetts is 100-percent correct. Some States are far ahead of others, even with the degree to which their hands are tied by present Federal regulations. My profound fear is, if we allow even more differentiation, the next time we come to renew this act, we will have a far better understanding of what works in the real world and what does not work in the real world.

What I wanted to say, not only in connection with Straight A's but in

connection with title I portability, in connection with the Teachers' Empowerment Act, in connection with the Performance Partnership Act that comes to us from the Governors, that is a part of this bill, and of course in connection with Straight A's, none of these experiments, or these changes of direction, is mandated on any State of the 50 States in the United States of America. Any State education authority, any State legislature that does believe it is making more progress or will make more progress with essentially the present system—tweaked a little bit—is completely free to do so. Only 15 States can take Straight A's. I think at present only 10 States can take title I portability, plus a few other school districts.

Mr. KERRY. Mr. President, I will have more to say. I thank the Senator for interrupting his remarks. My colleague has been waiting a long time. My only comment is that Ed-Flex was passed. It allows radical departures. And very few Governors have even taken advantage of the Ed-Flex that we passed. We need to look at the reality of what is happening. I thank the Senator very much for his engaging in this dialog and thank my other colleagues for their patience.

Mr. GORTON. I appreciate the comments of the Senator from Massachusetts. I do think they lent clarity to the debate in which we are engaged at the present time. I am fairly close to the conclusion of my remarks.

Again, it is essential for both Members and the public to understand that we are not mandating a change in the Federal system. We are enabling a change in the Federal system. We are enabling a combination of three or four or five changes in the Federal system. If I find any proposition difficult to understand, it is the proposition that somehow or another we know so much more about the subject than do the Governors and legislators of the various States, the elected school board members, and the full-time school authorities in 50 States and 17,000 school districts across the United States of America.

It is true that the virtue of humility is more highly praised than practiced. No place is that more true than it is here in the Senate. But it does seem to me that a little bit of humility about these education policies is very much in order here, a little bit more trust and confidence reposed in the people who devote their entire lives to this field of education—something that we do not.

The comments of the Senator from Massachusetts were very well placed and very thoughtfully stated. By the time we reach the end of this debate, I hope we will be in a position that we simply will not have all members of one party voting one way and all the members of the other party voting the other way. I hold that to be a very real possibility.

In the meantime, it is vitally important to make clear the distinction be-

tween those with all the eloquence of the previous speaker from Wisconsin whose goals I totally share but whose means I do not share at all, who sets out what he thinks are priorities the Congress is better able to set, not in general terms but in very specific terms, for every school district across America.

Our view is that we seek a better educated populace in the 21st century, children better prepared to deal with the marvelously complex challenges of that century by allowing our schools the greater right to innovate, a greater right to meet these challenges than we grant them at the present time.

The current manager of the bill and I represent the same State. While we disagree on these issues, we agree on the wonderful innovative things going on in the State of Washington at the present time. I simply wish to grant more scope to that innovation. I hope my State will be among the 15 because I trust the educators in my State and school board members in my State to make the right decisions about their children and about their schools.

I must say, I have no less confidence than the people who hold those positions in the State of the Presiding Officer across my eastern borders, or, in that case, the State of Massachusetts represented by my good friend. There at least is the debate. For tomorrow, I hope we have a greater degree of accommodation which does and must retain this degree of added authority, added trust, and added confidence in our school authorities.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I see a number of my colleagues. I know time is running along before the first vote will occur. I will try to move along and not delay my remarks or be repetitive.

Unfortunately, there are some significant distinctions between the alternative and what is being proposed in S. 2. I always think it is worthwhile to lay some basic facts before our colleagues, which I have done in the past, but I believe it deserves repeating.

Fifty-three million children every day go to an elementary school or high school in America. About 48 or 49 million of the 53 million walk through the doors of public schools in all 50 States and territories of the United States; about 4 to 5 million go to a nonpublic school in America. Our principal responsibility is how do we improve the quality of public education in the United States.

We spend less than one-half of 1 percent of the entire Federal budget on elementary and secondary education. I expect that comes somewhat as a surprise to the majority of Americans that we spend even less on the education of 90 to 95 percent of all children in the United States than we do on foreign aid, and more speeches are given on education on a weekly basis than any other subject matter. Most of those speeches begin with how nothing

is more important to the well-being and future of our Nation than the education of our children. Yet less than one-half of 1 percent of the entire Federal budget is spent on improving the quality of education for America's children. The rest of the education money comes from our local communities and States.

We are not much of a partner when it comes to the education of America's children. I do not think the question is whether we are doing too much. I happen to subscribe to the notion we are not doing much at all. Of the entire education budget, the Federal government provides 7 percent—a little less—of the total dollars spent on education. Ninety-three percent comes from our States and communities. We are involved with 7 percent of that education budget, less than one-half of 1 percent of the entire Federal budget of the United States.

We really do not do much for education. We decided 35 years ago that it would make sense to at least try to do something about the poorer schools in America. Why? Simply, we came to the realization that on a State-by-State basis, there was not a great allocation of resources to the poorest schools, both urban and rural. In fact, States were spending about 60 cents, 63 cents on poor children. With our 7 cents on the dollar, we spend about \$4.50 on poor children as opposed to the Governors across the country.

We tried to target these resources to those areas, a rifle shot into the areas we thought might do the most good to make a difference. It has been said over and over this afternoon that, in 1965, they began with the idea of turning over a bunch of money—basically a block grant to the States—and said: Get this money back to those poor communities.

As my colleagues just heard from our colleague from Massachusetts and others, the track record of what happened to those dollars was abysmal, it was embarrassing, it was scandalous. Money that was supposed to go to these poorer schools to improve the quality of education went, in case after case, to anything but that. So we decided collectively—again not in any partisan way—that we ought to come up with a better idea of getting the resources into these tough nonperforming schools in rural America and urban America.

We began the process targeting dollars. That is where we are today. What is the difference between what has been offered by the distinguished minority leader, Senator DASCHLE, and others and what is the underlying bill?

First and foremost is this notion of block grants. It is a big difference, unfortunately. I wish it were not. I wish we could work out some differences, but apparently that is not possible, despite efforts over weeks and weeks to iron out the differences.

What is the difference? A block grant is turning a large sum of money over to

the Governors, which is what the underlying bill does, with the hopes the Governors are then going to transfer those resources to the local communities.

We, on the other hand, think that we are better off targeting those dollars directly back to the local community. Why? We happen to know—my good friend from Missouri is a former Governor—too often when the political debates occur in the State legislatures, it is hard. Sometimes the poorest areas do not have the political muscle to get the necessary resources. It is basically a revenue sharing program. They fight over scarce dollars even at the State level. They end up not doing what I know my colleagues who advocate block grants want to happen.

The fact is, in too many States, those dollars end up going off in different directions. As a result, we do not have any accountability. We are the ones who said you do it at the State level, you identify the needs, you come up with a plan, and at the end of 5 years, we will determine whether or not, based on your criteria, you have done it. That is hardly what I call a tough accountability standard when it comes to tracking the 7 cents on the dollar that we are providing for elementary and secondary education.

We came up with an alternative to S. 2, the underlying bill. Who opposes the underlying bill? We do, the Senator from Massachusetts, myself, and the Senator from Washington, but that is not terribly relevant. Also opposing it is the Council of Chief State School Officers, the National Association of Elementary School Principals, the National Association of Secondary School Principals, the National Parent-Teachers Association, and the National School Board Association.

Who do my colleagues think these people are? Put aside the teachers' unions everybody gets fired up about. What about the locally elected school boards? Does anyone think they know anything about education?

Are they blind to all of this? Are parent-teacher associations some little special interest groups off in a corner that are trying to squeeze out some dollars for themselves? These are the people we represent. These principals, these school boards, these PTAs, they are saying this underlying bill is a bad idea. We are just giving voice to their concerns, identifying what they have said are the reasons to oppose this, and finding the common ground that will allow us to develop a program. We try to do this with the alternative which we will vote on shortly. It will get these scarce dollars to the areas that need them the most.

In a sense, what we are doing with S. 2 is walking away from the partnership, as limited a partnership as it is, with the scarce dollars we provide. We are now going to walk away from that. We are saying to these local communities: You do not know what you are talking about, the things you told us

that you thought would work that we tried to incorporate.

Our good friends on the other side of the aisle are saying: Those school board members, those PTA members, those school principals, they do not know what they are talking about. We know best. I respectfully suggest that is a certain sort of arrogance.

Our bill requires and depends upon what we are getting from the local officials who know what they are taking about and have asked us to approach this problem in the way we have offered here today.

Under the plan offered by our colleagues on the other side, as I mentioned a moment ago, the Governors would identify "educational priorities"—that is a quote from the bill—and over the next 5 years spend Federal funds on those "priorities" without any accountability for results. We go 5 years? And then we get some sort of accountability back?

Governors would also be able to re-allocate dollars. There would be no targeting of resources. This is ludicrous. Given what we know from the General Accounting Office, States provide an additional 63 cents, I mentioned earlier, for each poor student. That is the history—63 cents for every poor child in the State. The Federal Government provides \$4.70 or more. So we block grant a lot of what we are talking about here. Again, given the track record of our States in reaching these poor communities, it does not happen.

Block grants also weaken the focus on key areas of national priorities and obligations. Does anyone really think—we have all been around politics long enough. How vibrant a constituency do you think homeless children are? Tell me about the lawyers they hire. What political action committee do homeless or migrant children have? Does anyone know of a political action committee that raises money for homeless kids or migrant kids or title I kids? I do not know of any. Yet we are saying we are going to block grant these dollars for migrant children and homeless children, and we will leave it there in the State capitals. And don't worry, it is going to get to them. There is no track record of that at all. In fact, the track record tells us a completely different story. The track record says it does not get to them.

If we truly care about what our mayors and our school boards and our PTAs are saying in these communities where these kids live, they have asked us to follow a pattern that allows these dollars to go directly to them. This shouldn't be any great revelation.

I do not claim any one State is necessarily better than another. The fact is, if you are a homeless kid or a migrant kid or a poor kid or a title I kid, the likelihood that you are going to end up getting your share of the \$1 is pretty small. We recognize that here. The school boards recognize it. The PTAs recognize it. That is why they oppose what is in S. 2.

Don't believe me. Don't believe my colleagues who have stood up and argued for this. Listen to the voices of the people who come from your States. It is the PTAs and the school boards that are saying: Get this money directly back to us.

Our bill acknowledges and supports key national priorities and priorities for parents. We know our involvement is limited; as I said, 7 cents out of a dollar that is spent on education. But we try to leverage those dollars to national needs. So our 7 cents actually, in many cases, leverages a bit more of local or State dollars in these areas.

National priorities: We do not make up the list of national priorities. This was not somehow drafted in a back room here or in the Democratic National Committee or the office of the minority leader.

Class size, school infrastructure, educational technology: go back to any community you reside in in America and ask whether or not those are important issues. You will hear your constituents say that they are. For the millions of kids who go to public school every day, the teachers will tell you, particularly in serving disadvantaged kids where these problems are huge, that class size, technology and the key issues.

I have often cited to my colleagues in my home State of Connecticut—we are a small State. I look around the room. There are a lot bigger States geographically represented here. Our State is 110 miles by 60 miles. San Diego County is bigger than my State graphically. We are also the most affluent State in the United States on a per capita income basis. I could take you to communities in my State that are just amazing in terms of what my local communities provide for in terms of an educational opportunity for children. Public schools, almost compete with college campuses in terms of language labs, computers, and the like.

I know of one such community that ought to be a model for what every public high school ought to look like in America. In 16 minutes or less, I can drive you from that school to an inner-city school in Bridgeport, CT, Fairfield County—for those familiar with my State, they know Fairfield County is a very affluent corner of my State. But in 16 minutes, I can take you from that school to a school where there are about four computers for the entire student body, cops on every corner, and teachers that have 20, 25, 30 students in a classroom.

So I have two constituents—high school students—living 16 minutes apart from each other with hugely varied educational opportunities, and my State does a pretty good job.

We provide the exact same salaries for teachers who teach in Bridgeport or some other area. But there is a great disparity. We wrestle with that in my State.

What we are saying with this bill, or trying to say, is that back in that community—I am not going to be able to

make it absolutely equal, but I would like to get some resources into that school.

You have to trust your good Governors. The Governor of my State and I are friends, who are in different parties. I like John, and my State legislature. But too often I know what happens. When it comes down to my inner cities, they just do not do quite as well. Those homeless and migrant kids, those poor kids, do not have the clout, and, too often, they do not get the resources.

So what we are saying with our alternative is we want to get those resources back into those communities to leverage those dollars.

Let me just briefly touch on teachers, if I can, and then wrap up. There are a lot of other areas to talk about. I know my colleagues want to talk about them.

Teachers are critical, we all know that, for success in schools. I come from a family of teachers. My father's three sisters taught for 40 years apiece in the public schools of Connecticut, one of them a Fulbright scholar. My own sister has taught for almost 30 years, teaching in the largest inner-city elementary school in my State—Fox Elementary School. My brother was a professor at the university level. I hear from him.

Teacher quality is critical. I think all of us agree on that. There is no debate about the importance of teacher quality. But consider, if you will, what these two proposals provide. I have already explained the difference in the block grants and how to get direct funding back into our communities in a targeted way. Let me just point out the difference on teacher quality programs in these two proposals that are before us.

The Democratic alternative which has been offered, provides \$2 billion to help schools recruit and retain high-quality teachers and includes an accountability provision to make sure all teachers are fully qualified.

Specifically, we require States to have a qualified teacher in every classroom by the fourth year after enactment of this bill—a specific requirement, an accountability standard. We will be able to see whether or not we have achieved it. The alternative that we propose would guarantee that communities receive substantial funds to recruit qualified teachers, provide qualified mentors for new teachers, provide professional development for teachers, and hold schools accountable for the results in that area.

We currently spend \$330 million on professional development. The Republican proposal to the alternative ignores this and only requires a portion of the \$330 million be spent on these activities. If you want to have teacher quality, you have to invest in it. It does not happen miraculously. Our bill takes funds directly to \$2 billion.

Under the committee proposal, you cut back on the \$330 million we already

have, and provide only a portion of those dollars to go for teacher quality. To contrast our proposal with the underlying plan in S. 2, they block grant all of the funds for teacher quality. And then on top of that, it block grants the block grant by making it subject to the Straight A's—a block grant on top of a block grant for teacher quality. Again, you are going to write a check for the Governors and you are going to say to get teacher quality up in these areas. We all know what happens. Too often, those dollars don't end up going where they ought to go in these communities—targeted dollars, focusing on teacher recruitment and professional development or a block grant on a block grant for teacher quality.

We say you have to have a school with qualified teachers in each classroom in the fourth year of this bill. There is nothing in S. 2 requiring that at all—nothing. How do you get accountability following a block grant on a block grant? Where do I go to get the answer for that?

The amendment we are proposing—the substitute—offers real accountability. Our bill requires States to adopt tough accountability standards for all schools—one system, not separate systems. The underlying bill says you have accountability standards for title I schools and another accountability standard for non-title I schools. That is a nightmare. Talk about creating some inherent discrimination in the process where you have accountability standards for one set of schools and then a separate one for others. That doesn't make sense. Our bill requires States to adopt tough accountability standards. If all children are going to learn to high standards, as required, then let's subject all schools to the same high expectations.

We also call for a real step toward accountability requiring school report cards. This will give the public and parents the information they need to hold schools accountable. Where those schools fail, we send in a new staff, new people to operate them at the first opportunity. If that doesn't work, we create charter schools, and if that doesn't work, we shut them down. What does S. 2 do? S. 2 says at the end of 5 years you have to sort of report back to us and let us know whether or not the schools have met the State standard and what they consider to be a high degree of performance. Under the Republican proposal, you wait 5 years for accountability. I don't know how, with a straight face, you call that accountability. That is not what the American public expects with accountability. They want a higher standard than that.

Lastly, our amendment responds to calls made by parents for help after school. The provision in this bill that calls for the 21st century learning community centers started out as a \$1 million program 5 or 6 years ago. As a result of demand from our school districts, that program has gone to a \$500 million afterschool program in 5 years.

Our proposal has schools working with community-based organizations, such as the Boys and Girls Clubs and other organizations, to develop an afterschool program for an additional 2.5 million kids in this country. Five million children every day, right about at this time—on the east coast at least—parents go through the anxiety of wondering where their kids are. Ask a local police chief what hours they worry the most about where kids are involved, and they will tell you between 2:30 and 6:30 in the afternoon, not after 11 o'clock at night. This is the dangerous period.

We have an afterschool period here where we put a billion dollars into after school—up from a \$500 million—to expand that idea, so people have some security or a sense of confidence that their children are being taken care of. The Republican proposal is status quo on after school. We have to do better than that. This is one of the ways we can improve the quality and the safety of children, which parents worry about.

The two words "status quo" have been tossed around a lot in the last few days. I happen to think that is where the big difference is. We offer an alternative which is anything but the status quo. It is anything but that. I am so saddened, Mr. President. I have been on this committee for 20 years. I have never been in a situation where we didn't work out amendments together and craft a bill that was still subject to amendment on the floor. It was a bipartisan approach.

Education ought not to be an ideological debate. It is turning into that. My constituents don't walk up to me and talk to me about block grants and categorical programs, or about all these fancy formula issues that people talk about. They want to know whether or not you are working together with local people and trying to make a difference. None of us have a silver bullet here. None of us can say with total certainty what works or doesn't work. But we know, based on experience, particularly the experience of those who, day in and day out, dedicate their lives to the education of children, those who serve on our local school boards, those who serve on the Parent-Teacher Associations, those people who have become principals and teachers in schools.

Are we trying to demonize these people. These teachers are "evil" somehow, or they don't care about the kids. In the 30 years my sister has taught—she is blind, by the way, from birth—she has dedicated her life to education, when other options were available to her. She cares deeply about what happens to the kids she teaches. She tries to come up with better ideas each year on how to make it work better. Her experience is duplicated over and over again in community after community. To suggest somehow that school boards and PTAs and principals and teachers such as my sister don't give a damn about the kids is just wrong.

Our bill reflects their priorities, their ideas, and it is anything but status

I am saddened that we haven't been able to find common ground to listen to them and craft a piece of legislation here in the waning days of this session of the Congress—a bill that will have to survive for the next 6 years and will address these concerns.

Our schools are in trouble, and we ought not allow this to become so politicized that we can't come up with some common answers on how to address their needs. I urge adoption of the alternative and of some amendments that will be offered later on. Listen to the PTAs and the school boards. Listen to the principals. We give voice to their agenda. That is why they oppose the underlying bill. They oppose it. I oppose it but, more important, they oppose it. That is why the alternative is a far better idea. I urge its adoption.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I appreciate the opportunity to address the important issues we are facing today regarding education. I admire the passion with which my colleague from Connecticut has spoken. I simply come to a different conclusion. I think that if we really admire those individuals who work at the local level, we won't distrust them to allocate the resources for their children in their communities, to make good decisions about how the moneys are spent. That is a real contrast to what we have had for quite some time.

I wish to give a few examples about how Federal education program requirements eat up resources and they consume a disproportionate amount of the time that States and schools spend on administration. You see, when my constituents come to talk to me, they don't ask me about the process. They are asking me about the product. They are asking me can the students read? Can they spell? Can they compute? Can they reason? They want to be focused on student achievement. They don't want to be focused on whether the money is going to the State or whether the money is going to the Federal bureaucracy. They want something to happen at the end of the process that changes the lives of individuals.

As we get into a culture that is more and more technically oriented, the need for education is elevated more and more. In fact, we need to make sure that the money not only gets to the local level, but when it gets there, it can do something of value. And we have a couple of big problems with our current situation. They are primarily these:

No. 1, we may get the money to the local level, but only what is left of it after the Federal government and the State bureaucracies consume it with their bureaucratic redtape. So there is a small stream, a very anemic flow, that goes to the local community.

No. 2, when we finally get it there, we are frequently telling people at the

local community that they have to spend it for something the local community knows isn't really very important.

Very few of us would want to get our help, for instance, medically, from someone who was 1,000 miles away and who didn't know anything about our condition. We would want someone who could examine us to find where our problems are and direct a therapy to address those problems. Federal programs from 1,000 miles away designed to make things uniform frequently don't work, and it is because the conditions are different in each community.

My colleague from Connecticut boasted of Connecticut's ability to provide uniform salaries for teachers. Then he talked about how unsuccessful it was to have the same salary in one place that you have in another place because the conditions are different. Maybe we should conclude something based on that—that uniformity may not be the answer. Maybe we should conclude that we should give individuals an opportunity to tailor, to adjust, to refine, and to define the resource and its application so that we could have a cause and effect, which is what we are looking for.

What is it we are looking for? We are looking for an elevated classroom capacity. We are looking for an elevated human capacity. We are looking for students who can read, write, spell, decipher, add, subtract, multiply, and divide. That is what we want from our schools. That isn't really different from the culture at large.

We have passed the century of mass products. Henry Ford was the master of mass production in the 1930s. He said, "You can have your Ford any color you want it so long as it is black." He had the best idea, and a centrally driven idea that everybody would drive the same color car. The problem was that 10 years later, after he had 75 percent of the automotive market, he had 50 percent of the automotive market, and he began to understand that it wasn't appropriate to try to tell everybody what they wanted or what their needs were. He changed his slogan. Instead of, "You can have your Ford any color you want it so long as it is black," he just shortened it to say, "You can have your Ford any color you want it"—because he knew he had better meet the need.

It is time for us to stop saying you can have your education any color you want it so long as it is bureaucratic. It is time for us to say we want to help you elevate the capacity of students. We are not interested in bureaucracy. We are not interested even in bureaucracy at the State level. We are interested in students. We are interested in classrooms. We are not interested in interest groups. We want to elevate the capacity of students.

Listen to what has happened in the Federal Government. The Federal Department of Education requires over 48.6 million hours worth of paperwork

every year in order for people to receive Federal dollars. That is the equivalent of 25,000 employees working full time. That is a real cost—25,000 full-time equivalents just processing Federal paperwork. There are more than 20,000 pages of applications States must fill out to receive Federal education funds each year.

The Department of Education brags that its staff is one of the smallest Federal Government agencies with only 4,637 people. State agencies, however, have to employ nearly 13,400 FTEs, full-time equivalents with Federal dollars to administer the myriad of Federal programs. That doesn't always reflect the total that is necessary at the local level. Hence, there are nearly three times as many federally funded employees at State education agencies administering Federal programs as there are U.S. Department of Education employees.

I think we need to be thinking carefully about getting the resources to the students. We are facing a situation today in the United States of America where more than half of all the employees in public education are outside the classroom. No wonder people are wondering whether or not we are getting a return on our investment.

Where do we want to focus our investment? Do we want to feed the bureaucracy and build the bureaucracy, or do we want to fund the classroom and elevate student performance? We have to look carefully at that.

In the State of Florida, it takes 374 employees to administer \$8 billion in State funds. It takes almost 400 to do \$8 billion in State funds. For the \$1 billion in Federal funds, it takes almost 300 employees. Basically, there are six times as many hours required to administer one dollar of Federal funds as there are hours required to administer one dollar of State funds. That puts us in a situation where there is a lot of money being spent on administration trying to make sure we have complied with all of the Federal requirements and working to satisfy the Federal mandate instead of working to educate the children.

I submit that we ought to look at these statistics. We find that it is not surprising that the Federal bureaucratic maze consumes up to 35 percent of Federal education dollars. These Federal programs and their requirements take away not only precious dollars, but they take up valuable teacher time.

I don't think there is much question about what we want. I don't think this is a partisan issue. All of us in the end want students to be able to achieve. The educational system is not for the bureaucracy. It is not for Washington. It is not for the State capitals. It is not for making people fill out forms to comply with Federal rules. Clearly, we can't afford for this trend to continue. We need to change our Federal policies to ensure a more efficient use of our Federal resources.

I would be pleased to yield to the manager on my side for a comment or unanimous consent request.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the votes occur on or in relation to the amendments in the order in which they were offered beginning at 6 p.m., with the time between now and then to be equally divided in the usual form. I further ask unanimous consent that no second-degree amendments be in order prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. JEFFORDS. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, a recent example of an inflexible mandate is the \$1.2 billion earmarked exclusively for classroom size reduction for early elementary grades. That is a noble aspiration—lower classroom size. You can pursue a noble aspiration into a dead end or make a noble aspiration a financial misallocation.

Last year, Governor Davis of California described how the inflexibility of this initiative is hindering his State's ability to direct Federal funds to areas where the need is the greatest. While the Federal initiative requires funds to be used to reduce class size to 18 in the first three grades, in California they have already reduced class size to near that target in grades K through 4.

Governor Davis put it this way. He said of those Federal funds which are earmarked for an area where he has pretty much achieved the desired goal, that the goal to best serve the State's needs is to reduce class size in math and English in the 10th grade.

Of course, it is kind of hard to see that from Washington DC. But the Governor has a pretty good shot at understanding that if he has the class size problem under control in grades K through 4, and he really has a desperate need to reduce class size in the different area, he should be able to allocate those funds in that direction.

He put it this way: We need to have the flexibility to apply those resources where we think they could best be used.

A lot has been made about the potential for politics at the State level.

The eloquent speaker, the Senator from Connecticut, talked about how that might contaminate decision-making. Frankly, I think that the ability to hit the target from close up is usually far better than the ability to hit the target from long range.

When we talk about helping our children learn and helping them achieve elevated capacities in terms of the fundamentals necessary, States and local schools need the flexibility to spend money in the way they see fit to improve education.

Knowing the kinds of misallocations that have come, up to 35 percent of the resource being lost in the bureaucratic nightmare of regulations, the tens of thousands of full-time equivalents designed to supervise to make sure you spend the money in the way the Federal Government says it should be spent, in spite of the fact that might totally miss the needs of the student, we need to change things. We can't keep going in the same direction.

They used to joke when I was a kid when someone asked for directions. Someone else would say: Any road will get you there so long as you don't care where you are going. My grandfather used to say: I have sawed this board off four times, and it is still too short. If you are not succeeding, think about changing. The industrialist put it this way: Your system is perfectly designed to give you what you are getting. If you don't like what you are getting, think about changing it.

What are we getting? We are getting a poor return on our investment. It is wrong for America to have an output from its educational effort that is at the bottom of the industrialized nations. We can't keep sawing this board off. It is too short. We can't just take any road to get us there because we know we have a destination that is important. We can't afford to be taking the wrong road.

It is important to put people who are there on the spot, to see what the needs are. I say it this way: I want someone who knows the names of the students and the needs of the schools making the decisions. That is what is important. I want people who will live or die by the decisions, not someone from 1,000 miles away.

I believe there is a lot of common ground here. People talk about getting money to the local level. It doesn't do any good to get it there and then tie the hands of the people at the local level, or send the money to the school district so they can only spend it for things that are not priorities. That doesn't make much sense. Send the money to the school district and allow the school district to devote the resource to those things which are important to the achievement of students.

Mr. KERRY. Will the Senator yield?

Mr. ASHCROFT. Yes.

Mr. KERRY. Can the Senator tell me precisely what priorities resources are required to be spent on?

Title I is the biggest expenditure of Federal money; it is for poor, disadvantaged children. Is that a priority?

Mr. ASHCROFT. Yes.

May I answer the question?

Mr. KERRY. I asked the question.

Mr. ASHCROFT. First you said, could I respond by saying what priorities people are being required to spend resources on, or what things are not a priority.

Governor Davis of California said: You are requiring me to spend money on reduced class size in grades K

through 4 when the priority is for reducing class size in grade 10 and English.

I quoted the Governor a few moments ago to that effect.

I believe it is very important that we be able to devote resources in ways to improve the ultimate performance.

We know class size is a priority in some settings. And other kinds of priorities exist for other settings. But I think we should allow individuals who know what the students need for our ultimate priority, which is student achievement. I think they should be able to look at that ultimate priority and see how we are going to elevate the performance of students.

Mr. KERRY. If the Senator will yield, is the Senator aware—and maybe the Governor is not; I think he is—that it is an option, but, secondly, that the Senator joined with all of us in voting for Ed-Flex under which any Governor basically can do whatever they want?

Is the Senator aware of that? That is what we passed last year, complete flexibility to Governors. We are not required to spend that. If they want to seek a waiver, they can get a waiver.

Mr. ASHCROFT. I ask the Senator to restate his question.

Mr. KERRY. Is the Senator aware under Ed-Flex the Governors have full flexibility for a waiver for any kind of onerous regulation? We voted for that last year precisely for this purpose. It is, in fact, voluntary as to whether or not they make the decision to which he referred.

Mr. ASHCROFT. I believe the correct interpretation of Ed-Flex is that there is substantial flexibility accorded to Governors for certain programs—not for all programs—and I believe it would be a misstatement to characterize it in the way it was characterized in the question. But there is additional flexibility, and I voted for Ed-Flex because it was a step in the right direction.

I don't purport to say the Governors should be the last word on this. From my perspective, we would be well served to push more of the decision-making authority down to the local level where the people who know the names of the students and the needs of the schools can make the determination.

I have visited three or four dozen school districts in my State in the last 3 or 4 months. I have been very intensive in my examination. It is very important we understand that tailoring the resource to meet the needs of students to elevate student performance is very important.

Sending money to feed the bureaucracy isn't important. The ultimate thing we need to determine is, are we doing those things that will elevate student performance? It may not even be the same thing in every case. There may be things needed in one area in one setting, in one cultural venue, that are different from in another. The presumption that Washington can know a

single solution is as foolish as the idea that there is a single product that would suit everyone.

Look at the march of industry in our country. We don't try to sell everybody the same computer. Look at the future. The future tells us if you call a fellow named Dell down in Texas, he doesn't tell you what computers he has to offer, he asks you what your needs are. They tailor that computer to meet your specific needs.

It is called mass customization, not mass production. Mass production is a thing of the past. Mass customization is a thing of the future. Let's allow our school districts to tailor the resources we provide to meet their needs and to elevate their students' capacity. Let's not try to impose on those students some sort of template from Washington that pushes them into a program or something that is not in their best interests and not according to their needs. The idea of Washington imposing and distorting education is an idea whose time has past.

In my State, there is a designation that is a result of a Federal program called IDEA. One in seven students in my State—and one in eight nationally—are designated as disabled. As a result of this designation, those students are not subject to discipline in the same way other students are. For example, if a disabled student brings a gun to school, the maximum time you can keep him out of the regular classroom is generally 45 days. Some of these disabilities, a good number of them, are behavioral disabilities, so they are students whose problem is in controlling themselves. Instead of having the 1-year suspension from class because they brought a weapon to school, they only have a 45-day suspension from class because they brought a weapon to school.

It is very difficult for local school administrators to have a situation where they can't discipline students effectively to maintain order and control. I believe we ought to adjust that. We ought to get decisions about resource allocation down to the local level, to moms and dads, community leaders, school board members, to decide how to spend the resources to best elevate student performance. I think that is what they want to do with the money. That is what they want school resources for.

I think we ought to also say to those people at the local and State level, you can make the kinds of decisions regarding discipline that are necessary in your culture and in your community and in your setting to secure the classroom and secure teachers. It is very important that be done, and be done in ways that will help students.

The Missouri School Boards Association has talked to me recently about these kinds of circumstances. They have given me some examples of what has happened in their school districts in the area of IDEA, discipline, and safety. Here is one, "Teacher Assault."

High school student with disabilities was placed in an alternative school after repeatedly assaulting her high school teachers. Recently aggravated, she approached the office. The secretary was talking with a person outside the office and did not see the student approach. The student hit the secretary in the side of the head, knocking her glasses off her face and causing personal injuries. This year the student has broken her teacher's glasses four times by hitting him in the face or pulling them from his face and breaking them. This behavior continues in spite of multiple years of interventions by mental health professionals, behavioral specialists and disability experts at school. The parents continue to meet on a regular basis with the school personnel. However, assaults are frequent and cause injury at home, at school and in the community. No agencies within the community or State will provide comprehensive treatment or services as she is considered too aggressive. She remains in public school.

Not subject to the kind of discipline there ought to be.

I can go through case after case of teacher assault. I can talk about students who have been shot by other students, students who were injured, whether it is with a knife or with a gun, and the absence of the capacity of our school administrators to deal with students who pose threats to the learning environment of our classrooms. It is a tragic absence of capacity. We ought to return that capacity to the local level. I believe it is possible for us to do so when we think carefully about our school; whether it be assaults on teachers, whether it be the possession of weapons, whether it be the importation of drugs into the schools.

So it is with this in mind that I think trusting local school officials is the way for us to respond. We need to adopt the kind of philosophy that moves decisionmaking as well as resources to the local level. Just moving resources to the local level with an administrative burden and a direction to spend the resources in ways that are not needed at the local level is nonsense. Move the resources to the local level and move the decisionmaking capacity to people who know the names of the students and the needs of those students and the needs of the institution. Let them make decisions.

Second, allow individuals who are running our schools at the State and local level to have the kind of rules and disciplinary procedures which provide a safe learning environment. If we do those things, we get to our ultimate accountability. The accountability is in student performance. Accountability is not in answering to Washington. Accountability is not answering to a bureaucracy. It is not filing tens of thousands of papers. Accountability is whether our students can read and write, add, subtract, multiply, and divide. It is whether our students are prepared for a technically demanding world, a workplace where, if they succeed with the right education, it will provide them with a chance to be world leaders; where, if we do not succeed and our educational skills languish, our

days are numbered as a leader of the world.

It is with that in mind I want to say how important it is for us to not only have the right ability to send resources but decisionmaking as well to the local level, and then to provide a basis for maintaining a safe school environment by simply saying that school districts have the ability to discipline all children who bring weapons to school or use illegal drugs at school or possess them at school or children who assault school district personnel.

I will close by just remarking that this is not something that is against the best interests of schools or of teachers or of groups of individuals. The Education Roundtable of Missouri, which is comprised of all the major education associations in Missouri, including the PTA, including the MNEA, including the AFT, including the Missouri State Teachers Association and the Missouri School Boards Association—all of those endorse this idea that we need to have the capacity to discipline appropriately all students who bring weapons to schools, who assault teachers, who threaten and assault teachers and provide drugs in the school. They should be subject to appropriate discipline measures.

I ask unanimous consent to have this letter from the Missouri Education Roundtable be printed in the RECORD and I thank the Chair for this opportunity to express myself on this important issue.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE MISSOURI EDUCATION ROUNDTABLE,
Columbia, MO, May 1, 2000.

Hon. JOHN ASHCROFT,
U.S. Senate, Washington, DC.

DEAR SENATOR ASHCROFT: The Education Roundtable, comprised of all the major education associations in Missouri, strongly supports your proposed amendments to the Individuals with Disabilities Education Act regarding discipline of students. It is absolutely essential that school district officials have the ability to discipline any child that brings a weapon to school, possesses or uses illegal drugs at school, or assaults school district personnel. This conduct must not be tolerated in our public schools.

School safety is a top priority for teachers, administrators, and school board members in Missouri. Our children must be guaranteed a safe environment if effective learning is to take place. We are committed to providing such an environment but currently our hands are tied in certain circumstances due to restrictive federal law. We commend you for offering this important amendment and we urge your colleagues in the Senate to approve it.

Sincerely,

CARTER D. WARD,
Executive Director,
Missouri School Boards Association.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, I say to my friend from Missouri, who I have

listened to carefully—and I regret with only 10 minutes, I do not have time to yield and enter into a dialog, which I would enjoy doing—first of all, I agree with what he just said about the capacity of people to discipline. In fact, I have proposed what we call Second Chance Schools. In the legislation that Senator GORDON SMITH and I proposed, there is a component of it that would help provide the capacity for that kind of discipline. But once again, because this is not a bipartisan process or one that has been open to anything except the point of view of the Straight A's plan, we do not have the ability to debate that or other things.

I will also say to my friend from Missouri, one has to ask a question. He is talking about getting the capacity to the local people to be able to make the choices. If the local people were so thrilled with the proposal by the other side, why are they not supporting it? The only entity that I know of that is supporting the legislation proposed by the Republicans is the Heritage Foundation.

Mr. ASHCROFT. Will the Senator yield?

Mr. KERRY. I do not have time. Unfortunately, I am limited to 10 minutes now because of the time.

Mr. ASHCROFT. When the Senator asks a question of me, I would like to be able to respond.

Mr. KERRY. Mr. President, I am actually informing him at this point in time, not asking him a question. I am going to ask a rhetorical question because, again, I do not have the time. But the fact is, the local entities that make the decisions, the State school officers, the secondary and elementary school principals, the teachers, the education associations—all of those folks are the ones who are supportive of the Democratic alternative.

Second, I heard the Senator from Missouri say why is it that—I guess it was more than 50 percent of the people who work in schools are outside of the classroom?

That is because we do not have enough teachers for the numbers of kids in the classroom. When you have one teacher teaching 35 kids, you begin to change the proportion of who is working in the school system. I am confident my friend from Missouri does not intend to have a school system that does not have custodians, does not have janitors, does not have schoolbus drivers, does not have people working in the cafeterias. These are the people "outside of the classroom."

What we really need to face is the reason the proportion is out of whack, which is that we will need 2 million new teachers in America in the next 10 years. We will need a million of those teachers in the next 5 years. At the current pay level, without the capacity of the Federal Government to assist in reducing class size, it is going to be exceedingly difficult for the very districts in which the Federal Government got involved in education in the

first place, which are poor districts, to ever be able to catch up.

I will ask another rhetorical question. If we are supposed to be giving control to the people who effectively have had control for all of these years, why is the school system in America doing so badly? We do not run it at the Federal level. We have never run it, nor are we asking to run it. We are trying to provide an incentive for communities, which have never bought into real reform, to buy into reform. If you look at the 1994 ESEA that we passed in a bipartisan fashion, you will see, as a result of that legislation, standards now being put in place across the country, whole school reforms being put into effect, a whole series of measures with respect to testing and improvements that are beginning to take hold.

Have they reached the level that everybody would like? The answer is no. But we would never have had to try to make that kind of broad-based effort at reform if, indeed, everything was working so well because the local decision-makers were making the decisions that needed to be made.

Equally important, the Senator from Missouri was talking about raising the standards of schools.

I know in St. Louis or Kansas City, MO, there are poor schools. I know in Atlanta there are schools that depend on title I money to adequately provide a cushion for what their lack of a tax base provides. Poor communities do not have a big tax base. Since schools are funded by the property tax, they do not have the ability to put the money into the school system. That is precisely why the Federal Government became involved in 1965 in title I in the first place. The reason was to address the problems of communities that were disadvantaged.

Along comes this Republican bill with a provision called portability. I know the sponsors have spent a lot of time saying this is not a voucher, and the reason this is not a voucher is there is not a piece of paper that goes to the parent which they take to another school. The school district manages the money. But it is effectively a credit voucher. It is effectively an indirect voucher where a parent gets \$400 to \$600 of value for their child if they want to take them somewhere else for a different kind of schooling.

It sounds good and appealing, but it directly undermines the very concept that brought the Federal Government in the first place to help education, which is, if a school has a group of disadvantaged kids, by providing assistance based on the number of kids, on the conglomerate need of that community, we can help lift the school so the school can become a great school and teach those kids.

If we provide a per-disadvantaged-pupil stipend, what we will do is, in fact, reward kids who may be poor themselves but who go to a good school, a school that is not disadvantaged, that has an adequate tax base

and does not at all need to have additional funding from the Federal Government. We will simultaneously have stripped away from a school that is struggling to be good the very heart of the money they need to make the difference and improve.

If we really wanted to help make a difference today, we would fully fund title I. That is the way we make a difference in what is happening to the schools that are not making it. We would do so in a way that set an order of priorities with respect to the key things we wanted to do.

I heard from the Senator from Missouri the mirror reflection of what we keep hearing from the other side. They keep saying: We do not want the Federal Government dictating how to approach this. The fact is, the Federal Government does not dictate that. It offers a specific menu. The schools can apply for the menu of money or not apply, as the case may be. If they think they need money for smaller class size, they can apply for that money, but nothing in the Federal budget orders a school to do that—nothing.

It is a concept completely out of any reality whatsoever for people to suggest there is somehow this long arm that is telling them precisely what to do. It is only suggesting the guidelines and constraints of what they have to do if they choose to do what has been established as a priority.

Surely we can all agree that after-school programs are a priority. Getting guns out of schools is a priority. Drug-free schools is a priority. Having adequate class size is a priority. Having better teachers is a priority. I do not understand why the Senate is incapable of agreeing on a set of top priorities that every school district in this country can name and then say we are going to find a way to hold them accountable, not after 5 years but next year, to see precisely how there is funding money with respect to that priority.

We are not going to tell them how to spend the money. We are not going to order them to spend the money. They can choose to do it or not do it, but we are going to at least guarantee that the country is going to spend its Federal dollars on those things that represent priorities of education.

This is hard for me to understand. The bill proposed by the Republicans has no accountability for 5 years at all, and for all this talk of telling us that we want the local people to make the decision, it plunks the entire pot of money in the hands of the Governors. That is not local decisionmaking; that is just playing to the politics of the State, and the people most powerful and with the greatest lobbying capacity will go back to the old order and the Federal priorities will be by the wayside.

We are somehow not connecting. It is the first time in all the years of this bill that there has been such a partisan bill and such a disconnect in an effort to meet the needs of our Nation.

I close by saying there was a terrific ex-general who was the superintendent of schools for 3 or 4 years in Seattle, from where the Senator from Washington came. He did an extraordinary job and was beloved by all. He said: There are no libertarians, no Republicans, no Democrats, no conservatives or liberals among the kids in our schools. We ought to get the ideology out of this process and put the kids first. If we do that, I am confident we can have a solution.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. I yield the Senator from Wyoming as much time as he may consume within our limits.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, today I rise in strong support of the original committee bill, the Educational Opportunities Act of 2000, which will reauthorize for another 5 years the Elementary and Secondary Education Act of 1965. We now call it ESEA.

I especially applaud my fellow members of the Health, Education, Labor, and Pensions Committee, particularly Senator JEFFORDS, and also Senator GREGG, Senator FRIST, Senator HUTCHINSON, and Senator COLLINS for their unusual dedication and the hours they spent working on this bill and working with every single member of the committee.

I congratulate the committee for constructing a bill that contains a new recipe of support for our children as they embark on their educational journey. I am very interested in this educational journey. My oldest daughter is a teacher in Gillette, WY, an outstanding teacher of English for seventh and ninth graders. She goes the extra mile every day to make a difference in these kids' lives. I want to do everything I can to help.

We are an education family. My wife has been involved in education. She just received her master's degree in adult education from the University of Wyoming by Internet while she was here in Washington with me. That is a major challenge, using some of the new technology in education in Wyoming today. It is what we can do to help kids, wherever they might be, to get a good education. That is the goal, and we do understand that goal, and we do work toward that goal.

Unfortunately, the pending amendment offered by the minority leader on behalf of his Democratic colleagues does not seek to address the real academic needs of our children. The amendment is virtually a mirror image of the status quo.

Earlier today, somebody said if the Republicans could not use the words "status quo," we could not debate. In this instance, that would be true. The proposal does not reflect an investment in understanding where the Federal role in education has failed our children; therefore, the proposal lacks the payoff our children and parents are de-

manding, and that is a better education.

In fact, one of the only and certainly the most notable change included in the Democratic proposal eliminates funding for many small and rural schools under title IV, the safe and drug-free school section of ESEA—simply writing off communities that under current law receive grants that I have to admit are too small to fund any meaningful initiatives. It is not a productive solution. Our bill fixes that problem, instead of dismissing it, with a new rural flexibility initiative.

The other side of the aisle talks about their desire to get the money to the poor kids. On behalf of the Governors of this country, I have to object to some of the accusations made against them today. Education innovation has come from the Governors of this country. Their States have been the laboratories for this country.

We have used some of the things they have suggested, and they have worked. They are light years ahead of the Federal ESEA. They are the ones on which we rely. And we are saying, do not trust those Governors with any money?

In my State, we have State equalization that takes a whole bunch of these problems that have been laid out here and forces the rich districts to provide for the poor districts so every kid has an equal chance. We provide for that to be taken to court regularly to make sure it still meets all the guidelines of an equal education.

I have to tell you, "equal" refers to buildings, too. So when I hear some of these things about needing school construction, that is something that is being forced to happen in Wyoming so all kids have a good place to go to school. That was a Republican initiative by a Governor.

State accountability. Our State believes in measuring the achievement of the kids, knowing how the kids are doing. It isn't important for the district to know how the kids are doing; it is important for the parents to know how the kids are doing, so the parents can be more involved in the education of their kids. They even have report cards they send home that evaluate the whole school to see how the school is doing.

This substitute that has been laid down again is an unfortunate example of resistance to acknowledging and accommodating the differing needs among communities and schools.

Wyoming cannot be the only State that has a unique way of doing things, which is why I am so pleased that the underlying bill does reflect a fresh look at the Federal role in education. This is a priority issue for voters because they are concerned with our historic lack of concern for their specific needs. With this bill before us, we finally have the opportunity to honestly say we have listened and have moved away from the stalemate of entrenched Washington to the solutions of the future.

While the Federal Government does not hold all the answers, and certainly does not hold the purse strings for the bulk of education spending, there is a clear role for leadership and technical assistance as schools lead the way toward academic improvement for all children.

Right now, the Federal Government provides 7 percent of the money—just 7 percent of the money—in education and requires over 50 percent of the paperwork. Yes, to check on those funds that we give away, we inundate principals and teachers with tons of unproductive proof. Our bill requires less paperwork and makes it count. More could and should be done to reduce paperwork.

On this reauthorization we are talking about, everybody seems to agree we have a failed system out there, or at least one that definitely needs improvement. I hear that from the other side of the aisle. I have to say, the other side of the aisle was in the majority the last five times this bill was authorized. They settled for less than 7 percent of the funds and 50 percent of the paperwork. We tried it their way. Everyone has said we need change. The committee bill is change. Let's try it our way once.

Our bill essentially provides three options of Federal support for State and local education initiatives, as decided by local communities. The variation between States' economies, geography, student-body composition, and position on the "academic achievement" spectrum warrants an improvement in how the Federal Government can be most helpful to each State's unique needs.

For example, States that have a self-sufficient internal infrastructure through which they are able to provide local schools with high-quality technical assistance are not dependent on the Federal Department of Education for that kind of support. Those States have been wrestling with the regimented requirements the Federal programs currently demand, despite their ability to not only do it themselves, but for the States to do it better.

As a good-faith act of Federal leadership on education improvement, we need to accommodate and support the progress of States that has outgrown the 35-year-old model of ESEA. This is new and, therefore, untested ground. But isn't that what learning is? It is time for all of us to get educated and to make room for improvements and innovations in our kids' education.

So the first piece of the underlying bill is a demonstration program for up to 15 States to break from the title-by-title categorical programs under ESEA and develop new proposals for executing excellence in education.

While the 1994 reauthorization of ESEA tacked sharply in the direction of measuring what kids learn through the end of the day through standards and assessments rather than solely concentrating on how they are learning, this demonstration program,

called Straight A's, tests that model by allowing States to implement an education plan completely outside the current input requirements of ESEA. Again, though, the sharp distinction is that those States will be held accountable for high standards of student achievement in exchange for such freedom with Federal tax dollars.

The second option under the bill was developed in partnership with the National Governors' Association. In another new proposal for improving education, States will now be able to enter into education performance partnerships with the Federal Government. This program will require States to develop a plan similar to the Straight A's education and achievement plan to significantly increase student performance over a period of 5 years. The difference between this option and Straight A's, however, is that States will be required to maintain the targeting of title I to specifically serve the low-income and disadvantaged children those dollars were historically intended to help.

While I support the innovation, flexibility, and commitment to meaningful accountability those two new options represent, my home State of Wyoming is actually best served by the third piece of the bill. Under the third option, States can choose to remain under the existing categorical and title structure of the current law.

Make no mistake, there have been modernizations to the current law which are intended to make categorical programs do a better job of serving the unique needs of States. That is an improvement in the committee bill. I am sorry more was not done in further reducing the administrative burden associated with the Federal education funds, but I believe we did make substantial progress in leveling the playing field for small States and rural communities; their education needs are just as important as urban needs.

Most notably, the supercategorical program known as the Class Size Reduction Program—or 100,000 new teachers—was evaluating and appropriately authorized by the committee.

I need not remind everyone that the program, while funded over the last 2 years, was essentially an appropriations rider and had never been considered before the HELP Committee. Now the committee has assigned this program to its rightful place in ESEA. It is part of title VI, the innovative education title. This is the funding source States can use to accommodate existing needs for which there are no other or insufficient resources as well as to innovate outside the box of the other categorical titles under ESEA. If it is more professional development, more reading excellence initiatives, or a new teacher that a school needs, this is where they can fund it. If you cannot pay teachers enough to retain them, what good is another slot? We have a teacher shortage in this country. We have a shortage among many profes-

sionals, but the shortage that will affect our future the most is that of teachers.

For a small State such as Wyoming, which in the first year of the Class Size Reduction Program required a waiver because we could not even meet the consortia title—we had already met the requirements for class size reduction. We had provided another amendment that would allow you to group some of that under a waiver. We could not even meet that requirement for eligibility, so the committee version of ESEA makes good sense.

Also, a notable modernization of the current law approach is the new Rural Flex Initiative. To quote from the committee report:

The purpose of this part is to provide adequate funding to rural school districts to enhance their ability to recruit and retain teachers, strengthen the quality of instruction, and improve student achievement.

The provision would allow rural school districts with enrollments of fewer than 600 kids to pull funds from titles II, IV, and VI to spend on local improvement initiatives that—and this is important—would enable the small schools to offer their kids programs and activities of sufficient size, scope, and quality to have a significant impact upon student and overall school performance.

In Wyoming, there is such a thing as qualifying for a \$200 grant, based on current formulas, to run a drug prevention program. Well, \$200 is not meaningful and it is not fair. So I applaud my fellow rural Senator from Maine, SUSAN COLLINS, for initiating this provision on behalf of all the kids in rural schools.

I have to spend just a moment explaining why, despite how good Straight A's and performance partnerships might be for some States, they are not quite the right fit for Wyoming. It is actually quite simple. Wyoming is small in population. We are the smallest population State in the Union, with the second largest relative land mass per person. My county is the same size as the State of Connecticut. That is just my county in Wyoming. The last census in that county, which is 110 miles by 60 miles, recorded a total of 33,000 people—two towns. The biggest one, which we call a city, had 22,000 people. The rest were spread over that huge geographical area.

Resources are scarce, and therefore we focus on the basics of education. Simply, there isn't the money, the infrastructure, or, necessarily, the inclination to get fancy. We even have single-child schools. We have driving compensation for parents willing to drive their kids to school because they are the only child on a bus route 60 miles one way. We have school districts with so few kids that the district superintendent teaches classes.

We are pioneers in compressed video classes to provide some variety in class offerings—but no teacher is in the room with the student. That is part of

the State's charm and its integrity, but it also means that Wyoming utilizes and, in fact, relies upon technical assistance provided by the Federal Department of Education. That is still in here. We don't want the same kind of education that Massachusetts provides. We know our kids can be as well educated but not the same way as the kids in California. I can assure you we don't want somebody in Washington, DC, deciding how we will do things. When you take away the titles under current law, you also take away the technical assistance that goes with them. To be clear, Wyoming hates the paperwork and the bureaucracy as much as I do. But while we are making progress on getting that in check, we cannot throw out the baby with the bath water. Whether it be manuals, guidelines, protocols, research-based models on teaching methods, or the human resources that are the good side of Federal assistance in educating our kids, Wyoming is using it.

About 5 years ago, Wyoming gathered its stakeholders in education, from parents and teachers to administrators and legislators, and they developed a plan to bring our kids to the top of the charts. A new system for reporting to parents on statewide, school-by-school progress is up and running. While it is a rocky road, new, challenging, State content standards are near completion with assessment mechanisms soon to follow. It takes a while to develop those, particularly in a small State. You can't say: Wyoming, have it next month or next year, without providing unusually large dollars to do it. It has been no small task to get where we are and it has been, in part, predicated on Federal resources available through the current structure of ESEA. I am not willing to pull the rug out from under my constituents when the light is right there at the end of the tunnel.

That is why I am enthusiastic about the options this bill contains. It is a different way for everybody to do different things and make sure their kids are educated. While I don't want to set back Wyoming's efforts by ignoring current law—with improvements—as a viable option for States, I also don't want to impose on States that can do it better another way the structured method of current law.

Earlier, there were some comments about Ed-Flex. I have to take on a couple of those. I have heard a number of my colleagues contend that since only a few States have applied for Ed-Flex so far, additional flexibility is not needed or wanted.

Fifty Governors signed a letter asking for Ed-Flex. Now, with regard to Ed-Flex guidance, it wasn't even issued by the Department of Education and sent to the States until November of 1999. The bill, as passed, was only 17 pages when the President signed it into law on April 29, 1999.

According to State education agencies, the Federal Government has complete control over the application process and the State must tailor its application to the Department's guidelines and expectations. Even the Department of Education wrote in a May 1999 memo:

States are strongly encouraged to refer to the guidance before submitting their Ed-Flex applications to the Department.

In addition to the guidance issue, officials at the Department of Education have informed the Nation's Governors that contrary to both their own guidance and the Ed-Flex law, written along with Senator RON WYDEN of Oregon, they will only approve applications for States that are in compliance with title I requirements. The law, and the Department's guidance, allow a State to participate if it has made substantial progress toward meeting the requirements under title I—substantial progress.

Despite these rather significant hurdles, a number of States, including Tennessee, Pennsylvania, Delaware, and others, have been working on their applications for months. Tennessee submitted its application in early April. North Carolina has also submitted its application.

When Congress passed Ed-Flex, we did not expect every State to take advantage of the new law, but we did think it was important that every State be afforded the opportunity to utilize the flexibility available under the law to support innovation and cut through Federal redtape.

The Senate is currently considering several other proposals for increased flexibility that will be available to States, at their option. Because every State will not choose to participate, however, does not mean the policy is unnecessary or a failure. Some States will choose to utilize the new authorities and some will not, but all States should have the opportunity. The Federal Government should not stand in the way of States that want to innovate and reform to meet the specific needs of their own children.

I remind you again that the States have been the laboratories for innovation, not the Federal Government. The bottom line here is accommodating success in every State for every child. I think that is a tall order, but I think we have filled it with the committee bill. The opponents of choice and innovation do not have a healthy understanding of our role. I suggest that everyone look out across the country, and then look in their backyard and, only then, come here and argue that there is no variation needed for our children. I won't assume to argue against the needs of any other community. I simply ask the same of my colleagues. I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Washington.

Mrs. MURRAY. I yield 8 minutes to the Senator from Rhode Island.

Mr. REED. Mr. President, I come, first, to say how I am strongly in support of the Democratic alternative. It does represent what is the appropriate response by the Federal Government to educational policy in the United States; that is, to find specific ways in which we can help local schools and State systems improve education, with a particular concentration on low-income students. That has been the emphasis in Federal education policy since 1965. It is an emphasis that is being severely diluted by the Republican proposal.

In this substitute, there are provisions for strong parental involvement. In contrast, the Republican bill says very little about parental involvement and again leaves it to the States. It provides funds for specific programs that used to be part and parcel of Federal education policy, such as funds for libraries. But because of the inclusion of block grants, we have seen those funds withered away. As a result, our library selections in schools are abysmal and anachronistic. It also provides real accountability for results.

This is another issue that I think distinguishes our proposal from the Republican proposal. There is talk about accountability in the Republican proposal but no real accountability. It states that the Governors get to select the standards they want to use to measure their progress. It is only after 3 or 4 or 5 years that there is any real examination of what is going on.

At the end of that time, the idea that a Secretary of Education—any Secretary of Education—would take away all the funds or a significant number of funds from a State is, to me, somewhat attenuated. But, in addition, because the criteria for such Secretarial action is so vague and amorphous, there would be very little legal justification to do something such as that.

In effect, the accountability provisions are really not accountability provisions. In the last reauthorization in 1994, and in Goals 2000 of that same year, I fought for very tough accountability standards—accountability not only for the student performance but also for the resources going into schools. We fought back and forth, and the opposition, particularly of the Republicans, was vehement. We managed through compromise to come up with provisions that were included in the legislation. But in 1995, with the advent of the Republican Congress, those tough accountability provisions were quickly stricken from the legislative record. As a result, this accountability issue suggests, with respect to the Republican proposals, that it is more superficial than substantive.

We, alternatively, also have provisions to help professional development because we recognize that this is not only a local problem; this is a national problem, and we want to help States and localities. They are the key guardians of access to the classrooms and teachers. We want to help them improve professional development.

We have language with respect to safe schools and afterschool programs that are targeted to specific programs that are going to aid the overall mission of States and localities.

The proposals that are emanating from the Republican side move away from the core principle of involving the Federal Government in the first place in elementary and secondary education, and to help disadvantaged children who were systematically and consciously neglected by States and localities. That was the record up to 1965. They moved away from that. Now the approach is that we want to give the States the money to do that without respect, really, to an emphasis on education, and we want to give the States this money because the school systems of America are failing.

Frankly, if the school systems of America are failing, if that is the premise of the legislation, you have to ask yourself who is in charge of this failing school system? Frankly, it is the Governors, the mayors, and the schools throughout this country. The Federal Government contributes about 7 percent of resources; 93 percent of the resources are provided by States and localities.

One of the most decisive factors of educational policy in the United States has nothing to do with Washington. It is reliance on the property taxes, exclusively a local idea. It is exclusively a local initiative. Teachers who go into the classroom are not certified by any Federal agency. They are certified by States and localities. School construction is controlled by States and localities. These are decisive factors that influence policy in the country. If you presume that we are here today changing our system because education is failing, why in God's name are you simply going to give the money without conditions to the people who are presiding over this?

I don't think we are speaking about educational failure. We are speaking about some limited progress over the last several years as a result of some Federal initiatives. But, frankly, because of lots of local initiatives, because there is a partnership now between States, localities, and the Federal Government with respect to many programs of innovation, starting with Goals 2000 and embedded in the 1994 reauthorization of the Elementary and Secondary Education Act—in fact, searching for a metaphor to try to capture what I think the other side is suggesting, it seems to me, if you were a police officer proceeding on a highway and you saw an automobile careening out of control, recklessly driven, violating the rules, failing to abide by the standards we expect for driving, and you pulled that car over, went up, looked in, and saw a driver and someone in the backseat, then you turned to the backseat driver, and said, you caused all of this, that is essentially what the Federal Government has been doing in some respects.

Yes, we are part of this voyage, if you will, of educational policy. But with 7 percent of the effort, with a limited role, we are, at best, backseat drivers. No one would suggest that the reason the car is failing to operate properly is because of who is in the backseat. It is who is doing the driving; that is, the States and localities.

Our approach is to recognize that they are, in fact, in control; that we can collaborate with them; that we can, in fact, provide resources in areas where they either don't do it or do it insufficiently.

That is the heart of what we are talking about today—to build on the very real progress we have made over the last several years but recognizing that this progress is insufficient.

I urge that we get back to the business of proper Federal educational policy, supporting innovation where it works, overcoming inertia where it hobbles education reform, specifically targeted ways in which we can help localities improve the quality of education for all of our systems with a particular emphasis on disadvantaged American students who need more than what they get without the Federal support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, the one thing that is certain is that every Member of this Chamber is committed to improving public education in America. In America, we differ on how to accomplish that goal.

Over the years, we have enacted Federal program after Federal program. There are dozens of Federal programs on the books, all in the hope of narrowing the gap in achievement between low-income students and high-income students. All of us want to narrow that achievement gap.

Each and every person here is committed to providing an equal educational opportunity to every child in America. But we have to look at the record. We have to look at the facts. When we evaluate in what direction we should go, we have to look at from where we have come.

The fact is that after 35 years and \$120 billion spent on Federal education programs aimed at the disadvantaged, we have not achieved the goal of ensuring that children in high-poverty schools receive a good education. We know that children from poor families have just as many brains as children from wealthier families. We know that they have all the ability in the world. This is not about aptitude. It is not about the ability of these children. The debate is whether or not our current education system has served them well. The evidence suggests overwhelmingly that in too many cases our schools are failing these children.

Let's look at the statistics. Seventy percent of children in high-poverty schools scored below even the most basic level of reading. Seventy percent

have disadvantaged children that are unlikely to graduate from high school if they are in high-poverty schools in the inner cities. Children in high-poverty schools score two grade levels below their peers in high-income schools when it comes to math and three grade levels when it comes to reading.

Again, the problem is not a lack of ability. These children have all the ability in the world. The problem is that we are not meeting their needs.

We can continue down the path we followed during the past 35 years—a path paved with good intentions but not producing good results.

We can try a new approach. We can try to be innovative. We can get away from the "Washington knows best" approach, and empower local school boards, teachers, and parents to work together with State education officials to make a real difference in the lives of these children. That is what our Republican bill would do.

I point out again that no State is forced to accept the increased flexibility in designing programs using Federal funds. If a State is content with the status quo, if a State believes that its schools are delivering the best education possible, it can continue with the status quo. It can continue along the path of receiving Federal funds, attached with Federal strings, attached with paperwork, and tied up with red-tape. If that works fine with a State, then a State can continue with that system.

But a second alternative is for a State to enter into what is known as a performance partnership.

Under this approach, a State would have more flexibility in spending Federal dollars and can consolidate some Federal programs as long as the State can show improved student achievement.

Under the third and most innovative approach, 15 States would be allowed to participate in what is known as the Straight A's Program. Under Straight A's, a State would have great flexibility in combining Federal funds to meet whatever is the greatest need of that community.

The needs differ from community to community. One community may need to hire more math teachers. Another may need to concentrate on improving reading skills. Still a third may need to upgrade the science labs. The needs are not identical from community to community. Straight A's recognizes this and would allow a State to choose to consolidate Federal funds to meet the greatest need of that community. That is what this debate is about. It is about trying a new approach that could help ensure a brighter future for the disadvantaged children of America. That is our goal.

I yield the floor.

Mrs. MURRAY. How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Washington has 32 minutes

and the Senator from Georgia has 6 minutes.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from New York.

Mr. SCHUMER. Mr. President, I thank the Senator from Washington not only for yielding the time but for her leadership on this issue. I am so proud of the package that she and the Senator from Massachusetts have put together under the sponsorship of our minority leader, the Senator from South Dakota.

I think this debate is one of the most important debates we will have on the floor of the Senate. It is the issue of education about which we probably need to do the most. America is in very good shape overall, but the greatest trouble spot on the horizon is the fact our educational system is not up to snuff. You can't be the No. 1 economy with the No. 15 educational system in the world.

This debate presents two stark choices. The Republican bill, S. 2, basically revolves—and I use the word advisedly—around block grants, vouchers, and an alternative approach, which I am proud to have worked on with my colleagues on this side of the aisle. Again, I want to particularly salute my colleague from Massachusetts and my colleague from Washington for their leadership, as well as my colleagues from New Mexico, Iowa, and Connecticut, who worked on this so diligently.

The block grant approach is a two-way street of folly. From the congressional standpoint, it is an abdication of responsibility. We send blank checks to the State and wash our hands of the educational crisis. Waste always accompanies block grants. We learned this in area after area when we gave the money to local politicians who had not done a good job. It is also enthusiastically contradictory. My colleagues on the other side say our system isn't good enough. It has been in the control of local school boards.

What are we doing? We are giving more money to local school boards, no strings attached.

If you think our educational situation is in great shape and needs a little more money, you do a block grant. I, for one, don't think just giving a little bit more money to the status quo is going to improve our system. Block grants are an abdication of our responsibility to set national goals and figure out what programs work. When we separate the taxing authority from the spending authority, as in a block grant, unless you have some restrictions, it is a formula for waste because it is free money.

I am utterly amazed my conservative friends on that side of the aisle are for a fundamentally profligate concept—free money, no taxing authority, no strings attached, do what you want.

The issue is not the Federal Government dictating in a block grant because we are not dictating. If you don't

want the money, you don't have to take it. If you don't want to improve teacher quality, don't take the money. I agree with some on the other side that we have had too many mandates. But we are not mandating here. There is not a mandate at all.

To say the National Government, which has the responsibility of leading us into the 21st century, should not set any goals—and again, give money to the very local districts we are criticizing for not doing a good enough job—no strings attached, to me is utterly devoid of reason.

I ask my colleagues on the other side of the aisle and some on this side of the aisle to examine the principle of block grant. Don't let your anger at Federal control, which in some cases, in my judgment, is justified, mar your ability to see that a block grant makes no sense. It is an abdication of accountability.

My colleagues have talked very well about the 5 years of complete freedom to do what you want. The result is flawed because States only have to demonstrate statewide performance, effectively allowing States to ignore failing schools. We focus on a few schools that excel and bolster the State average.

Under this proposal, States could use Federal funds for any educational purpose under State law. As we discussed during yesterday's debate, what was then a title I State block grant of 1965, studies demonstrate educational purposes can be band uniforms, swimming pools, sewage disposal. I talked about that last night and won't go through those arguments again.

If my colleagues like block grants, they would be better off going by conservative principles and not having the block grant but reducing taxes by that amount. I, for one, don't like separating the taxing authority from the spending authority. That is as conservative a principle as we are going to get.

Fortunately, we don't have to go down the path of a block grant. The Democratic alternative targets scarce Federal dollars to the Nation's most important priorities: Teacher quality, high standards for our children, accountability for students in school performance, safe and modernized schools, smaller class size, technology, and parental involvement. Under our proposal, schools would be required to ensure that all students meet or exceed State proficiency standards within 10 years. We prevent States from masking an achievement gap by requiring schools to determine academic progress by using disaggregated student performance data.

Under our proposal, we build 6,000 new centers, giving 1.6 million school-age children access to before-school and after-school programs. Under our proposal—this is the part I will dwell on because the Senator from Massachusetts has enabled me to play a little bit of a role in this, along with the other proposals—we recognize the urgent and

vital need to have a qualified teacher in every classroom. We guarantee funds to communities to recruit qualified teachers. That is the greatest crisis, in my judgment, that education faces.

Last night, I mentioned on the floor more than half the teachers will retire in the next 15 years. For math and science, even in affluent districts, we have a great deal of trouble finding teachers now. If we could only accomplish one thing, if we could make only one change to our schools to raise quality, in my judgment, it would be to improve the quality of our teachers, make the teaching profession more attractive to young people and mid-career professionals alike.

In the past, we were able to attract teachers of high quality because we had set cohorts of people who went into teaching. Depression babies in the 1930s and 1940s wanted a secure, if not a well-paying job; women in the 1950s and 1960s who had no other opportunities, and in the late 1960s and early 1970s, my generation, had young men who went into teaching because they were given draft preference.

Today, however, to choose to teach is to choose to sacrifice, at least economically, as fulfilling a job as teaching is. Teacher salaries could not compare with other possible options facing college graduates. Over the past 4 years, salary offers for college graduates in all fields have grown at twice the rate of those for new teachers. Computer programming, \$44,000; accounting, \$37,000—these are starting salaries—market research, \$34,000; a paralegal, \$45,000; teaching, \$26,769.

For the millions of young men and women who would consider the idealistic profession of teaching young people—I have done it, not as a professional, but when I have been invited as an elected professional to teach eighth grade social studies in Cunningham Junior High school or 12th grade American History in Madison.

Just one other point on the teacher crisis. We face a teacher shortage of 750,000 teachers. One-third of the Nation's teachers are eligible to retire in the next 5 years. The largest number of teachers is about 49 years old through 55 years old. We desperately need new teachers.

I have been working on a program, which is included in this alternative, to address the shortage and quality concerns through a teacher scholarship program: Inviting New Scholars to Participate In Renewing Education, called INSPIRE, a brilliant work of an acronym by my staff.

Under this proposal, the federal government would pay 80 percent of the costs of awarding annual INSPIRE scholarships to highly qualified high school seniors, undergraduate students and college graduates/mid careers interested in committing to teach.

In exchange for having educational expenses (either college, graduate school or an alternative certification program) paid for, awardees would

commit to obtain teacher licensing and agree to teach in a "high need" area—those regions with high poverty and a high number of uncertified teachers.

My proposal would require new teachers to have an academic or work related concentration in the subject in which they intend to teach. When so much is riding on a teacher's ability and mastery, it is unacceptable that one-fourth of the math and science teachers in 1998 had not majored in the field they were teaching.

The deal would be one year for every \$5,000 in assistance received. The awards would not exceed \$20,000 and a portion of the scholarships would be reserved for shortage subject areas, such as math, science and special education. The total federal contribution would be \$500 million over five years.

Some states are already leading the way; Massachusetts runs a Tomorrow Teachers Scholarship Program, Mississippi supports a Critical Needs Scholarship Program. States are innovating in a time of great need. Federal dollars should be used to replicate this on a broader scale.

In addition, my amendment also provides local districts money to set up mentoring programs for new teachers. \$250 million over five years to ensure that the best local teachers will be trained to evaluate and guide new teachers during their first critical years in the classroom.

We want to attract qualified, motivated, committed new teachers and provide them the resources to stay teaching.

Currently, only 12 states pay veteran teachers to be mentors. We've just got to do better than that.

So, the choice seems to me to be simple. Do we provide federal dollars to do the hard work of ensuring quality, standards, accountability? Or do we just walk away? I think the answer is just as simple.

Mrs. MURRAY. Mr. President, how much time remains on the Democratic side?

The PRESIDING OFFICER. Twenty minutes.

Mrs. MURRAY. Mr. President, I yield 8 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, the issue before us really is whether or not we are going to change gears on education. The Republican bill changes gears in reverse. It puts us in reverse. The Democratic alternative offered by Senator DASCHLE puts us in a forward gear and moves us ahead into the 21st century.

I want to cover basically one issue that is encompassed in the Democratic alternative. If that alternative is not adopted—I assume by the party-line votes that are being held on education this year it probably will not be—I will be offering an amendment, hopefully tomorrow or the day thereafter, on an issue about which the American people are really concerned when it comes to

elementary and secondary education. That is the issue of our crumbling schools and what is going to be done about them. USA Today the other day pointed out that 89 percent of the American people ranked education as the most important issue. That is why this debate is so important and why the elementary and secondary education bill is so important.

When you talk to the American people about what their concerns are, they talk about things such as smaller class sizes, better qualified teachers, better paid teachers, better accountability—all the issues we talk about in our alternative. But the one that comes up every single time is the state of our schools, how bad they are and how they are crumbling down around us.

Two years ago, in 1998, the American Society of Civil Engineers—not a political body—issued a report card on the status of our physical infrastructure in this country: The roads, the bridges, mass transit, aviation, waste water, dams, solid waste, and schools. Schools was the only one to receive an F. It is the worst part of our physical infrastructure in America according to the American Society of Civil Engineers. Three out of four, 74 percent, of our schools were built before 1970. Here it is right here; 74 percent were built before 1970. Half our schools were built over 40 years ago.

You have to wonder. When the nicest things our kids see as they are growing up are shopping malls, movie theaters, and sports arenas, and the worst things they see are the public schools, you have to wonder what kind of message we are sending to them about the value we really place on their education.

We have had, in the Elementary and Secondary Education Act, since 1994, title XII. That was put in with bipartisan support, I might add, in 1994, to provide for grants to local school districts to repair, rebuild, and modernize their schools. I have been fighting on this issue for 7 years. Finally we had gotten the attention that this was a national problem—not just a local problem, a national problem. It is national because in some of the poorest school districts where they do not have the tax base to raise the local revenues, that is where you have the real problems. So it is a national issue, not just a local issue.

It is one where we can help local school districts without being involved in curriculum or taking over local control. This has nothing to do with that. I will tell you this: If you talk to local property taxpayers in any school district, talk about how burdened they are, and ask them if they want another increase in their property taxes to rebuild and modernize their crumbling schools, they will tell you they cannot do it. That is why it is a national problem and needs a national answer.

We had title XII and guess what. When we finally got the bill to our committee, title XII had been struck, just done away with. That is what we

were faced with—no more title XII, no more authorization to provide grants to schools, while at the same time President Clinton sends the budget down earlier this year and there is \$1.3 billion in the President's budget for grants to our local schools to rebuild and modernize.

The President requested \$1.3 billion, and the Republican bill we have before us strikes the authorization to allow us to do that.

So I will tell you, at about this time President Clinton is in Davenport, IA, to continue his push for legislation to modernize our crumbling schools. But the pending bill cuts that effort off at the knees by repealing title XII. The amendment we have before us, the Daschle amendment, reauthorizes and amends title XII. It authorizes \$1.3 billion to make grants and zero-interest loans to enable public schools to make urgent repairs, to fix the leaking roofs, repair the electrical wiring, or fix fire code violations.

What I am about to tell you has happened in the State of Iowa I am sure is true in almost every State in this Nation. The Iowa State Fire Marshal reported that fires in Iowa schools have increased fivefold over the past several years. Why is that? Because they are old schools. The wiring is old. They are catching on fire. It is true in every State in the country.

Here is something else. I say this to my friend from New York. Most people say this cannot be so, but it is so. Twenty-five percent of the schools in New York City are still heated by coal. One out of every four public schools in New York City is heated by coal. Talk about old fashioned. Talk about the need to modernize and upgrade.

In closing, we have a lot of needs for elementary and secondary education, but one need that must be met on a national basis is fixing, repairing, and modernizing our crumbling schools. The Daschle amendment does that. That is why it needs to be supported.

If the substitute amendment is not adopted, I will be back with an amendment to amend title XII to provide the \$1.3 billion President Clinton asked for in his budget. Our local school districts need this national help.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Massachusetts. As I do so, I thank him for his tremendous leadership on our side on the issue of education and making sure all children, no matter where they are in this country, have the opportunity to learn. It is represented in this amendment which he has had such an incredible part in drafting. I thank him for that. I yield him 10 minutes.

Mr. KENNEDY. Mr. President, I thank my good friend, the Senator from Washington, for her comments. I yield myself 8 minutes. We are going to have two votes in about 20 minutes.

In closing this debate, I want to ensure my colleagues in the Senate fully

understand the amendment offered by the Senator from Washington, Mr. GORTON. I certainly understand it was written to ensure that the Straight A's provision cannot be used to divert funds for private school vouchers. The Office of General Counsel at the Department of Education has reviewed the language and informs me they are concerned that, because of the convoluted approach this language takes, it would be very difficult to sustain in court an interpretation that vouchers are prohibited by the amendment.

Quite frankly, a direct prohibition in this amendment could have resolved that concern. For that same reason, the author of the amendment chose not to do so. The underlying bill, through its child-centered program, also known as portability, clearly authorizes the use of funds for what are, in effect, private school vouchers.

The amendment offered by the Senator from Washington does not purport to change that program at all. Therefore, notwithstanding any interpretation of the amendment on which we are about to vote, we would continue, according to the general counsel's belief, to have a private school voucher program.

I believe it is probably marginally better in terms of reducing the possibilities of a voucher than exists in the bill. I urge my colleagues, even with this hesitation, to support the amendment.

For the last few minutes, I will go back to the comparison of the accountability provisions of S. 2 and the Daschle bill. I will mention seven different areas. I want the attention of those on the other side so they can address it, which they did not do over the course of this day.

Must States dedicate funds specifically for turning around failing schools?

Under S. 2, the answer is no. Under the Daschle proposal, the answer is yes. Under title I, they have to allocate 3 percent in the years 2001 and 2002 and 5 percent for every year after so there will be funds available in the States to turn around failing schools. Our answer is yes; their answer is no.

Must schools show annual gains in student performance?

The answer for S. 2 is no. In our legislation, the answer is yes. States have a period of time to reach proficiency in 10 years for all children, but they have to define how they are going to get there. We let them do it, but they must meet the benchmarks along the way. We define it and hold States accountable; they do not.

Is there any assurance of real accountability? Do failing schools face any real consequences?

As we have pointed out time and again, there is virtually no accountability for the first 5 years under S. 2. The answer to that is no. Under the Daschle bill, after 2 years, there has to be changes that the schools will take part in or otherwise, after the 4 years,

the whole governance of that school will be replaced. There are funds for that, and there is the commitment spelled out in our legislation to do it.

Is accountability based on the performance of all students, including poor children and limited-English-proficient children? The answer under S. 2 is no. The State can choose what children—this is the unbelievable part. I reviewed this in the RECORD yesterday. Under S. 2 requirements, they can select or choose which children they are going to put in the aggregation to report back to the Secretary of Education. It is a shell game.

Under the Daschle bill, there is a requirement for disaggregation not only in school districts but in schools on race and income, so we will know actually what school, not what school district, not just a general area, but we will know that every single year this legislation is in place.

Do schools and districts face consequences if they fail to help poor children, minority children, and limited-English-proficient children learn to high standards?

The answer under the Republican bill is no; under ours it is yes, for the reasons I have identified.

Is there a sensible requirement enabling students in failing schools to transfer to higher-quality schools?

The answer in the Republican bill is virtually no. They can use the whole amount of money for transportation. We challenge them. Show us where the limitation is. It is not there. We put the limitation cap at 10 percent.

Finally, must States help migrant children, delinquent or neglected children or homeless children reach high standards?

Under S. 2, no, they effectively abolish the homeless program, the immigrant program, and the migratory programs. We protect those.

If they are looking for accountability—and we have heard those words from the other side all day long today, “We want accountability”—they have to answer those questions. They have not answered them. They did not answer them in their opening statements when they presented this issue, and they refuse to respond to the challenges that Senator BINGAMAN and everyone on this side has posed to them.

Republicans want a blank check that is a stamp of approval on the status quo. It gives a blank check to the Governors and does not require anything to change. The Democrat's substitute cancels the blank check and instead provides parents a guarantee of better results for kids. It guarantees accountability for results, as I have spelled out—a qualified teacher in every classroom, as was pointed out earlier in the debate, smaller class size, as Senator MURRAY has pointed out, modern and safe schools, as Senator HARKIN and others have pointed out, and strong parental involvement, as Senator REED from Rhode Island has pointed out. All of this has been included in our alter-

native. That is a Marshall Plan for change, and I urge my colleagues to support it. I yield back the remainder of the time.

Mr. JEFFORDS. Mr. President, how much time does the majority have?

The PRESIDING OFFICER. The majority has 6 minutes, and the minority has 4 minutes.

Mr. JEFFORDS. Mr. President, I join my colleague from Massachusetts in urging everyone to vote for the Gorton amendment. However, I urge them to vote no on the Daschle amendment. The distinguished minority leader has offered objections to S. 2, and we agree that it is not perfect, but S. 2 does ensure that the Federal Government provides leadership and support in areas where there is a critical need for help.

These areas include title I, education for the disadvantaged; safe and drug-free schools; bilingual education; and education technology, to name a few.

S. 2 maintains and strengthens the title I reform process begun in 1994 with the enactment of the last ESEA reauthorization which required the establishment of high standards and the development and implementation of assessments designed to measure progress towards those standards.

The deadline for adopting standards was 1998, and the deadline for adopting assessments is in the school year 2001-2002.

A bipartisan group of educators, known as the Independent Review Panel, which was created under the 1994 law to review federally funded elementary and secondary education programs, said in their report, released last year, that standards driven reform should be given a chance to fully take hold while the Nation continues to assess progress in student performance.

S. 2 enhances the title I reform process by providing a separate funding stream within title I which will provide dollars to those schools that need improvement and also provides funding to States so that States may develop the assessments they need to have in place by next year.

Title II of the bill provides clear Federal leadership and support for investments in teacher quality. It builds upon our national commitment to professional development. Yet, it does so in a commonsense way that allows school districts to create the recipe that works for their schools and their communities to improve opportunities for teachers. It provides a list of activities that school districts can choose from in an effort to improve the quality of the teachers in the classroom. The bill encourages funds to be used for recruiting and hiring teachers, mentoring programs, programs and partnerships to keep good teachers in the profession, and professional development programs that will have a positive impact on teaching and learning in the classroom.

In addition, S. 2 includes a new program to develop and strengthen the leadership skills of teachers, principals, and superintendents.

This bill also improves the Safe and Drug Free Schools Program by increasing accountability. While requiring that Safe and Drug Free money be used for effective programs, S. 2 also gives States and local school districts enough flexibility to design programs that will prevent violence and drug use.

The bill provides Federal leadership and significant Federal funding for education technology. The current education technology programs have made a significant difference in fostering the effective integration of technology into the curriculum. The programs authorized under S. 2 build upon the strengths of the current law and enhance the educational opportunities in technology available to teachers and students across the country. S. 2 preserves an important role for the Federal Government in education technology. It includes a number of changes offered by Senators from the other side of the aisle which, in my view, improve and strengthen the education technology provisions in the underlying bill. The education technology program is a good one—it should not be abandoned by adopting the Senator Daschle amendment.

This bill also improves bilingual education. Recently, rural communities throughout this Nation have seen tremendous growth in the bilingual student population. S. 2 includes provisions that will enable these rural communities to receive funds from this program. At the same time, ensuring that the large urban centers continue to be eligible for Bilingual Program grants.

S. 2 includes a new flexibility initiative included in Title VI which is based on Senator COLLINS' Rural Education Initiative Act. The purpose of this program is to provide adequate funding to rural schools to enhance their ability to strengthen the quality of instruction and improve student achievement and student performance. Through flexibility provisions and a supplemental grant program, rural school districts will have the ability to maximize their resources for implementation of education reform strategies. The amendment offered by my colleagues on the other side does not have this authority and it is a provision that will provide a significant benefit to the rural communities of this Nation.

In conclusion, I urge my colleagues to reject the substitute and work together to make improvements to S. 2 in an effort to arrive at a bipartisan product that will make a positive difference in the lives of all of our Nation's students and educators.

I urge Senators to vote yes on the Gorton amendment and no on the Daschle substitute.

I yield the floor.

The PRESIDING OFFICER. The remaining time is under the control of the Senator from Washington.

Mrs. MURRAY. I thank the Chair.

Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mrs. MURRAY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mrs. MURRAY. Mr. President, I yield the remaining debate time to the Democratic leader, who has done an outstanding job in putting together an amendment that really reflects the values of the Democrats and ensures that all of our children, no matter who they are, get a quality education.

I thank the Democratic leader and yield him our time.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. I thank my colleague from Washington for her leadership on this issue, and particularly on the issue of class size, and all of the work that she has done to get us to this point.

Mr. President, I will use whatever additional time I need out of my leader allotment to finish my remarks.

Let me begin by complimenting the distinguished chairman and manager on the other side for the manner in which he has closed the debate.

There is no one who has worked on a more bipartisan basis on so many issues than has he. I respect him and appreciate the tone that he has set, once again, in calling for bipartisanship. I guess the irony is that we find ourselves, in spite of his desire for bipartisanship, at a point where we have very little of it.

I am as disappointed as he is that in committee, after more than a year's worth of work, the document the committee had been using, the work they had been constructing was shelved in favor of a very partisan approach to the Federal role in education for the next 6 years through ESEA.

I know, I am sure—I do not know—I am sure that he shares my disappointment that the kind of bipartisan tradition we have had in drafting this legislation over 35 years was not represented in the final vote during the markup of the ESEA in committee. So his call for bipartisanship, I know, on his part is genuine.

I am disappointed it was not reflected in the actions taken by the committee. I am disappointed that it does not reflect our current status on the Senate floor. As a result, I am really disappointed that we are relegated now to offering a Democratic substitute, when we could have worked on a bipartisan bill that would have allowed both parties to claim achievement and some success, and the confidence that we are doing the right thing in addressing education at the Federal level.

I thank all of my colleagues for the extraordinary effort they have made to bring us to this point within my caucus. I have mentioned Senator MURRAY. I thank, first and foremost, Senator KENNEDY, for all the work he has

done as our ranking member. I thank Senator DODD and all of the members of the HELP Committee. But I must say, all of our colleagues—Senator LIEBERMAN, and others—have joined with us in an effort to make this the very best proposal we could make.

I believe we have achieved that. I believe there is a lot more we can do. But given our circumstances, given where we are, I believe this represents the finest opportunity that we will be able to construct to ensure that for the next 6 years, during this ESEA authorization, we build upon the things that have worked, change the things that have not. We as we acknowledge the report card that still stands in the back of this Chamber—the report card by the American Society of Civil Engineers issued just a little more than a year ago—as we look at our infrastructure, in all of its different facets, as we determine what is working and what is not, we can say, with some authority and with some absolute certainty that too many of our schools are failing when it comes to the infrastructure.

We are getting poor results. We are not doing what we should in large measure because we have not made the commitment in infrastructure that we must make in education. So they gave schools an F. So we are faced with that reality, that we can do a better job.

We are faced really with two choices. One choice is to say: Let's take those tools. Let's assure that those things we know are working can be built upon, and that we can provide the kind of leadership and be the catalyst we know we can be in improving teacher quality, in improving accountability, in reducing class size, in ensuring there is more technology in all schools, and to make sure there is more parental involvement—taking all of those things that school boards and parents and teachers and school officials tell us we have to do a better job on. We can work to improve those specific areas with the knowledge it is going to take resources. We can do that. That is what the Democratic substitute does do.

On the other hand, we can do what we attempted to do back in 1981, in the name of flexibility, in the name of local control. Ironically, we created a blank-check approach that, I believe, has been an abysmal failure—a failure in terms of the kind of commitment to that approach, represented in real dollars, now cut by more than half since the legislation was passed, an approach that probably is far more bureaucratic, when you think about it. We go from the people administering the program at the Federal level through the people administering the program at the State level, to the people administering the program at the city or school district level, to the people administering the program in the schools themselves. That is the Republican approach. That is the blank check. If that isn't bureaucratic, I don't know what is.

What we say is, if you really want local control, if you want to ensure

that the maximum number of dollars get right into the school, bypass all of that and you will directly affect the school and provide the resources. That is what we say you should do. That is what our substitute does. That is real local control. That is providing the resources in the place where it can do the most good, without all of the bureaucratic hurdles, without all of the money going from here to the State capital, to the county, to the city, to the school district, to the school. We should not have to do that.

So I find a real irony in this local control argument used by some on the other side. I will say that I am hopeful, in spite of the history over the last several days—a somewhat partisan approach to this debate—we can actually reach some sort of a bipartisan consensus before the end of the debate. I am hopeful, as the chairman has indicated, that there is yet some opportunity for us to reach across the aisle. This is our best hope in doing that. We know all of the things that we are suggesting have enjoyed bipartisan support in the past. These have not been partisan issues. There is no reason why now it must be. So we offer this amendment in good faith, hoping that our Republican colleagues will join us in building on the success of the past and ensuring that we really have local control, in recognizing the educational tools that can be of extraordinary benefit to students and teachers all over this country. That is what this amendment is about, and I urge its adoption.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 3110. The yeas and nays have been ordered. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from Delaware (Mr. ROTH) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—98

Abraham	Coverdell	Helms
Akaka	Craig	Hollings
Allard	Crapo	Hutchinson
Ashcroft	Daschle	Hutchinson
Baucus	DeWine	Inhofe
Bayh	Dodd	Inouye
Bennett	Dorgan	Jeffords
Biden	Durbin	Johnson
Bingaman	Edwards	Kennedy
Bond	Enzi	Kerrey
Boxer	Feingold	Kerry
Breaux	Feinstein	Kohl
Brownback	Fitzgerald	Kyl
Bryan	Frist	Landrieu
Bunning	Gorton	Lautenberg
Burns	Graham	Leahy
Byrd	Gramm	Levin
Campbell	Grams	Lieberman
Chafee, L.	Grassley	Lincoln
Cleland	Gregg	Lott
Cochran	Hagel	Lugar
Collins	Harkin	Mack
Conrad	Hatch	McCain

McConnell	Rockefeller	Stevens
Mikulski	Santorum	Thomas
Moynihan	Sarbanes	Thompson
Murkowski	Schumer	Thurmond
Murray	Sessions	Torricelli
Nickles	Shelby	Voinovich
Reed	Smith (NH)	Warner
Reid	Smith (OR)	Wellstone
Robb	Snowe	Wyden
Roberts	Specter	

NOT VOTING—2

Domenici	Roth
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The amendment (No. 3110) was agreed to.

VOTE ON AMENDMENT NO. 3111

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3111. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

The result was announced—yeas 45, nays 54, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—45

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Johnson	Reid
Byrd	Kennedy	Robb
Cleland	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NAYS—54

Abraham	Fitzgerald	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Campbell	Hatch	Smith (NH)
Chafee, L.	Helms	Smith (OR)
Cochran	Hutchinson	Snowe
Collins	Hutchison	Specter
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Enzi	Mack	Warner

NOT VOTING—1

Roth

The amendment (No. 3111) was rejected.

Mr. JEFFORDS. I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRAIG. Mr. President, I rise today to address once again the education of our children. This week we have been debating S. 2, the Educational Opportunities Act. More importantly, we have been debating a difference in philosophy between Democrats and Republicans.

The Democrats have stood before us and proclaimed that Republicans want to weaken the Federal stranglehold on our education system.

The Democrats have stood before us and accused us of wanting to turn

power from the beltway to parents and teachers.

Well, Mr. President, I plead guilty.

In fact, let us examine exactly what Republicans want to do.

We want to reduce overhead costs to put more money into the classroom, make States and local districts more accountable, and provide greater flexibility for teachers and parents to make the decisions which affect their children.

Anyone who has itemized taxes, applied for an FAH loan, been in the military, or just dealt with the Federal Government knows how stifling the paperwork can be. People all across this country make a fine living helping people deal with Federal bureaucracy.

So, it is easy to imagine how a school district can devote half of its administrative staff to administer the 7 percent of its budget that comes from the Federal Government.

Just imagine how much paperwork you have to do to send money to the Federal Government.

Now imagine how much that would increase if they were giving you money—and then imagine if you were receiving millions of dollars a year.

It is easy to see how money and staff can be siphoned off to administer Federal funds—money and staff that could go to teaching our children.

Our bill reduces Federal paperwork in order to put more money into the classroom.

Every student knows that grades—a measure of your accomplishment—are important. Every day parents and teachers hold them accountable for their grades.

These same students may find it surprising that school districts and States are not held accountable for their achievements with the billions of Federal tax dollars they receive.

Our bill says enough is enough. It is time to hold States accountable for student achievement.

Our bill offers an opportunity for 15 willing States to consolidate up to 12 Federal grant programs and free themselves from Federal redtape. However, the States must use that flexibility to boost student achievement—which they will be held accountable for. A noble concept.

The pillar of our public school system is to allow everyone free and open access to a high quality education. And, generally, it works.

Unfortunately, there are schools out there that are denying our students the basic education they need. And, students who can't afford private education, are stuck in the schools where they live.

That should not be the case. Our bill says that if a school that generally reaches disadvantaged students is designated as failing for 2 years, the district would be required to offer any child enrolled in the failing school the option to transfer to a higher performing public school.

If a school continues to fail for another 2 years, the district would also

have to cover the students' transportation costs.

If all public schools within a district were identified as failing, then the district would be directed to form a cooperative agreement with another district to allow students to transfer.

And, finally, students attending these schools who either have been a victim of a violent crime on school grounds or whose school has been designated unsafe may also transfer to another public school.

This puts many decisions about a student's education in the hands of their parents, forces schools to be accountable for their achievement, and allows all students access to a quality education.

Mr. President, as I close today I want to ask every parent out there one question. Do you know better than a Federal bureaucrat in Washington what is best for your child? If the answer is yes, you should support our bill.

I also want to ask every school administrator and teacher out there one question. Do you know better than a Federal bureaucrat in Washington what is best for your students? If the answer is yes, you should support our bill.

After all, it is all about increased accountability, greater local and parental control, and more money in the classroom.

The PRESIDING OFFICER. The Senator from Alaska.

DAVID MAHONEY

Mr. STEVENS. Mr. President, our Nation has lost one of the great and modest men of our time, David Mahoney. A man who will receive posthumously one of the highest awards the medical community can bestow on a layman—the first Mary Woodard Lasker leadership in Philanthropy Award for “visionary leadership” from the Albert and Mary Lasker Foundation on May 9.

David, through his generosity, with both his time and his money, greatly expanded knowledge about the human brain, neuroscience, and the connection between body and brain which is helping people lead longer, healthier lives.

He led us through the “Decade of the Brain” and used his extraordinary marketing and public relations skills to foster awareness in Congress and our people of the importance of medical research and brain research in particular.

From his humble beginnings in the Bronx, my friend served as an infantry captain in World War II and then attended the Wharton School at the University of Pennsylvania while working full time in the mail room of an advertising agency.

David's talents did not stay hidden for long; by the time he was 25, he had become the youngest vice president of an advertising agency on Madison Avenue.

He went on from there to form his own agency in New York and then

began his climb through the corporate world, first running the good Human Ice Cream Co., and rising to chief operating officer of Norton Simon's various corporate holdings.

It was during his stewardship of Norton Simon, Inc., that I first met David. My friend Norton Simon retired as president and CEO of Norton Simon, Inc., in 1969 and selected David Mahoney to be the new leader of his company.

He chose David because "David was inspirational, tough, visionary, and dangerous." David expanded the company and helped Norton Simon build the world famous Norton Simon art collection, the greatest personal art collection west of the Mississippi.

David wrote a book about his own life in business called *Confessions of a Street Smart Manager*. David was a wonderful combination of street smarts garnered from growing up in the Bronx, an education from the Wharton School, and the Irish charm that could convince people to share a dream and work to realize its value.

Just 2 years ago David authored another book, along with Dr. Richard Restak, "The Longevity Strategy—How To Live To 100 Using the Brain-Body Connection."

David once said that "God gave you intelligence so you could build your intuition about what lies ahead."

David Mahoney's second career and perhaps most lasting legacy was with the Charles A. Dana Foundation where he served as its chairman since 1977.

After leaving Norton Simon, he focused the attention of the Dana Foundation on neuroscience research and helped the world's top neuroscientists and researchers explain the importance of their research to the general public and to funding agencies in the executive branch and the Congress.

In 1992, he and Nobel Laureate Dr. James Watson launched the "Decade of the Brain" with 10 specific objectives they believed might be achievable by the end of the decade. That effort focused attention better than ever before on understanding the basis for diseases of the brain like Parkinson's and Alzheimer's and generated an unprecedented level of support for neuroscience research.

David has become widely and justifiably credited as our foremost lay advocate for neuroscience. While David had recently expressed some frustration to me that those 10 ambitious goals had not yet been fully achieved, through his efforts remarkable progress has been made in understanding the human brain and the diseases that afflict it. I know those goals will ultimately be met, and David Mahoney will be forever remembered as the driving force behind this effort.

My friend David Mahoney and his wife Hillie have been close friends of ours for many years. David and I celebrated our 75th birthdays, which fell in the same year, and shared many memorable times. Catherine and I will miss

his wit and his wisdom and his leadership, but I will continue to enjoy personal memories of our friendship and to be grateful for his legacy of exploration into the workings of the human brain.

Mr. President, the May 2, 2000, New York Times contained an excellent obituary of David Mahoney, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 2, 2000]

DAVID MAHONEY, A BUSINESS EXECUTIVE AND NEUROSCIENCE ADVOCATE, DIES AT 76

(By Eric Nagourney)

David Mahoney, a business leader who left behind the world of Good Humor, Canada Dry and Avis and threw himself behind a decidedly less conventional marketing campaign, promoting research into the brain, died yesterday at his home in Palm Beach, Fla. He was 76.

The cause was heart disease, friends said.

Mr. Mahoney, who believed that the study of the brain and its diseases had been short-changed for far too long, was sometimes described as the foremost lay advocate of neuroscience. As chief executive of the Charles A. Dana Foundation, a medical philanthropic organization based in Manhattan, he prodded brain researchers to join forces, shed their traditional caution and reclusivity and engage the public imagination.

To achieve his goals, he brought to bear the power of philanthropy, personal persuasion and the connections he had made at the top of the corporate world.

Using his skills as a marketing executive, he worked closely with some of the world's top neuroscientists to teach them how to sell government officials holding the purse strings, as well as the average voter, on the value of their research. He pressed them to make specific public commitments to find treatments for diseases like Alzheimer's, Parkinson's and depression, rather than conduct just "pure" research.

"People don't buy science solely," Mr. Mahoney said this year. "They buy the results of, and the hope of, science."

In 1992, aided by Dr. James D. Watson, who won the Nobel Prize as a co-discoverer of the structure of DNA, Mr. Mahoney founded the Dana Alliance for Brain Initiatives, a foundation organization of about 190 neuroscientists, including Dr. Watson and six other Nobel laureates, that works to educate the public about their field.

The same year, after taking over the 50-year-old Dana Foundation as chief executive, Mr. Mahoney began shifting it away from its traditional mission of supporting broader health and educational programs, and focused its grants almost exclusively on neuroscience. Since then, the foundation has given some \$34 million to scientists working on brain research at more than 45 institutions.

Mr. Mahoney also dipped into his own fortune, giving millions of dollars to endow programs in neuroscience at Harvard and the University of Pennsylvania. Later this month, the Albert and Mary Lassker Foundation, which traditionally honors the most accomplished researchers, was to give him a newly created award for philanthropy.

"He put his money where his mouth was," said Dr. Kay Redfield Jamison, a professor of psychiatry at Johns Hopkins University.

Mr. Mahoney's journey from businessman to devotee of one of the most esoteric fields of health was as unusual as it was unexpected.

David Joseph Mahoney Jr. was born in the Bronx on May 17, 1923, the son of David J. Mahoney, a construction worker, and the former Loretta Cahill.

After serving as an infantry captain in the Pacific during World War II, he enrolled at the University of Pennsylvania's Wharton School. He studied at night, and during the day he worked 90 miles away in the mail room of a Manhattan advertising agency, Ruthrauff & Ryan. By the time he was 25, he had become a vice president of the agency—by some accounts, the youngest vice president on Madison Avenue at the time.

Then in 1951, in a move in keeping with the restlessness that characterized his business career, he left Ruthrauff & Ryan to form his own agency. Four years later, when his business was worth \$2 million, he moved on again, selling it to run Good Humor, the ice-cream company that his small agency had managed to snare as a client.

Five years later, when Good Humor was sold, Mr. Mahoney became executive vice president of Colgate-Palmolive, then president of Canada Dry, and then, in 1969, president and chief operating officer of Norton Simon, formed from Canada Dry, Hunt Food and McCall's. Under Mr. Mahoney, Norton Simon grew into a \$3 billion conglomerate that included Avis Rent A Car, Halston, Max Factor and the United Can Company.

Despite his charm, associates said, he had a short temper and an impatient manner that often sent subordinates packing. "I burn people out," he once said in an interview, "I'm intense, and I think that intensity is sometimes taken for anger."

The public knew him as one of the first chief executives to go in front of the camera to promote his product, in this case, in the early 1980's for Avis rental cars, which Norton Simon had acquired under his tenure.

By all accounts, including his own, Mr. Mahoney was living on top of the world. He was one of the nation's top paid executives, receiving \$1.85 million in compensation in 1982—a fact that did not always endear him to some Norton Simon shareholders, who filed lawsuits charging excessive compensation, given that his company's performance did not always keep pace with his raises.

Tall and trim, he moved among society's elite and was friends with Henry A. Kissinger, Vernon E. Jordan, Jr. and Barbara Walters. He was reported to have advised Presidents Richard M. Nixon, Jimmy Carter and Ronald Reagan, and to have met with Mr. Carter at Camp David.

But his fortunes changed late in 1983. True to form, the restless Mr. Mahoney was seeking change, putting into motion a plan to take Norton Simon private. But this time, he stumbled; a rival suitor, the Esmark Corporation, bettered his offer and walked away with his company.

Mr. Mahoney was left a lot richer—as much as \$40 million or so, by some accounts—but, for the first time in his life, he was out of a job and at loose ends. He described the period as a low point.

"You stop being on the 'A' list," he said some years later, "Your calls don't get returned. It's not just less fawning; people could care less about you in some cases. The king is dead. Long live the king."

It took some years for Mr. Mahoney to regain his focus. Gradually, he turned his attention to public health, in which he had already shown some interest. In the 1970's, he had been chairman of the board of Phoenix House, the residential drug-treatment program. By 1977, while still at Norton, he became chairman of the board of the Dana Foundation, a largely advisory position.

Mr. Mahoney increasingly devoted his time to the foundation. In 1982, he also because its chief executive, and soon began shifting the

organization's focus to the brain. In part, the reason came from his own experience. In an acceptance speech that he has prepared for the Lasker Award, he wrote of having seen first-hand the effects of stress and the mental health needs of people in the business world.

But associates recalled, and Mr. Mahoney seemed to say as much in his speech, that he appeared to have arrived at the brain much the way a marketing executive would think up a new product. "Some of the great minds in the world told me that this generation's greater action would be in brain science—if only the public would invest the needed resources," he wrote.

In 1992, Mr. Mahoney and Dr. Watson gathered a group of neuroscientists at the Cold Spring Harbor Laboratory on Long Island. There, encouraged by Mr. Mahoney, the scientists agreed on 10 research objectives that might be reached by the end of the decade, among them finding the genetic basis for manic-depression and identifying chemicals that can block the action of cocaine and other addictive substances.

"We've gotten somewhere on about four of them—but what's life," Dr. Watson said recently.

In recent years, Mr. Mahoney became convinced that a true understanding of the brain-body connection might also lead to cures for diseases in other parts of the body, like cancer and heart disease.

He believed that it would soon be commonplace for people to live to 100. For the quality of life to be high at that age, he believed, people would have to learn to take better care of their brains.

In 1998, along with Dr. Richard Restak, a neuropsychiatrist, Mr. Mahoney wrote "The Longevity Strategy: How to Live to 100: Using the Brain-Body Connection" (John Wiley & Sons).

Mr. Mahoney's first wife, Barbara Ann Moore, died in 1975. He is survived by his wife, the former Hildegard Merrill, with whom he also had a home in Lausanne, Switzerland; a son, David, of Royal Palm Beach, Fla.; two stepsons, Arthur Merrill of Muttontown, N.Y., and Robert Merrill of Locust Valley, N.Y., and a brother, Robert, of Bridgehampton, N.Y.

Associates said Mr. Mahoney's temperament in his second career was not all that different from what it had been in his first. It was not uncommon, said Edward Rover, vice chairman of the Dana Foundation's board of trustees, for his phone to ring late at night, and for Mr. Mahoney to sail into a pointed critique of their latest endeavors.

One researcher spoke of his "kind of charge-up-San-Juan-Hill style." Dr. Jamison, of Johns Hopkins, called him "impatient in the best possible sense of the word."

As in his first career, Mr. Mahoney never lost the good salesman's unwavering belief in this product. "If you can't sell the brain," he told friends, "then you've got a real problem."

Mr. DODD. If my colleague will yield, I thank our colleague from Alaska for his comments about David Mahoney. I didn't know him as well as my good friend from Alaska but had the opportunity to be with him on numerous occasions. All the things the Senator from Alaska said about David Mahoney are true, and even more so. It is a great loss to the country.

In fact, I point out our good friend from Alaska has lost a couple of good friends in the last few months.

A man of significant contributions, a man who appreciated the arts, had a

great love of this country and history—David Mahoney was all of those.

Suffice it to say, I want to be associated with the comments of the distinguished Senator from Alaska on his comments about David Mahoney.

MARKING THE ARRIVAL OF TAX FREEDOM DAY

Mr. GRAMS. Mr. President, today is Tax Freedom Day, the day on which working Americans stop working just to pay their State, Federal, and local taxes and actually begin keeping their earnings for themselves.

This is an important day for American taxpayers, but it is certainly not a happy occasion because every year—since 1913—Tax Freedom Day has arrived later and later. This means that Americans are working more hours and more days every year just to pay their tax bill. This year, Americans had to work 124 days for their local, State and Federal governments before they could finally start working for themselves and their families on May 3.

What is even more troubling is that in 13 States—including my home State of Minnesota—Tax Freedom Day will arrive 2 or more days later than the rest of the Nation. That means Minnesota taxpayers have to wait longer before they can start working for themselves, not for the Government.

Despite the fact that Americans work so long for the Government, we have recently heard a lot of talk on the Senate floor and in the media that the Federal tax bite is the smallest in 40 years and that the era of big government and high taxes is over. If that is true, why hasn't Tax Freedom Day arrived earlier than last year?

The stark truth is that the Federal Government's tax collecting—and spending—are still too high.

The facts speak for themselves. Although the total Federal tax burden is slightly lower thanks to our tax-relief initiatives, particularly the bill I authored to provide a \$500 per-child tax credit, the combined burden of Federal personal income and payroll taxes is well above the figures of both World War II and 1980 prior to the Reagan tax cut. Federal taxes consume 20.4 percent of GDP, compared to 17.5 percent of GDP when President Clinton took office. Since 1993, federal taxes have increased by 54%, which for the average taxpayer translates into a \$2,000 tax hike.

The combined personal income and payroll tax soared to 16.3% of GDP in 1999, up from 14.2% in 1992. Measured as a share of GDP, the personal income tax rose from 8% in 1981 to 9.6% in 1999. The payroll tax now takes 6.8% of GDP, up from 4.5% in 1970.

On average, each American is paying \$10,298 this year in Federal, State, and local taxes. A typical family now pays more of its income in total taxes than it spends on food, clothing, transportation, and housing combined. More and more middle-income families are

being pushed into higher tax brackets each year.

Even for most low- and middle-income families, federal payroll taxes take a huge bite of their income, and it keeps growing. For example, in 1965, a family earning wages of \$10,000 paid \$348 in payroll taxes. Today, that family would pay \$1,530 in payroll taxes—an increase of 340 percent.

According to the Tax Foundation, a nonpartisan group that tracks the government tax bite at all levels, the total tax burden has grown significantly since 1992. While State and local taxes have grown somewhat, Federal taxes account for the largest share of the increase.

Federal, State and local taxes claim 39.0 percent of a median two-income family's total income and 37.6 percent for a median one-income family, according to a Tax Foundation study.

During the Clinton administration, Tax Freedom Day has leapfrogged almost 2 weeks from April 20 in 1992 to May 3 this year. The Clinton Presidency means working Americans have to spend an extra 13 days working for Government. Not since the era of the Vietnam War and President Johnson's "Great Society" programs has Tax Freedom Day been pushed back so far in such a short period of time—and this is from an administration that claims it has put an end to "big government."

The Government is getting bigger, not smaller. Some people claim that big Government is over because Government spending as a percentage of GDP is shrinking. The real question is how do we measure the size of the Government? Is it the number of employees, the number of dollars spent, the tax burden, the hidden costs of regulations, or all of the above? I believe it should be all of the above. The growth of the economy does not have to be linked to the growth of Government. In fact, I have always said that we can streamline the Government and still provide all the Government services we need.

A more meaningful way to measure Government spending is to look at the number of dollars spent. Since President Clinton took office in 1993, Government spending has increased from \$1.40 trillion to \$1.83 trillion in 2000, a 30-percent rise. During the same period, Government revenue increased from \$1.15 trillion to \$2.08 trillion, a 75-percent increase.

The growth for domestic nondefense spending was 6.3 percent between 1990 and 1995. In the last 2 years alone, non-defense spending grew by 5.3 and 6.8 percent. President Clinton has proposed a 14-percent increase in his last budget. If this is not big Government, what is?

If President Clinton's spending frenzy continues, it will wipe out the entire \$1.9 trillion non-Social Security surplus in less than 3 years, leaving none of these tax overpayments to return to taxpayers in the form of debt reduction, tax relief and Social Security reform. But our colleagues on the other

side of the aisle do not say this increased spending is risky. They instead claim that our tax relief efforts to let the people keep a little more of their own money is risky.

People today work hard, and then are penalized for their work. With punitive taxes, Washington makes the American dream of working hard for a better life more difficult, and for some, impossible. How can anyone call the elimination of the marriage tax penalty for 21 million American families risky?

It is clear that the American people are still overtaxed despite the progress we have made to reduce taxes. Congress must provide meaningful tax relief to help alleviate the tax burden on working Americans.

But the only way we can effectively push back Tax Freedom Day is to terminate the tax code and replace it with one that promotes tax freedom and economic opportunity. We must repeal the 16th amendment and abolish the IRS. We must create a new tax system that's fairer, simpler, and friendlier to taxpayers.

Tax Freedom Day—it should be more than just another reminder of the high cost of Government. We owe it to the American taxpayers to work together to fix the system. Only when we begin to shorten the number of days that Americans work for Government, and allow them to own the fruits of their labor, can we truly celebrate Tax Freedom Day.

CONGRESSIONAL GOLD MEDAL FOR PRESIDENT AND MRS. REAGAN

Mr. COVERDELL. Mr. President, as you may know, on April 25, 2000, many of my colleagues and I introduced S. 2459, legislation that would award President and Mrs. Ronald Reagan with the Congressional Gold Medal.

The bill has been received warmly in my home State as well. The Press-Sentinel of Jesup, GA, recently ran an editorial supporting my bill. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Jesup, GA, Press-Sentinel, Apr. 26, 2000]

A FITTING TRIBUTE TO REAGAN

If Sen. Paul Coverdell has his way, former President Ronald Reagan and his wife, Nancy, will become the 118th recipient of the Congressional Gold Medal.

Tuesday, the Georgia senator introduced legislation that would award the president and his wife the medal.

Said the senator, "I am proud to sponsor this effort. President and Mrs. Reagan are a constant source of inspiration for me, as they are for many Americans. President Reagan led us to the economic prosperity that we still enjoy today and was instrumental in ending the Cold War. Mrs. Reagan lent her grace and commitment to fighting the war on drugs. Now as they battle the President's Alzheimer's Disease together, it is fitting for this nation to thank them for

their leadership and for the role they played in shaping American history."

During his eight years in the White House, Reagan's role in ending the Cold War will go down in history as perhaps his greatest accomplishment.

Who can forget the challenge he hurled to his counterpart in Moscow, Mikhail Gorbachev, when he stood at Berlin's Brandenburg Gate and said, "Mr. Gorbachev, tear down this wall!"

In 1989, near the end of his term, the Berlin Wall came down and a year later Germany was again reunited.

When told of plans to award the Reagans the medal, Gorbachev said, "The award of the Gold Medal of U.S. Congress to Ronald Reagan is a fitting tribute to the 40th president of the United States, who will go down in history as a man profoundly dedicated to his people and committed to the values of democracy and freedom.

"Together with Ronald Reagan, we took the first, the most important steps to end the cold war and start real nuclear disarmament. . . . I am confident that succeeding generations will duly appreciate the accomplishments of President Reagan."

We applaud the overdue recognition of President Reagan's accomplishments and hope for unanimous support for Sen. Coverdell's legislation.

Mr. COVERDELL. Mr. President, from rural Georgia to Capitol Hill, Americans recognize the immeasurable contribution that President and Mrs. Ronald Reagan have made to our Nation. Their support is most welcome.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, May 2, 2000, the Federal debt stood at \$5,669,550,992,339.00 (Five trillion, six hundred sixty-nine billion, five hundred fifty million, nine hundred ninety-two thousand, three hundred thirty-nine dollars and zero cents).

Five years ago, May 2, 1995, the Federal debt stood at \$4,859,125,000,000 (Four trillion, eight hundred fifty-nine billion, one hundred twenty-five million).

Ten years ago, May 2, 1990, the Federal debt stood at \$3,082,811,000,000 (Three trillion, eight-two billion, eight hundred eleven million).

Fifteen years ago, May 2, 1985, the Federal debt stood at \$1,745,505,000,000 (One trillion, seven hundred forty-five billion, five hundred five million).

Twenty-five years ago, May 2, 1975, the Federal debt stood at \$516,450,000,000 (Five hundred sixteen billion, four hundred fifty million) which reflects a debt increase of more than \$5 trillion—\$5,153,100,992,339.00 (Five trillion, one hundred fifty-three billion, one hundred million, nine hundred ninety-two thousand, three hundred thirty-nine dollars and zero cents) during the past 25 years.

ADDITIONAL STATEMENTS

WORLD ASTHMA DAY 2000

• Mr. DURBIN. Mr. President, I rise today to call attention to the fact that

today May 3, 2000, is World Asthma Day. As some of you may know, I am a strong supporter of federal, state, and local efforts to create and enhance awareness of asthma and to improve asthma care throughout this country and indeed throughout the world. I would also like to extend sincere thanks to the many thousands of Americans and others who work day after day to try to improve the way asthma is diagnosed and treated.

In the last 15 years, the prevalence of asthma has doubled throughout the world. More than 10 percent of children have asthma symptoms, and in some countries, as many as 30 percent are affected. In this country, asthma ranks among the most common chronic conditions, affecting more than 15 million Americans, including 5 million children, and causing more than 1.5 million emergency department visits, approximately 500,000 hospitalizations, and more than 5,500 deaths. The estimated direct and indirect monetary costs for this disease totaled \$11.3 billion in 1998, in the United States alone.

World Asthma Day 2000 is being marked by more than 80 countries throughout the world. It is a partnership between health care groups and asthma educators organized by the Global Initiative for Asthma, GINA, which is a collaboration between the National Heart, Lung, and Blood Institute, NHLBI, of the National Institutes of Health and the World Health Organization. On this day, thousands of people throughout the world will work together to create greater awareness of the need for every person with asthma to obtain a timely diagnosis, receive appropriate treatment, learn to manage their asthma in partnership with a health professional, and reduce exposure to environmental factors that make their asthma worse.

Among those participating in World Asthma Day, via a special World Asthma Day Internet site (www.Webvention.org), will be Dr. David Satcher, Surgeon General of the United States, and Mr. Nelson Mandela, former President of the Republic of South Africa and currently Chairman of the South African National Asthma Campaign. Ministers of Health from Japan, Turkey, Malaysia and other countries will also be available on the Internet to answer questions about how the implementation of international asthma treatment guidelines can benefit patients and reduce health care costs.

In the U.S., local World Asthma Day activities are being coordinated by the NHLBI's National Asthma Education and Prevention Program and are listed on its Web site (www.nhlbi.nih.gov). These activities range from local press conferences to school poster contests, and health fairs to science museum education programs.

The NAEPP, along with the National Library of Medicine, Howard University, the Office of the Mayor of the District of Columbia, the American Lung

Association of the District of Columbia, and the D.C. public school system, will hold the official U.S. press conference to report on the state of asthma in the United States and what is being done to combat the problem. Invited guests include members of Congress; Olympians who have achieved their titles despite their asthma; Washington, DC, elementary school students who have asthma; and representatives of selected community-based asthma coalitions from across the country. The press conference will be Webcast and shown on the World Asthma Day Web site.

Mr. President, it is my hope that our colleagues will join in paying tribute to World Asthma Day and to those who suffer from this condition and those who are working to help them. It is hoped that with the continued support of the Congress, additional progress can be made in the efforts to prevent asthma, as well as to improve its diagnosis and treatment.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:21 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 371. An act to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

H.R. 2932. An act to direct the Secretary of the Interior to conduct a study of the Golden Spike/Crossroads of the West National Heritage Area Study Area and to establish the Crossroads of the West Historic District in the State of Utah.

H.R. 3582. An act to restrict the use of mandatory minimum personnel experience and educational requirements in the procurement of information technology goods or services unless sufficiently justified.

H.R. 3629. An act to amend the Higher Education Act of 1965 to improve the program for American Indian Tribal Colleges and Universities under part A of the title III.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 300. Concurrent resolution recognizing and commending our Nation's Federal workforce for successfully preparing our Nation to withstand any catastrophic year 2000 computer problem disruptions.

The message further announced that the House has passed the following bill, without amendment:

S. 452. An act for the relief of Belinda McGregor.

The message also announced that the House has passed to the following joint resolutions, without amendment:

S.J. Res. 40. A joint resolution providing for the appointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 42. A joint resolution providing for the reappointment of Manuel L. Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2932. An act to direct the Secretary of the Interior to conduct a study of the Golden Spike/Crossroads of the West National Heritage Area Study Area and to establish the Crossroads of the West Historic District in the State of Utah; to the Committee on Energy and Natural Resources.

H.R. 3582. An act to restrict the use of mandatory minimum personnel experience and educational requirements in the procurement of information technology goods or services unless sufficiently justified; to the Committee on Government Affairs.

H.R. 371. An act to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos; to the Committee on the Judiciary.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 300. Concurrent resolution recognizing and commending our Nation's Federal workforce for successfully preparing our Nation to withstand any catastrophic year 2000 computer problem disruptions; to the Committee on Government Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-8755. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-600, -700, -800 Series Airplanes; Request for Comments; Docket No. 2000-NM-84 (4-10/4-24)" (RIN2120-AA64) (2000-0214), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8756. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes; Docket No. 99-NM-81 (4-11/4-24)" (RIN2120-AA64) (2000-0215), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8757. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767 Series Airplane; Docket No. 99-NM-72 (4-10/4-24)" (RIN2120-AA64) (2000-0216), received April 27,

2000; to the Committee on Commerce, Science, and Transportation.

EC-8758. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-600, -700, -800 Series Airplanes; Request for Comments; Docket No. 2000-NM-88 (4-24/4-27)" (RIN2120-AA64) (2000-0214), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8759. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes; Docket No. 99-NM-56 (4-27/5-1)" (RIN2120-AA64) (2000-0239), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8760. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-100, -200, -300, -400, and -500 Series Airplanes; Docket No. 98-NM-253 (4-26/5-1)" (RIN2120-AA64) (2000-0242), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8761. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 777 Series Airplanes; Docket No. 99-NM-346 (4-26/5-1)" (RIN2120-AA64) (2000-0241), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8762. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300-600 and A310 Series Airplanes; Docket No. 99-NM-82 (4-14/4-24)" (RIN2120-AA64) (2000-0228), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8763. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300-600 Series Airplanes; Docket No. 98-NM-78 (4-14/4-24)" (RIN2120-AA64) (2000-0227), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8764. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 Series Airplanes; Docket No. 99-NM-304 (4-24/4-18)" (RIN2120-AA64) (2000-0219), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8765. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300, A310, and A300-600 Series Airplanes; Docket No. 99-NM-07 (4-14/4-24)" (RIN2120-AA64) (2000-0222), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8766. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fokker Model F.28 Mark 0070 and 0100 Series Airplanes; Docket No. 99-NM-369 (4-14/4-24)" (RIN2120-AA64) (2000-0226), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8767. A communication from the Federal Aviation Administration, Department of

Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fokker Model F27 Series Airplanes equipped with Rolls Royce 532-7 Dart 7 Series Engines; Request for Comments; Docket No. 2000-NM-959 (4-18/4-24)" (RIN2120-AA64) (2000-0212), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8768. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Agusta Model A109C and A109K2 Helicopters; Docket No. 99-SW-28 (4-24/4-27)" (RIN2120-AA64) (2000-0234), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8769. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Agusta Model A109C, A109AIL, and A109C Helicopters; Request for Comments; Docket No. 99-SW-47 (4-14/4-24)" (RIN2120-AA64) (2000-0223), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8770. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Turbomeca Artouste III Series Turboshift Engines; Docket No. 99-NE-33 (4-11/4-24)" (RIN2120-AA64) (2000-0210), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8771. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Turbomeca Makila I Series Turboshift Engines; Docket No. 99-NE-11 (4-11/4-24)" (RIN2120-AA64) (2000-0209), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8772. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce plc Tay 650-15 Turbofan Engines; Docket No. 99-NE-61 (4-18/4-24)" (RIN2120-AA64) (2000-0220), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8773. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dornier Model 328-100 Series Airplanes; Docket No. 99-NM-40 (4-11/4-24)" (RIN2120-AA64) (2000-0208), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8774. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Various Transport Category Airplanes Equipped with Certain Honeywell Air Data Inertial Reference Units; Request for Comments; Docket No. 2000-NM-83 (4-18/4-24)" (RIN2120-AA64) (2000-0213), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8775. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Lockheed Model L-1011-385 Series Airplanes; Docket No. 99-NM-252 (4-17/4-24)" (RIN2120-AA64) (2000-0221), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8776. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness

Directives: Gulfstream Model G-IV Series Airplanes; Docket No. 2000-NM-82 (4-14/4-24)" (RIN2120-AA64) (2000-0224), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8777. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model DHC-8-100 Series Airplanes; Docket No. 99-NM-321 (4-14/4-24)" (RIN2120-AA64) (2000-0225), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8778. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Industrie Aeronautiche e Meccaniche Model Piaggio P-180 Airplanes; Docket No. 99-CE-65 (4-11/4-24)" (RIN2120-AA64) (2000-0229), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8779. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Various Transport Category Airplanes Equipped with Mode C Transponders with Seingle Code Altitude Input; Docket No. 2000-NM-81 (4-20/4-27)" (RIN2120-AA64) (2000-0235), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8780. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD-11 Series Airplanes; Docket No. 2000-NM-97 (4-20/4-27)" (RIN2120-AA64) (2000-0232), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8781. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Learjet Model 45 Airplanes; Docket No. 2000-NM-85 (4-28/5-1)" (RIN2120-AA64) (2000-0238), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8782. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Model BAe 125-800A and BAe 125-800B, Model Hawker 800, and Model Hawker 800XP Series Airplanes; Docket No. 99-NM-13 (4-26/5-1)" (RIN2120-AA64) (2000-0240), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8783. A communication from the Common Carrier Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled "Truth-in-Billing Format" (FCC 00-111, CC Doc. 98-170), received May 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8784. A communication from the Policy and Rules Division, Mass Media Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled "Establishment of a Class A Television Service" (MM Doc. 00-10, FCC No. 00-115), received May 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8785. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Export-Import Bank Act of 1945, a determination by the Secretary of State to allow the Export-Import Bank to finance the sale of defense articles to Venezuela; to the Committee on Banking, Housing, and Urban Affairs.

EC-8786. A communication from the Corporation for National Service transmitting,

pursuant to law, the annual reports for fiscal year 1999; to the Committee on Governmental Affairs.

EC-8787. A communication from the General Services Administration, transmitting an informational copy of an amended lease prospectus for the Federal Bureau of Investigation, Cleveland, OH; to the Committee on Environment and Public Works.

EC-8788. A communication from the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Reclassification of Yacare Caiman in South America from Endangered to Threatened, and the Listing of Two Other Caiman Species as Threatened by Reason of Similarity of Appearance" (RIN1018-AD67), received April 28, 2000; to the Committee on Environment and Public Works.

EC-8789. A communication from the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule to Remove the Umpqua River Cutthroat Trout from the List of Endangered Wildlife" (RIN1018-AF45), received April 21, 2000; to the Committee on Environment and Public Works.

EC-8790. A communication from the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule to List as Endangered the Oahu Elepaio from the Hawaiian Islands and Determination of Whether Designation of Critical Habitat is Prudent" (RIN1018-AE51), received April 13, 2000; to the Committee on Environment and Public Works.

EC-8791. A communication from the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule to List the Alabama Sturgeon as Endangered" (RIN1018-AF56), received May 2, 2000; to the Committee on Environment and Public Works.

EC-8792. A communication from the General Services Administration transmitting, pursuant to law, a report of Building Project Survey for Riverside and San Bernadino Counties, CA; to the Committee on Environment and Public Works.

EC-8793. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC and NO_x and RACT Determinations for Individual Sources"; to the Committee on Environment and Public Works.

EC-8794. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Approval and Promulgation of Implementation Plan; Indiana"; to the Committee on Environment and Public Works.

EC-8795. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Guidance for Developing TMDLs in California"; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs, with amendments:

S. 1509: A bill to amend the Indian Employment, Training, and Related Services Demonstration Act of 1992, to emphasize the need for job creation on Indian reservations, and for other purposes (Rept. No. 106-277).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2340: A bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing substances by athletes, and for other purposes (Rept. No. 106-278).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 2499. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Pennsylvania; to the Committee on Energy and Natural Resources.

By Mr. DODD:

S. 2500. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel PUFFIN; to the Committee on Commerce, Science, and Transportation.

By Mr. JOHNSON:

S. 2501. A bill to provide access and choice for use of generic drugs instead of nongeneric drugs under Federal health care programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 2502. A bill to establish in the Office of the Architect of the Capitol the position of Director of Fire Safety and Protection to assume responsibility for fire safety and protection activities of the Architect of the Capitol, and for other purposes; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. Res. 302. A resolution expressing the sense of the Senate that the Health Care Financing Administration should consider current systems that provide better, more cost effective emergency transport before promulgating any final rule regarding the delivery of emergency medical services; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 2499. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Pennsylvania; to the Committee on Energy and Natural Resources.

LEGISLATION PROVIDING FOR A PROJECT DEADLINE EXTENSION

Mr. SPECTER. Mr. President, I rise today to introduce legislation that

would reinstate and extend the deadline for construction of a Pennsylvania hydroelectric power project. This extension is necessary because the Potter Township Power Authority (Project No. 7041) will lose their license from the Federal Regulatory Commission under Section 13 of the Power Act. On many occasions, the Congress has granted similar noncontroversial extensions to licensees for projects in other states. This legislation would provide additional time for the municipal licensees to conclude their negotiations with the potential power purchasers. In introducing this legislation, I am not expressing any personal views on whether the projects should go forward or on how the projects should be funded; that is clearly the responsibility of the municipal licensees and the residents of the township.

I urge my colleagues to support this legislation and ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2499

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

SECTION 1. EXTENSION OF DEADLINE AND REINSTATEMENT OF LICENSE.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 7041, the Commission shall, at the request of the licensee for the project, extend the period required for commencement of construction of the project until December 31, 2001.

(b) EFFECTIVE DATE.—Subsection (a) takes effect on the expiration of the period required for commencement of construction of the project described in subsection (a).

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the license for the project described in subsection (a) has expired before the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and extend the time required for commencement of construction as provided in subsection (a).

By Mr. DODD:

S. 2500. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel Puffin; to the Committee on Commerce, Science, and Transportation.

JONES ACT WAIVER FOR THE "PUFFIN"

• Mr. DODD. Mr. President, I rise today to introduce legislation to waive the 1920 Merchant Marine Act, the so-called Jones Act, to allow Mr. Thomas Brooks Brener of Norwalk, Connecticut to commercially operate the Puffin, a sailing sloop built in the Netherlands in 1985.

Mr. Brener seeks the Jones Act waiver in order to reclassify the Puffin from a strictly recreational vessel to a charter or commercial vessel documented to operate with six or fewer paying passengers. If granted this waiver, Mr.

Brener intends to provide private sailing instruction and captained private and charitable charters out of Norwalk, Connecticut.

The operating plan proposed by Mr. Brener is quite modest and limited in scale. With a total length of just under 36 feet and carrying six or fewer passengers, the Puffin is not the foreign built challenge to American shipyards and shipping envisioned by the drafters of the Merchant Marine Act of 1920. Indeed, it poses no threat to larger U.S. coastal shipping interests. On the contrary, instead of being a threat to the local coastal trade, reclassification of the Puffin will provide a beneficial service to the community of Norwalk and the people of southwestern Connecticut by creating an additional recreational and small business opportunity.

I believe it is altogether appropriate to grant a Jones Act waiver for the sailing sloop Puffin and I urge the Senate to do so. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2500

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

SECTION 1. CERTIFICATE OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and sections 12106 and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel PUFFIN, United States official number 697029.●

By Mr. JOHNSON:

S. 1501. A bill to provide access and choice for use of generic drugs instead of nongeneric drugs under Federal health care program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

GENERIC PHARMACEUTICAL ACCESS AND CHOICE FOR CONSUMERS ACT OF 2000

• Mr. JOHNSON. Mr. President, today, I am introducing legislation as one more step in my fight to combat rising prescription drug prices and reduce the cost of medication for consumers in this country. My legislation, called the Generic Pharmaceutical Access and Choice For Consumers Act of 2000, aims to reduce the cost of prescription medication to American taxpayers and the U.S. government by encouraging the use of Food and Drug Administration (FDA) approved, therapeutically equivalent generic prescription drugs within the federal health care programs, except if the non-generic form is either ordered by the prescribing physician or requested by the patient.

The Generic Pharmaceutical Access and Choice For Consumers Act of 2000 establishes a straightforward and cost-effective means of increasing consumers' access and choice to safe, affordable generic prescription drugs

under federal health care programs which could result in savings of millions of dollars.

The Federal Employee Health Benefits Program (FEHBP), which last year spent \$18.2 billion providing health insurance coverage to its estimated 4.12 million enrollees, spent nearly twenty percent, \$3.6 billion, of their insurance program costs on pharmaceutical benefits alone. This year brought little relief when the Office of Personnel Management (OPM) announced that FEHBP premium increases for the year 2000 were about 9.3 percent, mostly attributable to the cost increase in prescription drug claims.

In 1997, about one-third of all prescriptions under the FEHBP were for generic drugs. The Office of Personnel Management (OPM), which administers the FEHBP, estimated that total costs for prescription drugs would drop by about fifteen percent if half of all prescriptions were for generic drugs.

A 1998 study conducted by the Congressional Budget Office estimates that generic pharmaceutical substitution saves consumers nationwide approximately eight to ten billion dollars a year.

Some FEHBP plans and other federal health care programs do to some extent encourage the use of generic prescription drugs but the practice is not mandatory or universally incorporated into all programs. The Generic Pharmaceutical Access and Choice For Consumers Act simply directs all federal health care programs that provide prescription drug plans to fill prescriptions with FDA approved, therapeutically equivalent generic prescription drugs, except if the non-generic form is either ordered by the prescribing physician or requested by the patient.

I believe we can take greater steps to increase the utilization of high-quality, FDA approved generic pharmaceutical which cost between twenty-five and sixty percent less than brand-name pharmaceutical, resulting in an estimated average savings of fifteen to thirty dollars on each prescription filled.

Generic pharmaceutical are widely accepted by both consumers and the medical profession, as the market share held by generic pharmaceutical compared to brand-name prescription drugs has more than doubled during the last decade, from approximately nineteen to forty-three percent, according to the Congressional Budget Office. Yet, despite accounting for just over forty percent of the prescriptions drugs dispensed, generic pharmaceutical represent only 8 percent of the total dollar volume spent on drugs.

Since there exists no current coverage for outpatient prescription drugs under the Medicare program, a second component of my bill includes a Sense of the Senate that legislative language requiring, to the extent feasible, a preference for the safe and cost-effective use of generic pharmaceutical be considered in conjunction with any legisla-

tion that adds a prescription drug benefit to the Medicare program. I strongly believe that the utilization of high-quality generic pharmaceutical in a Medicare prescription drug benefit would provide a built in cost control mechanism that would help ensure the economic feasibility and sustainability of any new benefit.

And third, the bill I am introducing today works to prevent a tactic used by the brand drug industry to prevent generics from reaching the consumers by convincing state legislatures to pass unwarranted restrictions to the substitution of generic versions of brand name drugs. The campaign that some brand name drug companies lobby in some states is nothing more than an attempt by the brand name companies to protect their market share. The Generic Pharmaceutical Access and Choice For Consumers Act increases the level playing field for generic pharmaceutical by requiring the Food and Drug Administration, where appropriate, to determine that a generic pharmaceutical is the therapeutic equivalent of its brand-name counterpart, and affording national uniformity to that determination.

The legislation would also prevent a State from establishing or continuing any requirement that keeps generic pharmaceutical off the market once FDA has determined that a generic drug is "therapeutically equivalent" to a brand name drug. This provision will ensure that generic prescription drugs get to the market in a timely fashion and provide consumers with access and choice to low cost, high-quality alternatives.

As the year continues, we will see more discussion about how we provide Medicare coverage of prescription drugs and I hope that ultimately that's where we'll wind up some day. However, I believe that minimizing cost through full access to generic drugs must be part of any effort to address the prescription drug pricing issue. I introduced the Generic Pharmaceutical Access and Choice For Consumers Act of 2000 to lay the ground work early in these discussions and take some constructive steps in the right direction so that the American public can get the full benefit of safe, affordable generic prescription drugs and taxpayers are treated right at the same time.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2501

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 "Generic Pharmaceutical Access and Choice for Consumers 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. Findings and purposes.

TITLE I—ENCOURAGEMENT OF THE USE OF GENERIC DRUGS

Sec. 101. Encouragement of the use of generic drugs under the Public Health Service Act.

Sec. 102. Application to Federal employees health benefits program.

Sec. 103. Application to medicare program.

Sec. 104. Application to medicaid program.

Sec. 105. Application to Indian Health Service.

Sec. 106. Application to veterans programs.

Sec. 107. Application to recipients of uniformed services health care.

Sec. 108. Application to Federal prisoners.

TITLE II—THERAPEUTIC EQUIVALENCE REQUIREMENTS FOR GENERIC DRUGS

Sec. 201. Therapeutic equivalence of generic drugs.

TITLE III—GENERIC PHARMACEUTICALS AND MEDICARE REFORM

Sec. 301. Sense of the Senate regarding a preference for the use of generic pharmaceuticals under the medicare program.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Generic pharmaceuticals are approved by the Food and Drug Administration on the basis of testing and other information establishing that such pharmaceuticals are therapeutically equivalent to brand-name pharmaceuticals, ensuring consumers a safe, efficacious, and cost-effective alternative to brand-name pharmaceuticals.

(2) The pharmaceutical market has become increasingly competitive during the last decade because of the increasing availability and accessibility of generic pharmaceuticals.

(3) The Congressional Budget Office estimates that—

(A) the substitution of generic pharmaceuticals for brand-name pharmaceuticals will save purchasers of pharmaceuticals between \$8,000,000,000 and \$10,000,000,000 each year; and

(B) quality generic pharmaceuticals cost between 25 percent and 60 percent less than brand-name pharmaceuticals, resulting in an estimated average savings of \$15 to \$30 on each prescription filled.

(4) Generic pharmaceuticals are widely accepted by both consumers and the medical profession, as the market share held by generic pharmaceuticals compared to brand-name pharmaceuticals has more than doubled during the last decade, from approximately 19 percent to 43 percent, according to the Congressional Budget Office.

(b) PURPOSES.—The purposes of this Act are—

(1) to reduce the cost of prescription drugs to the United States Government and to beneficiaries under Federal health care programs while maintaining the quality of health care by encouraging the use of generic drugs rather than nongeneric drugs under those programs whenever feasible; and

(2) to increase the utilization of generic pharmaceuticals by requiring the Food and Drug Administration, where appropriate, to determine that a generic pharmaceutical is the therapeutic equivalent of its brand-name counterpart, and by affording national uniformity to that determination.

TITLE I—ENCOURAGEMENT OF THE USE OF GENERIC DRUGS

SEC. 101. ENCOURAGEMENT OF THE USE OF GENERIC DRUGS UNDER THE PUBLIC HEALTH SERVICE ACT.

(a) IN GENERAL.—Part B of title II of the Public Health Service Act (42 U.S.C. 238 et seq.) is amended by adding at the end the following new section:

SEC. 247. USE OF GENERIC DRUGS ENCOURAGED.

“(a) Each grant or contract entered into under this Act that involves the provision of health care items or services to individuals shall include provisions to ensure that, to the extent feasible, any prescriptions provided for under such grant or contract are filled by providing the generic form of the drug involved, unless the nongeneric form of the drug is—

“(1) specifically ordered by the prescribing provider; or

“(2) requested by the individual for whom the drug is prescribed.

“(b) In this section:

“(1) The term ‘generic form of the drug’ means a drug that is the subject of an application approved under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)), for which the Secretary has made a determination that the drug is the therapeutic equivalent of a listed drug under section 505(j)(5)(E) of that Act (21 U.S.C. 355(j)(5)(E)).

“(2) The term ‘nongeneric form of the drug’ means a drug that is the subject of an application approved under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any drug furnished on or after the date of enactment of this Act.

SEC. 102. APPLICATION TO FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.

(a) IN GENERAL.—Section 8902 of title 5, United States Code, is amended by adding at the end the following new subsection:

“(p) To the extent feasible, if a contract under this chapter provides for the provision of, the payment for, or the reimbursement of the cost of any prescription drug, the carrier shall provide, pay, or reimburse the cost of the generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act), except, if the nongeneric form of the drug (as defined in section 247(b)(2) of such Act) is—

“(1) specifically ordered by the prescribing provider; or

“(2) requested by the individual for whom the drug is prescribed.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any drug furnished during contract years beginning on or after January 1, 2001.

SEC. 103. APPLICATION TO MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1861(t) of the Social Security Act (42 U.S.C. 1395x(t)) is amended by adding at the end the following new paragraph:

“(3) For purposes of paragraph (1), the term ‘drugs’ means, to the extent feasible, the generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act), unless the nongeneric form of such drug (as defined in section 247(b)(2) of such Act) is—

“(A) specifically ordered by the health care provider; or

“(B) requested by the individual to whom the drug is provided.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply with respect to any drug furnished on or after the date of enactment of this Act.

(2) MEDICARE+CHOICE PLANS.—In the case of a Medicare+Choice plan offered by a Medicare+Choice organization under part C of title XVIII of the Social Security Act (42 U.S.C. 1395w-21 et seq.), the amendment made by this section shall apply to any drug furnished during contract years beginning on or after January 1, 2001.

SEC. 104. APPLICATION TO MEDICAID PROGRAM.

(a) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (64), by striking “and” at the end;

(2) in paragraph (65), by striking the period at the end and inserting “; and”; and

(3) by adding the following new paragraph: “(66) provide that the State shall, in conjunction with the program established under section 1927(g), to the extent feasible, provide for the use of a generic form of a drug (as defined in section 247(b)(1) of the Public Health Service Act), unless the nongeneric form of the drug (as defined in section 247(b)(2) of such Act) is—

“(A) specifically ordered by the provider; or

“(B) requested by the individual to whom the drug is provided.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any drug furnished under State plans that are approved or renewed on or after the date of enactment of this Act.

SEC. 105. APPLICATION TO INDIAN HEALTH SERVICE.

(a) IN GENERAL.—Title II of the Indian Health Care Improvement Act (25 U.S.C. 1621 et seq.) is amended by adding at the end the following new subsection:

“SEC. 225. USE OF GENERIC DRUGS ENCOURAGED.

“In providing health care items or services under this Act, the Indian Health Service shall ensure that, to the extent feasible, any prescriptions that are provided for under this Act are filled by providing the generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act) involved, unless the nongeneric form of the drug (as defined in section 247(b)(2) of such Act) is—

“(1) specifically ordered by the prescribing provider; or

“(2) requested by the individual for whom the drug is prescribed.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any drug furnished on or after the date of enactment of this Act.

SEC. 106. APPLICATION TO VETERANS PROGRAMS.

(a) USE OF GENERIC DRUGS ENCOURAGED.—Subchapter III of chapter 17 of title 38, United States Code, is amended by inserting after section 1722A the following new section:

“§ 1722B. Use of generic drugs encouraged

“When furnishing a prescription drug under this chapter, the Secretary shall furnish a generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act), unless the nongeneric form of the drug (as defined in section 247(b)(2) of such Act) is—

“(1) specifically ordered by the prescribing provider; or

“(2) requested by the individual for whom the drug is prescribed.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1722A the following new item:

“1722B. Use of generic drugs encouraged.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any drug furnished on or after the date of enactment of this Act.

SEC. 107. APPLICATION TO RECIPIENTS OF UNIFORMED SERVICES HEALTH CARE.

(a) USE OF GENERIC DRUGS ENCOURAGED.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1110. Use of generic drugs encouraged

“The Secretary of Defense shall ensure that, whenever feasible, each health care provider who furnishes a drug furnishes the generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act), unless the nongeneric form of the drug (as defined in section 247(b)(2) of such Act) is—

“(1) specifically ordered by the prescribing provider; or

“(2) requested by the individual for whom the drug is prescribed.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1109 the following new item:

“1110. Use of generic drugs encouraged.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any drug furnished on or after the date of enactment of this Act.

SEC. 108. APPLICATION TO FEDERAL PRISONERS.

(a) IN GENERAL.—Section 4006(b) of title 18, United States Code, is amended by adding at the end the following new paragraph:

“(3) USE OF GENERIC DRUGS ENCOURAGED.—The Attorney General shall ensure that, whenever feasible, each health care provider who furnishes a drug to a prisoner charged with or convicted of an offense against the United States furnishes the generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act), unless the nongeneric form of the drug (as defined in section 247(b)(2) of such Act) is—

“(A) specifically ordered by the prescribing provider; or

“(B) requested by the prisoner for whom the drug is prescribed.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any drug furnished on or after the date of enactment of this Act.

TITLE II—THERAPEUTIC EQUIVALENCE REQUIREMENTS FOR GENERIC DRUGS**SEC. 201. THERAPEUTIC EQUIVALENCE OF GENERIC DRUGS.**

(a) IN GENERAL.—Section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) is amended—

(1) in paragraph (5), by adding at the end the following new subparagraph:

“(E)(i) For each abbreviated application filed under paragraph (1), the Secretary shall determine whether the new drug for which the application is filed is the therapeutic equivalent of the listed drug referred to in paragraph (2)(A)(i) prior to the approval of the application.

“(ii) For purposes of clause (i), a new drug is the therapeutic equivalent of a listed drug if—

“(I) each active ingredient of the new drug and the listed drug is the same;

“(II) the new drug and the listed drug (aa) are of the same dosage form; (bb) have the same route of administration; (cc) are identical in strength or concentration; (dd) meet the same compendial or other applicable standards, except that the drugs may differ in shape, scoring, configuration, packaging, excipient, expiration time, or, subject to paragraph (2)(A)(v), labeling; and (ee) are expected to have the same clinical effect and safety profile when administered to patients under conditions specified in the labeling; and

“(III) the new drug does not (aa) present a known or potential bioequivalence problem and meets an acceptable in vitro standard; or (bb) if the new drug presents a known or potential bioequivalence problem, the drug is shown to meet an appropriate bioequivalence standard.

“(iii) With respect to a new drug for which an abbreviated application is filed under

paragraph (1), the provisions of this subparagraph shall supersede any provisions of the law of any State relating to the determination of the therapeutic equivalence of the drug to a listed drug.”; and

(2) in paragraph (7)(A), by adding at the end the following:

“(iv) The Secretary shall include in each revision of the list under clause (ii) on or after the date of enactment of this clause the official and proprietary name of each listed drug that is therapeutically equivalent to a new drug approved under this subsection during the preceding 30-day period, as determined under paragraph (5)(E).”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

TITLE III—GENERIC PHARMACEUTICALS AND MEDICARE REFORM

SEC. 301. SENSE OF THE SENATE REGARDING A PREFERENCE FOR THE USE OF GENERIC PHARMACEUTICALS UNDER THE MEDICARE PROGRAM.

It is the sense of the Senate that legislative language requiring, to the extent feasible, a preference for the safe and cost-effective use of generic pharmaceuticals should be considered in conjunction with any legislation that adds a comprehensive prescription drug benefit to the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).•

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 2502. A bill to establish in the Office of the Architect of the Capitol the position of Director of Fire Safety and Protection to assume responsibility for fire safety and protection activities of the Architect of the Capitol, and for other purposes; to the Committee on Rules and Administration.

UNITED STATES CAPITOL FIRE PROTECTION ACT

Mr. SARBANES. Mr. President, today I am introducing legislation, together with my colleague, Senator MIKULSKI, to enhance fire safety and protection in the United States Capitol and the buildings within the Capitol Complex.

Last year, in response to a request made by congressional employees under the Congressional Accountability Act of 1995, the General Counsel of the Office of Compliance conducted a fire safety inspection of the Capitol Complex. The resulting report, the Report on Fire Safety Inspections of Congressional Buildings, outlined an alarming number of fire code violations in the U.S. Capitol, as well as the House and Senate Office Buildings. The report identified significant fire code violations existing throughout every one of these buildings, including, but not limited to, “lack of fire barriers to retard the spread of fire and smoke, inadequate exit signs and exit capacity, deficient emergency lighting, limited sprinkler coverage, and dangerous storage of flammable and toxic materials.” Furthermore, in March, the Office of Compliance issued eight citations ordering the Architect of the Capitol, who is responsible for fire safety and protection within the Complex, to take action to increase fire alarm and sprinkler systems testing and improve the training of staff in the handling of hazardous materials.

My legislation seeks to address these fire code violations by improving upon the expertise and accountability of the Office of the Architect of the Capitol with regard to fire safety. The measure establishes a position to be appointed by and responsible to the Architect to meet his responsibility for fire safety and protection within the Capitol Complex. The Director of Fire Safety and Protection will work to ensure that all properties under the jurisdiction of the Architect, including the U.S. Capitol, House and Senate Office Buildings, Library of Congress, U.S. Botanical Gardens, and the Capitol Power Plant, meet the applicable codes and standards established by the National Fire Protection Association. The Director will be responsible for conducting regular inspections of the properties, as well as their fire alarm and protection systems, and training employees of the Architect of the Capitol in the proper use and maintenance of these systems and the storage of hazardous chemicals and materials. This legislation would also require the Director to make semiannual reports to the Congress on the progress of his or her efforts in making the Capitol Complex fire-safe.

As a longtime advocate for historic preservation, I want to stress that this legislation recognizes the historic nature of the buildings under the jurisdiction of the Architect and provides the Director with the flexibility necessary to ensure that the properties are preserved and rehabilitated in such a manner to retain their historical and architectural significance.

Mr. President, the United States Capitol Fire Protection Act is an important step in addressing a critical situation. I urge my colleagues to support its passage.

ADDITIONAL COSPONSORS

S. 2

At the request of Ms. LANDRIEU, her name was withdrawn as a cosponsor of S. 2, a bill to extend programs and activities under the Elementary and Secondary Education Act of 1965.

S. 344

At the request of Mr. BOND, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 344, a bill to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees.

S. 345

At the request of Mr. ALLARD, the names of the Senator from Virginia (Mr. ROBB) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 505

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr.

CLELAND) was added as a cosponsor of S. 505, a bill to give gifted and talented students the opportunity to develop their capabilities.

S. 577

At the request of Mr. HATCH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

S. 682

At the request of Mr. SMITH of Oregon, his name was added as a cosponsor of S. 682, a bill to implement the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, and for other purposes.

S. 702

At the request of Mr. HARKIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 702, a bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes.

S. 729

At the request of Mr. CRAIG, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 729, a bill to ensure that Congress and the public have the right to participate in the declaration of national monuments on federal land.

S. 832

At the request of Mr. FRIST, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 832, a bill to extend the commercial space launch damage indemnification provisions of section 70113 of title 49, United States Code.

S. 1155

At the request of Mr. ROBERTS, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1361

At the request of Mr. STEVENS, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1361, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1690

At the request of Mr. MACK, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1690, a bill to require the United States to take action to provide bilateral debt relief, and improve the provision of multilateral debt relief, in order to give a fresh start to poor countries.

S. 1921

At the request of Mr. CAMPBELL, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Ohio (Mr. VOINOVICH), the Senator from Minnesota (Mr. GRAMS) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 2044

At the request of Mr. CAMPBELL, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2044, a bill to allow postal patrons to contribute to funding for domestic violence programs through the voluntary purchase of specially issued postage stamps.

S. 2070

At the request of Mr. FITZGERALD, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2070, a bill to improve safety standards for child restraints in motor vehicles.

S. 2071

At the request of Mr. GORTON, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2071, a bill to benefit electricity consumers by promoting the reliability of the bulk-power system.

S. 2112

At the request of Mr. TORRICELLI, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2112, a bill to provide housing assistance to domestic violence victims.

S. 2183

At the request of Mr. CRAPO, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2183, a bill to ensure the availability of spectrum to amateur radio operators.

S. 2217

At the request of Mr. CAMPBELL, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2217, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

S. 2224

At the request of Mr. JEFFORDS, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2224, a bill to amend the Energy Policy and Conservation Act to encourage summer fill and fuel budgeting programs for propane, kerosene, and heating oil.

S. 2231

At the request of Mr. COVERDELL, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2231, a bill to provide for the placement at the Lincoln Memorial of a plaque

commemorating the speech of Martin Luther King, Jr., known as the "I Have A Dream" speech.

S. 2280

At the request of Mr. MCCONNELL, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2280, a bill to provide for the effective punishment of online child molesters.

S. 2287

At the request of Mr. L. CHAFEE, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2287, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environment Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 2297

At the request of Mr. CRAPO, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Colorado (Mr. ALLARD), the Senator from Vermont (Mr. LEAHY) and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 2297, a bill to reauthorize the Water Resources Research Act of 1984.

S. 2299

At the request of Mr. L. CHAFEE, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2299, a bill to amend title XIX of the Social Security Act to continue State Medicaid disproportionate share hospital (DSH) allotments for fiscal year 2001 at the levels for fiscal year 2000.

S. 2320

At the request of Mr. JEFFORDS, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2320, a bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit for health insurance costs, and for other purposes.

S. 2330

At the request of Mr. ROTH, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2365

At the request of Ms. COLLINS, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2365, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services.

S. 2367

At the request of Mr. ABRAHAM, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2367, a bill to amend the Immigration and Nationality Act to make im-

provements to, and permanently authorize, the visa waiver pilot program under the Act.

S. 2417

At the request of Mr. CRAPO, the names of the Senator from Washington (Mr. GORTON) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2417, a bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs and for other purposes.

S. 2477

At the request of Mr. GRASSLEY, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Montana (Mr. BURNS), the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2477, a bill to amend the Social Security Act to provide additional safeguards for beneficiaries with representative payees under the Old-Age, Survivors, and Disability Insurance program or the Supplemental Security Income program.

S. 2486

At the request of Mr. WARNER, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 2486, a bill to amend title 10, United States Code, to improve access to benefits under the TRICARE program; to extend and improve certain demonstration programs under the Defense Health Program; and for other purposes.

S. CON. RES. 84

At the request of Mr. WARNER, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. Con. Res. 84, a concurrent resolution expressing the sense of Congress regarding the naming of aircraft carrier CVN-77, the last vessel of the historic "Nimitz" class of aircraft carriers, as the U.S.S. LEXINGTON.

AMENDMENT NO. 3103

At the request of Mr. AKAKA, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 3103 intended to be proposed to S. 2, a bill to extend programs and activities under the Elementary and Secondary Education Act of 1965.

SENATE RESOLUTION 302—EX-PRESSING THE SENSE OF THE SENATE THAT THE HEALTH CARE FINANCING ADMINISTRATION SHOULD CONSIDER CURRENT SYSTEMS THAT PROVIDE BETTER, MORE COST EFFECTIVE EMERGENCY TRANSPORT BEFORE PROMULGATING ANY FINAL RULE REGARDING THE DELIVERY OF EMERGENCY MEDICAL SERVICES

Mr. TORRICELLI (for himself and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 302

Whereas the State of New Jersey developed and implemented a unique 2-tiered emergency medical services system nearly 25 years ago as a result of studies conducted in New Jersey about the best way to provide services to State residents;

Whereas the 2-tiered system established in New Jersey includes volunteer and for-profit emergency medical technicians who provide basic life support and hospital-based paramedics who provide advanced life support;

Whereas the New Jersey system has provided universal access for all New Jersey residents to affordable emergency services, while simultaneously ensuring that those persons in need of the most advanced care receive such care from the proper authorities;

Whereas the New Jersey system currently has an estimated 20,000 emergency medical technicians providing ambulance transportation for basic life support and advanced life support emergencies, over 80 percent of which are handled by volunteers who are not reimbursed under the medicare program under title XVIII of the Social Security Act;

Whereas the hospital-based paramedics, also known as mobile intensive care units, are reimbursed under the medicare program when they respond to advanced life support emergencies;

Whereas the New Jersey system saves the lives of thousands of New Jersey residents each year, while saving the medicare program an estimated \$39,000,000 in reimbursement fees;

Whereas when Congress requested that the Health Care Financing Administration enact changes to the emergency medical services fee schedule as a result of the Balanced Budget Act of 1997, including a general overhaul of reimbursement rates and administrative costs, it was in the spirit of streamlining the agency, controlling skyrocketing healthcare costs, and lengthening the solvency of the medicare program;

Whereas the Health Care Financing Administration is considering implementing new emergency medical services reimbursement guidelines that would destabilize or eliminate the 2-tier system that has developed in the State of New Jersey: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Health Care Financing Administration should—

(1) consider the unique nature of the emergency medical services delivery system in New Jersey when implementing new reimbursement guidelines for paramedics and hospitals under the medicare program under title XVIII of the Social Security Act; and

(2) promote innovative emergency medical service systems enacted by States that reduce reimbursement costs to the medicare program while ensuring that all residents receive quick and appropriate emergency care when needed.

Mr. TORRICELLI. Mr. President, I rise today to submit a resolution that would greatly improve the lives of thousands of New Jersey residents.

Healthcare in New Jersey has a long history of innovation and advancement. From the large number of pharmaceutical companies that create new medicines, to the hospitals and facilities where innovative therapies are developed, New Jersey remains one of the most progressive healthcare States in the country. This State was one of the first to introduce and pass a comprehensive patient's bill of rights, and one of the first to recognize the importance of expanding access to healthcare to children and low income families.

One of New Jersey's greatest innovations, and one which truly demonstrates the community based approach which has been so successful, is the development of our Emergency Medical Services (EMS) system. The current EMS system in New Jersey, which has been in place for roughly 25 years, was designed as a modern remedy to the age old problem of guaranteeing access to emergency transport, while at the same time preserving local involvement in the delivery of services and preventing skyrocketing costs.

The New Jersey EMS system accomplished all three goals by establishing a two-tiered approach to emergency transport. This two-tiered system includes volunteer and for-profit Emergency Medical Technicians (EMTs) who provide basic life support (BLS), and hospital-based paramedics, who provide advanced life support (ALS). Basic and advanced life support are differentiated by the status of the victim, with the most serious injuries, such as heart attacks, treated by ALS paramedics.

The two-tiered system has been an unqualified success in New Jersey, providing universal access for all residents to affordable emergency services, while simultaneously ensuring that those persons in need of the most advanced care receive it from the proper authorities. The system allows almost 500 local volunteer emergency medical technician (EMT) squads to blanket the entire State with quick and effective initial responses to emergencies. In the case of more serious emergencies, paramedics are strategically stationed at various hospitals throughout the State to provide secondary assistance. In either case, the EMTs will generally transport patients to the hospital with the paramedics, if necessary, along to provide care.

There are currently an estimated 20,000 EMTs providing ambulance transportation for virtually all BLS and ALS emergencies, close to 400,000 calls each year. It is estimated that over 80 percent of these calls are handled by volunteers who are not reimbursed by Medicare. In contrast, the hospital-based paramedics, also known as mobile intensive care units (MICUs), are reimbursed by Medicare when they respond to ALS emergencies, just as all other paramedics.

Unfortunately, the great success of this system would be jeopardized if the Health Care Financing Administration (HCFA) finalizes plans to implement new rules regarding the reimbursement of EMS services. The new HCFA EMS guidelines propose to only provide reimbursement to hospital-based paramedics. This would have the effect of requiring them to be the only responders to provide transport for all victims in order to be reimbursed by Medicare. This, in turn, would eliminate the two-tier structure by solely recognizing MICUs, and thus also eliminate the need for volunteer EMS units, which currently provide the bulk of the transport. Under the new rules, there would

be no incentive for EMS units to respond to calls if they know their mission has been given to MICUs.

While I applaud HCFAs intentions in releasing the new rules, which are designed to control costs by enforcing one, standardized, system throughout the country, I am dismayed by the impact this will have on New Jersey. Our system, when compared to the system HCFA is set to approve, would save an estimated \$39 million annually, due to the preponderance of BLS calls and the large number of EMS volunteers who respond to these calls. But beyond the cost savings, the elimination of EMS units would jeopardize the prompt service that New Jersey residents have come to rely on.

The resolution I am submitting today seeks to emphasize the benefits of two-tiered EMS in my State, and request that HCFA do its best to preserve this highly beneficial and cost effective system. HCFA has always been a strong supporter of measures that improve the delivery of healthcare services, while lowering the cost to taxpayers. I believe that once they have been made fully aware of the importance of this issue, the agency will act responsibly and include an exemption for New Jersey.

It is my hope that the Senate will see the importance of supporting my resolution, not just for the impact it will have on the residents of my State, but also for the statement it will make about the Health Care Financing Administration's mission.

AMENDMENTS SUBMITTED

EDUCATIONAL OPPORTUNITIES ACT

GORTON (AND OTHERS) AMENDMENT NO. 3110

Mr. GORTON (for himself, Mr. GREGG, Mr. LOTT, Mr. COVERDELL, Ms. COLLINS, and Mr. VOINOVICH) proposed an amendment to the bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965, as follows:

On page 630, strike lines 24 and 25.

On page 653, strike lines 12 through 22.

On page 654, between lines 16 and 17, insert the following:

“(12) ACHIEVEMENT GAP REDUCTIONS.—An assurance that the State will reduce by 10 percent over the 5-year term of the performance agreement, the difference between the highest and lowest performing groups of students described in section 6803(d)(5)(C) that meet the State's proficient and advanced level of performance.

“(13) SERVING DISADVANTAGED SCHOOLS AND SCHOOL DISTRICTS.—An assurance that the State will use funds made available under this part to serve disadvantaged schools and school districts.

On page 656, beginning with line 22, strike all through page 657, line 5, and insert the following:

“(9) Section 1502.

“(10) Any other provision of this Act that is not in effect on the date of enactment of

the Educational Opportunities Act under which the Secretary provides grants to States on the basis of a formula.

“(11) Section 310 of the Department of Education Appropriations Act, 2000.

On page 657, line 6, strike “(11)” and insert “(12)”.

On page 657, line 9, strike “(12)” and insert “(13)”.

On page 657, line 21, insert “that are consistent with part A of title X and” after “purposes”.

On page 665, strike lines 16 through 18, and insert the following:

“To the extent that the provisions of this part are inconsistent with part A of title X, part A of title X shall be construed as superseding such provisions.

On page 846, line 15, strike “and”.

On page 846, between lines 15 and 16, insert the following:

“(E) part H of title VI; and

On page 846, line 16, strike “(E)” and insert “(F)”.

DASCHLE (AND OTHERS) AMENDMENT NO. 3111

Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. DODD, Mr. HARKIN, Mrs. MURRAY, Mr. REED, Mr. BINGAMAN, Mr. WELLSTONE, and Mr. DURBIN) proposed an amendment to the bill, S. 2, supra; as follows:

In the committee substitute strike all after “section 1” on page 4 line 14 and insert the following:

1. SHORT TITLE.

This Act may be cited as the “Educational Excellence for All Children Act of 2000”.

SEC. 2. TABLE OF CONTENTS; REFERENCES.

(a) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents; references.
- Sec. 3. America's education goals.
- Sec. 4. Transition.
- Sec. 5. Effective dates.

TITLE I—HELPING DISADVANTAGED CHILDREN MEET HIGH STANDARDS

- Sec. 101. Policy and purpose.
- Sec. 102. Authorization of appropriations.
- Sec. 103. Reservation and allocation for school improvement.

PART A—BASIC PROGRAMS

- Sec. 111. State plans.
- Sec. 112. Local educational agency plans.
- Sec. 113. Eligible school attendance areas.
- Sec. 114. Schoolwide programs.
- Sec. 115. Targeted assistance schools.
- Sec. 116. Assessment and local educational agency and school improvement.
- Sec. 117. Assistance for school support and improvement.
- Sec. 118. Parental involvement.
- Sec. 119. Professional development.
- Sec. 120. Participation of children enrolled in private schools.
- Sec. 120A. Fiscal requirements.
- Sec. 120B. Early childhood education.
- Sec. 120C. Allocations.

PART B—EVEN START FAMILY LITERACY PROGRAMS

- Sec. 121. Even start family literacy programs.

PART C—EDUCATION OF MIGRATORY CHILDREN

- Sec. 131. Program purpose.
- Sec. 132. State application.
- Sec. 133. Comprehensive plan.
- Sec. 134. Coordination.

PART D—PARENTAL ASSISTANCE

- Sec. 141. Parental assistance.

- Sec. 142. Child opportunity zone family centers.

PART E—GENERAL PROVISIONS; COMPREHENSIVE SCHOOL REFORM; ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

- Sec. 151. General provisions; comprehensive school reform; assistance to address school dropout problems.

TITLE II—PROFESSIONAL DEVELOPMENT FOR TEACHERS

- Sec. 201. Teacher quality.
- Sec. 202. Technical assistance programs.
- Sec. 203. Grants to States for the training of principals.
- Sec. 204. Scholarships for inviting new scholars to participate in renewing education.
- Sec. 205. Mentor teacher program.
- Sec. 206. Teacher technology preparation academies.
- Sec. 207. New century program and digital education content collaborative.

TITLE III—TECHNOLOGY FOR EDUCATION

- Sec. 300. Short title.

PART A—FEDERAL LEADERSHIP AND NATIONAL ACTIVITIES

- Sec. 301. Findings.
- Sec. 302. Statement of purpose.
- Sec. 303. Prohibition against supplanting.
- Sec. 304. Repeals.
- Sec. 305. Federal leadership and national activities.
- Sec. 306. Allotment and reallocation.
- Sec. 307. Technology literacy challenge fund.
- Sec. 308. State application.
- Sec. 309. Local uses of funds.
- Sec. 310. Local applications.
- Sec. 311. Repeals; conforming changes; redesignations.
- Sec. 312. Definitions; authorization of appropriations.
- Sec. 313. Regional technology in education consortia.

PART B—STAR SCHOOLS PROGRAM; COMMUNITY TECHNOLOGY CENTERS.

- Sec. 321. Star schools program.
- Sec. 322. Community technology centers.

PART C—READY-TO-LEARN TELEVISION

- Sec. 331. Ready-to-learn television.

PART D—SPECIAL PROJECTS; NEXT-GENERATION TECHNOLOGY INNOVATION AWARDS

- Sec. 341. Special projects; next-generation technology innovation awards.

PART E—PREPARING TOMORROW'S TEACHERS TO USE TECHNOLOGY

- Sec. 351. Preparing tomorrow's teachers to use technology.

PART F—REGIONAL, STATE, AND LOCAL EDUCATIONAL TECHNOLOGY RESOURCES

- Sec. 361. Regional, State, and local educational technology resources.

TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

- Sec. 401. Amendment to the elementary and secondary education act of 1965.
- Sec. 402. Gun-free requirements.
- Sec. 403. Transfer of school disciplinary records.
- Sec. 404. Environmental tobacco smoke.

TITLE V—EDUCATIONAL OPPORTUNITY INITIATIVES

- Sec. 501. Educational opportunity initiatives.

PART A—MAGNET SCHOOLS ASSISTANCE

- Sec. 511. Magnet schools assistance.

PART B—PUBLIC CHARTER SCHOOLS

- Sec. 521. Public charter schools.

PART C—OPTIONS: OPPORTUNITIES TO IMPROVE OUR NATION'S SCHOOLS

- Sec. 531. Options: Opportunities to Improve Our Nation's Schools.

PART D—WOMEN'S EDUCATIONAL EQUITY

- Sec. 541. Women's educational equity.

PART E—TECHNICAL AND CONFORMING AMENDMENTS

- Sec. 551. Technical and conforming amendments.

TITLE VI—HIGH PERFORMANCE AND QUALITY EDUCATION INITIATIVES

- Sec. 601. High performance and quality education initiatives.
- Sec. 602. Technical and conforming amendment.

TITLE VII—BILINGUAL EDUCATION

- Sec. 701. Purpose.
- Sec. 702. Authorization of appropriations.
- Sec. 703. Repeal of program development and implementation grants.
- Sec. 703A. Performance objectives.
- Sec. 704. Program enhancement projects.
- Sec. 705. Comprehensive school and system-wide improvement grants.
- Sec. 706. Repeal of systemwide improvement grants.
- Sec. 706A. Immigrants to new americans model programs.
- Sec. 707. Applications.
- Sec. 708. Repeal of intensified instruction.
- Sec. 709. Repeal of subgrants, priority, and coordination provisions.
- Sec. 710. Evaluations.
- Sec. 711. Research.
- Sec. 712. Academic excellence awards.
- Sec. 713. State grant program.
- Sec. 714. National clearinghouse.
- Sec. 715. Instructional materials development.

- Sec. 716. Training for all teachers program.
- Sec. 717. Graduate fellowships.
- Sec. 718. Repeal of program requirements.
- Sec. 719. Program evaluations.
- Sec. 720. Special rule.
- Sec. 721. Repeal of finding relating to foreign language assistance.
- Sec. 722. Foreign language assistance applications.
- Sec. 723. Emergency immigrant education purpose.
- Sec. 724. Emergency immigrant education State administrative costs.
- Sec. 725. Conforming amendments.
- Sec. 726. Emergency immigrant education authorization of appropriations.
- Sec. 727. Coordination and reporting requirements.

TITLE VIII—IMPACT AID

- Sec. 801. Short title.
- Sec. 802. Purpose.
- Sec. 803. Payments relating to Federal acquisition of real property.
- Sec. 804. Payments for eligible federally connected children.
- Sec. 805. Sudden and substantial increases in attendance of military dependents.
- Sec. 806. School construction and facility modernization.
- Sec. 807. State consideration of payments in providing State aid.
- Sec. 808. Federal administration.
- Sec. 809. Administrative hearings and judicial review.
- Sec. 810. Forgiveness of overpayments.
- Sec. 811. Applicability.
- Sec. 812. Definitions.
- Sec. 813. Authorization of appropriations.
- Sec. 814. Technical and conforming amendment.

TITLE IX—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

- Sec. 901. Programs.
- Sec. 902. Indian school construction.
- Sec. 903. Conforming amendments.

TITLE X—PROGRAMS OF NATIONAL SIGNIFICANCE

PART A—FUND FOR THE IMPROVEMENT OF EDUCATION; ARTS IN EDUCATION

- Sec. 1001. Fund for the Improvement of Education

PART B—GIFTED AND TALENTED CHILDREN
 Sec. 1010. Gifted and talented children

PART C—HIGH SCHOOL REFORM
 Sec. 1021. High school reform.

PART D—ARTS IN EDUCATION
 Sec. 1031. Arts in education.

PART E—EXCELLENCE IN ECONOMIC EDUCATION
 Sec. 1041. Excellence in economic education.

PART F—ELEMENTARY AND SECONDARY SCHOOL LIBRARY MEDIA RESOURCES
 Sec. 1051. Elementary and secondary school library media resources.

PART G—FOREIGN LANGUAGE ASSISTANCE PROGRAM
 Sec. 1061. Foreign language assistance program.

PART H—21ST CENTURY COMMUNITY LEARNING CENTERS
 Sec. 1071. 21st Century community learning centers.

PART I—INITIATIVES FOR NEGLECTED, DELINQUENT, OR AT RISK STUDENTS
 Sec. 1081. Initiatives for neglected, delinquent, or at risk students.

PART J—NATIONAL WRITING PROJECT
 Sec. 1091. National writing project.

PART L—ADVANCED PLACEMENT PROGRAMS
 Sec. 1095. Advanced placement programs.
 Sec. 1096. Dissemination of advanced placement information.

TITLE XI—GENERAL PROVISIONS, DEFINITIONS AND ACCOUNTABILITY
 Sec. 1101. Definitions.
 Sec. 1102. Administrative funds.
 Sec. 1103. Coordination of programs.
 Sec. 1104. Waivers.
 Sec. 1105. Uniform provisions.
 Sec. 1106. Repeal.
 Sec. 1107. Evaluation and indicators.
 Sec. 1108. Coordinated services.
 Sec. 1109. Redesignations.
 Sec. 1110. Ed-flex partnerships.
 Sec. 1111. Accountability.
 Sec. 1112. America's education goals panel.

TITLE XII—PUBLIC SCHOOL REPAIR AND RENOVATION
 Sec. 1201. Public school repair and renovation.

TITLE XIII—COMPREHENSIVE REGIONAL ASSISTANCE CENTERS

TITLE XIV—AMENDMENTS TO OTHER LAWS; REPEALS

PART A—AMENDMENTS TO OTHER LAWS
 Sec. 1401. Amendments to the Stewart b. McKinney homeless assistance act.
 Sec. 1402. Amendments to other laws.

PART B—REPEALS
 Sec. 1411. Repeals.

(b) REFERENCES.—Except as otherwise expressly provided, whenever 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 a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 3. AMERICA'S EDUCATION GOALS.

(a) FINDINGS.—The Congress finds that:

(1) America's Education Goals (formerly the National Education Goals) are very ambitious, and purposely designed to set high expectations for educational performance at every stage of an individual's life, from the preschool years through adulthood.

(2) With a focus by policymakers, educators, and the public on the Goals, the Nation will be able to raise its overall level of educational achievement.

(3) Since the 1990 adoption of the National Education Goals, some progress has been

made toward achieving those Goals. Areas in which the Nation has made progress toward these Goals during the last decade include:

(A) On Goal #1, that all children will start school ready to learn, there has been an increase in the percentages of—

(i) preschool children whose parents read to them or tell them stories; and

(ii) 2-year-old children who have been fully immunized against preventable childhood diseases.

(B) On Goal #3, that all students demonstrate competency over challenging subject matter, the percentage of fourth, eighth, and twelfth grade students who meet the Goals Panel's performance standard in mathematics has increased.

(C) On Goal #5, that United States students become first in the world in mathematics and science achievement, the percentage of all college degrees awarded that are in mathematics and science has increased for all students.

(D) On Goal #7, that every school in the United States will be free of drugs, violence, and the unauthorized presence of firearms and alcohol, the percentage of students who report that they have been threatened or injured at school has decreased.

(4) Areas in which the Nation has been unsuccessful in making progress toward these Goals during the last decade include:

(A) On Goal #4, that all teachers have access to programs for the continued improvement of their professional skills, the percentage of secondary school teachers who hold a degree in the subject that is their main teaching assignment has decreased.

(B) On Goal #6, that every adult will be literate and prepared to compete in the global economy and exercise the rights of citizenship—

(i) fewer adults with a high school diploma or less, and who need additional training, are participating in adult education than individuals who have a postsecondary education; and

(ii) the difference between the percentage of Black high school graduates who complete a college degree and the percentage of white high school graduates who complete a college degree has increased.

(C) On Goal #7, that every school in the United States will be free of drugs, violence, and the unauthorized presence of firearms and alcohol—

(i) the percentage of students reporting that they have used an illicit drug, or that someone offered to sell or give them drugs, has increased;

(ii) the percentage of public school teachers who report that they were threatened or injured at school has increased; and

(iii) a higher percentage of secondary school teachers report that student disruptions in their classrooms interfere with their teaching.

(5) Because States began the 1990s at various levels of achievement with respect to each of the Goals, the time and effort needed to reach the Goals will vary from State to State and from Goal to Goal.

(6) Individual States have made significant progress toward the Goals, and some States have made progress in multiple areas. Areas in which States have made progress toward the Goals during the last decade include:

(A) With respect to Goal #1, that all children will start school ready to learn—

(i) 35 States have reduced the percentage of infants born with one or more of four health risks;

(ii) 50 States have increased the percentage of mothers receiving early prenatal care; and

(iii) 47 States have increased the percentage of children with disabilities participating in preschool.

(B) With respect to Goal #2, that at least 90 percent of all students graduate from high school—

(i) 10 States have increased the percentage of young adults who have a high school diploma; and

(ii) 3 States have reduced the percentage of students in grades 9 through 12 who leave school without completing a recognized program of secondary education.

(C) With respect to Goal #3, that all students demonstrate competency over subject matter—

(i) 27 States have increased the percentage of 8th-grade students who achieved to at least the "proficient" standard on the 1996 National Assessment of Educational Progress (NAEP) in mathematics; and

(ii) 50 States have increased the percentage of students that received a score on an Advanced Placement examination that permitted the students to earn college credits in the subject area tested.

(D) With respect to Goal #4, that all teachers have access to programs for the continued improvement of their professional skills, 17 States have increased the percentage of public school teachers who received support from a master or mentor teacher during their first year of teaching.

(E) With respect to Goal #5, that United States students become first in the world in mathematics and science achievement—

(i) 47 States have increased the percentage of all degrees that were awarded in mathematics and science;

(ii) 33 States have increased the percentage of all degrees in mathematics and science that were awarded to minority students; and

(iii) 42 States have increased the percentage of all degrees in mathematics and science that were awarded to female students.

(F) With respect to Goal #6, that every adult will be literate and prepared to compete in the global economy and exercise the rights of citizenship—

(i) 39 States have increased the percentage of high school graduates who immediately enroll in an institution of higher education; and

(ii) 10 States have increased the percentage of their citizens who registered to vote.

(G) With respect to Goal #8, that every school will promote partnerships that increase parental involvement, 17 States have increased the influence of parent associations in setting public school policies.

(7) Areas in which States have been unsuccessful in making progress toward these Goals during the 1990s include:

(A) On Goal #1, that all children will start school ready to learn, the percentage of infants born at low birthweight has increased in 32 States.

(B) On Goal #2, that at least 90 percent of all students graduate from high school, the high school dropout rate has increased in 10 States.

(C) On Goal #6, that every adult will be literate and prepared to compete in the global economy and exercise the rights of citizenship, lower percentages of students are enrolling in college immediately after high school in 11 States.

(D) On Goal #7, that every school in the United States will be free of drugs, violence, and the unauthorized presence of firearms and alcohol—

(i) student use of marijuana has increased in 16 States;

(ii) the percentage of students who report that drugs are available on school property has increased in 15 States; and

(iii) the percentage of public school teachers reporting that student disruptions in class interfere with their teaching has increased in 37 States.

(8) The continued pursuit of these Goals is necessary to ensure continued, and more evenly distributed, progress across our Nation.

(9) Federal programs and policies have contributed to States' ability to offer high-quality education to all students and have helped States to implement reforms intended to raise the achievement level of every child.

(10) Even though all the Goals have not been reached, nor accomplished to equal degrees, there is a continued need to reaffirm these Goals as a benchmark to which all students can strive and attain.

(b) AMERICA'S EDUCATION GOALS.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(1) by amending the heading for section 1 to read as follows: "**SHORT TITLE.**"; and

(2) by inserting after section 1 the following:

SEC. 2. PURPOSE.

"It is the purpose of this Act to support programs and activities that will improve the Nation's schools and enable all children to achieve high standards.

SEC. 3. AMERICA'S EDUCATION GOALS.

"(a) PURPOSE.—It is the purpose of this section to—

"(1) set forth a common set of national goals for the education of our Nation's students that the Federal Government and all States and local communities will work to achieve;

"(2) identify the Nation's highest education priorities related to preparing students for responsible citizenship, further learning, and the technological, scientific, and economic challenges of the 21st century; and

"(3) establish a framework for educational excellence at the national, State, and local levels.

"(b) AMERICA'S EDUCATION GOALS.—The Congress declares that America's Education Goals are the following:

"(1) SCHOOL READINESS.—(A) All children in America will start school ready to learn.

"(B) The objectives for this goal are that—

"(i) all children will have access to high-quality, and developmentally appropriate, preschool programs that help prepare children for school;

"(ii) every parent in the United States will be a child's first teacher, and devote time each day to helping his or her preschool child learn, and parents will have access to the training and support they need; and

"(iii) children will receive the nutrition, physical activity, and health care needed to arrive at school with healthy minds and bodies, and to maintain the mental alertness necessary to be prepared to learn, and the number of low-birthweight babies will be significantly reduced through enhanced prenatal health systems.

"(2) SCHOOL COMPLETION.—(A) The high school graduation rate will increase to at least 90 percent.

"(B) The objectives for this goal are that—

"(i) the Nation will dramatically reduce its school dropout rate, and 75 percent of the students who do drop out will successfully complete a high school degree or its equivalent; and

"(ii) the gap in high school graduation rates between American students from minority backgrounds and their non-minority counterparts will be eliminated.

"(3) STUDENT ACHIEVEMENT AND CITIZENSHIP.—(A) All students will leave grades 4, 8, and 12 having demonstrated competency over challenging subject matter including English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography, and every school in America will ensure that all stu-

dents learn to use their minds well, so they may be prepared for responsible citizenship, further learning, and productive employment in our Nation's modern economy.

"(B) The objectives for this goal are that—

"(i) the academic performance of all students at the elementary and secondary level will increase significantly in every quartile, and the distribution of minority students in each quartile will more closely reflect the student population as a whole;

"(ii) the percentage of all students who demonstrate the ability to reason, solve problems, apply knowledge, and write and communicate effectively will increase substantially;

"(iii) all students will be involved in activities that promote and demonstrate good citizenship, good health, community service, and personal responsibility;

"(iv) all students will have access to physical education and health education to ensure they are healthy and fit;

"(v) the percentage of all students who are competent in more than one language will substantially increase; and

"(vi) all students will be knowledgeable about the diverse cultural heritage of this Nation and about the world community.

"(4) TEACHER EDUCATION AND PROFESSIONAL DEVELOPMENT.—(A) The Nation's teaching force will have access to programs for the continued improvement of its professional skills and the opportunity to acquire the knowledge and skills needed to instruct and prepare all American students for the next century.

"(B) The objectives for this goal are that—

"(i) all teachers will have access to preservice teacher education and continuing professional development activities that will provide such teachers with the knowledge and skills needed to teach to an increasingly diverse student population with a variety of educational, social, and health needs;

"(ii) all teachers will have continuing opportunities to acquire additional knowledge and skills needed to teach challenging subject matter and to use emerging new methods, forms of assessment, and technologies;

"(iii) States and school districts will create integrated strategies to attract, recruit, prepare, retrain, and support the continued professional development of teachers, administrators, and other educators, so that there is a highly talented work force of professional educators to teach challenging subject matter; and

"(iv) partnerships will be established, whenever possible, among local educational agencies, institutions of higher education, parents, and local labor, business, and professional associations to provide and support programs for the professional development of educators.

"(5) MATHEMATICS AND SCIENCE.—(A) United States students will be first in the world in mathematics and science achievement.

"(B) The objectives for this goal are that—

"(i) mathematics and science education, including the metric system of measurement, will be strengthened throughout the education system, especially in the early grades;

"(ii) the number of teachers with a substantive background in mathematics and science, including the metric system of measurement, will increase; and

"(iii) the number of United States undergraduate and graduate students, especially women and minorities, who complete degrees in mathematics, science, and engineering will increase significantly.

"(6) ADULT LITERACY AND LIFELONG LEARNING.—(A) Every adult American will be literate and will possess the knowledge and skills necessary to compete in a global econ-

omy and exercise the rights and responsibilities of citizenship.

"(B) The objectives for this goal are that—

"(i) every major American business will be involved in strengthening the connection between education and work;

"(ii) all workers will have the opportunity to acquire the knowledge and skills, from basic to highly technical, needed to adapt to emerging new technologies, work methods, and markets through public and private educational, vocational, technical, workplace, or other programs;

"(iii) the number of high-quality programs, including those at libraries, that are designed to serve more effectively the needs of the growing number of part-time and midcareer students will increase substantially;

"(iv) the proportion of qualified students, especially minorities, who enter college, who complete at least two years, and who complete their degree programs will increase substantially;

"(v) the proportion of college graduates who demonstrate an advanced ability to think critically, communicate effectively, and solve problems will increase substantially; and

"(vi) schools, in implementing comprehensive parent involvement programs, will offer more adult literacy, parent training and lifelong learning opportunities to improve the ties between home and school, and enhance parents' work and home lives.

"(7) SAFE, DISCIPLINED, AND ALCOHOL- AND DRUG-FREE SCHOOLS.—(A) Every school in the United States will be free of drugs, violence, and the unauthorized presence of firearms and alcohol, and will offer a disciplined environment conducive to learning.

"(B) The objectives for this goal are that—

"(i) every school will implement a firm and fair policy on use, possession, and distribution of drugs and alcohol;

"(ii) parents, businesses, and governmental and community organizations will work together to ensure the rights of students to study in a safe and secure environment that is free of drugs and crime, and that schools provide a healthy environment and a safe haven for all children;

"(iii) every local educational agency will develop and implement a policy to ensure that all schools are free of violence and the unauthorized presence of weapons;

"(iv) every local educational agency will develop a sequential, comprehensive kindergarten through twelfth grade drug and alcohol prevention education program;

"(v) drug and alcohol curriculum will be taught as an integral part of sequential, comprehensive health education;

"(vi) community-based teams will be organized to provide students and teachers with needed support; and

"(vii) every school will work to eliminate sexual harassment.

"(8) PARENTAL PARTICIPATION.—(A) Every school will promote partnerships that will increase parental involvement and participation in promoting the social, emotional, and academic growth of children.

"(B) The objectives for this Goal are that—

"(i) every State will develop policies to assist local schools and local educational agencies to establish programs for increasing partnerships that respond to the varying needs of parents and the home, including parents of children who are disadvantaged, limited English proficient, or have disabilities;

"(ii) every school will actively engage parents and families in a partnership that supports the academic work of children at home and shared educational decisionmaking at school; and

“(iii) parents and families will help to ensure that schools are adequately supported and will hold schools and teachers to high standards of accountability.”.

SEC. 4. TRANSITION.

(a) ACTIONS OF THE SECRETARY.—The Secretary shall take such steps as the Secretary determines to be appropriate to provide for the orderly transition of programs and activities under the Elementary and Secondary Education Act of 1965, as amended by the Educational Excellence for All Children Act of 2000, from programs and activities under the Elementary and Secondary Education Act of 1965, as such Act was in effect on the date before the date of enactment of this Act.

(b) ACTIONS OF FUNDING RECIPIENTS.—A recipient of funds under the Elementary and Secondary Education Act of 1965, as such Act was in effect the date before the date of enactment of this Act, may use such funds to carry out necessary and reasonable planning and transition activities in order to ensure a smooth implementation of programs and activities under such Act, as amended by this Act.

SEC. 5. EFFECTIVE DATES.

The provisions of this Act shall take effect on July 1, 2000, except that—

(1) those amendments that pertain to programs under the Elementary and Secondary Education Act of 1965 that are conducted by the Secretary on a competitive basis, and the amendments made by [title VIII of this Act,] shall take effect with respect to appropriations for use under those programs for fiscal year 2001 and subsequent fiscal years; and

(2) section 4 of this Act shall take effect upon enactment.

TITLE I—HELPING DISADVANTAGED CHILDREN MEET HIGH STANDARDS

SEC. 101. POLICY AND PURPOSE.

Section 1001 (20 U.S.C. 6301) is amended to read as follows:

“SEC. 1001. STATEMENT OF PURPOSE.

“The purpose of this title is to enable schools to provide opportunities for children served under this title to acquire the knowledge and skills contained in the challenging State content standards and to meet the challenging State student performance standards developed for all children. This purpose should be accomplished by—

“(1) ensuring high standards for all children and aligning the efforts of States, local educational agencies, and schools to help children served under this title to reach such standards;

“(2) providing children an enriched and accelerated educational program, including the use of schoolwide programs or additional services that increase the amount and quality of instructional time so that children served under this title receive at least the classroom instruction that other children receive;

“(3) promoting schoolwide reform and ensuring access of children (from the earliest grades, including prekindergarten) to effective instructional strategies and challenging academic content that includes intensive complex thinking and problem-solving experiences;

“(4) significantly elevating the quality of instruction by providing staff in participating schools with substantial opportunities for professional development;

“(5) coordinating services under all parts of this title with each other, with other educational services, and to the extent feasible, with other agencies providing services to youth, children, and families that are funded from other sources;

“(6) affording parents substantial and meaningful opportunities to participate in

the education of their children at home and at school;

“(7) distributing resources in amounts sufficient to make a difference to local educational agencies and schools where needs are greatest;

“(8) improving and strengthening accountability, teaching, and learning by using State assessment systems designed to measure how well children served under this title are achieving challenging State student performance standards expected of all children;

“(9) providing greater decisionmaking authority and flexibility to schools and teachers in exchange for greater responsibility for student performance; and

“(10) giving attention to the role technology can play in professional development and improved teaching and learning.”.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Section 1002 (20 U.S.C. 6302) is amended—

(1) in subsection (a), by striking “\$7,400,000,000 for fiscal year 1995” and inserting “\$15,000,000,000 for fiscal year 2001”;

(2) in subsection (b), by striking “\$118,000,000 for fiscal year 1995” and inserting “\$500,000,000 for fiscal year 2001”;

(3) in subsection (c), by striking “\$310,000,000 for fiscal year 1995” and inserting “\$400,000,000 for fiscal year 2001”;

(4) by amending subsection (d) to read as follows:

“(d) PARENTAL ASSISTANCE; LOCAL FAMILY INFORMATION CENTERS.—

“(1) IN GENERAL.—For the purpose of carrying out part D, there are authorized to be appropriated \$70,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

“(2) RESERVATION.—Of the amount appropriated under paragraph (1) for a fiscal year—

“(A) the Secretary shall reserve \$50,000,000 to carry out part D, other than section 1403A; and

“(B) in the case of any amounts appropriated in excess of \$50,000,000 for such fiscal year, the Secretary shall allocate an amount equal to—

“(i) 85 percent of such excess to carry out section 1403A; and

“(ii) 15 percent of such excess to carry out part D, other than section 1403A.”;

(5) by amending subsection (e) to read as follows:

“(e) CAPITAL EXPENSES.—For the purpose of carrying out section 1120(e), there are authorized to be appropriated \$15,000,000 for fiscal year 2001, \$15,000,000 for fiscal year 2002, and \$5,000,000 for fiscal year 2003.”;

(6) in subsection (f), by striking “1996 and each of the three” and inserting “2001 and each of the four”;

(7) by amending subsection (g) to read as follows:

“(g) FEDERAL ACTIVITIES.—

“(1) SECTION 1501.—For the purpose of carrying out section 1501, there are authorized to be appropriated \$10,000,000 for fiscal year 2001 and such sums as may be necessary for each of the four succeeding fiscal years.

“(2) SECTION 1502.—For the purpose of carrying out section 1502 there are authorized to be appropriated \$25,000,000 for fiscal year 2001 and such sums as may be necessary for each of the four succeeding fiscal years.”; and

(8) by adding at the end the following:

“(h) COMPREHENSIVE SCHOOL REFORM.—For the purpose of carrying out part F, there are authorized to be appropriated \$200,000,000 for fiscal year 2001 and such sums as may be necessary for each of the four succeeding fiscal years.”.

SEC. 103. RESERVATION AND ALLOCATION FOR SCHOOL IMPROVEMENT.

Section 1003 (20 U.S.C. 6303) is amended to read as follows:

“SEC. 1003. RESERVATIONS FOR ACCOUNTABILITY AND SCHOOL IMPROVEMENT.

“(a) STATE RESERVATIONS.—

“(1) AMOUNTS RESERVED.—Each State educational agency receiving funds under part A shall reserve 3 percent of such amount for each of fiscal years 2001 and 2002, and 5 percent of such amount for each of fiscal years 2003 through 2005, to—

“(A) make allotments under paragraph (2); and

“(B) carry out the State educational agency’s responsibilities under sections 1116 and 1117, including establishing and supporting the State educational agency’s statewide system of technical assistance and support for local educational agencies.

“(2) ALLOTMENTS TO LOCAL EDUCATIONAL AGENCIES.—

“(A) IN GENERAL.—From the amount reserved under paragraph (1) for a fiscal year, a State educational agency shall allot not less than 80 percent of such amount to local educational agencies within the State. In making allotments under this paragraph, the State educational agency shall give first priority to schools and local educational agencies identified for corrective action or in need of improvement under section 1116(c)(5).

“(B) USE OF FUNDS.—Each local educational agency receiving an allotment under subparagraph (A) shall use the allotment to—

“(i) carry out effective corrective action in the local educational agency or the schools identified for corrective action, as the case may be; or

“(ii) achieve substantial improvement in the performance of the schools identified for school improvement.

“(b) NATIONAL ACTIVITIES.—From the total amount appropriated for a fiscal year to carry out this title, the Secretary may reserve not more than 0.30 percent to conduct evaluations and studies, collect data, and carry out other activities.”.

PART A—BASIC PROGRAMS

SEC. 111. STATE PLANS.

Section 1111 (20 U.S.C. 6311) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “the Goals 2000: Educate America Act,” and inserting “the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Head Start Act,”; and

(ii) by striking “14306” and inserting “6506”; and

(B) in paragraph (2), by striking “14302” and inserting “6502”;

(2) in subsection (b)—

(A) in the heading, by striking ‘AND ASSESSMENTS’ and inserting ‘, ASSESSMENTS, AND ACCOUNTABILITY’;.”.

(B) in paragraph (1)—

(i) by amending subparagraph (B) to read as follows:

“(B) The standards described in subparagraph (A) shall be the same standards that the State applies to all schools and children in the State.”; and

(ii) by amending subparagraph (C) to read as follows:

“(C) The State shall have the standards described in subparagraph (A) for elementary school and secondary school children served under this part in subjects determined by the State that include at least mathematics, and reading or language arts, and such standards shall require the same knowledge, skills, and levels of performance for all children.”;

(C) by amending paragraph (2) to read as follows:

“(2) YEARLY PROGRESS.—

“(A) IN GENERAL.—Each State plan shall specify what constitutes adequate yearly

progress in student achievement, under the State's accountability system described in paragraph (3), for each school, local educational agency, and State receiving funds under this part.

“(B) SCHOOLS.—The yearly progress specified in the State plan for schools shall—

“(i) be based on the standards described in paragraph (1) and the valid and reliable assessments aligned to State standards described in paragraph (3), and shall, based on the assessments required under section 1111, include specific numerical yearly progress requirements in each subject and grade included in the State assessments;

“(ii) be defined in a manner that is based on performance on the assessments carried out under this section;

“(iii) compare separately, within the State as a whole, for each local educational agency and each school, the performance and progress of students by each major ethnic and racial group, by English proficient status, and by economically disadvantaged students as compared to nondisadvantaged students (except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal individually identifiable information about individual students);

“(iv) compare the proportion of students at the basic, proficient, and advanced levels of performance with the proportion of students at each of the 3 levels in the same grade in the previous year;

“(v) the numerical goal required in clause (i) for each group of students specified in clause (ii) shall be based on a timeline that ensures that all students in each group of students reach or exceed the proficient level of performance on the assessments required by section 1111 within 10 years of the effective date of this subparagraph; and

“(vi) at the State's discretion, may also include other academic measures such as grade-to-grade promotion rates, rates of completion of the college preparatory curriculum, and 4-year high school completion rates, except that, if a State elects to include such additional indicators, the data for all such indicators shall in all cases be disaggregated as required by clause (ii) and shall not change which schools or local educational agencies would be subject to improvement or corrective action if the discretionary indicators were not included.

“(C) LOCAL EDUCATIONAL AGENCIES.—For a local educational agency to make adequate yearly progress in the first year after the effective date of the Educational Excellence for All Children Act of 2000, not less than 90 percent of the schools within the agency's jurisdiction shall meet their adequate yearly progress goals.

“(D) STATES.—For a State educational agency to make adequate yearly progress in the first year after the effective date of the Educational Excellence for All Children Act of 2000, not less than 90 percent of the local educational agencies within the State educational agency's jurisdiction shall be making adequate yearly progress.

“(E) SCHOOLS.—For an elementary or a secondary school to make adequate yearly progress, not less than 90 percent of each group of students for which data is disaggregated who are enrolled in such school shall have participated in the administration of any State required assessment.”;

(D) in paragraph (3)—
(i) in the matter preceding subparagraph (A)—

(I) by striking “developed or adopted” and inserting “in place”; and

(II) by inserting “, not later than the school year 2000-2001,” after “will be used”;

(ii) in subparagraph (F)—

(I) in clause (ii), by striking “and” after the semicolon;

(II) in clause (iii), by inserting “and” after the semicolon; and

(III) by adding at the end the following:

“(iv) the use of assessments written in Spanish for the assessment of Spanish speaking students with limited English proficiency, if Spanish language assessments are more likely than English language assessments to yield accurate and reliable information regarding what those students know and can do in content areas other than English;

“(v) notwithstanding clauses (iii) and (iv), the assessment (using tests written in English) of reading or language arts of any student who has attended school in the United States (excluding the Commonwealth of Puerto Rico) for 3 or more consecutive years for the purpose of school accountability; and

“(vi) a report from each local educational agency that indicates the number and percentage of students excluded from each assessment at each school, including, where statistically sound, disaggregated in accordance with section 1111(b)(3)(I), except that a local educational agency shall be prohibited from providing such information in any case in which to do so would reveal the identity of any individual student;”;

(iii) by amending subparagraph (H) to read as follows:

“(H) provide individual student interpretive and descriptive reports, which shall include scores or other information on the attainment of student performance standards, such as measures of student course work over time, student attendance rates, student dropout rates, and student participation in advanced level courses;”;

(E) in paragraph (5) by striking “through the Office of Bilingual Education and Minority Languages Affairs” and inserting “, but shall not mandate a specific assessment or mode of instruction”;

(F) by striking paragraph (7);

(G) by redesignating paragraphs (4), (5), (6), and (8) as paragraphs (8), (9), (10), and (12), respectively;

(H) by inserting after paragraph (3) the following:

“(4) ACCOUNTABILITY.—

“(A) IN GENERAL.—Each State plan shall demonstrate that the State has developed and is implementing a statewide accountability system that is or will be effective in substantially and continually increasing the numbers and percentages of all students, including the lowest performing students, economically disadvantaged students, disabled students, and students with limited proficiency in English, who meet the State's proficient and advanced levels of performance within 10 years of the date of enactment of the Educational Excellence for All Children Act of 2000. Each State accountability system shall—

“(i) be the same accountability system the State uses for all schools or all local educational agencies in the State, if the State has an accountability system for all schools or all local educational agencies in the State;

“(ii) hold local educational agencies and schools accountable for student achievement in at least reading, mathematics, and, not later than the 2005-2006 school year, science, and in any other subjects that the State may choose; and

“(iii) identify schools and local educational agencies for improvement or corrective action based on failure to make adequate yearly progress as defined in the State plan pursuant to section 1111(b)(2).

“(B) NEED OF IMPROVEMENT; CORRECTIVE ACTION.—The accountability system described in subparagraph (A) and described in the State plan shall also include a procedure for identifying local educational agencies and schools in need of improvement, intervening in those schools, and (when those interventions are not effective) implementing corrective actions not later than 3 years after first identifying such agency or school, that—

“(i) complies with sections 1116 and 1117, including the provision of technical assistance, professional development, and other capacity-building as needed, to ensure that schools and local educational agencies so identified have the resources, skills, and knowledge needed to carry out their obligations under sections 1114 and 1115 and to meet the requirements for adequate yearly progress described in paragraph (2); and

“(ii) includes rigorous criteria for identifying those agencies and schools based on failure to make adequate yearly progress in student performance in accordance with section 1111(b)(2).

“(5) PUBLIC NOTICE AND COMMENT.—Each State plan shall contain assurances that—

“(A) in developing the State plan for annual yearly progress, the State diligently sought public comment from a range of institutions and individuals in the State with an interest in improved student achievement; and

“(B) the State will ensure that information regarding this part is widely known and understood by citizens, parents, teachers, and school administrators throughout the State, by publication in a widely read or distributed medium.

“(6) ANNUAL REVIEW.—States shall annually submit to the Secretary information, as part of the State's consolidated report, on the progress of schools and local educational agencies in meeting adequate yearly progress, including the number and names of schools and local educational agencies identified for improvement and corrective action under section 1116, the steps taken to address the performance problems of such schools and local educational agencies, and the number and names of schools that are no longer identified for purposes of determining State and local compliance with section 1116.

“(7) STATE AUTHORITY.—If a State educational agency provides evidence that is satisfactory to the Secretary that neither the State educational agency nor any other State government official, agency, or entity has sufficient authority under State law to adopt curriculum content and student performance standards, and assessments aligned with such standards, that will be applicable to all students enrolled in the State's public schools, then the State educational agency may meet the requirements of this subsection by—

“(A) adopting curriculum content and student performance standards and assessments that meet the requirements of this subsection, on a statewide basis, and limiting the applicability of such standards and assessments to students served under this part; or

“(B) adopting and implementing policies that ensure that each local educational agency within a State receiving a grant under this part will adopt curriculum content and student performance standards and assessments—

“(i) that are aligned with the standards described in paragraph (1)(A); and

“(ii) that meet the criteria in this subsection and any regulations regarding such standards and assessments that the Secretary may publish and that are applicable to all students served by each such local educational agency.

“(8) PENALTIES.—

“(A) INELIGIBILITY FOR RESERVATIONS.—If a State fails to meet the deadlines described in paragraphs (1)(C) and (6) for demonstrating that the State has in place high-quality State content and student performance standards, aligned assessments, and a system for measuring and monitoring adequate yearly progress, including the ability to disaggregate student achievement data for the assessments required under section 1111 for each of the student groups specified in section 1111(b)(2)(B)(iii) at the State, local educational agency, and school levels, then the State shall be ineligible to reserve any administrative funds under section 1003 for the succeeding fiscal year that exceed the amount so reserved for such purposes by the State for the fiscal year preceding the fiscal year for which the determination is made.

“(B) WITHHOLDING ADMINISTRATIVE FUNDS.—

“(i) IN GENERAL.—Except as described in clause (ii), if a State fails to meet the deadlines described in paragraphs (1)(C) and (6) for a fiscal year, then the Secretary may withhold funds made available under this part for administrative expenses for the succeeding fiscal year in such amount as the Secretary determines appropriate.

“(ii) SPECIAL RULE.—For each succeeding fiscal year for which a State fails to meet the deadlines described in paragraphs (1) and (6) after the fiscal year described in clause (i), the Secretary shall withhold not less than ½ of the funds made available under this part for administrative expenses for the fiscal year.

“(C) ED-FLEX DESIGNATION.—A State that has not developed challenging State assessments that are aligned to challenging State content standards, in at least mathematics and reading or language arts by school year 2000–2001 is not eligible for Ed-Flex designation under the Education Flexibility Partnership Act of 1999 and shall be subject to such other penalties as are provided by law for the violation of this Act.”;

(3) in subsection (c)—

(A) in paragraph (1)(B)—

(i) by striking “1119 and” and inserting “1119,”; and

(ii) by inserting “, and parental involvement under section 1118” after “1117”;

(B) by redesignating paragraphs (5) and (6) as paragraphs (8) and (9), respectively;

(C) by inserting after paragraph (4) the following:

“(5) the State educational agency will inform the Secretary and the public regarding how Federal laws hinder, if at all, the ability of States to hold local educational agencies and schools accountable for student academic performance;

“(6) the State educational agency will inform the Secretary and the public regarding how the State educational agency is reducing, if necessary, State fiscal, accounting, and other barriers to local school and school district reform, including barriers to implementing schoolwide programs;

“(7) the State educational agency will inform local educational agencies of the local educational agencies’ ability to obtain waivers under part F of title VI and, if the State is an Ed-Flex Partnership State, waivers under the Educational Flexibility Partnership Act of 1999 (20 U.S.C. 5891a et seq.);”;

(D) by amending paragraph (9) (as so redesignated) to read as follows:

“(9) the State will coordinate activities funded under this part with other Federal activities as appropriate.”;

(4) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively;

(5) by inserting after subsection (c) the following:

“(d) PARENTAL INVOLVEMENT.—Each State plan shall demonstrate that the State will support, in collaboration with the regional educational laboratories, the collection and dissemination to local educational agencies and schools of effective parental involvement practices. Such practices shall—

“(1) be based on the most current research on effective parental involvement that fosters achievement to high standards for all children; and

“(2) be geared toward lowering barriers to greater participation in school planning, review, and improvement experienced by parents.”;

(6) in subsection (e)(1)(B) (as so redesignated), by inserting “, and who are familiar with educational standards, assessments, accountability, and other diverse educational needs of students” before the semicolon;

(7) in subsection (h) (as so redesignated), by striking “1998” and inserting “2005”; and

(8) by adding at the end the following:

“(i) PRIVACY.—Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals.

SEC. 112. LOCAL EDUCATIONAL AGENCY PLANS.

Section 1112 (20 U.S.C. 6312) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “the Goals” and all that follows through “section 14306” and inserting “the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Head Start Act, and other Acts, as appropriate”; and

(B) in paragraph (2), by striking “14304” and inserting “6504”;

(2) in subsection (b)—

(A) in paragraph (3), by inserting “, which strategy shall be coordinated with activities under title II if the local educational agency receives funds under title II” before the semicolon;

(B) in paragraph (4)—

(i) in subparagraph (A)—

(I) by striking “programs, vocational” and inserting “programs and vocational”; and

(II) by striking “, and school-to-work transition programs”; and

(ii) in subparagraph (B)—

(I) by striking “served under part C” and all that follows through “1994”; and

(II) by striking “served under part D”; and

(C) by amending paragraph (9) to read as follows:

“(9) where appropriate, a description of how the local educational agency will use funds under this part to support early childhood education programs under section 1120B.”;

(3) by amending subsection (c) to read as follows:

“(c) ASSURANCES.—Each local educational agency plan shall provide assurances that the local educational agency will—

“(1) inform eligible schools and parents of schoolwide project authority;

“(2) provide technical assistance and support to schoolwide programs;

“(3) ensure, through incentives for voluntary transfers, the provision of professional development, and recruitment programs, that low-income students and minority students are not taught at higher rates than other students by unqualified, out-of-field or inexperienced teachers;

“(4) work in consultation with schools as the schools develop the schools’ plans pursuant to section 1114 and assist schools as the schools implement such plans or undertake activities pursuant to section 1115 so that each school can make adequate yearly progress toward meeting the State content standards and State student performance standards;

“(5) fulfill such agency’s school improvement responsibilities under section 1116, including taking corrective actions under section 1116(c)(5);

“(6) work in consultation with schools as the schools develop and implement their plans or activities under sections 1118 and 1119;

“(7) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with other agencies providing services to children, youth, and families, including health and social services;

“(8) provide services to eligible children attending private elementary and secondary schools in accordance with section 1120, and timely and meaningful consultation with private school officials regarding such services;

“(9) take into account the experience of model programs for the educationally disadvantaged, and the findings of relevant research indicating that services may be most effective if focused on students in the earliest grades at schools that receive funds under this part;

“(10) comply with the requirements of section 1119 regarding professional development;

“(11) inform eligible schools of the local educational agency’s authority to obtain waivers on the school’s behalf under part F of title VI, and if the State is an Ed-Flex Partnership State, waivers under the Education Flexibility Partnership Act of 1999;

“(12) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with other agencies providing services to children, youth, and families.”; and

(4) in subsection (d)(1)—

(A) by striking “and pupil” and inserting “pupil”;

(B) by striking “and parents” and inserting “parents”; and

(C) by inserting “, and students (as developmentally appropriate)” before the semicolon; and

(5) in subsection (e)—

(A) in paragraph (1), by striking “, except that” and all that follows through “finally approved by the State educational agency”; and

(B) in paragraph (3)—

(i) by striking “professional development”; and

(ii) by striking “section 1119” and inserting “sections 1118 and 1119”.

SEC. 113. ELIGIBLE SCHOOL ATTENDANCE AREAS.

Section 1113(b)(1) (20 U.S.C. 6313(b)(2)) is amended—

(1) in subparagraph (B), by striking “and” after the semicolon;

(2) in subparagraph (C)(iii), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(D) designate and serve a school attendance area or school that is not an eligible school attendance area under subsection (a)(2), but that was an eligible school attendance area and was served in the fiscal year preceding the fiscal year for which the determination is made, but only for 1 additional fiscal year.”.

SEC. 114. SCHOOLWIDE PROGRAMS.

Section 1114 (20 U.S.C. 6314) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—A local educational agency may use funds under this part, together with other Federal, State, and local funds, to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less

than 40 percent of the children are from low-income families, or not less than 40 percent of the children enrolled in the school are from such families, for the initial year of the schoolwide program.”; and

(B) in paragraph (4)—

(i) by amending the heading to read as follows: “EXEMPTION FROM STATUTORY AND REGULATORY REQUIREMENTS.—”; and

(ii) by adding at the end the following:

“(C) A school that chooses to use funds from such other programs under this section shall not be required to maintain separate fiscal accounting records, by program, that identify the specific activities supported by those particular funds as long as the school maintains records that demonstrate that the schoolwide program, considered as a whole, addresses the intent and purposes of each of the programs that were consolidated to support the schoolwide program.”; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B)(vii), by striking “, if any, approved under title III of the Goals 2000: Educate America Act”; and

(ii) in subparagraph (E), by striking “, such as family literacy services” and inserting “(including activities described in section 1118), such as family literacy services, in-school volunteer opportunities, or parent membership on school-based leadership or management teams.”; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking “Improving America’s Schools Act of 1994” and inserting “Educational Excellence for All Children Act of 2000”; and

(II) in clause (iv), by inserting “in a language the family can understand” after “results”; and

(ii) in subparagraph (C)—

(I) in clause (i)(II), by striking “Improving America’s Schools Act of 1994” and inserting “Educational Excellence for All Children Act of 2000”; and

(II) in clause (v), by striking “the School-to-Work Opportunities Act of 1994” and inserting “part C of title II”.

SEC. 115. TARGETED ASSISTANCE SCHOOLS.

Section 1115 (20 U.S.C. 6315) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)(ii), by striking “, yet” and all that follows through “setting”; and

(B) in paragraph (2)—

(i) in subparagraph (B), insert “or in early childhood education services under this title,” after “program,”; and

(ii) in subparagraph (C)(i), by striking “under part D (or its predecessor authority)”;

(2) in subsection (c)(1)—

(A) by amending subparagraph (G) to read as follows:

“(G) provide opportunities for professional development with resources provided under this part, and to the extent practicable, from other sources, for teachers, principals, administrators, paraprofessionals, pupil services personnel, and parents, who work with participating children in programs under this section or in the regular education program; and”; and

(B) in subparagraph (H), by striking “, such as family literacy services” and inserting “(including activities described in section 1118), such as family literacy services, in-school volunteer opportunities, or parent membership on school-based leadership or management teams.”.

SEC. 116. ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.

Section 1116 (20 U.S.C. 6317) is amended—

(1) by amending subsection (a) to read as follows:

“(a) LOCAL REVIEW.—

“(1) IN GENERAL.—Each local educational agency receiving funds under this part shall—

“(A) use the State assessments described in the State plan;

“(B) use any additional measures or indicators described in the local educational agency’s plan to review annually the progress of each school served under this part to determine whether the school is meeting, or making adequate progress as defined in section 1111(b)(2) toward enabling its students to meet the State’s student performance standards described in the State plan; and

“(C) provide the results of the local annual review, including disaggregated results, to schools so that the schools can continually refine the program of instruction to help all children served under this part in those schools meet the State’s student performance standards.

“(2) LOCAL REPORTS.—(A) Following the annual review specified in paragraph (1)(B), each local educational agency receiving funds under this part shall prepare and disseminate an annual performance report regarding each school that receives funds under this part. The report, at a minimum, shall include information regarding—

“(i) each school’s performance in making adequate yearly progress and whether the school has been identified for school improvement;

“(ii) the progress of each school in enabling all students served under this part to meet the State-determined levels of performance, including the progress of economically disadvantaged students and limited English proficient students, except that this clause shall not apply to a State if the State demonstrates that the State has a statistically insignificant number of economically disadvantaged or limited English proficient students; and

“(iii) any other information the local educational agency determines appropriate (such as information on teacher quality, school safety, and drop-out rates).

“(B) The local educational agency shall publicize and disseminate the report to teachers and other staff, parents, students, and the community. Such report shall be concise and presented in a format and manner that parents can understand. The local educational agency may issue individual school performance reports directly to teachers and other staff, parents, students, and the community, or the local educational agency may publicize and disseminate the report through a widely read or distributed medium, such as posting on the Internet or distribution to the media.

“(C) Information collected and reported under this section shall be collected and disseminated in a manner that protects the privacy of individuals.

“(D) In the case of a local educational agency for which the State report described in section 1116(d) contains data about an individual school served by the local educational agency that is equivalent to the data required by this subsection, such local educational agency shall not be required to prepare or distribute a report regarding such school under this paragraph.”;

(2) by amending subsection (c) to read as follows:

“(c) SCHOOL IMPROVEMENT.—

“(1) IN GENERAL.—(A) A local educational agency shall identify for school improvement any school served under this part that for 2 consecutive years failed to make adequate yearly progress as defined in the State’s plan in section 1111, except that in the case of a targeted assistance program under section 1115, a local educational agency may review the progress of only those

students in such school who are served under this part.

“(B) The 2 year period described in clause (i) shall include any continuous period of time immediately preceding the date of enactment of the Education Opportunities Act, during which a school did not make adequate yearly progress as defined in the State’s plan, as such plan was in effect on the day preceding the date of such enactment.

“(C) Before identifying a school for school improvement under subparagraph (A), the local educational agency shall provide the school with an opportunity to review the school-level data, including assessment data, on which such identification is based. The review period shall not exceed 30 days, and at the end of the review period the local educational agency shall make a final determination as to the school improvement status of the school. If the school believes that such identification for school improvement is in error for statistical or other substantive reasons, such school may provide evidence to the local educational agency to support such belief.

“(2) SCHOOL PLAN.—(A) Each school identified under paragraph (1), in consultation with parents, the local educational agency, and the school support team or other outside experts, and if the plan relates to a secondary school, students from such school, shall revise a school plan that addresses the fundamental teaching and learning needs in the school and—

“(i) describes the specific achievement problems to be solved;

“(ii) includes research-based strategies, supported with specific goals and objectives, that have the greatest likelihood of improving the performance of participating children in meeting the State’s student performance standards;

“(iii) explains how those strategies will work to address the achievement problems identified under clause (i);

“(iv) addresses the need for high-quality staff by working to ensure that teachers in programs supported with funds under this part are fully qualified;

“(v) addresses the professional development needs of instructional staff by committing to spend not less than 10 percent of the funds received by the school under this part during 1 fiscal year for professional development, which professional development shall increase the content knowledge of teachers and build the capacity of the teachers to align classroom instruction with challenging content standards and to bring all students to proficient or advanced levels of performance as determined by the State;

“(vi) identifies specific goals and objectives the school will undertake for making adequate yearly progress, including specific numerical performance goals and targets that are high enough to ensure that all groups of students specified in section 1111(b)(2) meet or exceed the proficient levels of performance in each subject area within 10 years of the date of enactment of the Educational Excellence for All Children Act of 2000;

“(vii) specifies the responsibilities of the school and the local educational agency, including how the local educational agency will hold the school accountable for, and assist the school in, meeting the school’s obligations to provide enriched and accelerated curricula, effective instructional methods, high quality professional development, and timely and effective individual assistance, in partnership with parents; and

“(viii) includes strategies to promote effective parental involvement in the school.

“(B) The school shall submit the plan or revised plan to the local educational agency

for approval within 3 months of being identified. The local educational agency shall promptly subject the plan to a review process, work with the school to revise the plan as necessary, and approve the plan within 1 month of submission. The school shall implement the plan as soon as the plan is approved.

“(3) PARENTAL NOTIFICATION.—Each school identified under paragraph (1) shall in understandable language and form, promptly notify the parents of each student enrolled in the school that the school was designated by the local educational agency as needing improvement and provide with the notification—

“(A) the reasons for such designation;

“(B) information about opportunities for parents to participate in the school improvement process; and

“(C) an explanation of the option afforded to parents, pursuant to paragraph (6), to transfer their child to another public school, including a public charter school, that is not identified for school improvement.

“(4) TECHNICAL ASSISTANCE.—(A) For each school identified for school improvement under paragraph (1), the local educational agency shall provide technical assistance as the school develops and implements its plan. Such technical assistance shall include effective methods and research-based instructional strategies.

“(B) Such technical assistance shall be designed to strengthen the core academic program for the students served under this part and addresses specific elements of student performance problems, including problems, if any, in implementing the parental involvement requirements described in section 1118, the professional development requirements described in section 1119, and the responsibilities of the school and local educational agency under the school plan. Such technical assistance will be designed to strengthen the core academic program for the students served under this part and address specific elements of student performance problems, including problems, if any, in implementing the parental involvement requirements in section 1118 and the professional development provisions in section 1119, and the responsibilities of the school and local educational agency under the plan.

“(5) CORRECTIVE ACTION.—In order to help students served under this part meet challenging State standards, each local educational agency shall implement a system of corrective action in accordance with the following:

“(A) IN GENERAL.—After providing technical assistance under paragraph (6), the local educational agency may take corrective action at any time with respect to a school that has been identified under paragraph (1), but shall take corrective action with respect to any school that fails to make adequate yearly progress, as defined by the State, at the end of the second year following the school’s identification under paragraph (1) and shall continue to provide technical assistance while instituting any corrective action under clause (i) or (ii) of subparagraph (B).

“(B) DEFINITION OF CORRECTIVE ACTION.—In this paragraph, the term ‘corrective action’ means action, consistent with State and local law, that—

“(i) substantially and directly responds to the consistent academic failure that caused the local educational agency to take such action and to any underlying staffing, curricular, or other problems in the school; and

“(ii) is designed to substantially increase the likelihood that students will perform at the proficient and advanced levels.

“(C) ACTIONS DESCRIBED.—In the case of a school described in subparagraph (A), the

local educational agency shall take not less than 1 of the following corrective actions:

“(i) Deferring, reducing, or withholding title I funds.

“(ii) Instituting and fully implementing a new curriculum, including appropriate professional development for all relevant staff, that is supported by valid and reliable evidence of effectiveness, and offers substantial promise of improving educational achievement for low-performing students.

“(iii) Restructuring the school, such as by—

“(I) making alternative governance arrangements (such as the creation of a public charter school); and

“(II) creating schools within schools or other small learning environments.

“(iv) Redesign the school by reconstituting all or part of the school staff.

“(v) Eliminating the use of noncredentialed teachers.

“(vi) Closing the school.

“(D) REQUIRED ACTION.—A local educational agency shall take corrective action with respect to a school identified for corrective action under subparagraph (A)(ii). The corrective action shall—

“(i) change the school’s administration or governance by the means specified in clause (ii), (iii), (iv), (v), or (vi) of subparagraph (B); and

“(ii) provide to relevant staff professional development that is supported by valid and reliable evidence of effectiveness, offers substantial promise of improving student educational achievement and is directly related to the content areas in which each teacher is providing instruction and the State’s content and performance standards for that subject area.

“(E) PARENTAL CHOICE.—Where a local educational agency has identified a school for corrective action under subparagraph (A)(ii), the agency shall provide all students enrolled in the school with the option to transfer to another public school within the area served by the local educational agency that has not been identified for school improvement and provide such students transportation, subject to the following requirements:

“(i) Such transfer must be consistent with State or local law.

“(ii) If the local educational agency cannot accommodate the request of every student, it shall permit as many students as possible to transfer, with such students being selected on a nondiscriminatory and equitable basis.

“(iii) The local educational agency may use not more than 10 percent of the funds the local educational agency receives through the State reservation under section 1003(a)(2) to provide transportation to students whose parents choose to transfer their child or children to a different school.

“(iv) If all public schools in the local educational agency to which a child may transfer to are identified for corrective action, the agency shall, to the extent practicable, establish a cooperative agreement with other local educational agencies in the area for the transfer.

“(F) IMPLEMENTATION DELAY.—A local educational agency may delay, for a period not to exceed 1 year, implementation of corrective action if the failure to make adequate yearly progress was justified due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency or school.

“(G) NOTIFICATION TO PARENTS.—The local educational agency shall publish, and disseminate to the public and to parents in a format and, to the extent practicable, in a language that the parents can understand,

any corrective action the agency takes under this paragraph through such means as the Internet, the media, and public agencies.

“(6) PUBLIC SCHOOL CHOICE.—

“(A) SCHOOLS IDENTIFIED FOR IMPROVEMENT.—

“(i) SCHOOLS IDENTIFIED ON OR BEFORE ENACTMENT.—Not later than 6 months after the date of the enactment of the Educational Excellence for All Children Act of 2000, a local educational agency shall provide all students enrolled in a school identified (on or before such date of enactment) under paragraphs (1) and (5) with an option to transfer to any other public school within the local educational agency or any public school consistent with subparagraph (B), including a public charter school that has not been identified for school improvement, unless such option to transfer is prohibited—

“(I) under the provisions of a State or local law; or

“(II) by a local educational agency policy that is approved by a local school board.

“(ii) SCHOOLS IDENTIFIED AFTER ENACTMENT.—Not later than 6 months after the date on which a local educational agency identifies a school under paragraphs (1) and (5), the agency shall provide all students enrolled in such school with an option described in clause (i).

“(B) COOPERATIVE AGREEMENTS.—If all public schools in the local educational agency to which a child may transfer are identified under paragraphs (1) and (5), then the agency, to the extent practicable, shall establish a cooperative agreement with other local educational agencies in the area for the transfer, unless the transfer is prohibited under—

“(i) the provisions of a State or local law; or

“(ii) a local educational agency policy that is approved by a local school board.

“(C) TRANSPORTATION.—

“(i) IN GENERAL.—The local educational agency in which the schools have been identified under paragraph (1) may use funds under this part to provide transportation to students whose parents choose to transfer their child or children to a different school.

“(ii) CORRECTIVE ACTION.—If a school has been identified under paragraph (5), the local educational agency shall provide such students transportation (or the costs of transportation) to schools not identified under paragraph (1) or (5).

“(iii) MAXIMUM AMOUNT.—Notwithstanding any other provision of this paragraph, the amount of assistance provided under this part for a student who elects a transfer under this paragraph shall not exceed the per pupil expenditures for elementary school or secondary school students as provided by the local educational agency that serves the school involved in the transfer.

“(D) CONTINUE OPTION.—Once a school is no longer identified for school improvement, the local educational agency shall continue to provide public school choice as an option to students in such school for a period of not less than 2 years.

“(7) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—If a State educational agency determines that a local educational agency failed to carry out the local educational agency’s responsibilities under this section, the State educational agency shall take into account such action as the State educational agency finds necessary, consistent with this section, to improve the affected schools and to ensure that the local educational agency carries out the local educational agency’s responsibilities under this section.

“(8) SPECIAL RULE.—Schools that, for at least 2 of the 3 years following identification under paragraph (1), make adequate progress toward meeting the State’s proficient and

advanced levels of performance shall no longer need to be identified for school improvement.

“(9) WAIVERS.—The State educational agency shall review, including disaggregated results, any waivers approved for a school designated for improvement or corrective action prior to the date of enactment of the Educational Excellence for All Children Act of 2000 and shall terminate any waiver approved by the State under the Educational Flexibility Partnership Act of 1999 if the State determines, after notice and an opportunity for a hearing, that the waiver is not helping such school to make yearly progress to meet the objectives and specific goals described in the school’s improvement plan.”; and

(3) in subsection (d)—

(A) by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—(A) A State educational agency shall annually review the progress of each local educational agency receiving funds under this part to determine whether schools receiving assistance under this part are making adequate progress as defined in section 1111(b)(2) toward meeting the State’s student performance standards.

“(B) STATE REPORTS.—Following the annual review specified in subparagraph (A), each State educational agency that receives funds under this part shall prepare and disseminate an annual performance report regarding each local educational agency that receives funds under this part.

“(C) CONTENTS.—The State, at a minimum, shall include in the report information on each local educational agency regarding—

“(i) local educational agency performance in making adequate yearly progress, including the number and percentage of schools that did and did not make adequate yearly progress;

“(ii) the progress of the local educational agency in enabling all students served under this part to meet the State’s proficient and advanced levels of performance, including the progress of economically disadvantaged students and limited English proficient students, except that this clause shall not apply to a State if the State demonstrates that the State has an insufficient number of economically disadvantaged or limited English proficient students; and

“(iii) any other information the State determines appropriate (such as information on teacher quality, school safety, and dropout rates).

“(D) PARENT AND PUBLIC DISSEMINATION.—The State shall publicize and disseminate to local educational agencies, teachers and other staff, parents, students, and the community, the report. Such report shall be concise and presented in a format and manner that parents can understand. The State may issue local educational agency performance reports directly to the local educational agencies, teachers and other staff, parents, students, and the community or the State may publicize and disseminate the report through a widely read or distributed medium, such as posting on the Internet or distribution to the media.”.

“(E) SUBMISSION TO THE SECRETARY.—The State shall annually submit the performance report required under this paragraph to the Secretary. In addition to the information required under subparagraph (C), the report shall contain the number and names of each school identified as low-performing, including schools identified under paragraphs (1) and (5) of section 1116(c), the reason why each such school was so identified, and the measures taken to address the performance problems of such schools.”;

(B) in paragraph (3), by amending the heading and subparagraph (A) to read as follows:

“(3) IDENTIFICATION OF LOCAL EDUCATIONAL AGENCY FOR IMPROVEMENT.—

“(A) IN GENERAL.—A State educational agency shall identify for improvement any local educational agency that—

“(i) for 2 consecutive years failed to make adequate yearly progress as defined in the State’s plan under section 1111(b)(2) except that for targeted assistance schools, a State educational agency may choose to review the progress of only the students who are served under this part; or

“(ii) was in, or eligible for, improvement status under this section as this section was in effect on the day before the date of enactment of the Educational Excellence for All Children Act of 2000.”;

(i) in subparagraph (B), by adding at the end the following: “The review period required under this subparagraph shall not exceed 30 days and the State shall make public a final determination as to the status of the local educational agency not later than the end of such period.”; and

(iii) by adding at the end the following:

“(C) NOTIFICATION TO PARENTS.—The State educational agency shall promptly notify parents in a format and, to the extent practicable, in a language the parents can understand, of each student enrolled in a school in a local educational agency identified for improvement of the reasons for such agency’s identification and how parents can participate in upgrading the quality of the local educational agency.”;

(C) by striking paragraph (4) and inserting the following:

“(4) LOCAL EDUCATIONAL AGENCY REVISIONS.—

“(A) PLAN; ANNUAL ACADEMIC ACHIEVEMENT GOALS.—Each local educational agency identified under paragraph (2) shall, not later than 3 months after being so identified and in consultation with parents, school staff, and others, develop or revise the local educational agency’s plan and annual academic achievement goals. Annual academic achievement goals shall be based on the overall objective of ensuring that all students within the area served by the local educational agency, including students of different races and ethnicity, economically disadvantaged students, and students with limited English proficiency, will meet or exceed the State proficiency level of performance in each subject assessment that the State requires, within 10 years of the effective date of this subparagraph. The revised plan shall—

“(i) address the fundamental teaching and learning needs in the schools served by the agency specific the academic problems of low-performing students, and the reasons why the local educational agency’s prior plan failed to bring about increased achievement;

“(ii) incorporate strategies that are supported by valid and reliable evidence of effectiveness and that strengthen the core academic program in the local educational agency;

“(iii) identify specific annual, academic achievement goals and objectives that will—

“(I) have the greatest likelihood of improving the performance of participating children in meeting the State’s student performance standards; and

“(II) include specific numerical performance goals and targets for each of the groups of students identified in the disaggregated data pursuant to section 1111(b)(2), which shall be high enough to ensure that each group of students achieves at least the proficient level of performance within 10 years of the effective date of this subparagraph;

“(iv) address the professional development needs of the instructional staff by spending a minimum of 10 percent of the funds received

by the schools under this part on professional development that—

“(I) may not supplant professional development services that school staff would otherwise receive; and

“(II) increases the content knowledge of teachers and builds the teachers’ capacity to align classroom instruction with challenging content standards and bring all students to proficient or advanced levels of performance;

“(v) identify measures the local educational agency will undertake to make adequate yearly progress;

“(vi) identify how the local educational agency will provide written notification to parents in a format, and to the extent practicable, in a language that the parents can understand, pursuant to paragraph (6);

“(vii) specify the responsibilities of the State educational agency and the local educational agency under the plan; and

“(viii) include strategies to promote effective parental involvement in the school.

“(B) DEADLINE FOR SUBMISSION.—The local educational agency shall submit its revised plan to the State educational agency for peer review and approval within 60 days of submission. The local educational agency shall implement the revised plan as soon as such plan is approved.”;

(D) by striking paragraph (5)(B) and inserting the following:

“(B) TECHNICAL ASSISTANCE.—Technical assistance provided under this section by the State educational agency or an entity authorized by such agency shall be supported by valid and reliable evidence of effectiveness, and shall address problems, if any, in implementing the parental involvement requirements in section 1118 and the professional development provisions in section 1119.”; and

(E) by striking paragraph (6) and inserting the following:

“(6) CORRECTIVE ACTION.—In order to help students served under this part meet challenging State standards, each State educational agency shall implement a system of corrective action.

“(A) IN GENERAL.—After providing technical assistance under paragraph (5) and subject to subparagraph (D), the State educational agency—

“(i) may take corrective action at any time with respect to a local educational agency that has been identified under paragraph (2);

“(ii) shall take corrective action with respect to any local educational agency that fails to make adequate yearly progress, as defined by the State, at the end of the third year following its identification under paragraph (2); and

“(iii) shall continue to provide technical assistance while instituting any corrective action under clause (i) or (ii).

“(B) DEFINITION OF CORRECTIVE ACTION.—In this paragraph, the term ‘corrective action’ means action, consistent with State law, that—

“(i) substantially and directly responds to the consistent academic failure that caused the State educational agency to take such action, and to any underlying staffing, curricular, or other problems in the school; and

“(ii) is designed to meet the goal of having all students served under this part perform at the proficient and advanced performance levels.

“(C) CERTAIN LOCAL EDUCATIONAL AGENCIES.—In the case of a local educational agency described in paragraph (A)(ii), the State educational agency shall take not less than 1 of the following corrective actions;

“(i) Withholding funds from the local educational agency.

“(ii) Reconstituting school district personnel.

“(iii) Removing particular schools from the area served by the local educational agency, and establishing alternative arrangements for public governance and supervision of such schools.

“(iv) Appointment, by the State educational agency, of a receiver or trustee to administer the affairs of the local educational agency in place of the superintendent and school board.

“(v) Abolition or restructuring of the local educational agency.

“(D) **AUTHORITY TO TRANSFER STUDENTS.**—If a local educational agency has been identified for corrective action, the State educational agency shall authorize students to transfer from a school served by the local educational agency to a higher performing public school served by another local educational agency, in conjunction with not less than 1 additional action described under subparagraph (C). When a local educational agency cannot accommodate the request of every student, it shall permit as many students as possible who shall be selected randomly. The local educational agency may use up to 10 percent of the funds it receives through the State reservation under section 1003(a)(2) to provide transportation to students whose parents choose to transfer their child to a different school.

“(E) **HEARING.**—Prior to implementing any corrective action, the State educational agency shall provide notice and a hearing to the affected local educational agency, if State law provides for such notice and hearing. The hearing shall take place not later than 45 days following the decision to implement corrective action.

“(F) **NOTIFICATION TO PARENTS.**—The State educational agency shall publish, and disseminate to parents and the public, any corrective action the State educational agency takes under this paragraph through a widely read or distributed medium.

“(G) **DELAY.**—A State educational agency may delay, for a period not to exceed 1 year, implementation of corrective action only if the failure to make adequate yearly progress was justified due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency.

“(H) **WAIVERS.**—The State educational agency shall review any waivers approved prior to the date of enactment of the Educational Excellence for All Children Act of 2000 for a local educational agency designated for improvement or corrective action and shall terminate any waiver approved by the State under the Educational Flexibility Partnership Act of 1999 if the State determines, after notice and an opportunity for a hearing, that the waiver is not helping the local educational agency make yearly progress to meet the objectives and specific goals described in the local educational agency’s improvement plan.”

SEC. 117. ASSISTANCE FOR SCHOOL SUPPORT AND IMPROVEMENT.

Section 1117 (20 U.S.C. 6318) is amended—

(1) in subsection (a), by adding at the end the following:

“(3) **PRIORITIES.**—In carrying out this section, a State educational agency shall—

“(A) first, provide support and assistance to local educational agencies subject to corrective action described in section 1116 and assist schools, in accordance with section 1116, for which a local educational agency has failed to carry out its responsibilities under section 1116;

“(B) second, provide support and assistance to other local educational agencies and schools identified as in need of improvement under section 1116; and

“(C) third, provide support and assistance to schools participating under this part in which the number of students in poverty equals or exceeds 75 percent of the total number of students enrolled in such school.”; and

(2) in subsection (b), by striking “the comprehensive regional technical assistance centers under part A of title XIII and” and inserting “comprehensive regional technical assistance centers, and”; and

(3) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

“(1) **APPROACHES.**—In order to achieve the purpose described in subsection (a), each such system shall provide technical assistance and support through such approaches as—

“(A) school support teams which are composed of individuals who are knowledgeable about research and practice on teaching and learning, particularly about strategies for improving educational results for low-achieving children and persons knowledgeable about effective parental involvement programs, including parents;

“(B) the designation and use of distinguished teachers and principals, chosen from schools served under this part that have been especially successful in improving academic achievement;

“(C) providing assistance to the local educational agency or school in the implementation of research-based comprehensive school reform models; and

“(D) a review process designed to increase the capacity of local educational agencies and schools to develop high-quality school improvement plans.”;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “part which” and all that follows through the period and inserting “part.”; and

(ii) in subparagraph (C)—

(I) by striking “and may” and inserting “(and may)”;

(II) by striking “exemplary performance” and inserting “exemplary performance”;

(C) in paragraph (3)—

(i) in the paragraph heading, by striking “EDUCATORS” and inserting “TEACHERS AND PRINCIPALS”;

(ii) by amending subparagraph (A) to read as follows:

“(A) The State may also recognize and provide financial awards to teachers or principals in a school described in paragraph (2) whose students consistently make significant gains in academic achievement.”;

(iii) in subparagraph (B), by striking “educators” and inserting “teachers or principals”; and

(iv) by striking subparagraph (C).

SEC. 118. PARENTAL INVOLVEMENT.

Section 1118 (20 U.S.C. 6319) is amended—

(1) in subsection (a)(2)(B), by inserting “activities to improve student achievement and student and school performance” after “involvement”;

(2) in subsection (b)(1)—

(A) in the first sentence, by inserting “(in a language parents can understand)” after “distribute”; and

(B) in the second sentence, insert “shall be made available to the local community and” after “Such policy”;

(3) in subsection (e)—

(A) in paragraph (1), by striking “participating parents in such areas as understanding the National” and inserting “parents of children served by the school or local educational agency, as appropriate, in understanding America’s”;

(B) in paragraph (14), by striking “and” after the semicolon;

(C) by amending paragraph (15) to read as follows:

“(15) may establish a school district wide parent advisory council to advise the school and local educational agency on all matters related to parental involvement in programs supported under this section; and”; and

(D) by adding at the end the following:

“(16) shall provide such other reasonable support for parental involvement activities under this section as parents may request, which may include emerging technologies.”;

(4) in subsection (f), by striking “or with” and inserting “, parents of migratory children, or parents with”;

(5) by amending subsection (g) to read as follows:

“(g) **INFORMATION FROM PARENTAL INFORMATION AND RESOURCE CENTERS.**—In a State where a parental information and resource center is established to provide training, information, and support to parents and individuals who work with local parents, local educational agencies, and schools receiving assistance under this part, each school or local educational agency that receives assistance under this part and is located in the State, shall assist parents and parental organizations by informing such parents and organizations of the existence and purpose of such centers, providing such parents and organizations with a description of the services and programs provided by such centers, advising parents on how to use such centers, and helping parents to contact such centers.

“(h) **STATE REVIEW.**—The State educational agency shall review the local educational agency’s parental involvement policies and practices to determine if they meet the goal described in section 10301(8) of increasing parental involvement and participation in promoting the academic growth of children.”

SEC. 119. PROFESSIONAL DEVELOPMENT.

Section 1119 (20 U.S.C. 6320) is amended—

(1) in subsection (a)(1), by adding at the end the following: “Each local educational agency receiving funds under this part shall use not less than 5 percent of the funds for fiscal years 2001 and 2002, and 10 percent of the funds for subsequent fiscal years, for such professional development.”;

(2) in subsection (b)—

(A) in paragraph (1), by amending subparagraph (A) to read as follows:

“(A) support professional development activities that give teachers, principals, administrators, paraprofessionals, pupil services personnel, and parents the knowledge and skills to provide students with the opportunity to meet challenging State or local content standards and student performance standards.”;

(B) by redesignating subparagraphs (B) through (E) as subparagraphs (D) through (G), respectively;

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

“(B) advance teacher understanding of effective instructional strategies, based on research for improving student achievement, at a minimum in reading or language arts and mathematics;

“(C) be of sufficient intensity and duration (not to include 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teacher’s performance in the classroom, except that this subparagraph shall not apply to an activity if such activity is 1 component of a long-term comprehensive professional development plan established by the teacher and the teacher’s supervisor based upon an assessment of the needs of the teacher, the needs of students, and the needs of the local educational agency.”;

(D) in subparagraph (E) (as so redesignated), by striking "title III of the Goals 2000: Educate America Act,";

(E) in subparagraph (F) (as so redesignated), by striking "and" after the semicolon;

(F) in subparagraph (G) (as so redesignated), by striking the period and inserting a semicolon; and

(G) by adding at the end the following:

"(H) to the extent appropriate, provide training for teachers in the use of technology and the applications of technology that are effectively used—

"(i) in the classroom to improve teaching and learning in the curriculum; and

"(ii) in academic content areas in which the teachers provide instruction;

"(I) be regularly evaluated for their impact on increased teacher effectiveness and improved student performance and achievement, with the findings of such evaluations used to improve the quality of professional development;

"(J) include strategies for identifying and eliminating gender and racial bias in instructional materials, methods, and practices; and

"(K) provide instruction, which may include instruction developed in partnership with a business, an industry, or an institution of higher education, to encourage and enable students, including young women, to pursue demanding careers and higher education degrees in mathematics, science, engineering, and technology, including the development of mentoring programs, model programs, or other programs.";

(3) in subsection (g), by striking "title III of the Goals 2000: Educate America Act," and inserting "other Acts".

SEC. 120. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

(a) AMENDMENTS.—Section 1120 (20 U.S.C. 6321) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting "that address their needs, and shall ensure that teachers and families of such children participate, on an equitable basis, in services and activities under sections 1118 and 1119" before the period;

(B) in paragraph (3), by inserting "and shall be provided in a timely manner" before the period; and

(C) in paragraph (4), insert "as determined by the local educational agency each year or every 2 years" before the period;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking "and where" and inserting "where, and by whom";

(ii) by amending subparagraph (D) to read as follows:

"(D) how the services will be assessed and how the results of that assessment will be used to improve those services;"

(iii) in subparagraph (E), by striking the period and inserting "and"; and

(iv) by adding at the end the following:

"(F) how and when the local educational agency will make decisions about the delivery of services to eligible private school children, including a thorough consideration and analysis of the views of private school officials regarding the provision of contract services through potential third party providers, and if the local educational agency disagrees with the views of the private school officials on such provision of services, the local educational agency shall provide in writing to such private school officials an analysis of the reasons why the local educational agency has chosen not to so provide such services.";

(B) by adding at the end the following:

"(4) CONSULTATION.—Each local educational agency shall provide to the State educational agency, and maintain in the local educational agency's records, a written affirmation signed by officials of each participating private school that the consultation required by this section has occurred. If a private school declines in writing to have eligible children in the private school participate in services provided under this section, the local educational agency is not required to further consult with the private school officials or to document the local educational agency's consultation with the private school officials until the private school officials request in writing such consultation. The local educational agency shall inform the private school each year of the opportunity for eligible children to participate in services provided under this section.

"(5) COMPLIANCE.—A private school official shall have the right to appeal to the State educational agency the decision of a local educational agency as to whether consultation provided for in this section was meaningful and timely, and whether due consideration was given to the views of the private school official. If the private school official wishes to appeal the decision, the basis of the claim of noncompliance with this section by the local educational agencies shall be provided to the State educational agency, and the local educational agency shall forward the appropriate documentation to the State educational agency.";

(3) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(4) by inserting after subsection (b) the following:

"(c) ALLOCATION FOR EQUITABLE SERVICE TO PRIVATE SCHOOL STUDENTS.—

"(1) CALCULATION.—A local educational agency shall have the final authority, consistent with this section, to calculate the number of private school children, ages 5 through 17, who are low-income by—

"(A) using the same measure of low-income used to count public school children;

"(B) using the results of a survey that, to the extent possible, protects the identity of families of private school students, and allowing such survey results to be extrapolated if complete actual data are unavailable; or

"(C) applying the low-income percentage of each participating public school attendance area, determined pursuant to this section, to the number of private school children who reside in that school attendance area.

"(2) COMPLAINT PROCESS.—Any dispute regarding low-income data for private school students shall be subject to the complaint process authorized in section 10105.";

(5) in subsection (e) (as so redesignated),

(A) in paragraph (2), by striking "14505 and 14506" and inserting "10105 and 10106";

(B) by redesignating paragraphs (1) and (2) (as so amended) as subparagraphs (A) and (B), respectively;

(C) by striking "If a" and inserting the following:

"(1) IN GENERAL.—If a"; and

(D) by adding at the end the following:

"(2) DETERMINATION.—In making the determination under paragraph (1), the Secretary shall consider 1 or more factors, including the quality, size, scope, or location of the program, or the opportunity of eligible children to participate in the program.";

(6) by repealing subsection (f) (as so redesignated).

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(4) shall take effect on September 30, 2003.

(c) CONFORMING AMENDMENT.—Section 1120A(a) (20 U.S.C. 6322(a)) is amended by

striking "14501 of this Act" and inserting "10101".

SEC. 120A. FISCAL REQUIREMENTS.

Section 1120A(c) (20 U.S.C. 6322(c)) is amended—

(1) in paragraph (2)—

(A) by amending the paragraph heading to read as follows: "CRITERIA FOR MEETING COMPARABILITY REQUIREMENT.";

(B) by amending subparagraph (A) to read as follows:

"(A) To meet the requirement of paragraph (1), a local educational agency shall establish, and obtain the State educational agency's approval of, policies to ensure comparability in the use of State and local funds among its schools participating under this part and its other schools with respect to—

"(i) pupil-teacher ratios and the qualifications of teachers (by category of assignment, such as regular education, special education, and bilingual education) and professional staff, which may be achieved through recruitment, hiring practices, and incentive programs, but shall not be met through involuntary transfers of teachers or other staff;

"(ii) curriculum, the range of courses offered, instructional materials, and instructional resources to ensure that participating children have the opportunity to achieve to the highest student performance levels under the State's challenging content and student performance standards; and

"(iii) the condition and safety of school facilities, and their accessibility to technology.";

(C) by adding at the end the following:

"(D) Notwithstanding subparagraph (A), a local educational agency may continue to meet the requirement of paragraph (1) by complying with subparagraph (A) as it was in effect prior to the enactment of the Educational Excellence for All Children Act of 2000, but each local educational agency shall comply with subparagraph (A), as amended by that Act, no later than July 1, 2002.";

(2) in paragraph (3)(B), by striking "biennially" and inserting "annually".

SEC. 120B. EARLY CHILDHOOD EDUCATION.

Section 1120B (20 U.S.C. 6321) is amended—

(1) by amending the section heading to read as follows:

"SEC. 1120B. COORDINATION REQUIREMENTS; EARLY CHILDHOOD EDUCATION SERVICES.";

(2) in subsection (c), by striking "Head Start Act Amendments of 1994" and inserting "Head Start Amendments of 1998"; and

(3) by adding at the end the following:

"(d) EARLY CHILDHOOD SERVICES.—A local educational agency may use funds received under this part to provide preschool services—

"(1) directly to eligible preschool children in all or part of its school district;

"(2) through any school participating in the local educational agency's program under this part; or

"(3) through a contract with a local Head Start agency, an eligible entity operating an Even Start program, a State-funded preschool program, or a comparable public early childhood development program.

"(e) EARLY CHILDHOOD EDUCATION PROGRAMS.—Early childhood education programs operated with funds provided under this part may be operated and funded jointly with Even Start programs under part B of this title, Head Start programs, or State-funded preschool programs. Early childhood education programs funded under this part shall—

"(1) focus on the developmental needs of participating children, including their social, cognitive, and language-development needs, and use research-based approaches

that build on competencies that lead to school success, particularly in language and literacy development and in reading;

"(2) teach children to understand and use language in order to communicate for various purposes;

"(3) enable children to develop and demonstrate an appreciation of books; and

"(4) in the case of children with limited English proficiency, enable the children to progress toward acquisition of the English language."

SEC. 120C. ALLOCATIONS.

Subpart 2 of part A of title I (20 U.S.C. 6331 et seq.) is amended to read as follows:

"Subpart 2—Allocations

"SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

"(a) RESERVATION OF FUNDS.—From the amount appropriated for any fiscal year under section 1002(a), the Secretary shall reserve a total of 1 percent to provide assistance to—

"(1) the outlying areas on the basis of their respective need for such assistance according to such criteria as the Secretary determines will best carry out the purpose of this part; and

"(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (c).

"(b) ASSISTANCE TO THE OUTLYING AREAS.—

"(1) IN GENERAL.—From amounts made available under subsection (a)(1) in each fiscal year the Secretary shall make grants to local educational agencies in the outlying areas.

"(2) COMPETITIVE GRANTS.—

"(A) IN GENERAL.—For fiscal years 2000 and 2001, the Secretary shall reserve \$5,000,000 from the amounts made available under subsection (a)(1) to award grants, on a competitive basis, to local educational agencies in the Freely Associated States. The Secretary shall award such grants according to the recommendations of the Pacific Region Educational Laboratory which shall conduct a competition for such grants.

"(B) USES.—Except as provided in subparagraph (C), grant funds awarded under this paragraph only may be used—

"(i) for programs described in this Act, including teacher training, curriculum development, instructional materials, or general school improvement and reform; and

"(ii) to provide direct educational services.

"(C) ADMINISTRATIVE COSTS.—The Secretary may provide 5 percent of the amount made available for grants under this paragraph to the Pacific Region Educational Laboratory to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this paragraph.

"(c) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.—

"(1) IN GENERAL.—The amount reserved for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be, as determined pursuant to criteria established by the Secretary, the amount necessary to meet the special educational needs of—

"(A) Indian children on reservations served by elementary schools and secondary schools for Indian children operated or supported by the Department of the Interior; and

"(B) out-of-State Indian children in elementary schools and secondary schools in local educational agencies under special contracts with the Department of the Interior.

"(2) PAYMENTS.—From the amount reserved for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, upon such

terms as the Secretary determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1)(B). The amount of such payment may not exceed, for each such child, the greater of—

"(A) 40 percent of the average per-pupil expenditure in the State in which the agency is located; or

"(B) 48 percent of such expenditure in the United States.

"SEC. 1122. AMOUNTS FOR BASIC GRANTS, CONCENTRATION GRANTS, AND TARGETED GRANTS.

"(a) IN GENERAL.—For each of the fiscal years 2001 through 2005—

"(1) the amount appropriated to carry out this part that is less than or equal to the amount appropriated to carry out section 1124 for fiscal year 2000, shall be allocated in accordance with section 1124;

"(2) the amount appropriated to carry out this part that is not used under paragraph (1) that equals the amount appropriated to carry out section 1124A for fiscal year 2000, shall be allocated in accordance with section 1124A; and

"(3) any amount appropriated to carry out this part for the fiscal year for which the determination is made that is not used to carry out paragraphs (1) and (2) shall be allocated in accordance with section 1125.

"(b) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

"(1) IN GENERAL.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible to receive under sections 1124, 1124A, and 1125 for such year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to subsections (c) and (d).

"(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under sections 1124, 1124A, and 1125 for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as the allocations were reduced.

"(c) HOLD-HARMLESS AMOUNTS.—

"(1) IN GENERAL.—For each fiscal year the amount made available to each local educational agency under each of sections 1124, 1124A, and 1125 shall be not less than—

"(A) 95 percent of the amount made available to the local educational agency under each such section for the preceding fiscal year if the number of children counted for grants under section 1124 is not less than 30 percent of the total number of children aged 5 to 17 years, inclusive, served by the local educational agency;

"(B) 90 percent of the amount made available to the local educational agency under each such section for the preceding fiscal year if such percentage is not less than 15 percent and not more than 30 percent; and

"(C) 85 percent of the amount made available to the local educational agency under each such section for the preceding fiscal year if such percentage is less than 15 percent.

"(2) SPECIAL RULES.—If sufficient funds are appropriated, the hold-harmless amounts described in paragraph (1) shall be paid to all local educational agencies that received grants under section 1124, 1124A, or 1125 for the preceding fiscal year, regardless of whether the local educational agency meets the minimum eligibility criteria provided in section 1124(b), 1124A(a)(1)(A), or 1125(a), respectively, except that a local educational agency that does not meet such minimum eligibility criteria for 5 consecutive years shall no longer be eligible to receive a hold-harmless amount under this subsection.

"(3) COUNTY CALCULATION BASIS.—Any fiscal year for which the Secretary calculates

grants on the basis of population data for counties, the Secretary shall apply the hold-harmless percentages in paragraphs (1) and (2) to counties, and if the Secretary's allocation for a county is not sufficient to meet the hold-harmless requirements of this subsection for every local educational agency within that county, then the State educational agency shall reallocate funds proportionately from all other local educational agencies in the State that receive funds for the fiscal year in excess of the hold-harmless amounts specified in this paragraph.

"(d) RATABLE REDUCTIONS.—

"(1) IN GENERAL.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under subsection (c) for such year, the Secretary shall ratably reduce such amounts for such year.

"(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under subsection (c) for such fiscal year, amounts that were reduced under paragraph (1) shall be increased on the same basis as such amounts reduced.

"SEC. 1123. DEFINITIONS.

"In this subpart:

"(1) FREELY ASSOCIATED STATES.—The term 'Freely Associated States' means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(2) OUTLYING AREAS.—The term 'outlying areas' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(3) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) AMOUNT OF GRANTS.—

"(1) GRANTS FOR LOCAL EDUCATIONAL AGENCIES AND PUERTO RICO.—Except as provided in paragraph (4) and in section 1126, the grant that a local educational agency is eligible to receive under this section for a fiscal year is the amount determined by multiplying—

"(A) the number of children counted under subsection (c); and

"(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this subparagraph shall not be less than 32 percent, and not more than 48 percent, of the average per-pupil expenditure in the United States.

"(2) CALCULATION OF GRANTS.—

"(A) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—The Secretary shall calculate grants under this section on the basis of the number of children counted under subsection (c) for local educational agencies, unless the Secretary and the Secretary of Commerce determine that some or all of those data are unreliable or that their use would be otherwise inappropriate, in which case—

"(i) the Secretary and the Secretary of Commerce shall publicly disclose the reasons for their determination in detail; and

"(ii) paragraph (3) shall apply.

"(B) ALLOCATIONS TO LARGE AND SMALL LOCAL EDUCATIONAL AGENCIES.—

"(i) LARGE LOCAL EDUCATIONAL AGENCIES.—In the case of an allocation under this section to a large local educational agency, the amount of the grant under this section for the large local educational agency shall be the amount determined under paragraph (1).

"(ii) SMALL LOCAL EDUCATIONAL AGENCIES.—

"(I) IN GENERAL.—In the case of an allocation under this section to a small local educational agency the State educational agency may—

“(aa) distribute grants under this section in amounts determined by the Secretary under paragraph (1); or

“(bb) use an alternative method approved by the Secretary to distribute the portion of the State’s total grants under this section that is based on those small local educational agencies.

“(II) ALTERNATIVE METHOD.—An alternative method under subclause (I)(bb) shall be based on population data that the State educational agency determines best reflect the current distribution of children in poor families among the State’s small local educational agencies that meet the minimum number of children to qualify described in subsection (b).

“(III) APPEAL.—If a small local educational agency is dissatisfied with the determination of the amount of its grant by the State educational agency under subclause (I)(bb), the small local educational agency may appeal the determination to the Secretary, who shall respond within 45 days of receiving the appeal.

“(iii) DEFINITIONS.—In this subparagraph—
“(I) the term ‘large local educational agency’ means a local educational agency serving a school district with a total population of 20,000 or more; and

“(II) the term ‘small local educational agency’ means a local educational agency serving a school district with a total population of less than 20,000.

“(3) ALLOCATIONS TO COUNTIES.—

“(A) IN GENERAL.—For any fiscal year to which this paragraph applies, the Secretary shall calculate grants under this section on the basis of the number of children counted under section 1124(c) for counties, and State educational agencies shall allocate county amounts to local educational agencies, in accordance with regulations promulgated by the Secretary.

“(B) APPLICATION.—In any State in which a large number of local educational agencies overlap county boundaries, or for which the State believes the State has data that would better target funds than allocating the funds by county, the State educational agency may apply to the Secretary for authority to make the allocations under this part for a particular fiscal year directly to local educational agencies without regard to counties.

“(C) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—If the Secretary approves its application under subparagraph (B), the State educational agency shall provide the Secretary an assurance that the allocations will be made—

“(i) using precisely the same factors for determining a grant as are used under this section; or

“(ii) using data that the State educational agency submits to the Secretary for approval that more accurately target poverty.

“(D) APPEAL.—The State educational agency shall provide the Secretary an assurance that a procedure is or will be established through which local educational agencies that are dissatisfied with determinations under subparagraph (B) may appeal directly to the Secretary for a final determination.

“(4) PUERTO RICO.—For each fiscal year, the Secretary shall determine the percentage which the average per-pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States. The grant which the Commonwealth of Puerto Rico shall be eligible to receive under this section for a fiscal year shall be the amount arrived at by multiplying the number of children counted under subsection (c) for the Commonwealth of Puerto Rico by the product of—

“(A) the percentage determined under the preceding sentence; and

“(B) 32 percent of the average per-pupil expenditure in the United States.

“(b) MINIMUM NUMBER OF CHILDREN TO QUALIFY.—A local educational agency is eligible for a basic grant under this section for any fiscal year only if the number of children counted under subsection (c) for that agency is—

“(1) 10 or more; and

“(2) more than 2 percent of the total school-age population in the school district of the local educational agency.

“(c) CHILDREN TO BE COUNTED.—

“(1) CATEGORIES OF CHILDREN.—The number of children to be counted for purposes of this section is the aggregate of—

“(A) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency from families below the poverty level as determined under paragraphs (2) and (3);

“(B) the number of children aged 5 to 17, inclusive, in the school district of such agency from families above the poverty level as determined under paragraph (4); and

“(C) the number of children determined under paragraph (4) for the preceding year as described in that paragraph, or for the second preceding year, as the Secretary finds appropriate) aged 5 to 17, inclusive, in the school district of such agency in institutions for neglected and delinquent children and youth (other than such institutions operated by the United States), but not counted pursuant to chapter 1 of subpart 2 of part C of title III for the purposes of a grant to a State agency, or being supported in foster homes with public funds.

“(2) DETERMINATION OF NUMBER OF CHILDREN.—For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families below the poverty level on the basis of the most recent satisfactory data, described in paragraph (3), available from the Department of Commerce. The District of Columbia and the Commonwealth of Puerto Rico shall be treated as individual local educational agencies. If a local educational agency contains 2 or more counties in their entirety, then each county will be treated as if such county were a separate local educational agency for purposes of calculating grants under this part. The total of grants for such counties shall be allocated to such a local educational agency, which local educational agency shall distribute to schools in each county within such agency a share of the local educational agency’s total grant that is no less than the county’s share of the population counts used to calculate the local educational agency’s grant.

“(3) POPULATION UPDATES.—In fiscal year 2001 and every 2 years thereafter, the Secretary shall use updated data on the number of children, aged 5 to 17, inclusive, from families below the poverty level for counties or local educational agencies, published by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that use of the updated population data would be inappropriate or unreliable. If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, the Secretary and the Secretary of Commerce shall publicly disclose their reasons. In determining the families which are below the poverty level, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census, in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.

“(4) OTHER CHILDREN TO BE COUNTED.—For purposes of this section, the Secretary shall

determine the number of children aged 5 to 17, inclusive, from families above the poverty level on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under a State program funded under part A of title IV of the Social Security Act. In making such determinations the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics. The Secretary shall determine the number of children aged 5 through 17 living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of October of the preceding fiscal year (using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October) or, to the extent that such data are not available to the Secretary before January of the calendar year in which the Secretary’s determination is made, then on the basis of the most recent reliable data available to the Secretary at the time of such determination. The Secretary of Health and Human Services shall collect and transmit the information required by this subparagraph to the Secretary not later than January 1 of each year. For the purpose of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

“(5) ESTIMATE.—When requested by the Secretary, the Secretary of Commerce shall make a special updated estimate of the number of children of such ages who are from families below the poverty level (as determined under paragraph (2)) in each school district, and the Secretary is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information. For purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

“(d) STATE MINIMUM.—Notwithstanding section 1122, the aggregate amount allotted for all local educational agencies within a State may not be less than the lesser of—

“(1) 0.25 percent of the total amount made available to carry out this section for such fiscal year; or

“(2) the average of—

“(A) 0.25 percent of the total amount made available to carry out this section for such fiscal year; and

“(B) the number of children in such State counted under subsection (c) in the fiscal year multiplied by 150 percent of the national average per-pupil payment made with funds available under this section for that fiscal year.

“SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDUCATIONAL AGENCIES.

“(a) ELIGIBILITY FOR AND AMOUNT OF GRANTS.—

“(1) ELIGIBILITY.—

“(A) IN GENERAL.—Except as otherwise provided in this paragraph, each local educational agency in a State that is eligible for a grant under section 1124 for any fiscal year is eligible for an additional grant under this section for that fiscal year if the number of

children counted under section 1124(c) who are served by the agency exceeds—

“(i) 6,500; or

“(ii) 15 percent of the total number of children aged 5 through 17 served by the agency.

“(B) MINIMUM.—Notwithstanding section 1122, no State shall receive under this section an amount that is less than the lesser of—

“(i) 0.25 percent of the total amount made available to carry out this section for such fiscal year; or

“(ii) the average of—

“(I) 0.25 percent of the sums available to carry out this section for such fiscal year; and

“(II) the greater of—

“(aa) \$340,000; or

“(bb) the number of children in such State counted for purposes of this section in that fiscal year multiplied by 150 percent of the national average per-pupil payment made with funds available under this section for that fiscal year.

“(2) DETERMINATION.—For each county or local educational agency eligible to receive an additional grant under this section for any fiscal year the Secretary shall determine the product of—

“(A) the number of children counted under section 1124(c) for that fiscal year; and

“(B) the amount in section 1124(a)(1)(B) for all States except the Commonwealth of Puerto Rico, and the amount in section 1124(a)(3) for the Commonwealth of Puerto Rico.

“(3) AMOUNT.—The amount of the additional grant for which an eligible local educational agency or county is eligible under this section for any fiscal year shall be an amount that bears the same ratio to the amount available to carry out this section for that fiscal year as the product determined under paragraph (2) for such local educational agency for that fiscal year bears to the sum of such products for all local educational agencies in the United States for that fiscal year.

“(4) LOCAL ALLOCATIONS.—

“(A) IN GENERAL.—Grant amounts under this section shall be calculated in the same manner as grant amounts are calculated under section 1124(a) (2) and (3).

“(B) SPECIAL RULE.—For any fiscal year for which the Secretary allocates funds under this section on the basis of counties, a State may reserve not more than 2 percent of the amount made available to the State under this section for any fiscal year to make grants to local educational agencies that meet the criteria in paragraph (1)(A) (i) or (ii) but that are in ineligible counties.

“(b) RATABLE REDUCTION RULE.—If the sums available under subsection (a) for any fiscal year for making payments under this section are not sufficient to pay in full the total amounts which all States are eligible to receive under subsection (a) for such fiscal year, the maximum amounts that all States are eligible to receive under subsection (a) for such fiscal year shall be ratably reduced. In the case that additional funds become available for making such payments for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

“(c) STATES RECEIVING 0.25 PERCENT OR LESS.—In States that receive 0.25 percent or less of the total amount made available to carry out this section for a fiscal year, the State educational agency shall allocate such funds among the local educational agencies in the State—

“(1) in accordance with paragraphs (2) and (4) of subsection (a); or

“(2) based on their respective concentrations and numbers of children counted under

section 1124(c), except that only those local educational agencies with concentrations or numbers of children counted under section 1124(c) that exceed the statewide average percentage of such children or the statewide average number of such children shall receive any funds on the basis of this paragraph.

“SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES.

“(a) ELIGIBILITY OF LOCAL EDUCATIONAL AGENCIES.—

“(1) IN GENERAL.—A local educational agency in a State is eligible to receive a targeted grant under this section for any fiscal year if—

“(A) the number of children in the local educational agency counted under section 1124(c), before application of the weighted child count described in subsection (c), is at least 10; and

“(B) if the number of children counted for grants under section 1124(c), before application of the weighted child count described in subsection (c), is at least 5 percent of the total number of children aged 5 to 17 years, inclusive, in the school district of the local educational agency.

“(2) SPECIAL RULE.—For any fiscal year for which the Secretary allocates funds under this section on the basis of counties, funds made available as a result of applying this subsection shall be reallocated by the State educational agency to other eligible local educational agencies in the State in proportion to the distribution of other funds under this section.

“(b) GRANTS FOR LOCAL EDUCATIONAL AGENCIES, THE DISTRICT OF COLUMBIA, AND THE COMMONWEALTH OF PUERTO RICO.—

“(1) IN GENERAL.—The amount of the grant that a local educational agency in a State (other than the Commonwealth of Puerto Rico) is eligible to receive under this section for any fiscal year shall be the product of—

“(A) the weighted child count determined under subsection (c); and

“(B) the amount of the grant the local educational agency is eligible to receive under section 1124(a)(1).

“(2) PUERTO RICO.—For each fiscal year, the amount of the grant the Commonwealth of Puerto Rico is eligible to receive under this section shall be equal to the number of children counted under subsection (c) for the Commonwealth of Puerto Rico, multiplied by the amount determined in section 1124(a)(4) for the Commonwealth of Puerto Rico.

“(c) WEIGHTED CHILD COUNT.—

“(1) WEIGHTS FOR ALLOCATIONS TO COUNTIES.—

“(A) IN GENERAL.—For each fiscal year for which the Secretary uses county population data to calculate grants, the weighted child count used to determine a county's allocation under this section is the larger of the 2 amounts determined under subparagraphs (B) and (C).

“(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1124(c) for that county who constitute not more than 12.20 percent, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children who constitute more than 12.20 percent, but not more than 17.70 percent, of such population, multiplied by 1.75;

“(iii) the number of such children who constitute more than 17.70 percent, but not more than 22.80 percent, of such population, multiplied by 2.5;

“(iv) the number of such children who constitute more than 22.80 percent, but not more

than 29.70 percent, of such population, multiplied by 3.25; and

“(v) the number of such children who constitute more than 29.70 percent of such population, multiplied by 4.0.

“(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1124(c) who constitute not more than 1,917, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children between 1,918 and 5,938, inclusive, in such population, multiplied by 1.5;

“(iii) the number of such children between 5,939 and 20,199, inclusive, in such population, multiplied by 2.0;

“(iv) the number of such children between 20,200 and 77,999, inclusive, in such population, multiplied by 2.5; and

“(v) the number of such children in excess of 77,999 in such population, multiplied by 3.0.

“(D) PUERTO RICO.—Notwithstanding subparagraph (A), the weighting factor for the Commonwealth of Puerto Rico under this paragraph shall not be greater than the total number of children counted under section 1124(c) multiplied by 1.72.

“(2) WEIGHTS FOR ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—

“(A) IN GENERAL.—For each fiscal year for which the Secretary uses local educational agency data, the weighted child count used to determine a local educational agency's grant under this section is the larger of the 2 amounts determined under subparagraphs (B) and (C).

“(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1124(c) for that local educational agency who constitute not more than 14.265 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children who constitute more than 14.265 percent, but not more than 21.553 percent, of such population, multiplied by 1.75;

“(iii) the number of such children who constitute more than 21.553 percent, but not more than 29.223 percent, of such population, multiplied by 2.5;

“(iv) the number of such children who constitute more than 29.223 percent, but not more than 36.538 percent, of such population, multiplied by 3.25; and

“(v) the number of such children who constitute more than 36.538 percent of such population, multiplied by 4.0.

“(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1124(c) who constitute not more than 575, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children between 576 and 1,870, inclusive, in such population, multiplied by 1.5;

“(iii) the number of such children between 1,871 and 6,910, inclusive, in such population, multiplied by 2.0;

“(iv) the number of such children between 6,911 and 42,000, inclusive, in such population, multiplied by 2.5; and

“(v) the number of such children in excess of 42,000 in such population, multiplied by 3.0.

“(D) PUERTO RICO.—Notwithstanding subparagraph (A), the weighting factor for the Commonwealth of Puerto Rico under this paragraph shall not be greater than the total

number of children counted under section 1124(c) multiplied by 1.72.

“(d) CALCULATION OF GRANT AMOUNTS.—Grant amounts under this section shall be calculated in the same manner as grant amounts are calculated under section 1124(a) (2) and (3).

“(e) STATE MINIMUM.—Notwithstanding any other provision of this section or section 1122, from the total amount available for any fiscal year to carry out this section, each State shall be allotted not less than the lesser of—

“(1) 0.25 percent of the total amount made available to carry out this section for such fiscal year; or

“(2) the average of—

“(A) 0.25 percent of the total amount made available to carry out this section for such fiscal year; and

“(B) 150 percent of the national average grant under this section per child described in section 1124(c), without application of a weighted child count, multiplied by the State’s total number of children described in section 1124(c), without application of a weighted child count.

“SEC. 1125A. EDUCATION FINANCE INCENTIVE PROGRAM.

“(a) GRANTS.—From funds appropriated under subsection (e) the Secretary is authorized to make grants to States, from allotments under subsection (b), to carry out the purposes of this part.

“(b) DISTRIBUTION BASED UPON FISCAL EFFORT AND EQUITY.—

“(1) IN GENERAL.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), funds appropriated pursuant to subsection (e) shall be allotted to each State based upon the number of children aged 5 to 17, inclusive, in such State multiplied by the product of—

“(i) such State’s effort factor described in paragraph (2); multiplied by

“(ii) 1.30 minus such State’s equity factor described in paragraph (3).

“(B) MINIMUM.—For each fiscal year no State shall receive under this section less than 0.25 percent of the total amount appropriated under subsection (e) for the fiscal year.

“(2) EFFORT FACTOR.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the effort factor for a State shall be determined in accordance with the succeeding sentence, except that such factor shall not be less than 0.95 nor greater than 1.05. The effort factor determined under this sentence shall be a fraction the numerator of which is the product of the 3-year average per-pupil expenditure in the State multiplied by the 3-year average per capita income in the United States and the denominator of which is the product of the 3-year average per capita income in such State multiplied by the 3-year average per-pupil expenditure in the United States.

“(B) COMMONWEALTH OF PUERTO RICO.—The effort factor for the Commonwealth of Puerto Rico shall be equal to the lowest effort factor calculated under subparagraph (A) for any State.

“(3) EQUITY FACTOR.—

“(A) DETERMINATION.—

“(i) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall determine the equity factor under this section for each State in accordance with clause (ii).

“(ii) COMPUTATION.—

“(1) IN GENERAL.—For each State, the Secretary shall compute a weighted coefficient of variation for the per-pupil expenditures of local educational agencies in accordance with subclauses (II), (III), (IV), and (V).

“(II) VARIATION.—In computing coefficients of variation, the Secretary shall weigh the variation between per-pupil expenditures

in each local educational agency and the average per-pupil expenditures in the State according to the number of pupils served by the local educational agency.

“(III) NUMBER OF PUPILS.—In determining the number of pupils under this paragraph served by each local educational agency and in each State, the Secretary shall multiply the number of children from low-income families by a factor of 1.4.

“(IV) ENROLLMENT REQUIREMENT.—In computing coefficients of variation, the Secretary shall include only those local educational agencies with an enrollment of more than 200 students.

“(V) SEPARATE COEFFICIENTS.—The Secretary shall compute separate coefficients of variation for elementary schools, secondary schools, and unified local educational agencies and shall combine such coefficients into a single weighted average coefficient for the State by multiplying each coefficient by the total enrollments of the local educational agencies in each group, adding such products, and dividing such sum by the total enrollments of the local educational agencies in the State.

“(B) SPECIAL RULE.—The equity factor for a State that meets the disparity standard described in section 222.162 of title 34, Code of Federal Regulations (as such section was in effect on the day preceding the date of enactment of the Educational Excellence for All Children Act of 2000) or a State with only 1 local educational agency shall be not greater than 0.10.

“(C) REVISIONS.—The Secretary may revise each State’s equity factor as necessary based on the advice of independent education finance scholars to reflect other need-based costs of local educational agencies in addition to low-income student enrollment, such as differing geographic costs, costs associated with students with disabilities, children with limited English-proficiency or other meaningful educational needs, which deserve additional support. In addition, after obtaining the advice of independent education finance scholars, the Secretary may revise each State’s equity factor to incorporate other valid and accepted methods to achieve adequacy of educational opportunity that may not be reflected in a coefficient of variation method.

“(c) USE OF FUNDS.—All funds awarded to each State under this section shall be allocated to local educational agencies and schools on a basis consistent with the distribution of other funds to such agencies and schools under sections 1124, 1124A, and 1125 to carry out activities under this part.

“(d) MAINTENANCE OF EFFORT.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a State is entitled to receive its full allotment of funds under this section for any fiscal year if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures within the State with respect to the provision of free public education for the fiscal year preceding the fiscal year for which the determination is made was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

“(2) REDUCTION OF FUNDS.—The Secretary shall reduce the amount of funds awarded to any State under this section in any fiscal year in the exact proportion to which the State fails to meet the requirements of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

“(3) WAIVERS.—The Secretary may waive, for 1 fiscal year only, the requirements of this subsection if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$200,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

“SEC. 1126. SPECIAL ALLOCATION PROCEDURES.

“(a) ALLOCATIONS FOR NEGLECTED CHILDREN.—

“(1) IN GENERAL.—If a State educational agency determines that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children who are living in institutions for neglected or delinquent children as described in section 1124(c)(1)(C), the State educational agency shall, if such agency assumes responsibility for the special educational needs of such children, receive the portion of such local educational agency’s allocation under sections 1124, 1124A, and 1125 that is attributable to such children.

“(2) SPECIAL RULE.—If the State educational agency does not assume such responsibility, any other State or local public agency that does assume such responsibility shall receive that portion of the local educational agency’s allocation.

“(b) ALLOCATIONS AMONG LOCAL EDUCATIONAL AGENCIES.—The State educational agency may allocate the amounts of grants under sections 1124, 1124A, and 1125 among the affected local educational agencies—

“(1) if 2 or more local educational agencies serve, in whole or in part, the same geographical area;

“(2) if a local educational agency provides free public education for children who reside in the school district of another local educational agency; or

“(3) to reflect the merger, creation, or change of boundaries of 1 or more local educational agencies.

“(c) REALLOCATION.—If a State educational agency determines that the amount of a grant a local educational agency would receive under sections 1124, 1124A, and 1125 is more than such local educational agency will use, the State educational agency shall make the excess amount available to other local educational agencies in the State that need additional funds in accordance with criteria established by the State educational agency.

“SEC. 1127. CARRYOVER AND WAIVER.

“(a) LIMITATION ON CARRYOVER.—Notwithstanding section 421 of the General Education Provisions Act or any other provision of law, not more than 15 percent of the funds allocated to a local educational agency for any fiscal year under this subpart (but not including funds received through any reallocation under this subpart) may remain available for obligation by such agency for one additional fiscal year.

“(b) WAIVER.—A State educational agency may, once every 3 years, waive the percentage limitation in subsection (a) if—

“(1) the agency determines that the request of a local educational agency is reasonable and necessary; or

“(2) supplemental appropriations for this subpart become available.

“(c) EXCLUSION.—The percentage limitation under subsection (a) shall not apply to any local educational agency that receives less than \$50,000 under this subpart for any fiscal year.

“SEC. 1128. ENSURING APPROPRIATE USE OF FUNDS.

“For each fiscal year, the Secretary shall—

“(1) take all appropriate steps to ensure that, to the maximum extent consistent with this part, funds made available under this part are provided to local educational agencies with the largest concentrations of children eligible to be counted under section 1124(c); and

“(2) report to Congress on the steps taken under paragraph (1).”

PART B—EVEN START FAMILY LITERACY PROGRAMS

SEC. 121. EVEN START FAMILY LITERACY PROGRAMS.

(a) PROGRAM AUTHORIZED.—

(1) RESERVATION FOR MIGRANT PROGRAMS, OUTLYING AREAS, AND INDIAN TRIBES.—Section 1202(a) (20 U.S.C. 6362(a)) is amended—

(A) in paragraph (1), by inserting “(or, if such appropriated amount exceeds \$250,000,000, 6 percent of such amount)” after “1002(b)”;

(B) in paragraph (2), by striking “If the amount of funds made available under this subsection exceeds \$4,600,000,” and inserting “After the date of the enactment of the Educational Excellence for All Children Act of 2000,”; and

(C) by adding at the end the following:

“(3) COORDINATION OF PROGRAMS FOR AMERICAN INDIANS.—The Secretary shall ensure that programs under paragraph (1)(C) are coordinated with family literacy programs operated by 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) RESERVATION FOR FEDERAL ACTIVITIES.—Section 1202(b) (20 U.S.C. 6362(b)) is amended to read as follows:

“(b) RESERVATION FOR FEDERAL ACTIVITIES.—

“(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 or the amount reserved to carry out the activities described in paragraphs (1) and (2) of subsection (a) for the fiscal year 1994, whichever is greater, 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 2005, if the amounts appropriated under section 1002(b) for any of such years exceed such amounts 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 1211.”

(3) RESERVATION FOR GRANTS.—Section 1202(c) (20 U.S.C. 6362(c)) is amended—

(A) in the subsection heading, by striking “FOR GRANTS” and inserting “FOR STATEWIDE FAMILY LITERACY INITIATIVES”; and

(B) by striking “From funds reserved under section 2260(b)(3), the Secretary shall” and inserting “From funds appropriated under section 1002(b) for any fiscal year, the Secretary may”.

(c) STATE PLAN.—Part B of title I (20 U.S.C. 6361 et seq.) is amended by inserting after section 1202 (20 U.S.C. 6362) the following:

“SEC. 1202A. STATE PLAN.

“(a) CONTENTS.—Each State that desires to receive a grant under this part shall submit a plan to the Secretary containing such budgetary and other information as the Secretary may require. Each plan shall—

“(1) include the State's indicators of program quality developed under section 1210, or if the State has not completed work on those

indicators, describe the State's progress in developing the indicators;

“(2) describe how the State is using, or will use, the indicators to monitor, evaluate, and improve projects the State assists under this part, and to decide whether to continue to assist those projects;

“(3) describe how the State will help each program assisted under this part ensure the full implementation of the program elements described in section 1205, including how the State will encourage local programs to use technology, such as distance learning, to improve program access and the intensity of services, especially for isolated populations;

“(4) describe how the State will conduct competition for subgrants, including the application of the criteria described in section 1208; and

“(5) describe how the State will coordinate resources, especially among State agencies, to improve family literacy services in the State.

“(b) DURATION.—Each State plan shall—

“(1) be submitted for the first year for which this part is in effect after the date of enactment of the Educational Excellence for All Children Act of 2000;

“(2) remain in effect for the duration of the State's participation under this part; and

“(3) be periodically reviewed and revised by the State, as necessary.”

(d) USES OF FUNDS.—Section 1204 (20 U.S.C. 6364) is amended—

(1) in subsection (b)(1)(A)—

(A) in clause (iv), by striking “and” after the semicolon; and

(B) by striking clause (v) and inserting the following:

“(v) 50 percent in the fifth, sixth, seventh, and eighth such years; and

“(vi) 35 percent in any subsequent such year.”; and

(2) by adding at the end the following:

“(c) USE OF FUNDS FOR FAMILY LITERACY SERVICES.—

“(1) IN GENERAL.—A State may use a portion of funds received under this part to assist eligible entities receiving a subgrant under section 1203(b) 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 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 in offering high quality training and technical assistance to family literacy providers.”

(e) PROGRAM ELEMENTS.—Section 1205 (20 U.S.C. 6365) is amended—

(1) by amending paragraph (4) to read as follows:

“(4) provide high-quality, intensive family literacy services using instructional approaches that the best available research on reading indicates will be most effective in building adult literacy and children's language development and reading ability.”;

(2) by amending paragraph (7) to read as follows:

“(7) use methods that ensure that participating families successfully complete the program, including—

“(A) operating a year-round program, including continuing to provide some instruc-

tional services for participants during the summer months;

“(B) providing developmentally appropriate educational services for at least a 3-year age range of children;

“(C) encouraging participating families to regularly attend and remain in the program for a sufficient time to meet their program goals; and

“(D) promoting the continuity of family literacy services across critical points in the lives of children and their parents so that those individuals can retain and improve their educational outcomes.”;

(3) by amending paragraph (10) to read as follows:

“(10) provide for an independent evaluation of the program to be used for program improvement.”;

(4) by redesignating paragraphs (9) and (10) (as so amended) as paragraphs (10) and (11), respectively; and

(5) by inserting after paragraph (8) the following:

“(9) use instructional programs based on scientifically based reading research (as defined in section 2252) for children and, to the extent such research is available, for adults.”;

(f) ELIGIBLE PARTICIPANTS.—Section 1206 (20 U.S.C. 6366) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking “or” at the end;

(B) in subparagraph (B), by striking “and” at the end and inserting “or”; and

(C) by inserting after subparagraph (B), the following:

“(C) who are attending secondary school; and”;

(2) in subsection (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 pay the cost of providing family literacy services under this part to families with children 8 years of age or older who are not otherwise eligible under this subsection, the Even Start program, notwithstanding subsection (a)(2), may permit the participation of those children and families, so long as the main focus of the program assisted under this part remains on families with young children.”

(g) APPLICATION.—

(1) PLAN.—Section 1207(c)(1)(F) (20 U.S.C. 6367(c)(1)(F)) is amended—

(A) by striking “Act, the Goals 2000: Educate America Act,” and inserting “Act”; and

(B) by striking “14306” and inserting “6506”.

(2) CONSOLIDATED APPLICATION.—Section 1207(d) (20 U.S.C. 6367(d)) is amended by striking “14302” and inserting “6502”.

(h) AWARD OF SUBGRANTS.—

(1) REVIEW PANEL.—The matter preceding subparagraph (A) of section 1208(a)(3) (20 U.S.C. 6368(a)(3)) is amended—

(A) by inserting “and one individual with expertise in family literacy programs.” after “education professional.”; and

(B) by striking “and one or more of the following individuals.” and inserting “The review panel may include other individuals such as one or more of the following.”

(2) CONTINUING ELIGIBILITY; FEDERAL SHARE.—Section 1208(b) (20 U.S.C. 6368(b)) is amended—

(A) by striking paragraph (3) and inserting the following:

“(3) CONTINUING ELIGIBILITY.—In awarding subgrant funds to continue a program under this part after the first year, the State educational agency shall review the progress of each eligible entity in meeting the goals of the program referred to in section

1207(c)(1)(A) and shall evaluate the program based on the indicators of program quality developed by the State under section 1210.”; and

(B) in paragraph (5)—

(i) in subparagraph (A), by striking the last sentence; and

(ii) by amending subparagraph (B) to read as follows:

“(B) The Federal share of any subgrant renewed under subparagraph (A) shall be limited in accordance with section 1204(b).”.

(i) INDICATORS OF PROGRAM QUALITY.—Section 1210 (20 U.S.C. 6369a) is amended—

(1) in the matter preceding paragraph (1), by striking “Each” and inserting “Not later than January 31, 2001, each”; and

(2) by adding at the end the following:

“(3) With respect to a program’s implementation of high-quality, intensive family literacy services, specific levels of intensity of those services and the duration of individuals’ participation that are necessary to result in the outcomes described in paragraphs (1) and (2), which levels the State periodically shall review and revise as needed to achieve those outcomes.”.

(j) RESEARCH.—Section 1211 (20 U.S.C. 6369b) is amended to read as follows:

“SEC. 1211. RESEARCH.

“(a) IN GENERAL.—From amounts reserved under section 1202(b)(2), the Secretary, in consultation with the National Institute for Literacy and other appropriate organizations, may carry out, directly or through grants or contracts, research on family literacy services, including—

“(1) scientifically based research on the development of reading and literacy in young children;

“(2) the most effective ways of improving the literacy skills of adults with reading difficulties; and

“(3) how family literacy services can best provide parents with the knowledge and skills the parents need to support their children’s literacy development.

“(b) DISSEMINATION.—The Secretary shall ensure the dissemination, through the National Institute for Literacy and other appropriate means, of the results of the research conducted under subsection (a).”.

PART C—EDUCATION OF MIGRATORY CHILDREN

SEC. 131. PROGRAM PURPOSE.

Section 1301 (20 U.S.C. 6391) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (7), respectively;

(2) by inserting after paragraph (1) the following:

“(2) ensure that migratory children who move among the States are not penalized in any manner by disparities among the States in curriculum, graduation requirements, and State student performance and content standards;”;

(3) in paragraph (5) (as so redesignated), by striking “and” after the semicolon;

(4) in paragraph (6) (as so redesignated), by striking the period and inserting “; and”; and

(5) by adding at the end the following:

“(7) ensure that migratory children receive full and appropriate opportunities to meet the same challenging State content and student performance standards that all children are expected to meet.”.

SEC. 132. STATE APPLICATION.

Section 1304 (20 U.S.C. 6394) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “a comprehensive” and all that follows through “1306;” and inserting “the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;”;

(B) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(C) by inserting after paragraph (1) the following:

“(2) a description of joint planning efforts that will be made with respect to programs assisted under this Act, local, State, and Federal programs, and bilingual education programs under part A of title VII;”;

(2) in subsection (c), by amending paragraph (3) to read as follows:

“(3) in the planning and operation of programs and projects at both the State and local agency operating level there is consultation with parent advisory councils for programs of one school year in duration, and that all such programs and projects are carried out—

“(A) in a manner consistent with section 1118 unless extraordinary circumstances make implementation with such section impractical; and

“(B) in a format and language understandable to the parents;”.

SEC. 133. COMPREHENSIVE PLAN.

Section 1306(a)(1) (20 U.S.C. 6396(a)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking “the Goals 2000: Educate America Act.”; and

(B) by striking “14306” and inserting “6506”; and

(2) in subparagraph (B), by striking “14302;” and inserting “6502, if—

“(i) the special needs of migratory children are specifically addressed in the comprehensive State plan;

“(ii) the comprehensive State plan is developed in collaboration with parents of migratory children; and

“(iii) the comprehensive State planning is not used to supplant State efforts regarding, or administrative funding for, this part;”.

SEC. 134. COORDINATION.

Section 1308 (20 U.S.C. 6398) is amended—

(1) by amending subsection (b) to read as follows:

“(b) ACCESS TO INFORMATION ON MIGRANT STUDENTS.—

“(1) NATIONAL SYSTEM.—(A) The Secretary shall establish a national system for electronically exchanging, among the States, health and educational information regarding all students served under this part. Such information shall include—

“(i) immunization records and other health information;

“(ii) elementary and secondary academic history (including partial credit), credit accrual, and results from State assessments required under this title;

“(iii) other academic information essential to ensuring that migrant children achieve to high standards; and

“(iv) eligibility for services under the Individuals with Disabilities Education Act.

“(B) The Secretary shall publish, not later than 120 days after the date of enactment of the Educational Excellence for All Children Act of 2000, a notice in the Federal Register seeking public comment on the proposed data elements that each State receiving funds under this part shall be required to collect for purposes of electronic transfer of migrant student information, the requirements for immediate electronic access to such information, and the educational agencies eligible to access such information.

“(C) Such system of electronic access to migrant student information shall be operational not later than 1 year after the date of enactment of the Educational Excellence for All Children Act of 2000.

“(D) For the purpose of carrying out this subsection in any fiscal year, the Secretary shall reserve not more than \$10,000,000 of the

amount appropriated to carry out this part for such year.

“(2) REPORT TO CONGRESS.—(A) Not later than April 30, 2002, the Secretary shall report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives the Secretary’s findings and recommendations regarding services under this part, and shall include in this report, recommendations for the interim measures that may be taken to ensure continuity of services under this part.

“(B) The Secretary shall assist States in developing effective methods for the transfer of student records and in determining the number of students or full-time equivalent students in each State if such interim measures are required.”.

(2) in subsection (c), by striking “\$6,000,000” and inserting “\$10,000,000”;

(3) in subsection (d)(1), by striking “\$1,500,000” and inserting “\$3,000,000”; and

(4) by adding at the end the following:

“(e) DATA COLLECTION.—The Secretary shall direct the National Center for Education Statistics to collect data on migratory children.”.

PART D—PARENTAL ASSISTANCE

SEC. 141. PARENTAL ASSISTANCE.

Part D of title I (20 U.S.C. 6421 et seq.) is amended to read as follows:

“PART D—PARENTAL ASSISTANCE AND CHILD OPPORTUNITY

“Subpart I—Parental Assistance”.

“SEC. 1401. PARENTAL INFORMATION AND RESOURCE CENTERS.

“(a) PURPOSE.—The purpose of this part is—

“(1) to provide leadership, technical assistance, and financial support to nonprofit organizations and local educational agencies to help the organizations and agencies implement successful and effective parental involvement policies, programs, and activities that lead to improvements in student performance;

“(2) to strengthen partnerships among parents (including parents of preschool age children), teachers, principals, administrators, and other school personnel in meeting the educational needs of children;

“(3) to develop and strengthen the relationship between parents and the school;

“(4) to further the developmental progress primarily of children assisted under this part; and

“(5) to coordinate activities funded under this part with parental involvement initiatives funded under section 1118 and other provisions of this Act.

“(b) GRANTS AUTHORIZED.—

“(1) IN GENERAL.—The Secretary is authorized to award grants in each fiscal year to nonprofit organizations, and nonprofit organizations in consortia with local educational agencies, to establish school-linked or school-based parental information and resource centers that provide training, information, and support to—

“(A) parents of children enrolled in elementary schools and secondary schools;

“(B) individuals who work with the parents described in subparagraph (A); and

“(C) State educational agencies, local educational agencies, schools, organizations that support family-school partnerships (such as parent-teacher associations), and other organizations that carry out parent education and family involvement programs.

“(2) AWARD RULE.—In awarding grants under this part, the Secretary shall ensure that such grants are distributed in all geographic regions of the United States.

“SEC. 1402. APPLICATIONS.

“(a) GRANTS APPLICATIONS.—

“(1) IN GENERAL.—Each nonprofit organization or nonprofit organization in consortium with a local educational agency that desires a grant under this part shall submit an application to the Secretary at such time and in such manner as the Secretary shall require.

“(2) CONTENTS.—Each application submitted under paragraph (1), at a minimum, shall include assurances that the organization or consortium will—

“(A)(i) be governed by a board of directors the membership of which includes parents; or

“(ii) be an organization or consortium that represents the interests of parents;

“(B) establish a special advisory committee the membership of which includes—

“(i) parents described in section 1401(b)(1)(A);

“(ii) representatives of education professionals with expertise in improving services for disadvantaged children; and

“(iii) representatives of local elementary schools and secondary schools who may include students and representatives from local youth organizations;

“(C) use at least ½ of the funds provided under this part in each fiscal year to serve areas with high concentrations of low-income families in order to serve parents who are severely educationally or economically disadvantaged;

“(D) operate a center of sufficient size, scope, and quality to ensure that the center is adequate to serve the parents in the area;

“(E) serve both urban and rural areas;

“(F) design a center that meets the unique training, information, and support needs of parents described in section 1401(b)(1)(A), particularly such parents who are educationally or economically disadvantaged;

“(G) demonstrate the capacity and expertise to conduct the effective training, information and support activities for which assistance is sought;

“(H) network with—

“(i) local educational agencies and schools;

“(ii) parents of children enrolled in elementary schools and secondary schools;

“(iii) parent training and information centers assisted under section 682 of the Individuals with Disabilities Education Act;

“(iv) clearinghouses; and

“(v) other organizations and agencies;

“(I) focus on serving parents described in section 1401(b)(1)(A) who are parents of low-income, minority, and limited English proficient children;

“(J) use part of the funds received under this part to establish, expand, or operate Parents as Teachers programs or Home Instruction for Preschool Youngsters programs;

“(K) provide assistance to parents in such areas as understanding State and local standards and measures of student and school performance; and

“(L) work with State and local educational agencies to determine parental needs and delivery of services.

“(b) GRANT RENEWAL.—For each fiscal year after the first fiscal year an organization or consortium receives assistance under this part, the organization or consortium shall demonstrate in the application submitted for such fiscal year after the first fiscal year that a portion of the services provided by the organization or consortium is supported through non-Federal contributions, which contributions may be in cash or in kind.

“SEC. 1403. USES OF FUNDS.

“(a) IN GENERAL.—Grant funds received under this part shall be used—

“(1) to assist parents in participating effectively in their children's education and to help their children meet State and local standards, such as assisting parents—

“(A) to engage in activities that will improve student performance, including understanding the accountability systems in place within their State educational agency and local educational agency and understanding their children's educational performance in comparison to State and local standards;

“(B) to provide followup support for their children's educational achievement;

“(C) to communicate effectively with teachers, principals, counselors, administrators, and other school personnel;

“(D) to become active participants in the development, implementation, and review of school-parent compacts, parent involvement policies, and school planning and improvement;

“(E) to participate in the design and provision of assistance to students who are not making adequate educational progress;

“(F) to participate in State and local decisionmaking; and

“(G) to train other parents;

“(2) to obtain information about the range of options, programs, services, and resources available at the national, State, and local levels to assist parents and school personnel who work with parents;

“(3) to help the parents learn and use the technology applied in their children's education;

“(4) to plan, implement, and fund activities for parents that coordinate the education of their children with other Federal programs that serve their children or their families; and

“(5) to provide support for State or local educational personnel if the participation of such personnel will further the activities assisted under the grant.

“(b) PERMISSIVE ACTIVITIES.—Grant funds received under this part may be used to assist schools with activities such as—

“(1) developing and implementing their plans or activities under sections 1118 and 1119; and

“(2) developing and implementing school improvement plans, including addressing problems that develop in the implementation of sections 1118 and 1119.

“(3) providing information about assessment and individual results to parents in a manner and a language the family can understand;

“(4) coordinating the efforts of Federal, State, and local parent education and family involvement initiatives; and

“(5) providing training, information, and support to—

“(A) State educational agencies;

“(B) local educational agencies and schools, especially those local educational agencies and schools that are low performing; and

“(C) organizations that support family-school partnerships.

“(c) GRANDFATHER CLAUSE.—The Secretary shall use funds made available under this part to continue to make grant or contract payments to each entity that was awarded a multiyear grant or contract under title IV of the Goals 2000: Educate America Act (as such title was in effect on the day before the date of enactment of the Educational Excellence for All Children Act of 2000) for the duration of the grant or contract award.

“SEC. 1403A. LOCAL FAMILY INFORMATION CENTERS.

“(a) CENTERS AUTHORIZED.—The Secretary shall award grants to, and enter into contracts and cooperative agreements with, local nonprofit parent organizations to enable the organizations to support local family information centers that help ensure that parents of students in schools assisted under part A have the training, information, and support the parents need to enable the parents to participate effectively in helping

their children to meet challenging State standards.

“(b) DEFINITION OF LOCAL NONPROFIT PARENT ORGANIZATION.—In this section, the term ‘local nonprofit parent organization’ means a private nonprofit organization (other than an institution of higher education) that—

“(1) has a demonstrated record of working with low-income individuals and parents;

“(2)(A) has a board of directors the majority of whom are parents of students in schools that are assisted under part A and located in the geographic area to be served by the center; or

“(B) has a special governing committee to direct and implement the center, a majority of the members of whom are parents of students in schools assisted under part A; and

“(3) is located in a community with schools that receive funds under part A, and is accessible to the families of students in those schools.

“(c) REQUIRED CENTER ACTIVITIES.—Each center assisted under this section shall be exempt from the uses of funds requirements under section 1403 and shall instead—

“(1) provide training, information, and support that meets the needs of parents of children in schools assisted under part A who are served through the grant, contract, or cooperative agreement, particularly underserved parents, low-income parents, parents of students with limited English proficiency, parents of students with disabilities, and parents of students in schools identified for school improvement or corrective action under section 1116(c);

“(2) help families of students enrolled in a school assisted under part A to understand and participate in all of the provisions of this Act designed to improve the achievement of students in the school;

“(3) provide information in a language and form that parents understand, including taking steps to ensure that underserved parents, low-income parents, parents with limited English proficiency, parents of students with disabilities, or parents of students in schools identified for school improvement or corrective action, are effectively informed and assisted;

“(4) assist parents to—

“(A) understand what their child's school is doing to enable students at the school to meet the State and local standards, including understanding the curriculum and instructional methods the school is using to help the students meet the standards;

“(B) better understand their child's educational needs, where their child stands with respect to State standards, how the school is addressing the child's education needs, and how they can work with their child to increase the child's academic achievement;

“(C) participate in the decisionmaking processes at the school, school district, and State levels;

“(D) understand and benefit from the provisions of other Federal education programs; and

“(E) understand public school choice options available in the local community, including magnet schools, charter schools, and alternative schools;

“(5) be designed to meet the specific needs of families who experience significant isolation from available sources of information and support; and

“(6) report annually to the Secretary regarding measures, determined by the Secretary, that indicate the program's effectiveness in reaching underserved parents and developing meaningful parent involvement in schools assisted under part A.

“(c) APPLICATION REQUIREMENTS.—Each local nonprofit parent organization desiring assistance under this section shall submit to the Secretary an application (in place of the

application required under section 1402) at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

“(1) describe how the organization will use the assistance to help families under this section;

“(2) describe what steps the organization has taken to meet with school district or school personnel in the geographic area to be served by the center in order to inform the personnel of the plan and application for the assistance; and

“(3) identify with specificity the special efforts that the organization will take—

“(A) to ensure that the needs for training, information, and support for parents of students in schools assisted under part A, particularly underserved parents, low-income parents, parents with limited English proficiency, parents of students with disabilities, and parents of students in schools identified for school improvement or corrective action, are effectively met; and

“(B) to work with community-based organizations.

“(d) DISTRIBUTION OF FUNDS.—

“(1) ALLOCATION OF FUNDS.—The Secretary shall make at least 2 awards of assistance under this section to a local nonprofit parent organization in each State, unless the Secretary does not receive at least 2 applications from such organizations in a State of sufficient quality to warrant providing the assistance in the State.

“(2) SELECTION REQUIREMENT FOR LOCAL FAMILY INFORMATION CENTERS.—

“(A) IN GENERAL.—The Secretary shall select local nonprofit parent organizations in a State to receive assistance under this section in a manner that ensures the provision of the most effective assistance to low-income parents of students in schools assisted under part A.

“(B) PRIORITY.—The Secretary shall give priority to—

“(i) non-profit parent organizations that are located in rural and urban areas in the State where the percentage of students from families at or below the poverty line is greater than the median, as determined by the State; and

“(ii) areas with high school dropout rates, high percentages of limited English proficient students, or schools identified for school improvement or corrective action under section 1116(c).

“SEC. 1404. TECHNICAL ASSISTANCE.

“The Secretary shall provide technical assistance, by grant or contract, for the establishment, development, and coordination of parent training, information, and support programs and parental information and resource centers.

“SEC. 1405. REPORTS.

“(a) INFORMATION.—Each organization or consortium receiving assistance under this part shall submit to the Secretary, on an annual basis, information concerning the parental information and resource centers assisted under this part, including—

“(1) the number of parents (including the number of minority and limited English proficient parents) who receive information and training;

“(2) the types and modes of training, information, and support provided under this part;

“(3) the strategies used to reach and serve parents of minority and limited English proficient children, parents with limited literacy skills, and other parents in need of the services provided under this part;

“(4) the parental involvement policies and practices used by the center and an evaluation of whether such policies and practices are effective in improving home-school com-

munication, student achievement, student and school performance, and parental involvement in school planning, review, and improvement; and

“(5) the effectiveness of the activities that local educational agencies and schools are carrying out with regard to parental involvement and other activities assisted under this Act that lead to improved student achievement and improved student and school performance.

“(b) DISSEMINATION.—The Secretary annually shall disseminate, widely to the public and to Congress, the information that each organization or consortium submits under subsection (a) to the Secretary.

“SEC. 1406. GENERAL PROVISIONS.

“Notwithstanding any other provision of this part—

“(1) no person, including a parent who educates a child at home, a public school parent, or a private school parent, shall be required to participate in any program of parent education or developmental screening pursuant to the provisions of this part; and

“(2) no program or center assisted under this part shall take any action that infringes in any manner on the right of a parent to direct the education of their children.”

SEC. 142. CHILD OPPORTUNITY ZONE FAMILY CENTERS.

Part D of title I (20 U.S.C. 6421 et seq.) is amended by adding at the end the following:

“Subpart II—Child Opportunity Zone Family Centers

“SEC. 1451. SHORT TITLE.

“This subpart may be cited as the ‘Child Opportunity Zone Family Center Act of 2000’.

“SEC. 1452. PURPOSE.

“The purpose of this subpart is to encourage eligible partnerships to establish or expand child opportunity zone family centers in public elementary schools and secondary schools in order to provide comprehensive support services for children and their families, and to improve the children’s educational, health, mental health, and social outcomes.

“SEC. 1453. DEFINITIONS.

“In this subpart:

“(1) CHILD OPPORTUNITY ZONE FAMILY CENTER.—The term ‘child opportunity zone family center’ means a school-based or school-linked community service center that provides and links children and their families with comprehensive information, support, services, and activities to improve the education, health, mental health, safety, and economic well-being of the children and their families.

“(2) ELIGIBLE PARTNERSHIP.—The term ‘eligible partnership’ means a partnership—

“(A) that contains—

“(i) at least 1 public elementary school or secondary school that—

“(I) receives assistance under this title and for which a measure of poverty determination is made under section 1113(a)(5) with respect to a minimum of 40 percent of the children in the school; and

“(II) demonstrates parent involvement and parent support for the partnership’s activities;

“(ii) a local educational agency;

“(iii) a public agency, other than a local educational agency, such as a local or State department of health, mental health, or social services; and

“(iv) a nonprofit community-based organization, providing health, mental health, or social services;

“(v) a local child care resource and referral agency; and

“(vi) a local organization representing parents; and

“(B) that may contain—

“(i) an institution of higher education; and

“(ii) other public or private nonprofit entities with experience in providing services to disadvantaged families.

“SEC. 1454. GRANTS AUTHORIZED.

“(a) IN GENERAL.—The Secretary may award, on a competitive basis, grants to eligible partnerships to pay for the Federal share of the cost of establishing and expanding child opportunity zone family centers.

“(b) DURATION.—The Secretary shall award grants under this section for periods of 5 years.

“SEC. 1455. REQUIRED ACTIVITIES.

“Each eligible partnership receiving a grant under this subpart shall use the grant funds—

“(1) in accordance with the needs assessment described in section 1456(b)(1), to provide or link children and their families with information, support, activities, or services in core areas such as education, child care, before- and after-school care and enrichment programs, health services, mental health services, family support, literacy services, parenting skills, and drop-out prevention;

“(2) to provide intensive, high-quality, research-based programs that—

“(A) provide violence prevention education for families and developmentally appropriate instructional services to children (including children below the age of compulsory school attendance); and

“(B) provide effective strategies for nurturing and supporting the emotional, social, and cognitive growth of children; and

“(3) to provide training, information, and support to families to enable the families to participate effectively in their children’s education, and to help their children meet challenging standards.

“SEC. 1456. APPLICATIONS.

“(a) IN GENERAL.—Each eligible partnership desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(b) CONTENTS.—Each application submitted pursuant to subsection (a) shall—

“(1) include a needs assessment, including a description of how the partnership will ensure that the activities to be assisted under this subpart will be tailored to meet the specific needs of the children and families to be served;

“(2) describe arrangements that have been formalized between the participating public elementary school or secondary school, and other partnership members;

“(3) describe how the partnership will effectively coordinate with the centers under subpart I and utilize Federal, State, and local sources of funding that provide assistance to families and their children;

“(4) describe the partnership’s plan to—

“(A) develop and carry out the activities assisted under this subpart with extensive participation of parents, administrators, teachers, pupil services personnel, social and human service agencies, and community organizations and leaders; and

“(B) coordinate the activities assisted under this subpart with the education reform efforts of the participating public elementary school or secondary school, and the participating local educational agency;

“(5) describe how the partnership will ensure that underserved populations such as families of students with limited English proficiency, or families of students with disabilities, are effectively involved, informed, and assisted;

“(6) describe how the partnership will collect and analyze data, and will utilize specific performance measures and indicators to—

“(A) determine the impact of activities assisted under this subpart as described in section 1459(a); and

“(B) improve the activities assisted under this subpart; and

“(7) describe how the partnership will protect the privacy of families and their children participating in the activities assisted under this subpart.

“SEC. 1457. FEDERAL SHARE.

“The Federal share of the cost of establishing and expanding child opportunity zone family centers—

“(1) for the first year for which an eligible partnership receives assistance under this subpart shall not exceed 90 percent;

“(2) for the second such year, shall not exceed 80 percent;

“(3) for the third such year, shall not exceed 70 percent;

“(4) for the fourth such year, shall not exceed 60 percent; and

“(5) for the fifth such year, shall not exceed 50 percent.

“SEC. 1458. CONTINUATION OF FUNDING.

“Each eligible partnership that receives a grant under this subpart shall, after the third year for which the partnership receives funds through the grant, be eligible to continue to receive the funds if the Secretary determines that the partnership has made significant progress in meeting the performance measures used for the partnership's local evaluation under section 1456(b)(6).

“SEC. 1459. EVALUATIONS AND REPORTS.

“(a) LOCAL EVALUATIONS.—Each partnership receiving funds under this subpart shall conduct annual evaluations and submit to the Secretary reports containing the results of the evaluations. The reports shall include the results of the partnerships performance assessment described in section 1456(b)(6).

“(b) NATIONAL EVALUATIONS.—The Secretary shall reserve not more than 3 percent of the amount appropriated under this subpart to carry out a national evaluation of the effectiveness of the activities assisted under this subpart. Such evaluation shall be completed not later than 3 years after the date of enactment of the Child Opportunity Zone Family Center Act of 2000, and every year thereafter and shall be submitted to Congress.

“(c) EXEMPLARY ACTIVITIES.—The Secretary shall broadly disseminate information on exemplary activities developed under this subpart.

“SEC. 1460. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this subpart \$50,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 through 2004.”

PART E—GENERAL PROVISIONS; COMPREHENSIVE SCHOOL REFORM; ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

SEC. 151. GENERAL PROVISIONS; COMPREHENSIVE SCHOOL REFORM; ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS.

Part A of title I (20 U.S.C. 6311) is amended—

(1) by redesignating part F as part H;

(2) by redesignating sections 1601 through 1604 as sections 1901 through 1904, respectively; and

(3) by inserting after part E the following:

“PART F—COMPREHENSIVE SCHOOL REFORM

“SEC. 1601. PURPOSE.

“The purpose of this part is to provide financial incentives for schools to develop comprehensive school reforms based upon promising and effective practices and re-

search-based programs that emphasize basic academics and parental involvement so that all children can meet challenging State content and student performance standards.

“SEC. 1602. PROGRAM AUTHORIZATION.

“(a) PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—The Secretary is authorized to award grants to State educational agencies, from allotments under paragraph (2), to enable the State educational agencies to carry out the purpose described in section 1601.

“(2) ALLOTMENTS.—

“(A) RESERVATIONS.—Of the amount appropriated under section 1002(h) for a fiscal year, the Secretary may reserve—

“(i) not more than 1 percent to provide assistance to schools supported by the Bureau of Indian Affairs and in the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands according to their respective needs for assistance under this part; and

“(ii) not more than 1 percent to conduct national evaluation activities described in section 1607.

“(B) IN GENERAL.—Of the amount appropriated under section 1002(h) that remains after making the reservation under subparagraph (A) for a fiscal year, the Secretary shall allot to each State for the fiscal year an amount that bears the same ratio to the remainder for that fiscal year as the amount made available under section 1124 to the State for the preceding fiscal year bears to the total amount made available under section 1124 to all States for that year.

“(C) REALLOTMENT.—If a State does not apply for funds under this section, the Secretary shall reallocate such funds to other States that do not apply in proportion to the amount allotted to such other States under subparagraph (B).

“SEC. 1603. STATE APPLICATIONS.

“(a) IN GENERAL.—Each State educational agency that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(b) CONTENTS.—Each such application shall describe—

“(1) the process and selection criteria by which the State educational agency, using expert review, will select local educational agencies to receive subgrants under this section;

“(2) how the State educational agency will ensure that only comprehensive school reforms that are based on promising and effective practices and research-based programs receive funds under this part;

“(3) how the State educational agency will disseminate information on comprehensive school reforms that are based on promising and effective practices and research-based programs;

“(4) how the State educational agency will evaluate the implementation of such reforms and measure the extent to which the reforms have resulted in increased student academic performance; and

“(5) how the State educational agency will make available technical assistance to a local educational agency or consortia of local educational agencies in evaluating, developing, and implementing comprehensive school reform.

“SEC. 1604. STATE USE OF FUNDS.

“(a) IN GENERAL.—Except as provided in subsection (e), a State educational agency that receives a grant under this part shall use the grant funds to award subgrants, on a competitive basis, to local educational agencies or consortia of local educational agencies in the State that receive funds under part A.

“(b) SUBGRANT REQUIREMENTS.—A subgrant to a local educational agency or consortium shall be—

“(1) of sufficient size and scope to support the initial costs for the particular comprehensive school reform plan selected or designed by each school identified in the application of the local educational agency or consortium;

“(2) in an amount not less than \$50,000 for each participating school; and

“(3) renewable for 2 additional 1-year periods after the initial 1-year grant is made if the school is making substantial progress in the implementation of reforms.

“(c) PRIORITY.—A State educational agency, in awarding subgrants under this part, shall give priority to local educational agencies or consortia that—

“(1) plan to use the funds in schools identified as being in need of improvement or corrective action under section 1116(c); and

“(2) demonstrate a commitment to assist schools with budget allocation, professional development, and other strategies necessary to ensure the comprehensive school reforms are properly implemented and are sustained in the future.

“(d) GRANT CONSIDERATION.—In awarding subgrants under this part, the State educational agency shall take into consideration the equitable distribution of subgrants to different geographic regions within the State, including urban and rural areas, and to schools serving elementary school and secondary students.

“(e) ADMINISTRATIVE COSTS.—A State educational agency that receives a grant under this part may reserve not more than 5 percent of the grant funds for administrative, evaluation, and technical assistance expenses.

“(f) SUPPLEMENT.—Funds made available under this part shall be used to supplement, and not supplant, any other Federal, State, or local funds that would otherwise be available to carry out the activities assisted under this part.

“(g) REPORTING.—Each State educational agency that receives a grant under this part shall provide to the Secretary such information as the Secretary may require, including the names of local educational agencies and schools receiving assistance under this part, the amount of the assistance, and a description of the comprehensive school reform model selected and used.

“SEC. 1605. LOCAL APPLICATIONS.

“(a) IN GENERAL.—Each local educational agency or consortium of local educational agencies desiring a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

“(b) CONTENTS.—Each such application shall—

“(1) identify the schools, that are eligible for assistance under part A, that plan to implement a comprehensive school reform program, including the projected costs of such a program;

“(2) describe the promising and effective practices and research-based programs that such schools will implement;

“(3) describe how the local educational agency or consortium will provide technical assistance and support for the effective implementation of the promising and effective practices and research-based school reforms selected by such schools; and

“(4) describe how the local educational agency or consortium will evaluate the implementation of such reforms and measure the results achieved in improving student academic performance.

SEC. 1606. LOCAL USE OF FUNDS.

“(a) USES OF FUNDS.—A local educational agency or consortium that receives a subgrant under this section shall provide the subgrant funds to schools, that are eligible for assistance under part A and served by the agency, to enable the schools to implement a comprehensive school reform program for—

“(1) employing innovative strategies for student learning, teaching, and school management that are based on promising and effective practices and research-based programs and have been replicated successfully in schools with diverse characteristics;

“(2) integrating a comprehensive design for effective school functioning, including instruction, assessment, classroom management, professional development, parental involvement, and school management, that aligns the school's curriculum, technology, and professional development into a comprehensive reform plan for schoolwide change designed to enable all students to meet challenging State content and student performance standards and addresses needs identified through a school needs assessment;

“(3) providing high quality and continuous teacher and staff professional development;

“(4) the inclusion of measurable goals for student performance;

“(5) support for teachers, principals, administrators, and other school personnel staff;

“(6) meaningful community and parental involvement initiatives that will strengthen school improvement activities;

“(7) using high quality external technical support and assistance from an entity that has experience and expertise in schoolwide reform and improvement, which may include an institution of higher education;

“(8) evaluating school reform implementation and student performance; and

“(9) identification of other resources, including Federal, State, local, and private resources, that shall be used to coordinate services that will support and sustain the school reform effort.

“(b) SPECIAL RULE.—A school that receives funds to develop a comprehensive school reform program shall not be limited to using the approaches identified or developed by the Secretary, but may develop the school's own comprehensive school reform programs for schoolwide change as described in subsection (a).

SEC. 1607. NATIONAL EVALUATION AND REPORTS.

“(a) IN GENERAL.—The Secretary shall develop a plan for a national evaluation of the programs assisted under this part.

“(b) EVALUATION.—The national evaluation shall—

“(1) evaluate the implementation and results achieved by schools after 3 years of implementing comprehensive school reforms; and

“(2) assess the effectiveness of comprehensive school reforms in schools with diverse characteristics.

“(c) REPORTS.—Prior to the completion of the national evaluation, the Secretary shall submit an interim report describing implementation activities for the Comprehensive School Reform Program, which began in 1998, to the Committee on Education and the Workforce, and the Committee on Appropriations of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate.

PART G—ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS**SEC. 1701. PURPOSE.**

“The purpose of this part is to provide for school dropout prevention and reentry and

to raise academic achievement levels by providing grants, to schools through State educational agencies, that—

“(1) challenge all children to attain their highest academic potential; and

“(2) ensure that all students have substantial and ongoing opportunities to do so through schoolwide programs proven effective in school dropout prevention.

Subpart 1—Coordinated National Strategy**SEC. 1711. NATIONAL ACTIVITIES.**

“(a) IN GENERAL.—The Secretary is authorized—

“(1) to collect systematic data on the participation in the programs described in paragraph (2)(C) of individuals disaggregated within each State, local educational agency, and school by gender, by each major racial and ethnic group, by English proficiency status, by migrant status, by students with disabilities as compared to nondisabled students, and by economically disadvantaged students as compared to students who are not economically disadvantaged;

“(2) to establish and to consult with an interagency working group which shall—

“(A) address inter- and intra-agency program coordination issues at the Federal level with respect to school dropout prevention and middle school and secondary school reentry, assess the targeting of existing Federal services to students who are most at risk of dropping out of school, and the cost-effectiveness of various programs and approaches used to address school dropout prevention;

“(B) describe the ways in which State and local agencies can implement effective school dropout prevention programs using funds from a variety of Federal programs, including the programs under this title and the School-to-Work Opportunities Act of 1994; and

“(C) address all Federal programs with school dropout prevention or school reentry elements or objectives, programs under title I of this Act, the School-to-Work Opportunities Act of 1994, part B of title IV of the Job Training Partnership Act, subtitle C of title I of the Workforce Investment Act of 1998, and other programs; and

“(3) carry out a national recognition program in accordance with subsection (b) that recognizes schools that have made extraordinary progress in lowering school dropout rates under which a public middle school or secondary school from each State will be recognized.

(b) RECOGNITION PROGRAM.—

“(1) NATIONAL GUIDELINES.—The Secretary shall develop uniform national guidelines for the recognition program which shall be used to recognize schools from nominations submitted by State educational agencies.

“(2) ELIGIBLE SCHOOLS.—The Secretary may recognize under the recognition program any public middle school or secondary school (including a charter school) that has implemented comprehensive reforms regarding the lowering of school dropout rates for all students at that school.

“(3) SUPPORT.—The Secretary may make monetary awards to schools recognized under the recognition program in amounts determined by the Secretary. Amounts received under this section shall be used for dissemination activities within the school district or nationally.

Subpart 2—National School Dropout Prevention Initiative**SEC. 1721. PROGRAM AUTHORIZED.****(a) ALLOTMENTS TO STATES.—**

“(1) IN GENERAL.—From the sum made available under section 1732(b) for a fiscal year the Secretary shall make an allotment to each State in an amount that bears the

same relation to the sum as the amount the State received under this title for the preceding fiscal year bears to the amount received by all States under this title for the preceding fiscal year.

“(2) DEFINITION OF STATE.—In this subpart, the term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

“(b) GRANTS.—From amounts made available to a State under subsection (a), the State educational agency may award grants to public middle schools or secondary schools, that have school dropout rates which are in the highest 1/3 of all school dropout rates in the State, to enable the schools to pay only the startup and implementation costs of effective, sustainable, coordinated, and whole school dropout prevention programs that involve activities such as—

“(1) professional development;

“(2) obtaining curricular materials;

“(3) release time for professional staff;

“(4) planning and research;

“(5) remedial education;

“(6) reduction in pupil-to-teacher ratios;

“(7) efforts to meet State student achievement standards;

“(8) counseling and mentoring for at-risk students; and

“(9) comprehensive school reform models.

(c) AMOUNT.—

“(1) IN GENERAL.—Subject to subsection (d) and except as provided in paragraph (2), a grant under this subpart shall be awarded—

“(A) in the first year that a school receives a grant payment under this subpart, in an amount that is not less than \$50,000 and not more than \$100,000, based on factors such as—

“(i) school size;

“(ii) costs of the model or set of prevention and reentry strategies being implemented; and

“(iii) local cost factors such as poverty rates;

“(B) in the second such year, in an amount that is not less than 75 percent of the amount the school received under this subpart in the first such year;

“(C) in the third year, in an amount that is not less than 50 percent of the amount the school received under this subpart in the first such year; and

“(D) in each succeeding year in an amount that is not less than 30 percent of the amount the school received under this subpart in the first such year.

“(2) INCREASES.—The Secretary shall increase the amount awarded to a school under this subpart by 10 percent if the school creates smaller learning communities within the school and the creation is certified by the State educational agency.

“(d) DURATION.—A grant under this subpart shall be awarded for a period of 3 years, and may be continued for a period of 2 additional years if the State educational agency determines, based on the annual reports described in section 1727(a), that significant progress has been made in lowering the school dropout rate for students participating in the program assisted under this subpart compared to students at similar schools who are not participating in the program.

SEC. 1722. STRATEGIES AND CAPACITY BUILDING.

“(a) STRATEGIES.—Each school receiving a grant under this subpart shall implement research-based, sustainable, and widely replicated, strategies for school dropout prevention and reentry that address the needs of an

entire school population rather than a subset of students. The strategies may include—

“(1) specific strategies for targeted purposes, such as effective early intervention programs designed to identify at-risk students, effective programs encompassing traditionally underserved students, including racial and ethnic minorities and pregnant and parenting teenagers, designed to prevent such students from dropping out of school, and effective programs to identify and encourage youth who have already dropped out of school to reenter school and complete their secondary education; and

“(2) approaches such as breaking larger schools down into smaller learning communities and other comprehensive reform approaches, creating alternative school programs, developing clear linkages to career skills and employment, and addressing specific gatekeeper hurdles that often limit student retention and academic success.

“(b) CAPACITY BUILDING.—

“(1) IN GENERAL.—The Secretary, through a contract with a non-Federal entity, shall conduct a capacity building and design initiative in order to increase the types of proven strategies for dropout prevention and reentry that address the needs of an entire school population rather than a subset of students.

“(2) NUMBER AND DURATION.—

“(A) NUMBER.—The Secretary shall award not more than 5 contracts under this subsection.

“(B) DURATION.—The Secretary shall award a contract under this section for a period of not more than 5 years.

“(c) SUPPORT FOR EXISTING REFORM NETWORKS.—

“(1) IN GENERAL.—The Secretary shall provide appropriate support to eligible entities to enable the eligible entities to provide training, materials, development, and staff assistance to schools assisted under this subpart.

“(2) DEFINITION OF ELIGIBLE ENTITY.—The term ‘eligible entity’ means an entity that, prior to the date of enactment of the Educational Excellence for All Children Act of 2000—

“(A) provided training, technical assistance, and materials to 100 or more elementary schools or secondary schools; and

“(B) developed and published a specific educational program or design for use by the schools.

“SEC. 1723. SELECTION OF SCHOOLS.

“(a) SCHOOL APPLICATION.—

“(1) IN GENERAL.—Each school desiring a grant under this subpart shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require.

“(2) CONTENTS.—Each application submitted under paragraph (1) shall—

“(A) contain a certification from the local educational agency serving the school that—

“(i) the school has the highest number or rates of school dropouts in the age group served by the local educational agency;

“(ii) the local educational agency is committed to providing ongoing operational support, for the school’s comprehensive reform plan to address the problem of school dropouts, for a period of 5 years; and

“(iii) the local educational agency will support the plan, including—

“(I) release time for teacher training;

“(II) efforts to coordinate activities for feeder schools; and

“(III) encouraging other schools served by the local educational agency to participate in the plan;

“(B) demonstrate that the faculty and administration of the school have agreed to

apply for assistance under this subpart, and provide evidence of the school’s willingness and ability to use the funds under this subpart, including providing an assurance of the support of 80 percent or more of the professional staff at the school;

“(C) describe the instructional strategies to be implemented, how the strategies will serve all students, and the effectiveness of the strategies;

“(D) describe a budget and timeline for implementing the strategies;

“(E) contain evidence of coordination with existing resources;

“(F) provide an assurance that funds provided under this subpart will supplement and not supplant other Federal, State, and local funds;

“(G) describe how the activities to be assisted conform with research-based knowledge about school dropout prevention and reentry; and

“(H) demonstrate that the school and local educational agency have agreed to conduct a schoolwide program under section 1114.

“(b) STATE AGENCY REVIEW AND AWARD.—The State educational agency shall review applications and award grants to schools under subsection (a) according to a review by a panel of experts on school dropout prevention.

“(c) ELIGIBILITY.—A school is eligible to receive a grant under this subpart if the school is—

“(1) a public school (including a public alternative school)—

“(A) that is eligible to receive assistance under part A, including a comprehensive secondary school, a vocational or technical secondary school, and a charter school; and

“(B)(i) that serves students 50 percent or more of whom are low-income individuals; or

“(ii) with respect to which the feeder schools that provide the majority of the incoming students to the school serve students 50 percent or more of whom are low-income individuals; or

“(2) participating in a schoolwide program under section 1114 during the grant period.

“(d) COMMUNITY-BASED ORGANIZATIONS.—A school that receives a grant under this subpart may use the grant funds to secure necessary services from a community-based organization, including private sector entities, if—

“(1) the school approves the use;

“(2) the funds are used to provide school dropout prevention and reentry activities related to schoolwide efforts; and

“(3) the community-based organization has demonstrated the organization’s ability to provide effective services as described in section 107(a) of the Job Training Partnership Act, or section 122 of the Workforce Investment Act of 1998.

“(e) COORDINATION.—Each school that receives a grant under this subpart shall coordinate the activities assisted under this subpart with other Federal programs, such as programs assisted under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 and the School-to-Work Opportunities Act of 1994.

“SEC. 1724. DISSEMINATION ACTIVITIES.

“Each school that receives a grant under this subpart shall provide information and technical assistance to other schools within the school district, including presentations, document-sharing, and joint staff development.

“SEC. 1725. PROGRESS INCENTIVES.

“Notwithstanding any other provision of law, each local educational agency that receives funds under this title shall use such funding to provide assistance to schools served by the agency that have not made progress toward lowering school dropout

rates after receiving assistance under this subpart for 2 fiscal years.

“SEC. 1726. SCHOOL DROPOUT RATE CALCULATION.

“For purposes of calculating a school dropout rate under this subpart, a school shall use—

“(1) the annual event school dropout rate for students leaving a school in a single year determined in accordance with the National Center for Education Statistics’ Common Core of Data, if available; or

“(2) in other cases, a standard method for calculating the school dropout rate as determined by the State educational agency.

“SEC. 1727. REPORTING AND ACCOUNTABILITY.

“(a) REPORTING.—In order to receive funding under this subpart for a fiscal year after the first fiscal year a school receives funding under this subpart, the school shall provide, on an annual basis, to the Secretary a report regarding the status of the implementation of activities funded under this subpart, the outcome data for students at schools assisted under this subpart disaggregated in the same manner as information under section 1711(a) (such as dropout rates), and certification of progress from the eligible entity whose strategies the school is implementing.

“(b) ACCOUNTABILITY.—On the basis of the reports submitted under subsection (a), the Secretary shall evaluate the effect of the activities assisted under this subpart on school dropout prevention compared to a control group.

“SEC. 1728. STATE RESPONSIBILITIES.

“(a) UNIFORM DATA COLLECTION.—Within 1 year after the date of enactment of the Educational Excellence for All Children Act of 2000, a State educational agency that receives funds under this part shall report to the Secretary and statewide, all school district and school data regarding school dropout rates in the State disaggregated in the same manner as information under section 1711(a), according to procedures that conform with the National Center for Education Statistics’ Common Core of Data.

“(b) ATTENDANCE-NEUTRAL FUNDING POLICIES.—Within 2 years after the date of enactment of the Educational Excellence for All Children Act of 2000, a State educational agency that receives funds under this part shall develop and implement education funding formula policies for public schools that provide appropriate incentives to retain students in school throughout the school year, such as—

“(1) a student count methodology that does not determine annual budgets based on attendance on a single day early in the academic year; and

“(2) specific incentives for retaining enrolled students throughout each year.

“(c) SUSPENSION AND EXPULSION POLICIES.—Within 2 years after the date of enactment of the Educational Excellence for All Children Act of 2000, a State educational agency that receives funds under this part shall develop uniform, long-term suspension and expulsion policies (that in the case of a child with a disability are consistent with the suspension and expulsion policies under the Individuals with Disabilities Education Act) for serious infractions resulting in more than 10 days of exclusion from school per academic year so that similar violations result in similar penalties.

“(d) REGULATIONS.—The Secretary shall promulgate regulations implementing subsections (a) through (c).

“Subpart 3—Definitions; Authorization of Appropriations

“SEC. 1731. DEFINITIONS.

“In this part:

“(1) LOW-INCOME.—The term ‘low-income’, used with respect to an individual, means an

individual determined to be low-income in accordance with measures described in section 1113(a)(5).

“(2) SCHOOL DROPOUT.—The term ‘school dropout’ has the meaning given the term in section 4(17) of the School-to-Work Opportunities Act of 1994.

“SEC. 1732. AUTHORIZATION OF APPROPRIATIONS.

“(a) SUBPART 1.—There are authorized to be appropriated to carry out subpart 1, \$5,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

“(b) SUBPART 2.—There are authorized to be appropriated to carry out subpart 2, \$145,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years, of which—

“(1) \$125,000,000 shall be available to carry out section 1721; and

“(2) \$20,000,000 shall be available to carry out section 1722.”

TITLE II—PROFESSIONAL DEVELOPMENT FOR TEACHERS

SEC. 201. TEACHER QUALITY.

(a) IN GENERAL.—Title II (20 U.S.C. 6601 et seq.) is amended by striking the title heading and all that follows through the end of part A and inserting the following:

“TITLE II—QUALIFIED TEACHER IN EVERY CLASSROOM

“PART A—TEACHER QUALITY

“SEC. 2001. PURPOSES.

“The purposes of this part are the following:

“(1) To improve student achievement in order to help every student meet State content and student performance standards.

“(2) To—

“(A) enable States, local educational agencies, and schools to improve the quality and success of the teaching force by providing all teachers, including beginning and veteran teachers, with the support those teachers need to succeed and stay in teaching, by providing professional development and mentoring programs for teachers, by offering incentives for additional qualified individuals to go into teaching, by reducing out-of-field placement of teachers, and by reducing the number of teachers with emergency credentials; and

“(B) hold the States, agencies, and schools accountable for such improvements.

“(3) To support State and local efforts to recruit qualified teachers to address teacher shortages, particularly in communities with the greatest need.

“(4) To ensure that underqualified and inexperienced teachers do not teach higher percentages of low-income students and minority students than other students.

“SEC. 2002. DEFINITIONS.

“In this part:

“(1) BEGINNING TEACHER.—The term ‘beginning teacher’ means a fully qualified teacher who has taught for 3 years or less.

“(2) CORE ACADEMIC SUBJECTS.—The term ‘core academic subjects’ means—

“(A) mathematics;

“(B) science;

“(C) reading (or language arts) and English;

“(D) social studies (consisting of history, civics, government, geography, and economics);

“(E) foreign languages; and

“(F) fine arts (consisting of music, dance, drama, and the visual arts).

“(3) COVERED RECRUITMENT.—The term ‘covered recruitment’ means activities described in section 2017(c).

“(4) FULLY QUALIFIED.—

“(A) IN GENERAL.—The term ‘fully qualified’, used with respect to a teacher, means a teacher who—

“(i)(I) is certified or licensed and has demonstrated the academic subject knowledge, teaching knowledge, and teaching skills necessary to teach effectively in the academic subject in which the teacher teaches, according to the standards described in subparagraph (B) or (C), as appropriate; and

“(II) shall not be a teacher for whom State certification or licensing requirements have been waived or who is teaching under an emergency or other provisional credential; or

“(ii) meets the standards of the National Board for Professional Teaching Standards.

“(B) ELEMENTARY SCHOOL INSTRUCTIONAL STAFF.—For purposes of complying with subparagraph (A)(i), each elementary school teacher (other than a middle school teacher) in the State shall, at a minimum—

“(i) have State certification or a State license to teach (which may include certification or licensing obtained through alternative routes); and

“(ii) hold a bachelor’s degree and demonstrate the academic subject knowledge, teaching knowledge, and teaching skills required to teach effectively in reading, writing, mathematics, social studies, science, and other academic subjects.

“(C) MIDDLE SCHOOL AND SECONDARY SCHOOL INSTRUCTIONAL STAFF.—For purposes of complying with subparagraph (A)(i), each middle school or secondary school teacher in the State shall, at a minimum—

“(i) have State certification or a State license to teach (which may include certification or licensing obtained through alternative routes); and

“(ii) hold a bachelor’s degree or higher degree and demonstrate a high level of competence in all academic subjects in which the teacher teaches through—

“(I) achievement of a high level of performance on rigorous academic subject tests;

“(II) completion of an academic major (or courses totaling an equivalent number of credit hours) in each of the academic subjects in which the teacher teaches; or

“(III) for a teacher hired prior to the date of enactment of the Educational Opportunities Act, completion of appropriate coursework for mastery of such academic subjects.

“(5) HIGH-POVERTY.—The term ‘high-poverty’, used with respect to a school, means a school that serves a high number or percentage of children from families with incomes below the poverty line, as determined by the State in which the school is located.

“(6) HIGH-POVERTY LOCAL EDUCATIONAL AGENCY.—The term ‘high-poverty local educational agency’ means a local educational agency for which the number of children served by the agency who are age 5 through 17, and from families with incomes below the poverty line—

“(A) is not less than 20 percent of the number of all children served by the agency; or

“(B) is more than 10,000.

“(7) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’—

“(A) has the meaning given the term in section 101(a) of the Higher Education Act of 1965; and

“(B) if such an institution prepares teachers and receives Federal funds, means such an institution that—

“(i) is in full compliance with the requirements of section 207 of the Higher Education Act of 1965; and

“(ii) does not have a teacher preparation program identified by a State as low-performing.

“(8) LOW-PERFORMING SCHOOL.—The term ‘low-performing school’ means—

“(A) a school identified by a local educational agency for school improvement under section 1116(c); or

“(B) a school in which the great majority of students, as determined by the State in which the school is located, fail to meet State student performance standards based on assessments the local educational agency is using under part A of title I.

“(9) MENTORING.—The term ‘mentoring’ means activities that—

“(A) consist of structured guidance and regular and ongoing support for beginning teachers, that—

“(i) is designed to help the teachers continue to improve their practice of teaching and to develop their instructional skills; and

“(ii)(I) as part of a multiyear, developmental induction process;

“(II) involves the assistance of a mentor teacher and other appropriate individuals from a school, local educational agency, or institution of higher education; and

“(III) may include coaching, classroom observation, team teaching, and reduced teaching loads; and

“(B) may include the establishment of a partnership by a local educational agency with an institution of higher education, another local educational agency, or another organization, for the purpose of carrying out the activities described in subparagraph (A).

“(10) MENTOR TEACHER.—The term ‘mentor teacher’ means a fully qualified teacher who—

“(A) is a highly competent classroom teacher who is formally selected and trained to work effectively with beginning teachers (including corps members described in section 2018);

“(B) is full-time, and is assigned and qualified to teach in the content area or grade level in which a beginning teacher (including a corps member described in section 2018), to whom the teacher provides mentoring, intends to teach;

“(C) has been consistently effective in helping diverse groups of students make substantial achievement gains; and

“(D) has been selected to provide mentoring through a peer review process that uses, as the primary selection criterion for the process, the teacher’s ability to help students achieve academic gains, measured through objective data.

“(11) POVERTY LINE.—The term ‘poverty line’ means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

“(12) PROFESSIONAL DEVELOPMENT.—The term ‘professional development’ means activities that are—

“(A)(i) an integral part of broad schoolwide and districtwide educational improvement plans and enhance the ability of teachers and other staff to help all students, including females, students with disabilities, students with limited English proficiency, and students who have economic and educational disadvantages, meet high State and local content and student performance standards;

“(ii) sustained, intensive, school-embedded, tied to State standards, and of high quality and sufficient duration to have a positive and lasting impact on classroom instruction (not one-time workshops); and

“(iii) based on the best available research on teaching and learning; and

“(B) described in subparagraphs (A) through (F) of section 2017(a)(1).

“(13) RECRUITMENT ACTIVITIES.—The term ‘recruitment activities’ means activities carried out through a teacher corps program as described in section 2018 to attract highly qualified individuals, including individuals taking nontraditional routes to teaching, to enter teaching and support the individuals

during necessary certification and licensure activities.

“(14) RECRUITMENT PARTNERSHIP.—The term ‘recruitment partnership’ means a partnership described in section 2015(b)(2).

“SEC. 2003. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part—

“(1) \$2,000,000,000 for fiscal year 2001, of which—

“(A) \$1,730,000,000 shall be made available to carry out subpart 1;

“(B) \$270,000,000 shall be made available to carry out subpart 2, of which—

“(i) \$120,000,000,000 shall be made available to carry out chapter 1 of subpart 2;

“(ii) \$25,000,000 shall be made available to carry out chapter 2 of subpart 2;

“(iii) \$75,000,000 shall be made available to carry out chapter 3 of subpart 2; and

“(iv) \$50,000,000 shall be made available to carry out chapter 4 of subpart 2; and

“(C) \$1,750,000,000 shall be available to carry out subpart 3; and

“(2) such sums as may be necessary for each of fiscal years 2002 through 2005.

“Subpart 1—Grants to States and Local Educational Agencies

“Chapter 1—Grants and Activities

“SEC. 2011. ALLOTMENTS TO STATES.

“(a) IN GENERAL.—The Secretary is authorized to make grants to eligible State educational agencies for the improvement of teaching and learning through sustained and intensive high-quality professional development, mentoring, and recruitment activities (and covered recruitment, at the election of a local educational agency) at the State and local levels. Each grant shall consist of the allotment determined for the State under subsection (b).

“(b) DETERMINATION OF AMOUNT OF ALLOTMENT.—

“(1) RESERVATION OF FUNDS.—

“(A) IN GENERAL.—From the total amount made available to carry out this subpart under section 2003(1) for any fiscal year, the Secretary shall reserve—

“(i) ½ of 1 percent for allotments for the outlying areas to be distributed among those outlying areas on the basis of their relative need, as determined by the Secretary, for professional development and mentoring and recruitment activities carried out in accordance with the purposes of this part; and

“(ii) ½ of 1 percent for the Secretary of the Interior for programs carried out in accordance with the purposes of this part to provide professional development and mentoring and recruitment activities for teachers and other staff in schools operated or funded by the Bureau of Indian Affairs.

“(B) LIMITATION.—Notwithstanding subparagraph (A), the Secretary shall not reserve, for either the outlying areas under subparagraph (A)(i) or the schools operated or funded by the Bureau of Indian Affairs under subparagraph (A)(ii), more than the amount reserved for those areas or schools for fiscal year 2000 under the authority described in paragraph (2)(A)(i).

“(2) STATE ALLOTMENTS.—

“(A) HOLD HARMLESS.—

“(i) IN GENERAL.—Subject to subparagraph (B), from the total amount made available to carry out this subpart for any fiscal year and not reserved under paragraph (1), the Secretary shall allot to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico an amount equal to the amount that the State received for fiscal year 2000 under section 2202(b) of this Act (as in effect on the day before the date of enactment of the Educational Excellence for All Children Act of 2000).

“(ii) RATABLE REDUCTION.—If the total amount made available to carry out this sub-

part for any fiscal year and not reserved under paragraph (1) is insufficient to pay the full amounts that all States are eligible to receive under clause (i) for any fiscal year, the Secretary shall ratably reduce such amounts for such fiscal year.

“(B) ALLOTMENT OF ADDITIONAL FUNDS.—

“(i) IN GENERAL.—Subject to clause (ii), for any fiscal year for which the total amount made available to carry out this subpart and not reserved under paragraph (1) exceeds the total amount made available to the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico for fiscal year 2000 under the authority described in subparagraph (A)(i), the Secretary shall allot to each of those States the sum of—

“(I) an amount that bears the same relationship to 40 percent of the excess amount as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

“(II) an amount that bears the same relationship to 60 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

“(ii) EXCEPTION.—No State receiving an allotment under clause (i) may receive less than ½ of 1 percent of the total excess amount allotted under clause (i) for a fiscal year.

“(3) REALLOTMENT.—If any State described in paragraph (2) does not apply for an allotment under paragraph (2) for any fiscal year, the Secretary shall reallocate such amount to the remaining such States in accordance with paragraph (2).

“SEC. 2012. STATE APPLICATIONS.

“(a) APPLICATIONS REQUIRED.—

“(1) IN GENERAL.—Each State desiring to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(2) DEVELOPMENT.—The State educational agency shall develop the State application—

“(A) in consultation with the State agency for higher education, community-based and other nonprofit organizations, and institutions of higher education; and

“(B) with the extensive participation of teachers, teacher educators, school administrators, and content specialists.

“(b) CONTENTS.—Each such application shall include—

“(1) a description of the State’s shortages of fully qualified teachers relating to high-poverty school districts and high-need academic subjects (as such districts or subjects are determined by the State);

“(2) an assessment of the need for professional development for veteran teachers in the State and the need for strong mentoring programs for beginning teachers that is—

“(A) developed with the involvement of teachers; and

“(B) based on student achievement data in the core academic subjects and other indicators of the need for professional development and mentoring programs;

“(3) a description of how the State educational agency will use funds made available under this part to improve the quality of the State’s teaching force, eliminate the use of out-of-field placement of teachers, and eliminate the use of teachers hired with emergency or other provisional credentials by setting numerical, annual improvement goals, and meet the requirements of this section;

“(4) a description of how the State educational agency will align activities assisted under this subpart with State content and student performance standards, and State assessments by setting numerical, annual improvement goals;

“(5) a description of how the State educational agency will coordinate activities funded under this subpart with professional development and mentoring and recruitment activities that are supported with funds from other relevant Federal and non-Federal programs;

“(6) a plan, developed with the extensive participation of teachers, for addressing long-term teacher recruitment, retention, and professional development and mentoring needs, which may include—

“(A) providing technical assistance to help school districts reform hiring and employment practices to improve the recruitment and retention of fully qualified teachers, especially with respect to high-poverty schools; or

“(B) establishing State or regional partnerships to address teacher shortages;

“(7) a description of how the State educational agency will assist local educational agencies in implementing effective and sustained professional development and mentoring activities and high-quality recruitment activities under this part;

“(8) an assurance that the State will consistently monitor the progress of each local educational agency and school in the State in achieving the goals specified in the information submitted under paragraphs (1) through (7);

“(9) a description of how the State educational agency will work with recipients of grants awarded for recruitment activities under section 2015(b) to ensure that recruits who successfully complete a teacher corps program will be certified or licensed; and

“(10) the assurances and description referred to in section 2021.

“(c) APPROVAL.—The Secretary shall, using a peer-review process, approve a State application if the application meets the requirements of this section and holds reasonable promise of achieving the purposes of this part.

“SEC. 2013. STATE USE OF FUNDS.

“(a) IN GENERAL.—Of the funds allotted to a State under section 2011 for a fiscal year—

“(1) not more than 6 percent shall be used by the State educational agency to carry out State activities described in section 2014, or for the administration of this subpart (other than the administration of section 2019 but including the administration of State activities under chapter 2), except that not more than 3 percent of the allotted funds may be used for the administration of this subpart;

“(2) 60 percent shall be used by the State educational agency to provide grants to local educational agencies under section 2015(a) for professional development and mentoring (except as provided in section 2017(c));

“(3) 30 percent shall be used by the State educational agency—

“(A) except as provided in subparagraph (B), to provide grants to recruitment partnerships under section 2015(b) for recruitment activities; or

“(B) if the State educational agency determines that all elementary school and secondary school teachers in the State that are teaching core academic subjects are fully qualified, to provide the grants described in paragraph (2); and

“(4) 4 percent (or 4 percent of the amount the State would have been allotted if the appropriation for this subpart were \$1,730,000,000, whichever is greater) shall be used by the State agency for higher education to provide grants to partnerships under section 2019.

“(b) PRIORITY FOR PROFESSIONAL DEVELOPMENT AND MENTORING IN MATHEMATICS AND SCIENCE.—

“(1) PRIORITY.—

“(A) APPROPRIATIONS OF NOT MORE THAN \$300,000,000.—Except as provided in section 2017(c), for any fiscal year for which the appropriation for this subpart is \$300,000,000 or less, each State educational agency that receives funds under this subpart, working jointly with the State agency for higher education, shall ensure that all funds received under this subpart are used for—

“(i) professional development and mentoring in mathematics and science that is aligned with State content and student performance standards; and

“(ii) recruitment activities to attract fully qualified math and science teachers to high-poverty schools.

“(B) APPROPRIATION OF MORE THAN \$300,000,000.—Except as provided in section 2017(c), for any fiscal year for which the appropriation for this subpart is greater than \$300,000,000, the State educational agency and the State agency for higher education shall jointly ensure that the total amount of funds that the agencies receive under this subpart and that the agencies use for activities described in subparagraph (A) is at least as great as the allotment the State would have received if that appropriation had been \$300,000,000.

“(2) INTERDISCIPLINARY ACTIVITIES.—A State may use funds received under this subpart for activities that focus on more than 1 core academic subject, and apply the funds toward meeting the requirements of paragraph (1), if the activities include a strong focus on improving instruction in mathematics or science.

“(3) ADDITIONAL FUNDS.—Except as provided in section 2017(c), each State educational agency that receives funds under this subpart and the State agency for higher education shall jointly ensure that any portion of the funds that exceeds the amount required by paragraph (1) to be spent on activities described in paragraph (1)(A) is used to provide—

“(A) professional development and mentoring in 1 or more of the core academic subjects that is aligned with State content and student performance standards; and

“(B) recruitment activities involving teachers of 1 or more of the core academic subjects.

“SEC. 2014. STATE LEVEL ACTIVITIES.

“(a) ACTIVITIES.—Each State educational agency that receives a grant described in section 2011 shall use the funds made available under section 2013(a)(1) to carry out statewide strategies and activities to improve teacher quality, including—

“(1) establishing, expanding, or improving alternative routes to State certification or licensing of teachers, for highly qualified individuals with a baccalaureate degree, mid-career professionals from other occupations, or paraprofessionals, that are at least as rigorous as the State’s standards for initial certification or licensing of teachers;

“(2) developing or improving evaluation systems, with performance measures drawn from assessment that objectively measure student achievement against State performance standards, to evaluate the effectiveness of professional development and mentoring and recruitment activities in improving teacher quality, skills, and content knowledge, and the impact of the professional development and mentoring and recruitment activities on increasing student academic achievement and student performance;

“(3) funding projects to promote reciprocity of teacher certification or licensure between or among States;

“(4) providing assistance to local educational agencies to reduce out-of-field placements and the use of emergency credentials;

“(5)(A) supporting activities to encourage and support teachers seeking national board certification from the National Board for Professional Teaching Standards or other recognized entities; and

“(B) in particular, supporting certification by the National Board for Professional Teaching Standards of teachers who are teaching or will teach in high-poverty schools;

“(6) providing assistance to local educational agencies in implementing effective programs of recruitment activities, and professional development and mentoring, including supporting efforts to encourage and train teachers to become mentor teachers;

“(7) increasing the rigor and quality of State certification and licensure tests for individuals entering the field of teaching, including subject matter tests for secondary school teachers; and

“(8) implementing teacher recognition programs.

“(b) COORDINATION.—A State that receives a grant to carry out this subpart and a grant under section 202 of the Higher Education Act of 1965 shall coordinate the activities carried out under this section and the activities carried out under that section 202.

“SEC. 2015. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

“(a) GRANTS FOR PROFESSIONAL DEVELOPMENT AND MENTORING ACTIVITIES.—

“(1) IN GENERAL.—The State educational agency of a State that receives a grant described in section 2011 shall use the funds made available under section 2013(a)(2) (and any funds made available under section 2013(a)(3)(B)) to make grants to eligible local educational agencies, from allocations made under paragraph (2), to carry out the activities described in section 2017(a) (except as provided in section 2017(c)).

“(2) ALLOCATIONS.—The State educational agency shall allocate to each eligible local educational agency the sum of—

“(A) an amount that bears the same relationship to 20 percent of the funds described in paragraph (1) as the number of individuals enrolled in public and private nonprofit elementary schools and secondary schools in the geographic area served by the agency bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State; and

“(B) an amount that bears the same relationship to 80 percent of the funds as the number of individuals age 5 through 17 from families with incomes below the poverty line, in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined.

“(3) ELIGIBILITY.—To be eligible to receive a grant from a State educational agency under this subsection, a local educational agency shall serve schools that include—

“(A) high-poverty schools;

“(B) schools that need support for improving teacher quality based on low achievement of students served;

“(C) schools that have low teacher retention rates;

“(D) schools that need to improve or expand the knowledge and skills of new and veteran teachers in high-priority content areas;

“(E) schools that have high out-of-field placement rates; or

“(F) high-poverty schools that have been identified for improvement in accordance with section 1116.

“(4) EQUITABLE GEOGRAPHIC DISTRIBUTION.—A State educational agency shall ensure an equitable distribution of grants under this subsection among eligible local educational agencies serving urban and rural areas.

“(b) GRANTS FOR RECRUITMENT ACTIVITIES.—

“(1) IN GENERAL.—The State educational agency of a State that receives a grant under section 2011 shall use the funds made available under section 2013(a)(3)(A) to make grants to eligible recruitment partnerships, on a competitive basis, to carry out the recruitment activities and meet requirements described in section 2017(b).

“(2) ELIGIBILITY.—

“(A) IN GENERAL.—To be eligible to receive a grant from a State educational agency under this subsection, a recruitment partnership—

“(i) shall include an eligible local educational agency, or a consortium of eligible local educational agencies;

“(ii) shall include an institution of higher education, a tribal college, or a community college; and

“(iii) may include other members, such as a nonprofit organization or professional education organization.

“(B) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—In subparagraph (A), the term ‘eligible local educational agency’ means a local educational agency that receives assistance under part A of title I, and meets any additional eligibility criteria that the appropriate State educational agency may establish.

“(3) EQUITABLE GEOGRAPHIC DISTRIBUTION.—A State educational agency shall ensure an equitable distribution of grants under this subsection among eligible recruitment partnerships serving urban and rural areas.

“SEC. 2016. LOCAL APPLICATIONS.

“(a) IN GENERAL.—A local educational agency or a recruitment partnership seeking to receive a grant from a State under section 2015 to carry out activities described in section 2017 shall submit an application to the State at such time, in such manner, and containing such information as the State may reasonably require.

“(b) CONTENTS RELATING TO PROFESSIONAL DEVELOPMENT AND MENTORING ACTIVITIES.—If the local educational agency seeks a grant under section 2015(a) to carry out activities described in section 2017(a), the local application described in subsection (a) shall include, at a minimum, the following:

“(1) A description of how the local educational agency intends to use the funds provided through the grant to carry out activities that meet requirements described in section 2017(a).

“(2) An assurance that the local educational agency will target the funds to high-poverty, low-performing schools served by the local educational agency that—

“(A) have the lowest proportions of qualified teachers;

“(B) are identified for school improvement and corrective action under section 1116; or

“(C) are identified for school improvement in accordance with other measures of school quality as determined and documented by the local educational agency.

“(3) A description of how the local educational agency will coordinate professional development and mentoring activities described in section 2017(a) with professional development and mentoring activities provided through other Federal, State, and local programs, including programs authorized under—

“(A) titles I, IV, and V, and part A of title VII; and

“(B) where applicable, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, and title II of the Higher Education Act of 1965.

“(4) A description of how the local educational agency will integrate funds received to carry out activities described in section 2017(a) with funds received under title V that are used for professional development and mentoring in order to carry out professional development and mentoring activities that—

“(A) train teachers, paraprofessionals, counselors, pupil services personnel, administrators, and other school staff, including school library media specialists, in how to use technology to improve learning and teaching; and

“(B) take into special consideration the different learning needs for, and exposures to, technology for all students, including females, students with disabilities, students with limited English proficiency, and students who have economic and educational disadvantages.

“(5) A description of how the local application was developed with extensive participation of teachers, paraprofessionals, principals, and parents.

“(6) A description of how the professional development and mentoring activities described in section 2017(a) will address the ongoing professional development and mentoring of teachers, paraprofessionals, counselors, pupil services personnel, administrators, and other school staff, including school library media specialists.

“(7) A description of how the professional development and mentoring activities described in section 2017(a) will have a substantial, measurable, and positive impact on student achievement and how the activities will be used as part of a broader strategy to eliminate the achievement gap that separates low-income and minority student from other students.

“(8) A description of how the local educational agency will address the needs of teachers of students with disabilities, students with limited English proficiency, and other students with special needs.

“(9) A description of how the local educational agency will provide training to teachers to enable the teachers to work with parents, involve parents in their child's education, and encourage parents to become collaborators with schools in promoting their child's education.

“(10) The assurances and description referred to in section 2023, with respect to professional development and mentoring activities.

“(c) DEVELOPMENT AND CONTENTS RELATING TO RECRUITMENT ACTIVITIES.—If an eligible local educational agency (as defined in section 2015(b)) seeks a grant under section 2015(b) to carry out activities described in section 2017(b)—

“(1) the eligible local educational agency shall enter into a recruitment partnership, which shall jointly prepare and submit the local application described in subsection (a); and

“(2) at a minimum, the application shall include—

“(A) a description of how the recruitment partnership will meet the teacher corps program requirements described in section 2018;

“(B) a description of the individual and collective responsibilities of members of the recruitment partnership in meeting the requirements and goals of a teacher corps program described in section 2018;

“(C) information demonstrating that the State agency responsible for teacher licensure or certification in the State in which a recruitment partnership is established will—

“(i) ensure that a corps member who successfully completes a teacher corps program will have the academic requirements necessary for initial certification or licensure as a teacher in the State; and

“(ii) work with the recruitment partnership to ensure the partnership uses high-quality methods and establishes high-quality requirements concerning alternative routes to certification or licensing, in order to meet State requirements for certification or licensure; and

“(D) the assurances and description referred to in section 2023, with respect to recruitment activities.

“(d) CONTENTS RELATING TO COVERED RECRUITMENT.—If the local educational agency seeks a grant under section 2015(a) to carry out activities described in section 2017(c), the local application described in subsection (a) shall include, at a minimum, a description of the activities and the manner in which the activities will contribute to accomplishing the objectives of section 2023.

“(e) APPROVAL.—A State educational agency shall approve a local educational agency's or recruitment partnership's application under this section only if the State educational agency determines that the application is of high quality and holds reasonable promise of achieving the purposes of this part.

“SEC. 2017. LOCAL ACTIVITIES.

“(a) PROFESSIONAL DEVELOPMENT AND MENTORING ACTIVITIES.—Except as provided in subsection (c), each local educational agency receiving a grant under section 2015(a) shall use the funds made available through the grant to carry out activities (and only activities) that—

“(1) are professional development activities (as defined in section 2002(12)(A)) that—

“(A) improve teacher knowledge of—

“(i) 1 or more of the core academic subjects;

“(ii) effective instructional strategies, methods, and skills for improving student achievement in core academic subjects, including strategies for identifying and eliminating gender and racial bias;

“(iii) the use of data and assessments to inform teachers about and improve classroom practice; and

“(iv) innovative instructional methodologies designed to meet the diverse learning needs of individual students, including methodologies that integrate academic and technical skills and applied learning (such as service learning), methodologies for interactive and interdisciplinary team teaching, and other alternative teaching strategies, such as strategies for experiential learning, career-related education, and environmental education, that integrate real world applications into the core academic subjects;

“(B) replicate effective instructional practices that involve collaborative groups of teachers and administrators from the same school or district, using strategies such as—

“(i) provision of dedicated time for collaborative lesson planning and curriculum development meetings;

“(ii) provision of collaborative professional development experiences for veteran teachers based on the standards in the core academic subjects of the National Board for Professional Teaching Standards;

“(iii) consultation with exemplary teachers;

“(iv) provision of short-term and long-term visits to classrooms and schools;

“(v) participation of teams of teachers in summer institutes and summer immersion activities that are focused on preparing teachers to enable all students to meet high standards in 1 or more of the core academic subjects; and

“(vi) establishment and maintenance of local professional networks that provide a forum for interaction among teachers and administrators and that allow for the exchange of information on advances in content knowledge and teaching skills;

“(C) include strategies for fostering meaningful parental involvement and relations with parents to encourage parents to become collaborators in their children's education, for improving classroom management and discipline, and for integrating technology into a curriculum;

“(D) as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student achievement, with the findings of the evaluations used to improve the quality of activities described in this paragraph;

“(E) include, to the extent practicable, the establishment of a partnership with an institution of higher education, another local educational agency, or another organization, for the purpose of carrying out activities described in this paragraph; and

“(F) include ongoing and school-based support for activities described in this paragraph, such as support for peer review, coaching, or study groups, and the provision of release time as needed for the activities;

“(2) are mentoring activities; and

“(3) include local activities carried out under chapter 2.

“(b) RECRUITMENT ACTIVITIES.—Each recruitment partnership receiving a grant under section 2015(b) shall use the funds made available through the grant to carry out recruitment activities (and only recruitment activities) described in section 2018.

“(c) COVERED RECRUITMENT.—A local educational agency receiving a grant under section 2015(a) for a fiscal year may elect to use a portion of the funds made available through the grant, but not more than the agency's share of 10 percent of the funds allotted to the State involved under section 2011 for the fiscal year, to carry out recruitment (including recruitment through the use of signing bonuses and other financial incentives) and hiring of fully qualified teachers.

“SEC. 2018. RECRUITMENT ACTIVITIES THROUGH A TEACHER CORPS PROGRAM.

“(a) TEACHER CORPS PROGRAM REQUIREMENTS.—

“(1) RECRUITMENT.—A recruitment partnership that receives a grant under section 2015(b) shall broadly recruit and screen for a teacher corps a highly qualified pool of candidates who demonstrate the potential to become effective teachers. Each candidate shall meet—

“(A) standards to ensure that—

“(i) each corps member possesses appropriate, high-level credentials and presents the likelihood of becoming an effective teacher; and

“(ii) each group of corps members includes people who have expertise in academic subjects and otherwise meet the specific needs of the district to be served; and

“(B) any additional standard that the recruitment partnership establishes to enhance the quality and diversity of candidates and to meet the academic and grade level needs of the partnership.

“(2) REQUIRED CURRICULUM AND PLACEMENT.—Members of the recruitment partnership shall work together to plan and develop a program that includes—

“(A) a rigorous curriculum that includes a preservice training program (incorporating innovative approaches to preservice training, such as distance learning), for a period not to exceed 1 year, that provides corps members with the skills and knowledge necessary to become effective teachers, by—

“(i) requiring completed course work in basic areas of teaching, such as principles of

learning and child development, effective teaching strategies, assessments, and classroom management, and in the pedagogy related to the academic subjects in which a corps member intends to teach;

“(ii) providing extensive preparation in the pedagogy of reading to corps members who intend to teach in the early elementary grades, including preparation components that focus on—

“(I) understanding the psychology of reading, and human growth and development;

“(II) understanding the structure of the English language; and

“(III) learning and applying the best teaching methods to all aspects of reading instruction;

“(iii) providing training in the use of technology as a tool to enhance a corps member's effectiveness as a teacher and improve the achievement of the corps member's students; and

“(iv) focusing on the teaching skills and knowledge that corps members need to enable all students to meet the State's highest challenging content and student performance standards;

“(B) placement of a corps member with the local educational agency participating in the recruitment partnership, in a teaching internship that—

“(i) includes intensive mentoring;

“(ii) provides a reduced teaching load; and

“(iii) provides regular opportunities for the corps member to co-teach with a mentor teacher, observe other teachers, and be observed and coached by other teachers;

“(C) individualized inservice training over the course of the corps member's first 2 years of full-time teaching that provides—

“(i) high-quality professional development, coordinated jointly by members of the recruitment partnership, and the course work necessary to provide additional or supplementary knowledge to meet the specific needs of the corps member; and

“(ii) ongoing mentoring by a teacher who meets the criteria for a mentor teacher described in paragraph (4)(B), including the requirements of section 2002(10); and

“(D) collaboration between the recruitment partnership, and local community student and parent groups, to assist corps members in enhancing their understanding of the community in which the members are placed.

“(3) EVALUATION.—A recruitment partnership shall evaluate a corps member's progress in course study and classroom practice at regular intervals. Each recruitment partnership shall have a formal process to identify corps members who seem unlikely to become effective teachers and terminate their participation in the program.

“(4) MENTOR TEACHERS.—

“(A) IN GENERAL.—A recruitment partnership shall develop a plan for the program, which shall include strategies for identifying, recruiting, training, and providing ongoing support to individuals who will serve as mentor teachers to corps members.

“(B) MENTOR TEACHER REQUIREMENTS.—The plan described in subparagraph (A) shall specify the criteria that the recruitment partnership will use to identify and select mentor teachers and, at a minimum, shall—

“(i) require a mentor teacher to meet the requirements of section 2002(10); and

“(ii) require that consideration be given to teachers with national board certification.

“(C) COMPENSATION.—The plan shall specify the compensation—

“(i) for mentor teachers, including monetary compensation, release time, or a reduced work load to ensure that mentor teachers can provide ongoing support for corps members; and

“(ii) for corps members, including salary levels and the stipends, if any, that will be provided during a corps member's preservice training.

“(5) ASSURANCES.—The plan shall include assurances that—

“(A) a corps member will be assigned to teach only academic subjects and grade levels for which the member is fully qualified;

“(B) corps members, to the extent practicable, will be placed in schools with teams of corps members; and

“(C) every mentor teacher will be provided sufficient time to meet the needs of the corps members assigned to the mentor teacher.

“(b) CORPS MEMBER QUALIFICATIONS.—

“(1) CANDIDATES INTENDING TO TEACH IN ELEMENTARY SCHOOLS.—At a minimum, to be accepted by a teacher corps program, a candidate who intends to teach at the elementary school level shall—

“(A) have a bachelor's degree;

“(B) possess an outstanding commitment to working with children and youth;

“(C) possess a strong professional or postsecondary record of achievement; and

“(D) pass all basic skills and subject matter tests required by the State for teacher certification or licensure.

“(2) CANDIDATES INTENDING TO TEACH IN SECONDARY SCHOOLS.—At a minimum, to be accepted by a teacher corps program, a candidate who intends to teach at the secondary school level shall—

“(A) meet the requirements described in paragraph (1); and

“(B)(i) possess at least an academic major or postsecondary degree in each academic subject in which the candidate intends to teach; or

“(ii) if the candidate did not major or earn a postsecondary degree in an academic subject in which the candidate intends to teach, have completed a rigorous course of instruction in that subject that is equivalent to having majored in the subject.

“(3) SPECIAL RULE.—Notwithstanding paragraph (2)(B), the recruitment partnership may consider the candidate to be an eligible corps member and accept the candidate for a teacher corps program if the candidate has worked successfully and directly in a field and in a position that provided the candidate with direct and substantive knowledge in the academic subject in which the candidate intends to teach.

“(c) THREE-YEAR COMMITMENT TO TEACHING IN ELIGIBLE DISTRICTS.—

“(1) IN GENERAL.—In return for acceptance to a teacher corps program, a corps member shall commit to 3 years of full-time teaching in a school or district served by a local educational agency participating in a recruitment partnership receiving funds under this subpart.

“(2) REIMBURSEMENT.—

“(A) IN GENERAL.—If a corps member leaves the school district to which the corps member has been assigned prior to the end of the 3-year period described in paragraph (1), the corps member shall be required to reimburse the Secretary for the amount of the Federal share of the cost of the corps member's participation in the teacher corps program.

“(B) PARTNERSHIP CLAIMS.—A recruitment partnership that provides a teacher corps program to a corps member who leaves the school district, as discussed in subparagraph (A), may submit a claim to the corps member requiring the corps member to reimburse the recruitment partnership for the amount of the partnership's share of the cost described in subparagraph (A).

“(C) REDUCTION.—Reimbursements required under this paragraph may be reduced proportionally based on the amount of time

a corps member remained in the teacher corps program beyond the corps member's initial 2 years of service.

“(D) WAIVER.—The Secretary may waive reimbursements required under subparagraph (A) in the case of severe hardship to a corps member who leaves the school district, as described in subparagraph (A).

“(d) FEDERAL SHARE; NON-FEDERAL SHARE.—

“(1) PAYMENT OF FEDERAL SHARE.—The Secretary shall pay to each recruitment partnership carrying out a teacher corps program under this section the Federal share of the cost of the activities described in the partnership's application under section 2016(c).

“(2) NON-FEDERAL SHARE.—A recruitment partnership's share of the cost of the activities described in the partnership's application under section 2016(c)—

“(A) may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services; and

“(B)(i) for the first year for which the partnership receives assistance under this subpart, shall be not less than 10 percent;

“(ii) for the second such year, shall be not less than 20 percent;

“(iii) for the third year such year, shall be not less than 30 percent;

“(iv) for the fourth such year, shall be not less than 40 percent; and

“(v) for the fifth such year, shall be not less than 50 percent.

“SEC. 2019. GRANTS TO PARTNERSHIPS OF INSTITUTIONS OF HIGHER EDUCATION AND LOCAL EDUCATIONAL AGENCIES.

“(a) ADMINISTRATION.—A State agency for higher education may use, from the funds made available to the agency under section 2013(a)(4) for any fiscal year, not more than 3½ percent for the expenses of the agency in administering this section, including conducting evaluations of activities on the performance measures described in section 2014(a)(2).

“(b) GRANTS TO PARTNERSHIPS.—

“(1) IN GENERAL.—The State agency for higher education shall use the remainder of the funds, in cooperation with the State educational agency, to make grants to (including entering into contracts or cooperative agreements with) partnerships of—

“(A) institutions of higher education that are in full compliance with all reporting requirements of title II of the Higher Education Act of 1965 or nonprofit organizations of demonstrated effectiveness in providing professional development and mentoring in the core academic subjects; and

“(B) eligible local educational agencies (as defined in section 2015(b)(2)), to carry out activities (and only activities) described in subsection (e).

“(2) SIZE; DURATION.—Each grant made under this section shall be—

“(A) in a sufficient amount to carry out the objectives of this section effectively; and

“(B) for a period of 3 years, which the State agency for higher education may extend for an additional 2 years if the agency determines that the partnership is making substantial progress toward meeting the specific goals set out in the written agreement required in subsection (c) and on the performance measures described in section 2014(a)(2).

“(3) APPLICATIONS.—To be eligible to receive a grant under this section, a partnership shall submit an application to the State agency for higher education at such time, in such manner, and containing such information as the agency may reasonably require.

“(4) AWARD PROCESS AND BASIS.—The State agency for higher education shall make the

grants on a competitive basis, using a peer review process.

“(5) PRIORITY.—In making the grants, the State agency for higher education shall give priority to partnerships submitting applications for projects that focus on mentoring programs for beginning teachers.

“(6) CONSIDERATIONS.—In making such a grant for a partnership, the State agency for higher education shall consider—

“(A) the need of the local educational agency involved for the professional development and mentoring activities proposed in the application;

“(B) the quality of the program proposed in the application and the likelihood of success of the program in improving classroom instruction and student academic achievement; and

“(C) such other criteria as the agency finds to be appropriate.

“(c) AGREEMENTS.—

“(1) IN GENERAL.—No partnership may receive a grant under this section unless the institution of higher education or nonprofit organization involved enters into a written agreement with at least 1 eligible local educational agency (as defined in section 2015(b)(2)) to provide professional development and mentoring for elementary and secondary school teachers in the schools served by that agency in the core academic subjects.

“(2) GOALS.—Each such agreement shall identify specific measurable annual goals concerning how the professional development and mentoring that the partnership provides will enhance the ability of the teachers to prepare all students to meet challenging State and local content and student performance standards.

“(d) JOINT EFFORTS WITHIN INSTITUTIONS OF HIGHER EDUCATION.—Each professional development and mentoring activity assisted under this section by a partnership containing an institution of higher education shall involve the joint effort of the institution of higher education’s school or department of education and the schools or departments of the institution in the specific disciplines in which the professional development and mentoring will be provided.

“(e) USES OF FUNDS.—A partnership that receives funds under this section shall use the funds for activities (and only for activities) that consist of—

“(1) professional development and mentoring in the core academic subjects, aligned with State or local content standards, for teams of teachers from a school or school district and, where appropriate, administrators and paraprofessionals on a career track;

“(2) research-based professional development and mentoring programs to assist beginning teachers, which may include—

“(A) mentoring and coaching by trained mentor teachers that lasts at least 2 years;

“(B) team teaching with veteran teachers who have a consistent record of helping their students make substantial academic gains;

“(C) provision of time for observation of, and consultation with, veteran teachers;

“(D) provision of reduced teaching loads; and

“(E) provision of additional time for preparation;

“(3) the provision of technical assistance to school and agency staff for planning, implementing, and evaluating professional development and mentoring;

“(4) the provision of training for teachers to help the teachers develop the skills necessary to work most effectively with parents; and

“(5) in appropriate cases, the provision of training to address areas of teacher and administrator shortages.

“(f) COORDINATION.—Any partnership that carries out professional development and mentoring activities under this section shall coordinate the activities with activities carried out under title II of the Higher Education Act of 1965, if a local educational agency or institution of higher education in the partnership is participating in programs funded under that title.

“(g) ANNUAL REPORTS.—

“(1) IN GENERAL.—Beginning with fiscal year 2002, each partnership that receives a grant under this section shall prepare and submit to the appropriate State agency for higher education, by a date set by that agency, an annual report on the progress of the partnership on the performance measures described in section 2014(a)(2).

“(2) CONTENTS.—Each such report shall—

“(A) include a copy of each written agreement required by subsection (c) that is entered into by the partnership; and

“(B) describe how the members of the partnership have collaborated to achieve the specific goals set out in the agreement, and the results of that collaboration.

“(3) COPY.—The State agency for higher education shall provide the State educational agency with a copy of each such report.

“Chapter 2—Accountability

“SEC. 2021. STATE APPLICATION ACCOUNTABILITY PROVISIONS.

“(a) ASSURANCES.—Each State application submitted under section 2012 shall contain assurances that—

“(1) beginning on the date of enactment of the Educational Excellence for All Children Act of 2000, no school in the State that is served under this subpart will use funds received under this subpart to hire a teacher who is not a fully qualified teacher; and

“(2) not later than 4 years after the date of enactment of the Educational Excellence for All Children Act of 2000, each teacher in the State who provides services to students served under this subpart shall be a fully qualified teacher.

“(b) WITHHOLDING.—If a State fails to meet the requirements described in subsection (a)(2) for a fiscal year in which the requirements apply—

“(1) the Secretary shall withhold, for the following fiscal year, a portion of the funds that would otherwise be available to the State under section 2013(a)(1) for the administration of this subpart; and

“(2) the State shall be subject to such other penalties as are provided by law for a violation of this Act.

“(c) ASSISTANCE BY STATE EDUCATIONAL AGENCY.—Each State application submitted under section 2012 shall describe how the State educational agency will help each local educational agency and school in the State develop the capacity to comply with the requirements of this section.

“SEC. 2022. STATE REPORTS.

“(a) REPORT TO SECRETARY.—

“(1) IN GENERAL.—Each State that receives funds under this subpart shall annually prepare and submit to the Secretary a report containing—

“(A) information on the activities of the State under this subpart, including statewide information, and information on the activities of each grant recipient in the State;

“(B) information on the effectiveness of the activities, and the progress of recipients of grants under this subpart, on performance measures, including measures described in section 2014(a)(2) and goals described in paragraphs (3) and (4) of section 2012(b); and

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

“(2) DEADLINES.—The State shall submit the reports described in paragraph (1) by

such deadlines as the Secretary may establish.

“(b) PUBLIC ACCOUNTABILITY.—

“(1) IN GENERAL.—Each State that receives funds under this subpart—

“(A) in the event the State provides public State report cards on education, shall include in such report cards—

“(i) the percentage of middle school and other secondary school classes in core academic subjects that are taught by out-of-field teachers;

“(ii) the percentage of middle school, other elementary school, and other secondary school classes taught by individuals holding only emergency credentials or provisional credentials, or for whom any State certification or licensing standards for teachers have been waived;

“(iii) the average statewide class size; or

“(B) in the event the State provides no such report card, shall disseminate to the public the information described in clauses (i) through (iii) of subparagraph (A) through other means.

“(2) PUBLIC AVAILABILITY.—Such information shall be made widely available to the public, including parents and students, throughout the State.

“(c) GENERAL ACCOUNTING OFFICE.—Not later than September 30, 2004, the Comptroller General of the United States shall—

“(1) conduct a study of the progress of the States in increasing the percentage of teachers who are fully qualified teachers for fiscal years 2001 through 2003; and

“(2) prepare and submit to the Committee on Education and Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report containing the results of the study.

“SEC. 2023. LOCAL APPLICATION ACCOUNTABILITY PROVISIONS.

“Each local application submitted under section 2016 shall contain assurances that—

“(1) the agency will not hire a teacher with funds made available to the agency under this subpart, unless the teacher is a fully qualified teacher;

“(2) the local educational agency and schools served by the agency will work to ensure, through voluntary agreements and incentive programs, that elementary school and secondary school teachers in high-poverty schools served by the local educational agency will be at least as well qualified, in terms of experience and credentials, as the instructional staff in schools served by the same local educational agency that are not high-poverty schools;

“(3) any teacher who receives certification from the National Board for Professional Teaching Standards will be considered fully qualified to teach, in the academic subjects in which the teacher is certified, in high-poverty schools in any school district or community served by the local educational agency; and

“(4) the agency will—

“(A) make available, on request and in an understandable and uniform format, to any parent of a student attending any school served by the local educational agency, information regarding the professional qualifications of the student’s classroom teachers with regard to—

“(i) whether the teacher has met State certification or licensing criteria for the academic subjects and grade level in which the teacher teaches the student;

“(ii) whether the teacher is teaching with emergency or other provisional credentials, or whether any State certification or licensing standard has been waived for the teacher; and

“(iii) the academic qualifications of the teacher in the academic subjects and grade levels in which the teacher teaches; and

“(B) inform parents that the parents are entitled to receive the information upon request.

“SEC. 2024. LOCAL CONTINUATION OF FUNDING.

“(a) AGENCIES.—If a local educational agency applies for funds under this subpart for a 4th or subsequent fiscal year (including applying for funds as part of a partnership), the agency may receive the funds for that fiscal year only if the State determines that the agency has demonstrated that the agency, in carrying out activities under this subpart during the past fiscal year, has met annual numerical performance objectives for—

“(1) improved student performance for all groups described in section 1111(b)(2);

“(2) increased participation in sustained professional development and mentoring programs;

“(3) reduced the beginning teacher attrition rate for the agency; and

“(4) reduced the number of teachers who are not certified or licensed, and the number who are out-of-field teachers, for the agency.

“(b) SCHOOLS.—If a local educational agency applies for funds under this subpart on behalf of a school for a 4th or subsequent fiscal year (including applying for funds as part of a partnership), the agency may receive the funds for the school for that fiscal year only if the State determines that the school, in carrying out activities under this subpart during the past fiscal year, has met the requirements of paragraphs (1) through (4) of subsection (a).

“(c) RECRUITMENT PARTNERSHIPS.—

“(1) IN GENERAL.—If not more than 90 percent of the graduates of a teacher corps program assisted under this subpart for a fiscal year pass applicable State or local initial teacher licensing or certification examinations, the recruitment partnership providing the teacher corps program shall be ineligible to receive grant funds for the succeeding fiscal year.

“(2) WAIVER.—The State in which the partnership is located may waive the requirement described in paragraph (1) for a recruitment partnership serving a school district that has special circumstances, such as a district with a small number of corps members.

“SEC. 2025. LOCAL REPORTS.

“(a) IN GENERAL.—Each local educational agency that receives funds under this subpart (including funds received through a partnership) shall prepare, make publicly available, and submit to the State educational agency, every year, beginning in fiscal year 2002, a report on the activities of the agency under this subpart, in such form and containing such information as the State educational agency may reasonably require.

“(b) CONTENTS.—The report shall contain, at a minimum—

“(1) information on progress throughout the schools served by the local educational agency on the performance measures described in section 2014(a)(2) and goals described in paragraphs (3) and (4) of section 2012(b);

“(2) information on progress throughout the schools served by the local educational agency toward achieving the objectives of, and carrying out the activities described in, this subpart;

“(3) data on the progress described in paragraphs (1) and (2), disaggregated by school poverty level, as defined by the State; and

“(4) a description of the methodology used to gather the information and data described in paragraphs (1) through (3).

“Subpart 2—National Activities for the Improvement of Teaching and School Leadership

“Chapter 1—National Activities and Clearinghouse

“SEC. 2031. PROGRAM AUTHORIZED.

“(a) IN GENERAL.—The Secretary is authorized to make grants to, and to enter into contracts and cooperative agreements with, local educational agencies, educational service agencies, State educational agencies, State agencies for higher education, institutions of higher education, and other public and private nonprofit agencies, organizations, and institutions to carry out subsection (b).

“(b) ACTIVITIES.—In making the grants, and entering into the contracts and cooperative agreements, the Secretary—

“(1) may support activities of national significance that are not supported through other sources and that the Secretary determines will contribute to the improvement of teaching and school leadership in the Nation’s schools, such as—

“(A) supporting collaborative efforts by States, or consortia of States, to review and measure the quality, rigor, and alignment of State standards and assessments;

“(B) supporting collaborative efforts by States, or consortia of States, to review and measure the quality and rigor of standards for entry into the field of teaching, including the alignment of such standards with State standards for students in elementary school and secondary school, and the alignment of initial teacher licensing and certification assessments with State standards for entry into the field of teaching;

“(C) supporting the development of models, at the State and local levels, of innovative compensation systems that—

“(i) provide incentives for talented individuals who have a strong knowledge of academic content to enter teaching; and

“(ii) reward veteran teachers who acquire new knowledge and skills that are needed in the schools and districts in which the teachers teach; and

“(D) supporting collaborative efforts by States, or consortia of States, to develop performance-based systems for assessing content knowledge and teaching skills of teachers prior to initial certification or licensure of the teachers;

“(2) may support activities of national significance that the Secretary determines will contribute to the recruitment and retention of highly qualified teachers and principals in schools served by high-poverty local educational agencies, such as—

“(A) the development and implementation of a national teacher recruitment clearinghouse and job bank, which shall be coordinated and, to the extent feasible, integrated with the America’s Job Bank administered by the Secretary of Labor, to—

“(i) disseminate information and resources nationwide on entering the teaching profession, to persons interested in becoming teachers;

“(ii) serve as a national resource center regarding effective practices for teacher professional development and mentoring, recruitment, and retention;

“(iii) link prospective teachers to local educational agencies and training resources;

“(iv) provide information and technical assistance to prospective teachers about certification and licensing and other State and local requirements related to teaching; and

“(v) provide data projections concerning teacher and administrator supply and demand and available teaching and administrator opportunities;

“(B) the development and implementation, or expansion, of programs that recruit tal-

ented individuals to become principals, including such programs that employ alternative routes to State certification or licensing that are at least as rigorous as the State’s standards for initial certification or licensing of teachers, and that prepare both new and experienced principals to serve as instructional leaders, which may include the creation and operation of a national center or regional centers for the preparation and support of principals as leaders of school reform;

“(C) efforts to increase the portability of teacher pensions and reciprocity of teaching credentials across State lines;

“(D) research, evaluation, and dissemination activities related to effective strategies for increasing the portability of teachers’ credited years of experience across State and school district lines;

“(E) the development and implementation of national or regional programs to—

“(i) recruit highly talented individuals to become teachers, through alternative routes to certification or licensing, in schools served by high-poverty local educational agencies; and

“(ii) help retain the individuals for more than 3 years as classroom teachers in schools served by the local educational agencies; and

“(F) the establishment of partnerships of high-poverty local educational agencies, teacher organizations, and local businesses, in order to help the agencies attract and retain high-quality teachers and principals through provision of increased pay, combined with reforms to raise teacher performance including use of regular, rigorous peer evaluations and (where appropriate) student evaluations of every teacher;

“(3)(A) may support the National Board for Professional Teaching Standards and, in particular, may award a grant for fiscal year 2001 to the National Board to enable the National Board to complete a system of national board certification; and

“(B) may support activities to encourage and support teachers seeking advanced certification or advanced credentialing through high quality professional teacher enhancement programs designed to improve teaching and learning;

“(4)(A) shall carry out a national evaluation, not sooner than 3 years and not later than 4 years after the date of enactment of the Educational Excellence for All Children Act of 2000, of the effect of activities carried out under this title, including an assessment of changes in instructional practice and objective measures of student achievement; and

“(B) shall submit a report containing the results of the evaluation to Congress; and

“(5) shall annually submit to Congress a report on the information contained in the State reports described in section 2022.

“SEC. 2032. EISENHOWER NATIONAL CLEARINGHOUSE FOR MATHEMATICS AND SCIENCE EDUCATION.

“(a) ESTABLISHMENT OF CLEARINGHOUSE.—The Secretary shall award a grant or contract, on a competitive basis, to an entity to establish and operate an Eisenhower National Clearinghouse for Mathematics and Science Education (referred to in this section as ‘the Clearinghouse’).

“(b) AUTHORIZED ACTIVITIES.—

“(1) APPLICATION AND AWARD BASIS.—

“(A) IN GENERAL.—An entity desiring to establish and operate the Clearinghouse shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(B) PEER REVIEW.—The Secretary shall establish a peer review panel to make recommendations on the recipient of the award for the Clearinghouse.

“(C) BASIS.—The Secretary shall make the award for the Clearinghouse on the basis of merit.

“(2) DURATION.—The Secretary shall award the grant or contract for the Clearinghouse for a period of 5 years.

“(3) ACTIVITIES.—The award recipient shall use the award funds to—

“(A) maintain a permanent collection of such mathematics and science education instructional materials and programs for elementary schools and secondary schools as the Secretary finds appropriate, and give priority to maintaining such materials and programs that have been identified as promising or exemplary, through a systematic approach such as the use of expert panels required under the Educational Research, Development, Dissemination, and Improvement Act of 1994;

“(B) disseminate the materials and programs described in subparagraph (A) to the public, State educational agencies, local educational agencies, and schools (particularly high-poverty, low-performing schools), including dissemination through the maintenance of an interactive national electronic information management and retrieval system accessible through the World Wide Web and other advanced communications technologies;

“(C) coordinate activities with entities operating other databases containing mathematics and science curriculum and instructional materials, including Federal, non-Federal, and, where feasible, international databases;

“(D) using not more than 10 percent of the amount awarded under this section for any fiscal year, participate in collaborative meetings of representatives of the Clearinghouse and regional mathematics and science education consortia to—

“(i) discuss issues of common interest and concern;

“(ii) foster effective collaboration and cooperation in acquiring and distributing instructional materials and programs; and

“(iii) coordinate and enhance computer network access to the Clearinghouse and the resources of the regional consortia;

“(E) support the development and dissemination of model professional development and mentoring materials for mathematics and science education;

“(F) contribute materials or information, as appropriate, to other national repositories or networks; and

“(G) gather qualitative and evaluative data on submissions to the Clearinghouse, and disseminate that data widely, including through the use of electronic dissemination networks.

“(4) SUBMISSION TO CLEARINGHOUSE.—Each Federal agency or department that develops mathematics or science education instructional materials or programs, including the National Science Foundation and the Department, shall submit copies of that materials or those programs to the Clearinghouse.

“(5) STEERING COMMITTEE.—The Secretary may appoint a steering committee to recommend policies and activities for the Clearinghouse.

“(6) APPLICATION OF COPYRIGHT LAWS.—

“(A) CONSTRUCTION.—Nothing in this section shall be construed to allow the use or copying, in any medium, of any material collected by the Clearinghouse that is protected under the copyright laws of the United States unless the Clearinghouse obtains the permission of the owner of the copyright.

“(B) COMPLIANCE.—In carrying out this section, the Clearinghouse shall ensure compliance with title 17, United States Code.

“Chapter 2—Transition to Teaching

“SEC. 2041. PURPOSE.

“The purpose of this chapter is to address the need of high-poverty local educational agencies for highly qualified teachers in particular academic subjects, such as mathematics, science, foreign languages, bilingual education, and special education needed by the agencies, by—

“(1) continuing and enhancing the Troops to Teachers model for recruiting and supporting the placement of such teachers; and

“(2) recruiting, preparing, placing, and supporting career-changing professionals who have knowledge and experience that will help the professionals become such teachers.

“SEC. 2042. DEFINITIONS.

“In this chapter:

“(1) PROGRAM PARTICIPANT.—The term ‘program participant’ means a career-changing professional who—

“(A) demonstrates interest in, and commitment to, becoming a teacher; and

“(B) has knowledge and experience that is relevant to teaching a high-need academic subject for a high-poverty local educational agency.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of Education, except as otherwise determined in accordance with the agreements described in section 2043(b).

“SEC. 2043. PROGRAM AUTHORIZED.

“(a) AUTHORITY.—Subject to subsection (b), using funds made available to carry out this chapter under section 2003(2)(A) for each fiscal year, the Secretary may award grants, contracts, or cooperative agreements to institutions of higher education and public and private nonprofit agencies or organizations to carry out programs authorized under this chapter.

“(b) IMPLEMENTATION.—

“(1) CONSULTATION.—Before making awards under subsection (a) for any fiscal year, the Secretary of Education shall—

“(A) consult with the Secretary of Defense and the Secretary of Transportation regarding the appropriate amount of funding needed to carry out this chapter; and

“(B) upon agreement, transfer that amount to the Department of Defense to carry out this chapter.

“(2) AGREEMENT.—The Secretary of Education may enter into a written agreement with the Secretary of Defense and the Secretary of Transportation, or take such other steps as the Secretary of Education determines are appropriate, to ensure effective implementation of this chapter.

“SEC. 2044. APPLICATION.

“Each entity that desires an award under section 2043(a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

“(1) a description of the target group of career-changing professionals on which the entity will focus in carrying out a program under this chapter, including a description of the characteristics of that target group that shows how the knowledge and experience of the members of the group are relevant to meeting the purpose of this chapter;

“(2) a description of how the entity will identify and recruit program participants;

“(3) a description of the training that program participants will receive and how that training will relate to their certification or licensing as teachers;

“(4) a description of how the entity will ensure that program participants are placed with, and teach for, high-poverty local educational agencies;

“(5) a description of the teacher induction services (which may be provided through induction programs in existence on the date of submission of the application) the program

participants will receive throughout at least their first year of teaching;

“(6) a description of how the entity will collaborate, as needed, with other institutions, agencies, or organizations to recruit, train, place, and support program participants under this chapter, including evidence of the commitment of the institutions, agencies, or organizations to the entity’s program;

“(7) a description of how the entity will evaluate the progress and effectiveness of the entity’s program, including a description of—

“(A) the program’s goals and objectives;

“(B) the performance indicators the entity will use to measure the program’s progress; and

“(C) the outcome measures that the entity will use to determine the program’s effectiveness; and

“(8) an assurance that the entity will provide to the Secretary such information as the Secretary determines to be necessary to determine the overall effectiveness of programs carried out under this chapter.

“SEC. 2045. USES OF FUNDS AND PERIOD OF SERVICE.

“(a) AUTHORIZED ACTIVITIES.—Funds made available under this chapter may be used for—

“(1) recruiting program participants, including informing individuals who are potential participants of opportunities available under the program and putting the individuals in contact with other institutions, agencies, or organizations that would train, place, and support the individuals;

“(2) providing training stipends and other financial incentives for program participants, such as paying for moving expenses, not to exceed \$5,000, in the aggregate, per participant;

“(3) assisting institutions of higher education or other providers of teacher training to tailor their training to meet the particular needs of professionals who are changing their careers to teaching;

“(4) providing placement activities, including identifying high-poverty local educational agencies with needs for the particular skills and characteristics of the newly trained program participants and assisting the participants to obtain employment with the local educational agencies; and

“(5) providing post-placement induction or support activities for program participants.

“(b) PERIOD OF SERVICE.—A program participant in a program under carried out under this chapter who completes the participant’s training shall serve in a high-poverty local educational agency for at least 3 years.

“(c) REPAYMENT.—The Secretary shall establish such requirements as the Secretary determines to be appropriate to ensure that program participants who receive a training stipend or other financial incentive under subsection (a)(2), but fail to complete their service obligation under subsection (b), repay all or a portion of such stipend or other incentive.

“SEC. 2046. EQUITABLE DISTRIBUTION.

“To the extent practicable, the Secretary shall make awards under this chapter that support programs in different geographic regions of the Nation.

“Chapter 3—Hometown Teachers

“SEC. 2051. PURPOSE.

“The purpose of this chapter is to support the efforts of high-need local educational agencies to develop and implement comprehensive approaches to recruiting and retaining highly qualified teachers, including recruiting such teachers through Hometown Teacher programs that carry out long-term

strategies to expand the capacity of the communities served by the agencies to produce local teachers.

“SEC. 2052. DEFINITION.

“The term ‘high-need local educational agency’ means a local educational agency that serves an elementary school or secondary school located in an area in which there is—

“(1) a high percentage (as determined by the State in which the agency is located) of individuals from families with incomes below the poverty line;

“(2) a high percentage (as determined by the State in which the agency is located) of secondary school teachers not teaching in the core academic subjects in which the teachers were trained to teach; or

“(3) a high percentage (as determined by the State in which the agency is located) of elementary school and secondary school teachers who are not fully qualified teachers.

“SEC. 2053. PROGRAM AUTHORIZED.

“From funds made available to carry out this chapter under section 2003(2)(B) for each fiscal year, the Secretary may award grants to high-need local educational agencies to carry out Hometown Teacher programs and other activities described in this chapter.

“SEC. 2054. APPLICATIONS.

“Each high-need local educational agency that desires to receive a grant under section 2053 shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

“(1) a description of the local educational agency’s assessment of the agency’s needs for teachers, such as the agency’s projected shortage of qualified teachers and the percentage of teachers serving the agency who lack certification or licensure or who are teaching out of field;

“(2) a description of a Hometown Teacher program that the local educational agency plans to develop and implement with the funds made available through the grant, including a description of—

“(A) strategies the agency will use to—

“(i) encourage secondary school and middle school students in schools served by the local educational agency to consider pursuing careers in the teaching profession; and

“(ii) provide support at the undergraduate level to those students who intend to become teachers; and

“(B) the agency’s plans to streamline the hiring timelines in the hiring policies and practices of the agency for participants in the Hometown Teacher program;

“(3) a description of the long-term strategies that the agency will use, if any, to reduce the agency’s teacher attrition rate, including providing mentoring programs and making efforts to raise teacher salaries and create more desirable working conditions for teachers;

“(4) a description of the agency’s strategy for ensuring that all secondary school teachers and middle school teachers in the school district are fully certified or licensed in an academic subject and are teaching the majority of their classes in the subject in which the teachers are certified or licensed;

“(5) a description of the short-term strategies the agency will use, if any, to address the agency’s teacher shortage problem, including the strategies the agency will use to ensure that the teachers that the local educational agency is targeting for employment are fully certified or licensed;

“(6) a description of the agency’s long-term plan for ensuring that the agency’s teachers have opportunities for sustained, high-quality professional development;

“(7) a description of the ways in which the activities proposed to be carried out through

the grant are part of the agency’s overall plan for improving the quality of teaching and student achievement;

“(8) a description of how the agency will collaborate, as needed, with other institutions, agencies, or organizations to develop and implement the strategies the agency proposes in the application, including evidence of the commitment of the institutions, agencies, or organizations to the agency’s activities;

“(9) a description of the strategies the agency will use to coordinate activities funded under the program carried out under this chapter with activities funded through other Federal programs that address teacher shortages, including programs carried out through grants to local educational agencies under title I or this title, including chapter 2, if the applicant receives funds from the programs;

“(10) a description of how the agency will evaluate the progress and effectiveness of the Hometown Teacher program, including a description of—

“(A) the agency’s goals and objectives for the program;

“(B) the performance indicators that the agency will use to measure the program’s effectiveness; and

“(C) the measurable outcome measures, such as increased percentages of fully certified or licensed teachers, that the agency will use to determine the program’s effectiveness; and

“(11) an assurance that the agency will provide to the Secretary such information as the Secretary determines to be necessary to determine the overall effectiveness of programs carried out under this chapter.

“SEC. 2055. PRIORITY.

“In awarding grants under this chapter, the Secretary may give priority to agencies submitting applications that—

“(1) focus on increasing the percentage of qualified teachers in particular teaching fields, such as mathematics, science, and bilingual education; and

“(2) focus on recruiting qualified teachers for certain types of communities, such as urban and rural communities.

“SEC. 2056. USE OF FUNDS.

“(a) MANDATORY USE OF FUNDS.—A local educational agency that receives a grant under this chapter shall use the funds made available through the grant to develop and implement long-term strategies to address the agency’s teacher shortage, including carrying out Hometown Teacher programs such as the programs described in section 2051.

“(b) PERMISSIBLE USE OF FUNDS.—A local educational agency that receives a grant under this chapter may use the funds made available through the grant to—

“(1) develop and implement strategies to reduce the local educational agency’s teacher attrition rate, including providing mentoring programs, increasing teacher salaries, and creating more desirable working conditions for teachers; and

“(2) develop and implement short-term strategies to address the agency’s teacher shortage, including providing scholarships to undergraduates who agree to teach in the school district served by the agency for a certain number of years, providing signing bonuses for teachers, and implementing streamlined hiring practices.

“(c) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this chapter shall be used to supplement, and shall not supplant, State and local funds expended to carry out programs and activities authorized under this chapter.

“SEC. 2057. SERVICE REQUIREMENTS.

“(a) IN GENERAL.—The Secretary shall establish such requirements as the Secretary finds to be necessary to ensure that a recipi-

ent of a scholarship under this chapter who completes a teacher education program subsequently—

“(1) teaches in a school district served by a high-need local educational agency, for a period of time equivalent to the period for which the recipient received the scholarship; or

“(2) repays the amount of the funds provided through the scholarship.

“(b) USE OF REPAID FUNDS.—The Secretary shall deposit any such repaid funds in an account, and use the funds to carry out additional activities under this chapter.

“Chapter 4—Early Childhood Educator Professional Development

“SEC. 2061. PURPOSE.

“In support of the national effort to attain the first of America’s Education Goals, the purpose of this chapter is to enhance the school readiness of young children, particularly disadvantaged young children, and to prevent them from encountering reading difficulties once they enter school, by improving the knowledge and skills of early childhood educators who work in communities that have high concentrations of children living in poverty.

“SEC. 2062. PROGRAM AUTHORIZED.

“(a) GRANTS TO PARTNERSHIPS.—The Secretary shall carry out the purpose of this chapter by awarding grants, on a competitive basis, to partnerships consisting of—

“(1)(A) one or more institutions of higher education that provide professional development for early childhood educators who work with children from low-income families in high-need communities; or

“(B) another public or private, nonprofit entity that provides such professional development;

“(2) one or more public agencies (including local educational agencies, State educational agencies, State human services agencies, and State and local agencies administering programs under the Child Care and Development Block Grant Act of 1990), Head Start agencies, or private, nonprofit organizations; and

“(3) to the extent feasible, an entity with demonstrated experience in providing violence prevention education training to educators in early childhood education programs.

“(b) PRIORITY.—In awarding grants under this chapter, the Secretary shall give priority to partnerships that include 1 or more local educational agencies which operate early childhood education programs for children from low-income families in high-need communities.

“(c) DURATION AND NUMBER OF GRANTS.—

“(1) DURATION.—Each grant under this chapter shall be awarded for not more than 4 years.

“(2) NUMBER.—No partnership may receive more than 1 grant under this chapter.

“SEC. 2063. APPLICATIONS.

“(a) APPLICATIONS REQUIRED.—Any partnership that desires to receive a grant under this chapter shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(b) CONTENTS.—Each such application shall include—

“(1) a description of the high-need community to be served by the project, including such demographic and socioeconomic information as the Secretary may request;

“(2) information on the quality of the early childhood educator professional development program currently conducted by the institution of higher education or other provider in the partnership;

“(3) the results of the assessment that the entities in the partnership have undertaken

to determine the most critical professional development needs of the early childhood educators to be served by the partnership and in the broader community, and a description of how the proposed project will address those needs;

“(4) a description of how the proposed project will be carried out, including—

“(A) how individuals will be selected to participate;

“(B) the types of research-based professional development activities that will be carried out;

“(C) how research on effective professional development and on adult learning will be used to design and deliver project activities;

“(D) how the project will coordinate with and build on, and will not supplant or duplicate, early childhood education professional development activities that exist in the community;

“(E) how the project will train early childhood educators to provide services that are based on developmentally appropriate practices and the best available research on child, language, and literacy development and on early childhood pedagogy;

“(F) how the program will train early childhood educators to meet the diverse educational needs of children in the community, including children who have limited English proficiency, disabilities, or other special needs; and

“(G) how the project will train early childhood educators in identifying and preventing behavioral problems or violent behavior in children;

“(5) a description of—

“(A) the specific objectives that the partnership will seek to attain through the project, and how the partnership will measure progress toward attainment of those objectives; and

“(B) how the objectives and the measurement activities align with the performance indicators established by the Secretary under section 2066(a);

“(6) a description of the partnership’s plan for institutionalizing the activities carried out under the project, so that the activities continue once Federal funding ceases;

“(7) an assurance that, where applicable, the project will provide appropriate professional development to volunteer staff, as well as to paid staff; and

“(8) an assurance that, in developing its application and in carrying out its project, the partnership has consulted with, and will consult with, relevant agencies and early childhood educator organizations described in section 2062(a)(2) that are not members of the partnership.

“SEC. 2064. SELECTION OF GRANTEES.

“(a) **CRITERIA.**—The Secretary shall select partnerships to receive funding on the basis of the community’s need for assistance and the quality of the applications.

“(b) **GEOGRAPHIC DISTRIBUTION.**—In selecting partnerships, the Secretary shall seek to ensure that communities in different regions of the Nation, as well as both urban and rural communities, are served.

“SEC. 2065. USES OF FUNDS.

“(a) **IN GENERAL.**—Each partnership receiving a grant under this chapter shall use the grant funds to carry out activities that will improve the knowledge and skills of early childhood educators who are working in early childhood programs that are located in high-need communities and serve concentrations of children from low-income families.

“(b) **ALLOWABLE ACTIVITIES.**—Such activities may include—

“(1) professional development for individuals working as early childhood educators, particularly to familiarize those individuals with the application of recent research on

child, language, and literacy development and on early childhood pedagogy;

“(2) professional development for early childhood educators in working with parents, based on the best current research on child, language, and literacy development and parent involvement, so that the educators can prepare their children to succeed in school;

“(3) professional development for early childhood educators to work with children who have limited English proficiency, disabilities, and other special needs;

“(4) professional development to train early childhood educators in identifying and preventing behavioral problems or violent behavior in children;

“(5) activities that assist and support early childhood educators during their first three years in the field;

“(6) development and implementation of early childhood educator professional development programs that make use of distance learning and other technologies;

“(7) professional development activities related to the selection and use of diagnostic assessments to improve teaching and learning; and

“(8) data collection, evaluation, and reporting needed to meet the requirements of this chapter relating to accountability.

“SEC. 2066. ACCOUNTABILITY.

“(a) **PERFORMANCE INDICATORS.**—Simultaneously with the publication of any application notice for grants under this chapter, the Secretary shall announce performance indicators for this chapter, which shall be designed to measure—

“(1) the quality and assessability of the professional development provided;

“(2) the impact of that professional development on the early childhood education provided by the individuals who are trained; and

“(3) such other measures of program impact as the Secretary determines appropriate.

“(b) **ANNUAL REPORTS; TERMINATION.**—

“(1) **ANNUAL REPORTS.**—Each partnership receiving a grant under this chapter shall report annually to the Secretary on the partnership’s progress against the performance indicators.

“(2) **TERMINATION.**—The Secretary may terminate a grant under this chapter at any time if the Secretary determines that the partnership is not making satisfactory progress against the indicators.

“SEC. 2067. COST-SHARING.

“(a) **IN GENERAL.**—Each partnership shall provide, from other sources, which may include other Federal sources—

“(1) at least 50 percent of the total cost of its project for the grant period; and

“(2) at least 20 percent of the project cost in each year.

“(b) **ACCEPTABLE CONTRIBUTIONS.**—A partnership may meet the requirement of subsection (a) through cash or in-kind contributions, fairly valued.

“(c) **WAIVERS.**—The Secretary may waive or modify the requirements of subsection (a) in cases of demonstrated financial hardship.

“SEC. 2068. FEDERAL COORDINATION.

“The Secretary and the Secretary of Health and Human Services shall coordinate activities under this chapter and other early childhood programs administered by the two Secretaries.

“SEC. 2069. DEFINITIONS.

“In this chapter:

“(1) **HIGH-NEED COMMUNITY.**—

“(A) **IN GENERAL.**—The term ‘high-need community’ means—

“(i) a municipality, or a portion of a municipality, in which at least 50 percent of the children are from low-income families; or

“(ii) a municipality that is one of the 10 percent of municipalities within the State having the greatest numbers of such children.

“(B) **DETERMINATION.**—In determining which communities are described in subparagraph (A), the Secretary shall use such data as the Secretary determines are most accurate and appropriate.

“(2) **LOW-INCOME FAMILY.**—The term ‘low-income family’ means a family with an income below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data are available.

“(3) **EARLY CHILDHOOD EDUCATOR.**—The term ‘early childhood educator’ means a person who provides care and education to children at any age from birth through kindergarten.

“Subpart 3—Class Size Reduction

“SEC. 2071. GRANT PROGRAM.

“(a) **PURPOSE.**—The purposes of this section are—

“(1) to reduce class size through the use of fully qualified teachers;

“(2) to assist States and local educational agencies in recruiting, hiring, and training 100,000 teachers in order to reduce class sizes nationally, in grades 1 through 3, to an average of 18 students per regular classroom; and

“(3) to improve teaching in those grades so that all students can learn to read independently and well by the end of the 3rd grade.

“(b) **ALLOTMENT TO STATES.**—

“(1) **RESERVATION.**—From the amount made available to carry out this subpart for a fiscal year, the Secretary shall reserve not more than 1 percent for the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities carried out in accordance with this section.

“(2) **STATE ALLOTMENTS.**—

“(A) **HOLD HARMLESS.**—

“(i) **IN GENERAL.**—Subject to subparagraph (B) and clause (ii), from the amount made available to carry out this subpart for a fiscal year and not reserved under paragraph (1), the Secretary shall allot to each State an amount equal to the amount that such State received for the preceding fiscal year under this section or section 310 of the Department of Education Appropriations Act, 2000, as the case may be.

“(ii) **RATABLE REDUCTION.**—If the amount made available to carry out this subpart for a fiscal year and not reserved under paragraph (1) is insufficient to pay the full amounts that all States are eligible to receive under clause (i) for such fiscal year, the Secretary shall ratably reduce such amounts for such fiscal year.

“(B) **ALLOTMENT OF ADDITIONAL FUNDS.**—

“(i) **IN GENERAL.**—Subject to clause (ii), for any fiscal year for which the amount made available to carry out this subpart and not reserved under paragraph (1) exceeds the amount made available to the States for the preceding year under the authorities described in subparagraph (A)(i), the Secretary shall allot to each of those States the percentage of the excess amount that is the greater of—

“(I) the percentage the State received for the preceding fiscal year of the total amount made available to the States under section 1122; or

“(II) the percentage so received of the total amount made available to the States under section 2202(b), as in effect on the day before the date of enactment of the Educational Excellence for All Children Act of 2000, or the corresponding provision of this title, as the case may be.

“(ii) RATABLE REDUCTIONS.—If the excess amount for a fiscal year is insufficient to pay the full amounts that all States are eligible to receive under clause (i) for such fiscal year, the Secretary shall ratably reduce such amounts for such fiscal year.

“(C) ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.—

“(1) ALLOCATION.—Each State that receives funds under this section shall allocate a portion equal to not less than 99 percent of those funds to local educational agencies, of which—

“(A) 80 percent of the portion shall be allocated to those local educational agencies in proportion to the number of children, age 5 through 17, from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved, who reside in the school district served by that local educational agency for the most recent fiscal year for which satisfactory data are available, compared to the number of those children who reside in the school districts served by all the local educational agencies in the State for that fiscal year; and

“(B) 20 percent of the portion shall be allocated to those local educational agencies in accordance with the relative enrollments of children, age 5 through 17, in public and private nonprofit elementary schools and secondary schools within the areas served by those agencies.

“(2) EXCEPTION.—Notwithstanding paragraph (1) and subsection (d)(2)(B), if the award to a local educational agency under this section is less than the starting salary for a new fully qualified teacher for a school served by that agency who is certified or licensed within the State, has a baccalaureate degree, and demonstrates the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teacher teaches, that agency may use funds made available under this section to—

“(A) help pay the salary of a full- or part-time teacher hired to reduce class size, which may be done in combination with the expenditure of other Federal, State, or local funds; or

“(B) pay for activities described in subsection (d)(2)(A)(iii) that may be related to teaching in smaller classes.

“(3) STATE ADMINISTRATIVE EXPENSES.—The State educational agency for a State that receives funds under this section may use not more than 1 percent of the funds for State administrative expenses.

“(d) USE OF FUNDS.—

“(1) MANDATORY USES.—Each local educational agency that receives funds under this section shall use those funds to carry out effective approaches to reducing class size through use of fully qualified teachers who are certified or licensed within the State, have baccalaureate degrees, and demonstrate the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teachers teach, to improve educational achievement for both regular and special needs children, with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is most effective.

“(2) PERMISSIBLE USES.—

“(A) IN GENERAL.—Each such local educational agency may use funds made available under this section for—

“(i) recruiting (including through the use of signing bonuses, and other financial incentives), hiring, and training fully qualified regular and special education teachers

(which may include hiring special education teachers to team-teach with regular teachers in classrooms that contain both children with disabilities and non-disabled children) and teachers of special needs children, who are certified or licensed within the State, have a baccalaureate degree and demonstrate the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teachers teach;

“(ii) testing new teachers for academic content knowledge, and to meet State certification or licensing requirements that are consistent with title II of the Higher Education Act of 1965; and

“(iii) providing professional development (which may include such activities as promoting retention and mentoring) for teachers, including special education teachers and teachers of special needs children, in order to meet the goal of ensuring that all teachers have the general knowledge, teaching skills, and subject matter knowledge necessary to teach effectively in the content areas in which the teachers teach, consistent with title II of the Higher Education Act of 1965.

“(B) LIMITATION ON TESTING AND PROFESSIONAL DEVELOPMENT.—

“(i) IN GENERAL.—Except as provided in clause (ii), a local educational agency may use not more than a total of 25 percent of the funds received by the agency under this section for activities described in clauses (ii) and (iii) of subparagraph (A).

“(ii) WAIVERS.—A local educational agency may apply to the State educational agency for a waiver that would permit the agency to use more than 25 percent of the funds the agency receives under this section for activities described in subparagraph (A)(iii) for the purpose of helping teachers who have not met applicable State and local certification or licensing requirements become certified or licensed if—

“(I) the agency is in an Ed-Flex Partnership State under the Education Flexibility Partnership Act of 1999; and

“(II) 10 percent or more of teachers in elementary schools served by the agency have not met the certification or licensing requirements, or the State educational agency has waived those requirements for 10 percent or more of the teachers.

“(iii) USE OF FUNDS UNDER WAIVER.—If the State educational agency approves the local educational agency's application for a waiver under clause (ii), the local educational agency may use the funds subject to the conditions of the waiver for activities described in subparagraph (A)(iii) that are needed to ensure that at least 90 percent of the teachers in the elementary schools are certified or licensed within the State.

“(C) USE OF FUNDS BY AGENCIES THAT HAVE REDUCED CLASS SIZE.—Notwithstanding subparagraph (B), a local educational agency that has already reduced class size in the early elementary grades to 18 or fewer children (or has already reduced class size to a State or local class size reduction goal that was in effect on November 28, 1999 if that goal is 20 or fewer children) may use funds received under this section—

“(i) to make further class size reductions in kindergarten through third grade;

“(ii) to reduce class size in other grades; or

“(iii) to carry out activities to improve teacher quality, including professional development.

“(3) SUPPLEMENT, NOT SUPPLANT.—Each such agency shall use funds made available under this section only to supplement, and not to supplant, State and local funds that, in the absence of funds made available under this section, would otherwise be expended for activities described in this section.

“(4) LIMITATION ON USE FOR SALARIES AND BENEFITS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), no funds made available under this section may be used to increase the salaries of, or provide benefits (other than participation in professional development and enrichment programs) to, teachers who are not hired under this section.

“(B) EXCEPTION.—Funds made available under this section may be used to pay the salaries of teachers hired under section 310 of the Department of Education Appropriations Act, 2000.

“(e) REPORTS.—

“(1) STATE ACTIVITIES.—Each State receiving funds under this section shall prepare and submit to the Secretary a biennial report on activities carried out in the State under this section that provides the information described in section 6122(a)(2) with respect to the activities.

“(2) PROGRESS CONCERNING CLASS SIZE AND QUALIFIED TEACHERS.—Each State and local educational agency receiving funds under this section shall publicly report to parents on—

“(A) the agency's progress in reducing class size, and increasing the percentage of classes in core academic areas taught by fully qualified teachers who are certified or licensed within the State, have baccalaureate degrees, and demonstrate the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teachers teach; and

“(B) the impact that hiring additional fully qualified teachers and reducing class size, has had, if any, on increasing student academic achievement.

“(3) PROFESSIONAL QUALIFICATIONS.—Each school receiving funds under this section shall provide to parents, on request, information about the professional qualifications of their child's teacher.

“(f) PRIVATE SCHOOLS.—If a local educational agency uses funds made available under this section for professional development activities, the agency shall ensure the equitable participation of private nonprofit elementary schools and secondary schools in such activities in accordance with section 6142. Section 6142 shall not apply to other activities carried out under this section.

“(g) LOCAL ADMINISTRATIVE EXPENSES.—A local educational agency that receives funds under this section may use not more than 3 percent of such funds for local administrative expenses.

“(h) REQUEST FOR FUNDS.—Each local educational agency that desires to receive funds under this section shall include in the application required under section 2034 a description of the agency's program to reduce class size by hiring additional fully qualified teachers.

“(i) CERTIFICATION, LICENSING, AND COMPETENCY.—No funds made available under this section may be used to pay the salary of any teacher hired with funds made available under section 310 of the Department of Education Appropriations Act, 2000, unless, by the start of the 2000-2001 school year, the teacher is certified or licensed within the State and demonstrates competency in the content areas in which the teacher teaches.

“(j) DEFINITION.—In this section:

“(1) CERTIFIED.—The term ‘certified’ includes certification through State or local alternative routes.

“(2) STATE.—The term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.”

(b) CONFORMING AMENDMENT.—The Troops-to-Teachers Program Act of 1999 (20 U.S.C. 9301 et seq.) is repealed.

SEC. 202. TECHNICAL ASSISTANCE PROGRAMS.

Part B of title II (20 U.S.C. 6671 et seq.) is amended to read as follows:

“PART B—TECHNICAL ASSISTANCE PROGRAMS**“SEC. 2201. FINDINGS.**

“Congress finds that—

“(1) sustained, high-quality technical assistance that responds to State and local demand, supported by widely disseminated, research-based information on what constitutes high-quality technical assistance and how to identify high-quality technical assistance providers, can enhance the opportunity for all children to achieve to challenging State academic content and student performance standards;

“(2) an integrated system for acquiring, using, and supplying technical assistance is essential to improving programs and affording all children this opportunity;

“(3) States, local educational agencies, tribes, and schools serving students with special needs, such as educationally disadvantaged students and students with limited English proficiency, have clear needs for technical assistance in order to use funds under this Act to provide those students with opportunities to achieve to challenging State academic content standards and student performance standards;

“(4) current technical assistance and dissemination efforts are insufficiently responsive to the needs of States, local educational agencies, schools, and tribes for help in identifying their particular needs for technical assistance and developing and implementing their own integrated systems for using the various sources of funding for technical assistance activities under this Act (as well as other Federal, State, and local resources) to improve teaching and learning and to implement more effectively the programs authorized by this Act; and

“(5) the Internet and other forms of advanced telecommunications technology are an important means of providing information and assistance in a cost-effective way.

“SEC. 2202. PURPOSE.

“The purpose of this part is to create a comprehensive and cohesive, national system of technical assistance and dissemination that is based on market principles in responding to the demand for, and expanding the supply of, high-quality technical assistance. Such a system shall support States, local educational agencies, tribes, schools, and other recipients of funds under this Act in implementing standards-based reform and improving student performance through—

“(1) the provision of financial support and impartial, research-based information designed to assist States and high-need local educational agencies to develop and implement their own integrated systems of technical assistance and select high-quality technical assistance activities and providers for use in those systems;

“(2) the establishment of technical assistance centers in areas that reflect identified national needs in order to ensure the availability of strong technical assistance in those areas;

“(3) the integration of all technical assistance and information dissemination activities carried out or supported by the Department of Education in order to ensure comprehensive support for school improvement;

“(4) the creation of a technology-based system, for disseminating information about ways to improve educational practices throughout the Nation, that reflects input from students, teachers, administrators, and other individuals who participate in, or may be affected by, the Nation’s educational system; and

“(5) national evaluations of effective technical assistance.

“Subpart 1—Strengthening the Capacity of State and Local Educational Agencies To Become Effective, Informed Consumers of Technical Assistance**“SEC. 2211. PURPOSE.**

“It is the purpose of this subpart to—

“(1) provide grants to State and local educational agencies in order to—

“(A) respond to the growing demand for increased local decisionmaking in determining technical assistance needs and appropriate technical assistance services;

“(B) encourage States and local educational agencies to assess their technical assistance needs, and how their various sources of funding for technical assistance under this Act and from other sources can best be coordinated to meet those needs (including their needs to collect and analyze data);

“(C) build the capacity of State and local educational agencies to use technical assistance effectively and thereby improve their ability to provide the opportunity for all children to achieve to challenging State academic content standards and student performance standards; and

“(D) assist State and local educational agencies in acquiring high-quality technical assistance; and

“(2) establish an independent source of consumer information regarding the quality of technical assistance activities and providers, in order to assist State and local educational agencies, and other consumers of technical assistance that receive funds under this Act, in selecting technical assistance activities and providers for their use.

“SEC. 2212. ALLOCATION OF FUNDS.

“From the funds appropriated to carry out this subpart for any fiscal year—

“(1) the Secretary shall first allocate one percent of such funds to the Bureau of Indian Affairs and the Outlying Areas, in accordance with their respective needs for such funds (as determined by the Secretary) to carry out activities that meet the purposes of this subpart; and

“(2) from the remainder of such funds, the Secretary shall—

“(A) allocate two-thirds of such remainder to State educational agencies in accordance with the formula described in section 2213; and

“(B) allocate one-third of such remainder to the 100 local educational agencies with the largest number of children counted under section 1124(c), in accordance with the formula described in section 2216.

“SEC. 2213. FORMULA GRANTS TO STATE EDUCATIONAL AGENCIES.

“(a) FORMULA.—Subject to subsection (b), the Secretary shall allocate the funds under section 2212(2)(A) among the States in proportion to the relative amounts each State would have received for Basic Grants under subpart 2 of part A of title I of this Act for the most recent fiscal year, if the Secretary had disregarded the allocations under such subpart to local educational agencies that are eligible to receive direct grants under section 2216.

“(b) ADJUSTMENTS TO ALLOCATIONS.—The Secretary shall adjust the allocations under subsection (a), as necessary, to ensure that, of the total amount allocated to States under subsection (a) and to local educational agencies under section 2216, the percentage allocated to a State under this section and to localities in the State under section 2216 is at least the minimum percentage for the State described in section 1124(d) for the previous fiscal year.

“(c) REALLOCATIONS.—If the Secretary determines that any amount of any State’s allocation under subsection (a) (as adjusted, if necessary, under subsection (b)) will not be

required for such fiscal year for carrying out the activities for which such amount has been allocated, the Secretary shall make such amount available for reallocation. Any such reallocation among other States shall occur on such dates as the Secretary shall establish, and shall be made on the basis of criteria established by regulation. Any amount reallocated to a State under this subsection for any fiscal year shall remain available for obligation during the succeeding fiscal year, and shall be deemed to be part of the State’s allocation for the year in which the amount is obligated.

“SEC. 2214. STATE APPLICATION.

“(a) APPLICATION REQUIREMENTS.—Each State desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Each such application shall describe—

“(1) the State’s need for, and the capacity of the State educational agency to provide, technical assistance in implementing programs under this Act (including assistance on the collection and analysis of data) and in implementing the State plan or policies for comprehensive, standards-based education reform;

“(2) how the State will use the funds provided under this subpart to coordinate all its sources of funds for technical assistance, including all sources of such funds under this Act, into an integrated system of providing technical assistance to local educational agencies, and other local recipients of funds under this Act, within the State and implement that system;

“(3) the State educational agency’s plan for using funds from all sources under this Act to build its capacity, through the acquisition of outside technical assistance and other means, to provide technical assistance to local educational agencies and other recipients within the State;

“(4) how, in carrying out technical assistance activities using funds provided from all sources under this Act, the State will—

“(A) assist local educational agencies and schools in providing high-quality education to all children served under this Act to achieve to challenging academic standards;

“(B) give the highest priority to meeting the needs of high-poverty, low-performing local educational agencies (taking into consideration any assistance that such local educational agencies may be receiving under section 2216); and

“(C) give special consideration to local educational agencies and other recipients of funds under this Act serving rural and isolated areas.

“(b) APPROVAL.—The Secretary shall approve a State’s application for funds under this subpart if it meets the requirements of subsection (a) and is of sufficient quality to meet the purposes of this subpart. In determining whether to approve a State’s application, the Secretary shall take into consideration the advice of peer reviewers. The Secretary shall not disapprove any application under this section without giving the State notice and opportunity for a hearing.

“SEC. 2215. STATE USES OF FUNDS.

“(a) IN GENERAL.—The State educational agency may use funds provided under this subpart to—

“(1) build its capacity (and the capacity of other State agencies that implement programs under this Act) to use technical assistance funds provided under this Act effectively through the acquisition of high-quality technical assistance, and the selection of high-quality technical assistance activities and providers, that meet the technical assistance needs identified by the State;

“(2) develop, coordinate, and implement an integrated system—

“(A) that provides technical assistance to local educational agencies and other recipients of funds under this Act within the State, directly, through contracts, or through subgrants to local educational agencies, or other recipients of funds under this Act, for activities that meet the purposes of this subpart; and

“(B) that uses all sources of funds provided for technical assistance, including all sources of such funds under this Act; and

“(3) acquire the technical assistance it needs to increase opportunities for all children to achieve to challenging State academic content standards and student performance standards and to implement the State’s plan or policies for comprehensive standards-based education reform.

“(b) TYPES OF TECHNICAL ASSISTANCE.—A State’s integrated system of providing technical assistance may include assistance on such activities as the following:

“(1) Implementing State standards in the classroom, including aligning instruction, curriculum, assessments, and other aspects of school reform with those standards.

“(2) Collecting, disaggregating, and using data to analyze and improve the implementation, and increase the impact, of educational programs.

“(3) Conducting needs assessments and planning intervention strategies that are aligned with State goals and accountability systems.

“(4) Planning and implementing effective, research-based reform strategies, including schoolwide reforms, and strategies for making schools safe, disciplined, and drug-free.

“(5) Improving the quality of teaching and the ability of teachers to serve students with special needs (including educationally disadvantaged students and students with limited English proficiency).

“(6) Planning and implementing strategies to promote opportunities for all children to achieve to challenging State academic content standards and student performance standards.

“SEC. 2216. GRANTS TO LARGE LOCAL EDUCATIONAL AGENCIES.

“(a) FORMULA.—The Secretary shall allocate the funds under section 2212(2)(B) among the local educational agencies described therein in proportion to the relative amounts allocated to each such local educational agency for Basic Grants under subpart 2 of part A of title I of this Act for the most recent fiscal year.

“(b) REALLOCATIONS.—If the Secretary determines that any amount of any local educational agency’s allocation under subsection (a) will not be required for such fiscal year for carrying out the activities for which such amount has been allocated, the Secretary shall make such amount available for reallocation. Any such reallocation among other local educational agencies described in section 2212(2)(B) shall occur on such dates as the Secretary shall establish, and shall be made on the basis of criteria established by regulation. Any amount reallocated to a local educational agency under this subsection for any fiscal year shall remain available for obligation during the succeeding fiscal year, and shall be deemed to be part of the local educational agency’s allocation for the year in which the amount is obligated.

“SEC. 2217. LOCAL APPLICATION.

“(a) APPLICATION REQUIREMENTS.—Each local educational agency described in section 2212(2)(B) that desires a grant under section 2216 shall submit an application to the Secretary at such time, in such manner, and containing such information as the Sec-

retary may require. Each such application shall describe—

“(1) the local educational agency’s need for technical assistance in implementing programs under this Act (including assistance on the use and analysis of data) and in implementing the State’s, or its own, plan or policies for comprehensive standards-based education reform; and

“(2) how the local educational agency will use the funds provided under this subpart to coordinate all its various sources of funds for technical assistance, including all sources of such funds under this Act and from other sources, into an integrated system for acquiring and using outside technical assistance and other means of building its own capacity to provide the opportunity for all children to achieve to challenging State academic content standards and student performance standards implementing programs under this Act, and implement that system.

“(b) APPROVAL.—The Secretary shall approve a local educational agency’s application for funds under this subpart if it meets the requirements of subsection (a) and is of sufficient quality to meet the purposes of this subpart. In determining whether to approve a local educational agency’s application, the Secretary shall take into consideration the advice of peer reviewers. The Secretary shall not disapprove any application under this section without giving the local educational agency notice and opportunity for a hearing.

“SEC. 2218. LOCAL USES OF FUNDS.

“(a) IN GENERAL.—A local educational agency described in section 2212(2)(B) may use funds provided under section 2216 to—

“(1) build its capacity to use technical assistance funds provided under this Act effectively through the acquisition of high-quality technical assistance and the selection of high-quality technical assistance activities and providers that meet its technical assistance needs;

“(2) develop, coordinate, and implement an integrated system of providing technical assistance to its schools using all sources of funds provided for technical assistance, including all sources of such funds under this Act; and

“(3) acquire the technical assistance it needs to increase opportunities for all children to achieve to challenging State academic content standards and student performance standards and to implement the State’s, or its own, plan or policies for comprehensive standards-based education reform.

“(b) TYPES OF TECHNICAL ASSISTANCE.—A local educational agency may use funds provided under this subpart for technical assistance activities such as those described in section 2215(b).

“SEC. 2219. EQUITABLE SERVICES FOR PRIVATE SCHOOLS.

“(a) INFORMATION AND TRAINING.—If a State or local educational agency uses funds under this subpart to—

“(1) provide professional development for teachers or school administrators, it shall provide for such professional development for teachers or school administrators in private schools located in the same geographic area on an equitable basis; or

“(2) provide information about State educational goals, standards, or assessments, it shall, upon request, provide such information to private schools located in the same geographic area.

“(b) WAIVER.—If a State or local educational agency is prohibited by law from complying with subsection (a)(1), or the Secretary determines it has substantially failed or is unwilling to comply with subsection (a)(1), the Secretary shall waive subsection

(a)(1) and arrange for the provision of such professional development services for such teachers or school administrators, consistent with applicable State goals and standards and section 11806 of this Act.

“SEC. 2219A. CONSUMER INFORMATION.

“(a) The Secretary shall, through one or more contracts, establish an independent source of consumer information regarding the quality and effectiveness of technical assistance activities and providers available to States, local educational agencies, and other recipients of funds under this Act, in selecting technical assistance activities and providers for their use.

“(b) A contract under this section may be awarded for a period of up to five years.

“(c) The Secretary may reserve, from the funds appropriated to carry out this subpart for any fiscal year, such sums as he determines necessary to carry out this section.

“SEC. 2219B. AUTHORIZATION OF APPROPRIATIONS.

“For purposes of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.

“Subpart 2—Technical Assistance Centers Serving Special Needs

“SEC. 2221. GENERAL PROVISIONS.

“In addition to meeting the requirements of a particular section of this subpart, all technical assistance providers that receive funds under this subpart, all consortia that receive funds under subpart 2 of part B of title III, and the educational laboratories, and clearinghouses of the Educational Resources Information Center, supported under the Educational Research, Development, Dissemination, and Improvement Act (notwithstanding any other provision of such title or Act), shall—

“(1) participate in a technical assistance network with the Department and other federally supported technical assistance providers in order to coordinate services and resources;

“(2) ensure that the services they provide—

“(A) are of high quality;

“(B) are cost-effective;

“(C) reflect the best information available from research and practice, including findings and applications such as those made available through the Regional Educational Laboratories, Research and Development Centers, National Clearinghouses, and other federally supported providers of technical assistance; and

“(D) are aligned with State and local education reform efforts;

“(3) in collaboration with State educational agencies in the States served, educational service agencies (where appropriate), and representatives of high-poverty, low-performing urban and rural local educational agencies in each State served, develop a targeted approach to providing technical assistance that gives priority to providing intensive, ongoing services to high-poverty local educational agencies and schools that are most in need of raising student achievement (such as schools identified as in need of improvement under section 1116(c));

“(4) cooperate with the Secretary in carrying out activities (including technical assistance activities authorized by other programs under this Act) such as publicly disseminating materials and information that are produced by the Department and are relevant to the purpose, expertise, and mission of the technical assistance provider; and

“(5) use technology, including electronic dissemination networks and Internet-based resources, in innovative ways to provide high-quality technical assistance.

“SEC. 2222. CENTERS FOR TECHNICAL ASSISTANCE ON THE NEEDS OF SPECIAL POPULATIONS.

“(a) PROGRAM AUTHORITY.—

“(1) IN GENERAL.—The Secretary is authorized to award grants, contracts, or cooperative agreements for each fiscal year to public or private nonprofit entities, or consortia of such entities, to provide for the operation of two technical assistance centers to provide training and technical assistance to State educational agencies, local educational agencies, schools, tribes, community-based organizations, and other recipients of funds under this Act concerning—

“(A) how to address the specific linguistic, cultural, or other needs of limited English proficient, migratory, Indian, and Alaska Native students; and

“(B) educational strategies for enabling those students to achieve to challenging State academic content and performance standards.

“(2) SPECIAL EXPERTISE REQUIRED.—An entity may receive an award under this section only if it demonstrates, to the satisfaction of the Secretary, that it has expertise in the areas described in paragraphs (1) (A) and (B).

“(b) DURATION OF AWARD.—Grants, contracts, or cooperative agreements under this section shall be awarded for a period of up to 5 years.

“(c) CENTER REQUIREMENTS.—

“(1) IN GENERAL.—In order to assist local educational agencies and schools to provide high-quality education to the students described in subsection (a)(1)(A), so that they can achieve to challenging State academic content and performance standards, each center established under this section shall—

“(A) maintain appropriate staff expertise; and

“(B) provide support, training, and assistance to State educational agencies, tribes, local educational agencies, schools, and other grant recipients under this Act in meeting the needs of the students described in subsection (a)(1)(A), including the coordination of other Federal programs and State and local programs, resources, and reforms.

“(2) PRIORITY.—Each center assisted under this section shall give priority to providing services to schools, including Bureau of Indian Affairs-funded schools, that educate the students described in subsection (a)(1)(A) and have the highest percentages or numbers of children in poverty and the lowest student achievement levels.

“(d) ACCOUNTABILITY.—To ensure the quality and effectiveness of the centers supported under this section, the Secretary shall—

“(1) develop a set of performance indicators that assesses whether the work of the centers assists in improving teaching and learning under this Act for students described in subsection (a)(1)(A);

“(2) conduct surveys every two years of entities to be served under this section to determine if such entities are satisfied with the access to, and quality of, such services;

“(3) collect, as part of the Department’s reviews of programs under this Act, information about the availability and quality of services provided by the centers, and share that information with the centers; and

“(4) take whatever steps are reasonable and necessary to ensure that each center performs its responsibilities in a satisfactory manner, which may include—

“(A) termination of an award under this part (if the Secretary concludes that performance has been unsatisfactory) and the selection of a new center; and

“(B) whatever interim arrangements the Secretary determines are necessary to ensure the satisfactory delivery of services under this section.

“(e) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section,

there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.

“SEC. 2223. PARENTAL INFORMATION AND RESOURCE CENTERS.

“(a) PROGRAM AUTHORITY.—

“(1) IN GENERAL.—The Secretary is authorized to award grants, contracts, or cooperative agreements for each fiscal year to nonprofit organizations that serve parents (particularly those organizations that make substantial efforts to reach low-income, minority, or limited English proficient parents) to establish parental information and resource centers that—

“(A) coordinate the efforts of Federal, State, and local parent education and family involvement initiatives; and

“(B) provide training, information, and support to—

“(i) State educational agencies;

“(ii) local educational agencies, particularly local educational agencies with high-poverty and low-performing schools; and

“(iii) schools, particularly high-poverty and low-performing schools; and

“(iv) organizations that support family-school partnerships, such as parent teacher organizations.

“(2) AWARD RULE.—In making awards under this section, the Secretary shall, to the greatest extent possible, ensure that each State is served by at least one recipient of such an award.

“(b) APPLICATIONS.—

“(1) IN GENERAL.—Each nonprofit organization that desires an award under this section shall submit an application to the Secretary at such time, and in such manner, as the Secretary shall determine.

“(2) CONTENTS.—Each application submitted under paragraph (1) shall, at a minimum, include—

“(A) a description of the applicant’s capacity and expertise to implement a grant under this section;

“(B) a description of how the applicant would use its award to help State and local educational agencies, schools, and nonprofit organizations in the State, particularly those making substantial efforts to reach a large number or percentage of low-income, minority, or limited English proficient children—

“(i) identify barriers to parent or family involvement in schools, and strategies to overcome those barriers; and

“(ii) implement high-quality parent education and family involvement programs that—

“(I) improve the capacity of parents to participate more effectively in the education of their children;

“(II) support the effective implementation of research-based instructional activities that support parents and families in promoting early language and literacy development; and

“(III) support schools in promoting meaningful parent and family involvement;

“(C) a description of the applicant’s plan to disseminate information on high-quality parent education and family involvement programs to local educational agencies, schools, and nonprofit organizations that serve parents in the State;

“(D) a description of how the applicant would coordinate its activities with the activities of other Federal, State, and local parent education and family involvement programs and with national, State, and local organizations that provide parents and families with training, information, and support on how to help their children prepare for success in school and achieve to high academic standards;

“(E) a description of how the applicant would use technology, particularly the Internet, to disseminate information; and

“(F) a description of the applicant’s goals for the center, as well as baseline indicators for each of the goals, a timeline for achieving the goals, and interim measures of success toward achieving the goals.

“(c) MATCHING REQUIREMENTS.—The Federal share of the cost of any center funded under this section shall not exceed 75 percent. The non-Federal share of the cost of a center may be provided in cash or in kind, fairly evaluated.

“(d) USES OF FUNDS.—

“(1) IN GENERAL.—Recipients of funds awarded under this section shall use such funds to support State and local educational agencies, schools, and nonprofit organizations in implementing programs that provide parents with training, information, and support on how to help their children achieve to high academic standards. Such activities may include:

“(A) Assistance in the implementation of programs that support parents and families in promoting early language and literacy development and prepare children to enter school ready to succeed in school.

“(B) Assistance in developing networks and other strategies to support the use of research-based, proven models of parent education and family involvement, including the ‘Parents as Teachers’ and ‘Home Instruction Program for Preschool Youngsters’ programs, to promote children’s development and learning.

“(C) Assistance in preparing parents to communicate more effectively with teachers and other professional educators and support staff, and providing a means for on-going, meaningful communication between parents and schools.

“(D) Assistance in developing and implementing parent education and family involvement programs that increase parental knowledge about standards-based school reform.

“(E) Disseminating information on programs, resources, and services available at the national, State, and local levels that support parent and family involvement in the education of their school-age children.

“(2) TARGETED ACTIVITIES.—Each recipient of funds under this section shall use at least 75 percent of its award to support activities that serve areas with large numbers or concentrations of low-income families.

“(e) NATIONAL ACTIVITIES.—For any fiscal year, the Secretary may reserve up to 5 percent of funds appropriated to carry out this section for that fiscal year to—

“(1) provide technical assistance to the centers funded under this section; and

“(2) carry out evaluations of the program authorized by this part.

“(f) DEFINITIONS.—For purposes of this section—

“(1) the term ‘parent education’ includes parent support activities, the provision of resource materials on child development, parent-child learning activities and child rearing issues, private and group educational guidance, individual and group learning experiences for the parent and child, and other activities that enable the parent to improve learning in the home;

“(2) the term ‘Parents as Teachers program’ means a voluntary early childhood parent education program that—

“(A) is designed to provide all parents of children from birth through age 5 with the information and support such parents need to give their child a solid foundation for school success;

“(B) is based on the Missouri Parents as Teachers model, with the philosophy that

parents are their child's first and most influential teachers;

“(C) provides—

“(i) regularly scheduled personal visits with families by certified parent educators;

“(ii) regularly scheduled developmental screenings; and

“(iii) linkage with other resources within the community in order to provide services that parents may want and need, except that such services are beyond the scope of the Parents as Teachers program; and

“(3) the term ‘Home Instruction for Preschool Youngsters program’ means a voluntary early-learning program for parents with one or more children between the ages of 3 through 5, that—

“(A) provides support, training, and appropriate educational materials necessary for parents to implement a school-readiness, home instruction program for their child; and

“(B) includes—

“(i) group meetings with other parents participating in the program;

“(ii) individual and group learning experiences with the parent and child;

“(iii) provision of resource materials on child development and parent-child learning activities; and

“(iv) other activities that enable the parent to improve learning in the home.

“(g) REPORTS.—Each recipient of funds under this section shall annually submit a report to the Secretary, on its activities under this section, in such form and containing such information as the Secretary may reasonably require. A report under this subsection shall include, at a minimum—

“(1) the number and types of activities supported by the recipient with funds received under this section;

“(2) activities supported by the recipient that served areas with high numbers or concentrations of low-income families; and

“(3) the progress made by the recipient in achieving the goals included in its application.

“(h) GENERAL PROVISIONS.—Notwithstanding any other provision of this section—

“(1) no person, including a parent who educates a child at home, public school parent, or private school parent, shall be required to participate in any program of parent education or developmental screening pursuant to the provisions of this section;

“(2) no program assisted under this section shall take any action that infringes in any manner on the right of a parent to direct the education of their children; and

“(3) the provisions of section 444(c) of the General Education Provisions Act shall apply to organizations that receive awards under this section.

“(i) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.

“SEC. 2224. EISENHOWER REGIONAL MATHEMATICS AND SCIENCE EDUCATION CONSORTIA.

“(a) PROGRAM AUTHORITY.—

“(1) IN GENERAL.—

“(A) GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS AUTHORIZED.—The Secretary, in consultation with the Director of the National Science Foundation, is authorized to award grants, contracts, or cooperative agreements to eligible entities to enable such entities to establish and operate regional mathematics and science education consortia for the purpose of—

“(i) disseminating exemplary mathematics and science education instructional materials; and

“(ii) providing technical assistance for the implementation of teaching methods and assessment tools for use by elementary and secondary school students, teachers, and administrators.

“(B) NUMBER OF AWARDS.—The Secretary, in accordance with the provisions of this subsection, shall award at least one grant, contract, or cooperative agreement to an eligible entity in each region.

“(C) SPECIAL RULE.—In any fiscal year, if the amount made available pursuant to subsection (h) is less than \$4,500,000, then the Secretary may waive the provisions of subparagraph (B) and award grants, contracts, or cooperative agreements of sufficient size, scope, and quality to carry out this subsection.

“(D) DESIGNATION.—Each regional consortium assisted under this subsection shall be known as an ‘Eisenhower regional consortium’.

“(2) PERIOD OF AWARD AND REVIEW.—Grants, contracts, or cooperative agreements under this section shall be awarded for a period of not more than five years and shall be reviewed before the end of the 30-month period beginning on the date the award is made.

“(3) AWARD AMOUNT.—In making awards under this section, the Secretary shall ensure that there is a relatively equal distribution of the funds made available among the regions, except that the Secretary may award additional funds to a regional consortium on the basis of population and geographical conditions of the region being served.

“(b) USE OF FUNDS.—Funds provided under this section may be used by a regional consortium, under the direction of a regional board established under subsection (d), to—

“(1) work cooperatively with the other regional consortia, the Eisenhower National Clearinghouse for Science and Mathematics Education, and federally funded technical assistance providers, to accomplish more effectively the activities described in this subsection;

“(2) assist, train, and provide technical assistance to classroom teachers, administrators, and other educators to identify, implement, assess, or adapt the instructional materials, teaching methods, and assessment tools described in subsection (a)(1)(A);

“(3) provide for the training of classroom teachers to enable such teachers to instruct other teachers, administrators, and educators in the classroom use of the instructional materials, teaching methods, and assessment tools described in subsection (a)(1)(A);

“(4) implement programs and activities designed to meet the needs of groups that are underrepresented in, and underserved by, mathematics and science education;

“(5) collect data on activities assisted under this section in order to evaluate the effectiveness of the activities of the regional consortia;

“(6) identify exemplary teaching practices and materials from within the region and communicate such practices and materials to the Eisenhower National Clearinghouse for Mathematics and Science Education;

“(7) communicate, on a regular basis, with entities within the region that are delivering services to students and teachers of mathematics and science; and

“(8) assist in the development and evaluation of State and regional plans and activities that hold promise of bringing about systemic reform in student performance in mathematics and science.

“(c) APPLICATION.—Each eligible entity desiring a grant or contract under this section shall submit an application to the Secretary at such time, in such manner, and accom-

panied by such additional information as the Secretary may reasonably require. Each such application shall—

“(1) demonstrate that the eligible entity has expertise in the fields of mathematics and science education;

“(2) demonstrate that the eligible entity will implement and disseminate mathematics and science education instructional materials, teaching methods, and assessment tools through a consortium of the region's mathematics and science education organizations and agencies;

“(3) demonstrate that the eligible entity will carry out the functions of the regional consortium;

“(4) demonstrate that emphasis will be given to programs and activities designed to meet the needs of groups that are underrepresented in, and underserved by, mathematics and science education;

“(5) demonstrate that the business community in the region served by the regional consortium will play an integral role in designing and supporting the regional consortium's work; and

“(6) assure that the eligible entity will conduct its activities and supervise its personnel in a manner that effectively ensures compliance with the copyright laws of the United States under title 17, United States Code.

“(d) REGIONAL BOARDS.—

“(1) IN GENERAL.—Each eligible entity receiving an award under this section shall establish a regional board to oversee the administration and establishment of program priorities for the regional consortium established by such eligible entity. Such regional board shall be broadly representative of the agencies and organizations participating in the regional consortium.

“(2) PROHIBITION ON USE OF FEDERAL FUNDS.—No Federal funds may be used for the establishment or operation of a regional board required by paragraph (1), except that at the discretion of a regional board, Federal funds may be used to provide assistance such as travel and accommodations for board members who could not otherwise afford to participate as members of the board.

“(e) PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.—

“(1) PAYMENTS.—The Secretary shall pay to each eligible entity having an application approved under subsection (c) the Federal share of the cost of the activities described in the application.

“(2) FEDERAL SHARE.—For the purpose of paragraph (1), the Federal share shall be 80 percent.

“(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of activities described in the application submitted under subsection (c) may be in cash or in kind, fairly evaluated. At least 10 percent of such non-Federal share shall be from sources other than the Federal Government or State or local government.

“(f) EVALUATION.—

“(1) EVALUATION REQUIRED.—The Secretary, through the Office of Educational Research and Improvement and in accordance with section 11911, shall collect sufficient data on, and evaluate the effectiveness of, the activities of each regional consortium.

“(2) ASSESSMENT.—The evaluations described in paragraph (1) shall include an assessment of the effectiveness of the regional consortium in meeting the needs of the schools, teachers, administrators, and students in the region.

“(3) REPORT.—At the end of each award, the Secretary shall submit to the Congress a report on the effectiveness of the programs conducted at each regional consortium.

“(g) DEFINITIONS.—For purposes of this part:

“(1) The term ‘eligible entity’ means an entity that has demonstrated expertise in mathematics and science education and is—

- “(A) a private nonprofit organization;
- “(B) an institution of higher education;
- “(C) an elementary or secondary school;
- “(D) a State or local educational agency;
- “(E) a regional educational laboratory in consortium with the research and development center established under section 931(c)(1)(B)(i) of the Educational Research, Development, Dissemination, and Improvement Act of 1994; or
- “(F) any combination of the entities described in subparagraphs (A) through (E).

“(2) The terms ‘mathematics’ and ‘science’ include the technology education associated with mathematics and science, respectively.

“(3) The term ‘region’ means a region of the United States served by a regional education laboratory that is supported by the Secretary pursuant to section 405(d)(4)(A)(i) of the General Education Provisions Act (as such section was in existence on the day preceding the date of enactment of the Goals 2000: Educate America Act).

“(4) The term ‘regional consortium’ means each regional mathematics and science education consortium established pursuant to subsection (a).

“(5) The term ‘State agency for higher education’ means the State board of higher education or other agency or officer primarily responsible for the State supervision of higher education, or, if there is no such officer or agency, an officer or agency designated for the purpose of carrying out this section by the Governor or by State law.

“(h) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.

“Subpart 3—Technology-Based Technical Assistance Information Dissemination

“SEC. 2231. WEB-BASED AND OTHER INFORMATION DISSEMINATION.

“(a) IN GENERAL.—(1)(A) With funds appropriated under section 2232 for each fiscal year, the Secretary is authorized to carry out a national system, through the Worldwide Web and other advanced telecommunications technologies, that supports interactive information sharing and dissemination about ways to improve educational practices throughout the Nation.

“(B) In designing and implementing the system under this subsection, the Secretary shall create opportunities for the continuing input of students, teachers, administrators, and other individuals who participate in, or may be affected by, the Nation’s educational system.

“(C) The Secretary may carry out the program authorized by this subsection through the award of grants, contracts, or cooperative agreements on a competitive basis.

“(2) The system authorized by this subsection shall include information on—

- “(A) stimulating instructional materials that are aligned with challenging content standards; and
- “(B) successful and innovative practices in—
 - “(i) instruction;
 - “(ii) professional development;
 - “(iii) challenging academic content and student performance standards;
 - “(iv) assessments;
 - “(v) effective school management; and
 - “(vi) such other areas as the Secretary determines are appropriate.

“(3)(A) The Secretary may require the technical assistance providers funded under this part, or under subpart 2 of part B of title III, or the educational laboratories and

clearinghouses of the Educational Resources Information Center supported under the Educational Research, Development, Dissemination, and Improvement Act (notwithstanding any other provision of such part, subpart, or Act), to—

“(i) provide information (including information on practices employed in the regions or States served by the providers) for use in the system authorized by this subsection;

“(ii) coordinate their activities in order to ensure a unified system of technical assistance; or

“(iii) otherwise participate in the system authorized by this subsection.

“(B) The Secretary shall ensure that—

“(i) the dissemination activities authorized under this subsection are integrated with, and do not duplicate, the dissemination activities of the Office of Educational Research and Improvement; and

“(ii) the public has access, through the system authorized by this subsection, to the latest research, statistics, and other information supported by, or available from, such Office.

“(b) ADDITIONAL ACTIVITIES.—The Secretary is authorized to carry out additional activities, using advanced telecommunications technologies where appropriate, to assist local educational agencies, State educational agencies, tribes, and other recipients of funds under this Act in meeting the requirements of the Government Performance and Results Act of 1993. Such assistance may include information on measuring and benchmarking program performance and student outcomes.

“SEC. 2232. AUTHORIZATION OF APPROPRIATIONS.

“For purposes of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.

“Subpart 4—National Evaluation Activities

“SEC. 2241. NATIONAL EVALUATION ACTIVITIES.

The Secretary shall conduct, directly or through grants, contracts, or cooperative agreements, such activities as the Secretary determines necessary to—

“(1) determine what constitutes effective technical assistance;

“(2) evaluate the effectiveness of the technical assistance and dissemination programs authorized by, or assisted under, this part and the educational laboratories, and clearinghouses of the Educational Resources Information Center, supported under the Educational Research, Development, Dissemination, and Improvement Act (notwithstanding any other provision of such Act); and

“(3) increase the effectiveness of such programs.”

SEC. 203. GRANTS TO STATES FOR THE TRAINING OF PRINCIPALS.

Title II (20 U.S.C. 6671 et seq.) is amended—

- (1) by redesignating part E as part J;
- (2) by redesignating sections 2401 and 2402 as sections 2901 and 2902, respectively; and
- (3) by amending part D to read as follows:

“PART D—GRANTS TO STATES FOR THE TRAINING OF PRINCIPALS

“SEC. 2301. GRANTS TO STATES FOR THE TRAINING OF PRINCIPALS.

“(a) GRANTS.—

“(1) IN GENERAL.—From the sums appropriated under subsection (g) and not reserved under subsection (f) for any fiscal year, the Secretary shall award grants to eligible State educational agencies or consortia of State educational agencies or consortia to award grants to local educational agencies for the provision of professional development services for public elementary school and

secondary school principals to enhance the leadership skills of such principals.

“(2) AWARD BASIS.—The Secretary shall award grants under this section to eligible State educational agencies or consortia on the basis of criteria that includes—

“(A) the quality of the proposed use of the grant funds; and

“(B) the educational need of the State or States.

“(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a State educational agency or consortium shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that—

“(1) matching funds will be provided in accordance with subsection (e); and

“(2) principals were involved in developing the application and the proposed use of the grant funds.

“(c) USE OF FUNDS.—Subject to section 3(a)(1), a State educational agency or consortium that receives a grant under this section shall use amounts received under the grant to provide assistance to local educational agencies to enable such local educational agencies to provide training and other activities to increase the leadership and other skills of principals in public elementary schools and secondary schools. Such activities may include activities—

“(1) to enhance and develop school management and business skills;

“(2) to provide principals with knowledge of—

“(A) effective instructional skills and practices; and

“(B) comprehensive whole-school approaches and programs;

“(3) to improve understanding of the effective uses of educational technology;

“(4) to provide training in effective, fair evaluation of school staff; and

“(5) to improve knowledge of State content and performance standards.

“(d) AMOUNT OF GRANT.—The amount of a grant awarded to a State educational agency or consortium under this section shall be determined by the Secretary.

“(e) MATCHING REQUIREMENT.—

“(1) IN GENERAL.—To be eligible to receive funds under this section, a State educational agency or consortium shall provide assurances satisfactory to the Secretary that non-Federal funds will be made available to carry out activities under this title in an amount equal to 25 percent of the amount that is provided to the State educational agency or consortium under this section.

“(2) WAIVER.—The Secretary shall promulgate regulations to waive the matching requirement of paragraph (1) with respect to State educational agencies or consortia that the Secretary determines serve low-income areas.

“(3) NON-FEDERAL CONTRIBUTIONS.—Non-Federal funds required under paragraph (1) may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, and any portion of any service subsidized by the Federal Government, may not be included in determining the amount of such non-Federal funds.

“(f) RESERVATION.—The Secretary may reserve not more than 2 percent of the amount appropriated under subsection (g) for each fiscal year to develop model national programs to provide the activities described in subsection (c) to principals. In carrying out the preceding sentence the Secretary shall appoint a commission, consisting of representatives of local educational agencies, State educational agencies, departments of education within institutions of higher education, principals, education organizations,

community groups, business, and labor, to examine existing professional development programs and to produce a report on the best practices to help principals in multiple education environments across our Nation. The report shall be produced not later than 1 year after the date of enactment of this Act.

“(g) APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, \$100,000,000 for each of the fiscal years 2001 through 2005 to carry out this section.”

SEC. 204. SCHOLARSHIPS FOR INVITING NEW SCHOLARS TO PARTICIPATE IN RENEWING EDUCATION.

Title II (20 U.S.C. 6601 et seq.), as amended by section 203, is amended by inserting after part D the following:

“PART E—SCHOLARSHIPS FOR INVITING NEW SCHOLARS TO PARTICIPATE IN RENEWING EDUCATION

“SEC. 2401. SHORT TITLE; PURPOSE.

“(a) SHORT TITLE.—This part may be cited as the ‘Inviting New Scholars to Participate in Renewing Education Act’.

“(b) PURPOSE.—The purpose of this part is to make available, through grants to the State educational agencies, scholarships to individuals who are outstanding students, who are in their final year of secondary school, attending an institution of higher education, or graduates of such an institution, and who demonstrate an interest in teaching children and youth, in order to enable and encourage those individuals to pursue teaching careers in education at the preschool, elementary, or secondary level.

“SEC. 2402. DEFINITIONS.

“In this part:

“(1) ALTERNATIVE CERTIFICATION PROGRAM.—The term ‘alternative certification program’ means a program to obtain teacher certification through an alternative route designated by the State.

“(2) ALTERNATIVE ROUTE.—The term ‘alternative route’, used with respect to certification, means a route to certification that—
“(A) includes strong academic and pedagogical course work that provides a candidate seeking to become a teacher with the subject matter knowledge and teaching knowledge needed to help students meet a State’s curriculum standards;

“(B) provides intensive field experience in the form of an internship, or student teaching, under the direct daily supervision of an expert, veteran teacher;

“(C) ensures that the candidate meets standards that are at least as rigorous as the State’s standards for subject matter knowledge and teaching knowledge that are required for traditional teacher certification or licensing (not certification through such a route); and

“(D) is provided through a program that meets all of the State’s quality standards for program approval, including standards that pertain to teacher candidate test performance and other outcomes.

“(3) HIGH-NEED.—The term ‘high-need’, used with respect to a school district, means a school district in which—

“(A) not less than 30 percent of the children served by the local educational agency for the school district are children eligible to be counted under section 1124(c)(2); and

“(B) the elementary schools and secondary schools—

“(i) have a higher teacher turnover rate than the corresponding rate for the State in which the school district is located;

“(ii) have a higher percentage of uncertified or unlicensed teachers than the corresponding percentage for the State; or

“(iii) have a higher percentage of secondary school teachers not teaching in the academic subject in which the teachers were

trained to teach, than the corresponding percentage for the State,

as determined by the State.

“(4) SCHOLARSHIP.—The term ‘scholarship’ means a scholarship awarded under this part.

“SEC. 2403. ALLOTMENTS AND GRANTS TO STATES.

“(a) GRANTS.—The Secretary may make grants to States, from allotments determined under subsection (b), to enable the State educational agencies for the States to pay for the Federal share of the cost of awarding scholarships in accordance with this part.

“(b) ALLOTMENTS.—From the sums appropriated to carry out this part and not reserved under section 2409(c) for any fiscal year, the Secretary shall allot to each eligible State educational agency an amount that bears the same relationship to the sums as the school-age population in the State, bears to the school-age population in all States, as determined using the most recently available data from the Bureau of the Census.

“(c) FEDERAL SHARE.—

“(1) IN GENERAL.—The Federal share of the cost described in subsection (a) is 80 percent.

“(2) NON-FEDERAL SHARE.—The non-Federal share of the cost may be provided from State sources in cash or in kind, fairly evaluated, including plant, equipment, and services.

“SEC. 2404. GRANT APPLICATIONS.

“(a) SUBMISSION OF APPLICATIONS.—In order to receive a grant under this part, a State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(b) CONTENT OF APPLICATIONS.—The application shall contain information that—

“(1) describes the selection criteria and procedures to be used by the State educational agency in the selection of scholarship recipients under this part;

“(2) designates the State educational agency as the State agency responsible for administering the grants received under this part;

“(3) describes the outreach effort the State educational agency intends to use to publicize the availability of the scholarships to eligible applicants in the State;

“(4) describes how the State educational agency will inform recipients, on receipt of the scholarship awards, of current and projected teacher shortages and surpluses within the State;

“(5) provides assurances that each recipient of scholarship assistance will enter into an agreement with the State educational agency under which the recipient will—

“(A) complete the program of postsecondary education or alternative certification program, as described in section 2407(a)(1), for which the scholarship was awarded;

“(B)(i) obtain certification or licensing as a teacher (that is not temporary or emergency certification or licensing); and

“(ii) teach in a private nonprofit or public preschool, or a public elementary school or secondary school, in a high-need school district, for a period of not less than 1 year for each \$5,000 of the assistance received;

“(C) provide to the Secretary evidence of compliance with section 2407 as required by the Secretary; and

“(D) repay all or part of a scholarship, plus pay interest and, if applicable, reasonable collection fees, in compliance with regulations issued by the Secretary under section 2408(a), in the event that the recipient does not comply with the conditions described in subparagraphs (A) and (B), except as provided for in section 2408(b) or procedures described in paragraph (7);

“(6) provides that the agreement entered into with recipients will fully disclose the

terms and conditions under which assistance is provided under this part and under which repayment may be required, including—

“(A) a description of the procedures required to be established under paragraph (7); and

“(B) a description of the appeals procedures required to be established under paragraph (8);

“(7) provides for procedures under which a recipient of assistance under this part who teaches for less than the period required under paragraph (5)(B) will have the repayment requirements described in section 2408(a) reduced or eliminated, consistent with the provisions of section 2408(b); and

“(8) provides for appeals procedures under which a recipient may appeal any determination of noncompliance with any provision under this part.

“SEC. 2405. AMOUNT AND DURATION OF AND RELATION TO OTHER ASSISTANCE.

“(a) LIMITATIONS ON AMOUNT AND DURATION.—Subject to subsection (c), each scholarship recipient shall receive a scholarship for each academic year of postsecondary education or study in an alternative certification program described in section 2407(a) in preparation to become a preschool, elementary school, or secondary school teacher. No individual shall receive scholarship assistance under this part for more than 4 years of such postsecondary education or study, as determined by the State educational agency, or a total amount of such assistance that is greater than \$20,000.

“(b) CONSIDERATION OF AWARD IN OTHER PROGRAMS.—Notwithstanding the provisions of title IV of the Higher Education Act of 1965, scholarship assistance awarded pursuant to this part shall be considered in determining eligibility for student assistance under such title IV.

“(c) ASSISTANCE NOT TO EXCEED COST OF ATTENDANCE.—No individual shall receive assistance for a scholarship under this part, in any academic year, that exceeds the cost of attendance, as defined in section 472 of the Higher Education Act of 1965, at the institution the individual is attending or such cost of attendance for an alternative certification program. A scholarship awarded under this part shall not be reduced on the basis of the student’s receipt of other forms of Federal student financial assistance, but shall be taken into account in determining the eligibility of the student for the other forms of Federal student financial assistance.

“(d) SUPPLEMENT, NOT SUPPLANT.—Funds appropriated pursuant to the authority of this part shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services for eligible individuals.

“SEC. 2406. SELECTION OF SCHOLARSHIP RECIPIENTS.

“(a) SELECTION CRITERIA AND PROCEDURES.—The State educational agency shall establish criteria and procedures for the selection of scholarship recipients. The criteria shall be intended to attract highly qualified individuals into teaching, and to meet the present and projected needs of States in addressing teacher shortages, including the demand for and supply of early childhood and elementary school teachers in the State, the demand for and supply of secondary school teachers in the State, and the demand for teachers with training in specific academic subjects in the State.

“(b) RESERVATION OF SCHOLARSHIP FUNDS.—In awarding the funds made available to a State educational agency under this part for scholarships, the State educational agency shall reserve not less than 30 percent of the funds for scholarships to students that intend to teach in an academic

subject that the State educational agency determines is a subject shortage area, such as mathematics, science, or special education.

“SEC. 2407. SCHOLARSHIP CONDITIONS.

“(a) EVIDENCE OF ENROLLMENT.—An individual who is a recipient of scholarship assistance under this part shall continue to receive such scholarship assistance only during such periods as the Secretary finds that the recipient is—

“(1)(A)(i) enrolled as a full-time student in a program of postsecondary education at an accredited institution of higher education that includes a teacher education program that is approved by the agency; and

“(ii) pursuing a major or minor in the academic subject that the individual intends to teach;

“(B)(i) enrolled as a full-time student in a graduate program of postsecondary education at an institution described in subparagraph (A); and

“(ii) pursuing a degree in the academic subject that the individual intends to teach; or

“(C) enrolled in an alternative certification program;

“(2) pursuing a course of study leading to teacher certification or licensing in the program of postsecondary education or alternative certification program involved; and

“(3) maintaining satisfactory progress, as determined by the institution of higher education, or the entity providing the alternative certification program, that the recipient is attending.

“(b) EVIDENCE OF EMPLOYMENT.—An individual who is a recipient of scholarship assistance under this part shall supply to the Secretary, not later than 27 months after the date the recipient completes the program of postsecondary education or alternative certification program for which the scholarship was awarded, evidence of employment as a teacher in a private nonprofit or public preschool, or a public elementary school or secondary school.

“(c) TRACKING.—The Secretary shall conduct such oversight and evaluation as may be necessary to assure compliance with this section.

“SEC. 2408. SCHOLARSHIP REPAYMENT PROVISIONS.

“(a) REPAYMENT.—Recipients of scholarships who are found by the Secretary to be in violation of the agreement entered into under section 2404(b)(5) shall be required—

“(1) to repay a pro rata amount of the scholarship assistance received; and

“(2) to pay interest (but in no event at an interest rate higher than the rate applicable to loans in the applicable period under part B of title IV of the Higher Education Act of 1965), and, in applicable cases, to pay reasonable collection fees, on a schedule and at a rate of interest to be prescribed by the Secretary in regulations issued pursuant to this part.

“(b) DEFERRAL DURING CERTAIN PERIODS.—A recipient shall not be considered to be in violation of the agreement entered into under section 2404(b)(5) during any period during which—

“(1) the recipient is enrolled in, pursuing an appropriate course of study in, and maintaining satisfactory progress in, a program of postsecondary education or an alternative certification program, as described in section 2407(a);

“(2) the recipient is seeking and unable to find full-time employment as a teacher in a private nonprofit or public preschool, or a public elementary school or secondary school, for a single period of not to exceed 27 months;

“(3) repayment would pose particular hardship for the recipient, as determined by the Secretary; or

“(4) the recipient satisfies the provisions of additional repayment exceptions that may be prescribed by the Secretary in regulations issued pursuant to this part.

“SEC. 2409. EVALUATION.

“(a) IN GENERAL.—The Secretary shall conduct, by grant or contract, an independent evaluation of the scholarship assistance program carried out under this part, which shall summarize and evaluate the State activities assisted under this part and the performance of such program. The evaluation shall assess the impact of the scholarship program assisted under this part to determine whether such program has brought into teaching a significant number of highly able individuals who otherwise would not have entered teaching.

“(b) EVALUATION REPORTS.—The Secretary shall submit to the President, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate—

“(1) such interim evaluation reports as may be appropriate; and

“(2) not later than September 30, 2005, a final report containing the results of the evaluation.

“(c) FUNDING.—The Secretary shall reserve, from the amounts appropriated pursuant to section 2410 for fiscal years 2001 through 2005, the minimum amount necessary to carry out this section.

“SEC. 2410. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated to carry out this part \$100,000,000 for each of fiscal years 2001 through 2005.

“(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of subsection (a) shall remain available until expended.”

SEC. 205. MENTOR TEACHER PROGRAM.

Title II, as amended by section 204, is amended by inserting after part E the following:

“PART F—MENTOR TEACHER PROGRAM

“SEC. 2501. PURPOSES.

“The purposes of this part are to give local educational agencies the resources to establish mentor teacher programs to enable experienced teachers to train, support, and mentor novice teachers.

“SEC. 2502. DEFINITIONS.

“In this part:

“(1) BOARD CERTIFIED.—The term ‘board certified’ means successful completion of all requirements to be certified by the National Board for Professional Teaching Standards in the academic subject in which a teacher is teaching.

“(2) MENTOR TEACHER.—The term ‘mentor teacher’ means a teacher who—

“(A) is fully certified or licensed;

“(B) has demonstrated mastery of pedagogical and subject matter skills (such as by becoming board certified); and

“(C) has provided evidence of superior teaching abilities and interpersonal relationship characteristics.

“(3) NOVICE TEACHER.—The term ‘novice teacher’ means a teacher who has been teaching not more than 3 years at a public elementary school or secondary school.

“SEC. 2503. PROGRAM AUTHORIZED.

“(a) AUTHORITY.—

“(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to local educational agencies to develop and implement mentor teacher programs as described in subsection (d).

“(2) DURATION.—The Secretary shall award grants under this subsection for periods of not more than 5 years.

“(b) GEOGRAPHIC DISTRIBUTION.—To the maximum extent practicable, the Secretary shall award the grants so that the grants are distributed among the local educational agencies with higher percentages of new teachers, or lower percentages of certified or licensed teachers, than the corresponding percentages for the States in which the agencies are located.

“(c) AMOUNT.—The amount of each grant shall be determined based on—

“(1) the total amount appropriated for a fiscal year under section 2508 and made available to carry out this part; and

“(2) the extent of the concentration of novice teachers in the school district involved.

“(d) AUTHORIZED ACTIVITIES.—

“(1) ALLOCATION BY ACTIVITY.—A local educational agency that receives a grant under subsection (a) for a mentor teacher program shall use—

“(A) not less than 75 percent of the funds made available through the grant to pay for the Federal share of the cost of obtaining the services of the mentor teachers; and

“(B) not more than 25 percent of the funds to pay for other costs related to the development and implementation of the mentor teacher program.

“(2) TRAINING.—The mentor teacher program shall provide training to novice teachers on effective teaching techniques (including techniques relating to class discipline and curriculum development) through observation, instruction, coaching, and mentoring by mentor teachers.

“(3) FEDERAL SHARE.—

“(A) IN GENERAL.—The Federal share of the cost described in paragraph (1)(A) is 75 percent.

“(B) NON-FEDERAL SHARE.—The non-Federal share of the cost may be provided from State sources in cash or in kind, fairly evaluated, including plant, equipment, and services.

“(e) SUPPLEMENT, NOT SUPPLANT.—Funds appropriated pursuant to the authority of this part shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services for eligible individuals.

“SEC. 2504. APPLICATIONS.

“A local educational agency desiring a grant under section 2503 shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

“SEC. 2505. PAYMENTS.

“(a) IN GENERAL.—Grant payments shall be made under this part on an annual basis.

“(b) ADMINISTRATIVE COSTS.—Each local educational agency that receives a grant under section 2503 shall use not more than 2 percent of the amount awarded under the grant for administrative costs.

“(c) DENIAL OF GRANT.—If the Secretary determines that a local educational agency has failed to make substantial progress in attaining such performance objectives and goals as the Secretary may require the agency to establish, such an agency shall not be eligible for a grant payment under this part in the next succeeding year.

“SEC. 2506. REPORTS.

“The Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a report of program activities funded under this part.

“SEC. 2507. MATCHING REQUIREMENT.

“The Secretary may not award a grant to a local educational agency under section 2503

unless the local educational agency agrees that, with respect to costs to be incurred by the agency in carrying out activities for which the grant was awarded, the agency shall provide (directly or through donations from public or private entities) in non-Federal contributions an amount equal to 25 percent of the amount of the grant awarded to the agency.

“SEC. 2508. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated to carry out this part \$50,000,000 for each of fiscal years 2001 through 2005.”

SEC. 206. TEACHER TECHNOLOGY PREPARATION ACADEMIES.

Title II, as amended by section 205, is amended by inserting after part F the following:

“PART G—TEACHER TECHNOLOGY PREPARATION ACADEMIES

“SEC. 2601. TEACHER TECHNOLOGY PREPARATION ACADEMIES.

“(a) GRANTS.—The Secretary is authorized to award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to establish Teacher Technology Preparation Academies within the State that—

“(1) provide teachers, librarians, and library media specialists with training to acquire or upgrade technology skills in order to use technology effectively in the classroom;

“(2) have training plans developed by a local educational agency; and

“(3) encourage teachers, librarians, and library media specialists trained at the academies to return to their schools and act as technology instructors for other teachers, librarians, and library media specialists.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$50,000,000 for fiscal year 2001 and each of the 4 subsequent fiscal years.”

SEC. 207. NEW CENTURY PROGRAM AND DIGITAL EDUCATION CONTENT COLLABORATIVE.

Title II, as amended by section 206, is amended by inserting after part G, the following:

“PART H—THE NEW CENTURY PROGRAM FOR DISTRIBUTED TEACHER PROFESSIONAL DEVELOPMENT

“SEC. 2701. PROJECT AUTHORIZED.

“(a) PURPOSE.—It is the purpose of this part to carry out a program designed to assist elementary school and secondary school teachers in preparing all students for achieving State content standards.

“(b) GRANTS.—The Secretary may make a grant to a nonprofit telecommunications entity, or a partnership of such entities, for the purpose of carrying out a national telecommunications-based program to improve teaching in core curriculum areas to achieve the purpose described in subsection (a).

“SEC. 2702. APPLICATION.

“(a) IN GENERAL.—Each nonprofit telecommunications entity, or partnership of such entities, desiring a grant under this part shall submit an application to the Secretary. Each such application shall—

“(1) demonstrate that the applicant will use the public broadcasting infrastructure and school digital networks, where available, to deliver video and data in an integrated service to train teachers in the use of standards-based curricula materials and learning technologies;

“(2) provide an assurance that the project for which the assistance is being sought will be conducted in cooperation with appropriate State educational agencies, local educational agencies, national, State, or local

nonprofit public telecommunications entities, and national education professional associations that have developed content standards in the relevant subject areas;

“(3) provide an assurance that a significant portion of the benefits available for elementary schools and secondary schools from the project for which the assistance is being sought will be available to schools of local educational agencies which have a high percentage of children counted under section 1124(c); and

“(4) contain such additional assurances as the Secretary may reasonably require.

“(b) APPROVAL, NUMBER OF SITES.—In approving applications under this section, the Secretary shall ensure that the program authorized by this part is conducted at elementary school and secondary school sites in at least 15 States.

“SEC. 2703. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part, \$20,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 subsequent fiscal years.

“PART I—DIGITAL EDUCATION CONTENT COLLABORATIVE

“SEC. 2811. DIGITAL EDUCATION CONTENT COLLABORATIVE.

“(a) IN GENERAL.—The Secretary may award grants to, or enter into contracts or cooperative agreements with, eligible entities described in section 2812(b) to develop, produce, and distribute educational and instructional video programming that is designed for use by kindergarten through grade 12 schools and based on State standards.

“(b) AVAILABILITY.—In awarding grants, contracts, or cooperative agreements under subsection (a), the Secretary shall ensure that eligible entities enter into multiyear content development collaborative arrangements with State educational agencies, local educational agencies, institutions of higher education, businesses, or other agencies and organizations.

“SEC. 2812. EDUCATIONAL PROGRAMMING.

“(a) AWARDS.—The Secretary shall award grants, contracts, or cooperative agreements under this part to eligible entities to facilitate the development of educational programming that shall—

“(1) include student assessment tools to provide feedback on student performance;

“(2) include built-in teacher utilization and support components to ensure that teachers understand and can easily use the content of the programming with group instruction or for individual student use;

“(3) be created for, or adaptable to, State content standards; and

“(4) be capable of distribution through digital broadcasting and school digital networks.

“(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under section 2811(a), an entity shall be a local public telecommunications entity as defined in section 397(12) of the Communications Act of 1934 that is able to demonstrate a capacity for the development and distribution of educational and instructional television programming of high quality.

“(c) COMPETITIVE BASIS.—Grants, contracts, or cooperative agreements under this part shall be awarded on a competitive basis as determined by the Secretary.

“(d) DURATION.—Each grant, contract, or cooperative agreement under this part shall be awarded for a period of 3 years in order to allow time for the creation of a substantial body of significant content.

“SEC. 2813. APPLICATIONS.

“Each eligible entity desiring a grant, contract, or cooperative agreement under this

part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

“SEC. 2814. MATCHING REQUIREMENT.

“An eligible entity receiving a grant, contract, or cooperative agreement under this part shall contribute to the activities assisted under this part non-Federal matching funds in an amount equal to not less than 100 percent of the amount of the grant, contract, or cooperative agreement. Non-Federal funds may include funds provided from a non-Federal source for the transition to digital broadcasting, as well as in-kind contributions.

“SEC. 2815. ADMINISTRATIVE COSTS.

“With respect to the implementation of this part, entities receiving a grant, contract, or cooperative agreement under this part may use not more than 5 percent of the amounts received under the grant, contract, or cooperative agreement for the normal and customary expenses of administering the grant.

“SEC. 2816. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part, \$25,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 subsequent fiscal years.”

TITLE III—TECHNOLOGY FOR EDUCATION

SEC. 300. SHORT TITLE.

Section 3101 (20 U.S.C. 6801) is amended by striking “of 1994”.

PART A—FEDERAL LEADERSHIP AND NATIONAL ACTIVITIES

SEC. 301. FINDINGS.

Section 3111 (20 U.S.C. 6811) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) technology can—

“(A) support education improvement efforts by expanding available resources and reshaping instruction, teaching, and learning environments; and

“(B) when used effectively and aligned with challenging State academic content and performance standards, support teacher capacity to create classrooms where students develop higher-order thinking and information technology skills;”;

(2) by amending paragraph (3) to read as follows:

“(3) the Federal Government—

“(A) has played an integral role in expanding and improving access to technology as an important tool for teaching and learning; and

“(B) can continue to serve as a catalyst in bringing effective uses for education technology to the classroom by providing support for—

“(i) access to technology;

“(ii) the development of educational software and web-based learning resources; and

“(iii) sustained and intensive, high-quality professional development that is aligned with challenging State academic content and performance standards;”;

(3) by amending paragraph (5) to read as follows:

“(5) a 1996 Department of Commerce study found that, by the year 2000, 60 percent of all jobs will require computer-related skills, and other studies show that women and some minorities are underrepresented in the information technology workforce;

(4) by striking paragraph (7);

(5) in paragraph (8), by striking “acquisition and maintenance” and inserting “acquisition, maintenance, and ongoing support”;

(6) by striking paragraphs (9) and (11);

(7) in paragraph (12), by adding “and” at the end thereof;

(8) by striking paragraph (13);

(9) by amending paragraph (14) to read as follows:

“(14) the rapidly changing nature of technology, among other factors, requires the Department to maintain a leadership role in developing a national vision and strategies for bringing effective technology applications and practices to all classrooms and all educational programs through such activities as—

“(A) developing and carrying out a strategy for an ongoing evaluation of existing and anticipated future uses of educational technology to better inform the Federal role in supporting the use of educational technology, stimulate reform and innovation in teaching and learning with technology, and further the development of advanced technology;

“(B) evaluating and assessing technology programs;

“(C) disseminating information;

“(D) coordinating with public and private partnerships; and

“(E) convening expert panels to identify effective uses of educational technology;”;

(10) by striking paragraph (15);

(11) by redesignating paragraphs (2), (3), (4), (5), (6), (8), (10), (12), and (14) as paragraphs (4), (5), (9), (10), (15), (16), (17), (18), and (19), respectively;

(12) by inserting after paragraph (1) the following new paragraphs:

“(2) the cost of processing, storing, and transmitting information continues to plummet, making new advances in computer and telecommunications technology more available to schools;

“(3) by providing students with a rapidly expanding educational resource base, and a unique means of developing content knowledge, improvements in software and other technology applications (such as high-quality video, voice recognition, modeling and simulation, and intelligent tutoring and virtual reality tools), have increased student opportunities for meaningful exploration and discovery;”;

(13) by inserting after paragraph (5) (as redesignated by paragraph (11)) the following new paragraphs:

“(6) poor children are less likely than their wealthier peers to have access to a computer at home, and to attend a school in which teachers use technology to develop technical and higher-order thinking skills;

“(7) public schools have made significant progress toward meeting the goal of connecting every school to the Internet, with the percentage of schools that are connected to the Internet increasing from 35 percent in 1994 to 89 percent in 1998 and nearly doubling between 1997 and 1998, but a gap continues to exist between wealthy and poor schools in the extent to which classrooms are connected to the Internet and the manner in which technology is used to support instruction;

“(8) the E-Rate and other Federal education technology initiatives are significantly increasing the number of classrooms connected to the Internet and providing affordable access to advanced telecommunications;”;

(14) by inserting after paragraph (10) (as redesignated by paragraph (11)) the following new paragraphs:

“(11) because girls of all ethnicities consistently rate themselves significantly lower than boys on computer ability, and are less likely to experiment with technology and enroll in advanced computer science courses, the Federal Government should encourage States, local educational agencies, and teachers to consider the needs of girls and women to obtain technical proficiency, so that they can compete in an increasingly technological society;

“(12) the Federal Government should support efforts to ensure the accessibility of all educational technology, not just assistive technology, to students with disabilities through strategies such as universal design;

“(13) although 25 States have some requirement for computer education for teacher licensure, only two States require teacher candidates to show that they can use technology, and only three States require participation in technology training, as a prerequisite for license renewal;

“(14) according to a 1998 National Center for Education Statistics survey, only 20 percent of full-time K-12 teachers feel fully prepared to integrate technology into classroom instruction;”.

SEC. 302. STATEMENT OF PURPOSE.

Section 3112 (20 U.S.C. 6812) is amended to read as follows:

“SEC. 3112. STATEMENT OF PURPOSE.

“To help all students to develop technical and higher-order thinking skills and to achieve to challenging State academic content and performance standards, as well as America’s Education Goals, it is the purpose of this title to—

“(1) help provide all classrooms with access to educational technology through support for the acquisition of advanced multimedia computers, Internet connections, and other technologies;

“(2) help ensure access to, and effective use of, educational technology in all classrooms through the provision of sustained and intensive, high-quality professional development that improves teachers’ capability to integrate educational technology effectively into their classrooms by actively engaging students and teachers in the use of technology;

“(3) help improve the capability of teachers to design and construct new learning experiences using technology, and actively engage students in that design and construction;

“(4) support efforts by State educational agencies and local educational agencies to create learning environments designed to prepare students to achieve to challenging State academic content and performance standards through the use of research-based teaching practices and advanced technologies;

“(5) support technical assistance to State educational agencies, local educational agencies, and communities to help them use technology-based resources and information systems to support school reform and meet the needs of students and teachers;

“(6) support the development of applications that make use of such technologies as advanced telecommunications, hand-held devices, web-based learning resources, distance learning networks, and modeling and simulation software;

“(7) support Federal partnerships with business and industry to realize more rapidly the potential of digital communications to expand the scope of, and opportunities for, learning;

“(8) support evaluation and research on the effective use of technology in preparing all students to achieve to challenging State academic content and performance standards, and the impact of technology on teaching and learning;

“(9) provide national leadership to stimulate and coordinate public and private efforts, at the national, State, and local levels, that support the development and integration of advanced technologies and applications to improve school planning and classroom instruction;

“(10) support the development, or redesign, of teacher preparation programs to enable prospective teachers to integrate the use of technology in teaching and learning;

“(11) increase the capacity of State and local educational agencies to improve student achievement, particularly that of students in high-poverty, low-performing schools;

“(12) promote the formation of partnerships and consortia to stimulate the development of, and new uses for, technology in teaching and learning;

“(13) support the creation or expansion of community technology centers that will provide disadvantaged residents of economically distressed urban and rural communities with access to information technology and related training;

“(14) help to ensure that technology is accessible to, and usable by, all students, particularly students with disabilities or limited English proficiency; and

“(15) assist every student in crossing the digital divide by ensuring that every child is computer literate by the time the child finishes 8th grade, regardless of the child’s race, ethnicity, gender, income, geography, or disability.”.

SEC. 303. PROHIBITION AGAINST SUPPLANTING.

(a) REPEAL.—Section 3113 (20 U.S.C. 6813) is repealed.

(b) PROHIBITION.—Title III (20 U.S.C. 6801 et seq.) is amended by inserting after section 3112 the following:

“SEC. 3113. SUPPLEMENT, NOT SUPPLANT.

“A recipient of funds awarded under this title shall use such funds only to supplement the amount of funds or resources that would, in the absence of such Federal funds, be made available from non-Federal sources for the purposes of the programs authorized under this title, and not to supplant such non-Federal funds or resources.”.

SEC. 304. REPEALS.

Sections 3114 and 3115 (20 U.S.C. 6814, 6815) and subpart 4 of part A of title III (20 U.S.C. 6871) are repealed.

SEC. 305. FEDERAL LEADERSHIP AND NATIONAL ACTIVITIES.

Subpart 1 of part A of title III (20 U.S.C. 6831 et seq.) is amended to read as follows:

“Subpart 1—Federal Leadership and National Activities;

“SEC. 3121. NATIONAL LONG-RANGE TECHNOLOGY PLAN.

“Not later than one year after the date of enactment of the Educational Excellence for All Children Act of 2000, the Secretary shall update the national long-range educational technology plan and broadly disseminate the updated plan.

“SEC. 3122. NATIONAL EVALUATION OF EDUCATION TECHNOLOGY.

“(a) NATIONAL EVALUATION.—

“(1) IN GENERAL.—In order to better inform the Federal role in supporting the use of educational technology, in stimulating reform and innovation in teaching and learning with technology, and in advancing the development of more advanced and new types and applications of such technology, the Secretary shall—

“(A) develop, within 12 months of the date of enactment of the Educational Excellence for All Children Act of 2000, a strategy for an ongoing evaluation of existing and anticipated future uses of educational technology; and

“(B) carry out such an evaluation.

“(2) ACTIVITIES AUTHORIZED.—From the funds reserved under subsection (b), the Secretary may—

“(A) conduct long-term controlled studies on the effectiveness of the uses of educational technology;

“(B) convene panels of experts to—

“(i) identify uses of educational technology that hold the greatest promise for improving teaching and learning;

“(ii) assist the Secretary with the review and assessment of the progress and effectiveness of projects that are funded under this title; and

“(iii) identify barriers to the commercial development of effective, high-quality, cost-competitive educational technology and software;

“(C) conduct evaluations and applied research studies that examine—

“(i) how students learn using educational technology, whether singly or in groups, and across age groups, student populations (including students with special needs, such as students with limited English proficiency and students with disabilities) and settings; and

“(ii) the characteristics of classrooms and other educational settings that use educational technology effectively;

“(D) collaborate with other Federal agencies that support research on, and evaluation of, the use of network technology in educational settings; and

“(E) carry out such other activities as the Secretary determines appropriate.

“(b) AVAILABILITY OF TITLE III FUNDS FOR EVALUATION.—Notwithstanding any other provision of this title, the Secretary may use up to 4 percent of the funds appropriated to carry out this title for any fiscal year to carry out the activities described in subsection (a) for that fiscal year.

“SEC. 3123. AUTHORIZATION OF APPROPRIATIONS.

“For purposes of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.”

SEC. 306. ALLOTMENT AND REALLOTMENT.

Section 3131(a)(2) is amended—

(1) by inserting “(including, for purposes of this subpart, the Bureau of Indian Affairs)” after “State educational agency”; and

(2) by striking the period at the end thereof and inserting a comma and “except that such minimum shall apply to the aggregate of grants received under this subpart by the outlying areas for a fiscal year.”

SEC. 307. TECHNOLOGY LITERACY CHALLENGE FUND.

Section 3132 is amended—

(1) by amending the heading thereof to read as follows: “**TECHNOLOGY LITERACY CHALLENGE FUND**”;

(2) by amending subsection (a)(2) to read as follows:

“(2) USE OF GRANTS.—(A) Each State educational agency that receives a grant under paragraph (1) shall use—

“(i) not less than 95 percent of the grant funds received to award, on a competitive basis, subgrants to eligible local applicants, as defined in section 3136, for use in creating new learning environments designed to prepare all students, including students with disabilities or limited English proficiency, to achieve to challenging State academic content and performance standards through the use of research-based teaching practices and advanced technologies; and

“(ii) subject to subparagraph (C), the remainder of the grant funds for administrative costs and technical assistance.

“(B) In awarding subgrants under subparagraph (A)(i), a State educational agency shall give priority to an eligible local applicant that is a partnership that meets the requirements of section 3136.

“(C) From the funds described in subparagraph (A)(i), a State educational agency may use not more than 2 percent of the grant funds received by that agency under this subpart to provide planning subgrants to eligible local applicants in order to assist them to develop strategic long-term local tech-

nology plans that shall be included in the application for a subgrant under section 3135(1).”;

(3) by amending subsection (b)(2) to read as follows:

“(2) provide eligible local applicants with assistance in—

“(A) developing applications under section 3135;

“(B) forming partnerships among the entities described in section 3417(1)(B); and

“(C) establishing performance indicators and methods for measuring program outcomes against the indicators.”

SEC. 308. STATE APPLICATION.

Section 3133 (20 U.S.C. 6843) is amended to read as follows:

“SEC. 3133. STATE APPLICATION.

“To receive funds under this subpart, a State educational agency shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. As part of its application, a State educational agency shall submit a new or updated statewide educational technology plan. The plan submitted shall demonstrate how it will be coordinated with and support the State plan or policies for comprehensive standards-based education reform, and shall describe—

“(1) how the State educational agency will meet the national technology goals that—

“(A) all teachers in the Nation will have the training and support they need to help students learn using computers and the information superhighway;

“(B) all teachers and students will have modern multimedia computers in their classrooms;

“(C) every classroom will be connected to the information superhighway; and

“(D) effective software and online learning resources will be an integral part of every school’s curriculum;

“(2) the State educational agency’s long-term strategies for financing educational technology in the State, including how the State educational agency will use other sources of Federal and non-Federal funds, including the E-Rate, for this purpose;

“(3) the State educational agency’s criteria for identifying, for purposes of section 3137(1)(A), a local educational agency as high-poverty, serving at least one low-performing school, and having a substantial need for technology, and how the State educational agency will report to the public the criteria to be used and the outcome of the competition;

“(4) the State educational agency’s specific goals for using advanced technology to improve student achievement to challenging State academic content and performance standards by—

“(A) using web-based resources and telecommunications networks to provide challenging content and improve classroom instruction;

“(B) using research-based teaching practices and models of effective uses of advanced technology; and

“(C) promoting sustained and intensive, high-quality professional development that increases teacher capacity to create improved learning environments through the integration of technology into instruction;

“(5) the State educational agency’s performance indicators for each of the goals described in paragraphs (1), (2), and (4) and included in its plan, baseline performance data for the indicators, a timeline for achieving the goals, and interim measures of success toward achieving the goals;

“(6) how the State educational agency will ensure that grants to eligible local applicants are of sufficient size, scope, and qual-

ity to meet the purposes of this subpart effectively;

“(7) how the State educational agency will provide technical assistance to eligible local applicants, and its capacity for providing such assistance;

“(8) how the State educational agency will ensure that educational technology is accessible to, and usable by, all students, including students with special needs, such as students who have disabilities or limited English proficiency; and

“(9) how the State educational agency will evaluate its activities under the plan.”

SEC. 309. LOCAL USES OF FUNDS.

Section 3134 (20 U.S.C. 6844) is amended to read as follows:

“SEC. 3134. LOCAL USES OF FUNDS.

“Each eligible local applicant shall use the funds made available under section 3132(a)(2)(i) for one or more of the following activities:

“(1) Adapting or expanding existing and new applications of technology to enable teachers to create learning environments designed to prepare students to achieve to challenging State academic content and student performance standards through the use of research-based teaching practices and advanced technologies.

“(2) Providing sustained and intensive, high-quality professional development in the integration of advanced technologies into curriculum and in using those technologies to create new learning environments, including training in the use of technology to access data and resources to develop curricula and instructional materials.

“(3) Enabling teachers to use the Internet to communicate with other teachers and retrieve web-based learning resources.

“(4) Using technology to collect, manage, and analyze data to inform school improvement efforts.

“(5) Acquiring wireless telecommunications, hand-held devices, modeling or simulation tools, distance learning networks, and other advanced technologies with classroom applications.

“(6) Acquiring wiring and access to advanced telecommunications.

“(7) Using web-based learning resources, including those that provide access to challenging courses such as Advanced Placement courses.

“(8) Assisting schools to use technology to promote parent and family involvement, and support communications between family and school.

“(9) Repairing and maintaining school technology equipment.”

SEC. 310. LOCAL APPLICATIONS.

Section 3135 (20 U.S.C. 6845) is amended—

(1) in the matter preceding paragraph (1)—

(A) by inserting the subsection designation and heading “(a) IN GENERAL.—” after the section heading; and

(B) by striking “local educational agency” and “section 3132(a)(2)” and inserting “eligible local applicant” and “section 3132(a)(2)”, respectively;

(2) in paragraph (1)—

(A) by amending subparagraph (A) to read as follows:

“(A) a description of how the applicant plans to improve the achievement of all students by—

“(i) making effective use of new technologies, networks, and electronic learning resources;

“(ii) using research-based teaching practices that are linked to advanced technologies; and

“(iii) promoting sustained and intensive, high-quality professional development that increases the capacity of teachers to create improved learning environments through the

integration of educational technology into instruction.”;

(B) by striking subparagraph (B);

(C) by amending subparagraphs (C), (D), and (E) to read as follows:

“(C) a description of the applicant’s goals regarding the use of educational technology to meet the purposes of this subpart, as well as the applicant’s baseline data, timelines, benchmarks, and indicators of success for meeting these goals;

“(D) a description of how the applicant will ensure sustained and intensive, high-quality professional development for teachers, administrators, and other educational personnel to further the use of technology in the classroom;

“(E) a description of the administrative and technical support that the applicant will provide schools.”;

(D) in subparagraph (G), by striking “and” at the end thereof;

(E) by amending subparagraph (H) to read as follows:

“(H) a description of the applicant’s strategy for financing its strategic, long-term local technology plan, including the use of other Federal and non-Federal funds.”;

(F) by redesignating subparagraphs (D), (E), (F), (G), and (H) as subparagraphs (E), (F), (G), (H), and (I), respectively;

(G) by adding at the end the following new subparagraphs:

“(J) a description of how the applicant will use advanced technology to promote communication between teachers for activities such as—

“(i) sharing examples of student work;

“(ii) developing instructional strategies;

“(iii) developing curricula aligned with State or local standards;

“(iv) using data to improve teaching and learning; and

“(K) a description of how the applicant would use technology to improve the teaching and learning of students with special needs, such as students with disabilities or limited English proficiency.”.

(3) by amending paragraph (2) to read as follows:

“(2) describe how the applicant included parents, public libraries, business leaders, and community leaders in the development of the strategic long-term local technology plan described in paragraph (1).”;

(4) in paragraph (3), by striking “and” at the end thereof;

(5) in paragraph (4)(B), by striking “National Education Goals” and inserting in lieu thereof “America’s Education Goals”;

(6) by redesignating paragraph (4) as paragraph (8);

(7) by inserting after paragraph (3) the following new paragraphs:

“(4) describe how the applicant would use subgrant funds to benefit low-performing schools;

“(5) describe how the applicant will ensure that technology is accessible to, and usable by, all students, particularly students with disabilities or limited English proficiency;

“(6) include an assurance that, before any funds received under this part are used for acquiring wiring or access to advanced telecommunications, the applicant will use all resources available to it through the E-Rate;

“(7) if the applicant is a partnership, describe the members of the partnership, their respective roles, and their respective contributions to improving the capacity of the local educational agency; and”;

(8) by striking subsection (d);

(9) in subsection (e), by striking “local educational agency” and “under this Act or the Goals 2000: Educate America Act,” and inserting “eligible local applicant” and “under this Act,” respectively; and

(10) by redesignating subsection (e) as subsection (b).

SEC. 311. REPEALS; CONFORMING CHANGES; REDESIGNATIONS.

(a) REPEALS.—Sections 3136 and 3137 (20 U.S.C. 6846, 6847) are repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 3131(a) (20 U.S.C. 6841(a)) is amended—

(A) in paragraph (1), by striking “section 3114(a)(1)(C)” and inserting “section 3137”; and

(B) in paragraph (2), by striking “section 3115(a)(1)(C)” and inserting “section 3137”.

(2) Section 3132 (20 U.S.C. 6842) is amended—

(A) in subsection (a)(1), by striking “section 3131,” and “section 3133.” and inserting “section 3131,” and “section 3133.”, respectively; and

(B) in subsection (b)(1)(B), by striking “section 3133;” and inserting “section 3133;”.

SEC. 312. DEFINITIONS; AUTHORIZATION OF APPROPRIATIONS.

Title III, as amended by section 311, is amended by adding after section 3135 the following:

“SEC. 3136. DEFINITIONS.

“In this subpart—

“(1) ELIGIBLE LOCAL APPLICANT.—The term ‘eligible local applicant’ means—

“(A) a local educational agency that, as determined by the State educational agency,—

“(i) is among the local educational agencies in the State with the highest numbers or percentages of children from households living in poverty;

“(ii) includes one or more low-performing schools; and

“(iii) has a substantial need for assistance in acquiring and using technology; or

“(B) a partnership that includes at least one local educational agency that meets the requirements of subparagraph (A) and at least one—

“(i) local educational agency that can demonstrate that teachers in schools served by that agency are using technology effectively in their classrooms;

“(ii) institution of higher education;

“(iii) for-profit organization that develops, designs, manufactures, or produces technology products or services, or has substantial expertise in the application of technology; or

“(iv) public or private non-profit organization with demonstrated experience in the application of educational technology.

“(2) LOW-PERFORMING SCHOOL.—The term ‘low-performing school’ means a school—

“(A) identified by the local educational agency for school improvement under section 1116(c) of this Act; or

“(B) in which a substantial majority of students fail to meet State performance standards based on State or local assessments that are aligned to the performance standards.

“SEC. 3137. AUTHORIZATION OF APPROPRIATIONS.

“For purposes of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.”.

SEC. 313. REGIONAL TECHNOLOGY IN EDUCATION CONSORTIA.

Subpart 3 of part A of title III is amended—

(1) in the heading, to read as follows:

“Subpart 3—Regional Technology in Education Consortia”;

(2) in section 3141 (20 U.S.C. 6861)—

(A) in subsection (a)—

(i) by amending the heading to read as follows: “GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS AUTHORIZED.—”;

(ii) by amending paragraph (1) to read as follows:

“(1) AUTHORITY.—The Secretary, through the Office of Educational Technology, shall make grants, or enter into contracts or cooperative agreements, in accordance with the provisions of this subpart, to consortia that meet the requirements of paragraph (2). In making such awards, the Secretary shall ensure, to the extent possible, that each geographic region of the United States shall be served by a recipient of an award under this subpart.”; and

(iii) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by striking “a grant under this section” and inserting “an award under this subpart”;

(II) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(III) by inserting immediately after subparagraph (A) the following new subparagraph:

“(B) meet the requirements of section 2421 in addition to meeting the requirements of this subpart.”; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking “a grant under this section” and inserting “an award under this subpart”;

(II) in subsection (B)—

(aa) by striking “information, in coordination with information available from the Secretary,” and inserting “information”; and

(bb) by striking “evaluate and make recommendations on equipment and software that support the America’s Education Goals and are suited for a school’s particular needs.”; and

(III) in subparagraph (C), by striking “to participate” through the end thereof and inserting “assistance in applying advanced technologies and web-based resources in order to design learning environments for the 21st Century; and”;

(ii) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by striking “a grant under this section” and inserting “an award under this subpart”;

(II) in subparagraph (A)—

(aa) in the matter preceding clause (i), by striking “technology-specific, ongoing professional development,” and inserting “sustained and intensive high-quality professional development that prepares educators to be effective developers, users, and evaluators of educational technology.”;

(bb) in clause (i), by striking “that use” through the end thereof and inserting “for teachers, administrators, school librarians, and other education personnel; and”;

(cc) in clause (ii), by striking subclauses (II), and (V), in subclause (III), by adding “and” at the end, in subclause (IV), by striking “video conferences and seminars which” and inserting “the use of advanced telecommunications and distance learning networks to”, and by redesignating subclauses (III) and (IV) as subclauses (II) and (III), respectively;

(III) by striking subparagraphs (B) and (C);

(IV) in subparagraph (F), by striking “for students” through the end thereof and inserting a comma and “coordinated with other programs supported under this title, that incorporate the effective use of advanced technology into teacher preparation courses.”;

(V) in subparagraph (G)—

(aa) by striking “develop support from” and inserting “increase the involvement and support of”; and

(bb) by striking the period at the end and inserting a semicolon and “and”;

(VI) by redesignating subparagraphs (D), (E), (F), and (G) as subparagraphs (B), (C), (D), and (E), respectively;

(iv) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by striking "a grant under this section" and inserting "an award under this subpart";

(II) in subparagraph (A), by adding "and" at the end;

(III) in subparagraph (B), by striking the semicolon and "and" at the end and inserting a period;

(IV) by striking subparagraph (C);

(V) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(VI) by inserting immediately before subparagraph (B) (as redesignated by subclause (V)) the following new subparagraph:

"(A) maintain, or contribute to, a nationally accessible repository that contains information about effective uses of educational technology, including for sustained and intensive, high-quality professional development, and disseminate that information nationwide;" and

(iv) by amending paragraph (4) to read as follows:

"(4) COLLABORATION.—Each consortium receiving an award under this subpart shall—

"(A) collaborate, and coordinate the services that it provides, with appropriate regional and other entities assisted in whole or in part by the Department;

"(B) coordinate activities and establish partnerships with organizations and institutions of higher education that represent the interests of the region regarding the application of technology to teaching, learning, instructional management, dissemination, the collection and distribution of educational statistics, and the transfer of student information; and

"(C) collaborate with the Department and recipients of funding under other technology programs of the Department, particularly the Technology Literacy Challenge Fund under subpart 1, and the Next-Generation Technology Innovation Awards program under subpart 1 of part C, to assist the Department and those recipients as requested by the Secretary." and

(3) by adding at the end the following:

"SEC. 3142. AUTHORIZATION OF APPROPRIATIONS.

"For purposes of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years."

PART B—STAR SCHOOLS PROGRAM; COMMUNITY TECHNOLOGY CENTERS.

SEC. 321. STAR SCHOOLS PROGRAM.

(a) IN GENERAL.—Part B of title III (20 U.S.C. 6891 et seq.) is amended to read as follows:

"PART B—STAR SCHOOLS PROGRAM

"Subpart 1—Star Schools Program

"SEC. 3201. SHORT TITLE.

"This part may be cited as the 'Star Schools Act'.

"SEC. 3202. PURPOSE.

"It is the purpose of this part to encourage improved instruction in mathematics, science, and foreign languages and challenging and advanced courses as well as other subjects, such as literacy skills and vocational education, and to serve underserved populations, including the disadvantaged, illiterate, limited-English proficient, and individuals with disabilities, through a star schools program under which grants are made to eligible telecommunication partnerships to enable such partnerships to—

"(1) develop, construct, acquire, maintain and operate telecommunication facilities and equipment;

"(2) develop and acquire educational and instructional programming; and

"(3) obtain technical assistance for the use of such facilities and instructional programming."

"SEC. 3203. GRANTS AUTHORIZED.

"(a) AUTHORITY.—The Secretary, through the Office of Educational Technology, is authorized to make grants, in accordance with the provisions of this part, to eligible entities to pay the Federal share of the cost of—

"(1) the development, construction, acquisition, maintenance and operation of telecommunication facilities and equipment;

"(2) the development and acquisition of interactive instructional programming;

"(3) the development and acquisition of preservice and inservice teacher training programs based on established research regarding teacher-to-teacher mentoring, effective skill transfer, and ongoing, in-class instruction;

"(4) the establishment of web-based resources or teleconferencing facilities and resources for making interactive training available to teachers;

"(5) obtaining technical assistance; and

"(6) the coordination of the design and connectivity of broadband and other telecommunication networks to reach the greatest number of schools.

"(b) DURATION.—

"(1) IN GENERAL.—The Secretary shall award grants pursuant to subsection (a) for a period of 5 years.

"(2) RENEWAL.—Grants awarded pursuant to subsection (a) may be renewed for 1 additional 3-year period.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated \$50,000,000 for fiscal year 2001, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this part.

"(2) AVAILABILITY.—Funds appropriated pursuant to the authority of subsection (a) shall remain available until expended.

"(d) LIMITATIONS.—

"(1) IN GENERAL.—A grant under this section shall not exceed—

"(A) five years in duration; and

"(B) \$10,000,000 in any 1 fiscal year.

"(2) INSTRUCTIONAL PROGRAMMING.—Not less than 25 percent of the funds available to the Secretary in any fiscal year under this part shall be used for the cost of instructional programming.

"(3) SPECIAL RULE.—Not less than 50 percent of the funds available in any fiscal year under this part shall be used for the cost of facilities, equipment, teacher training or retraining, technical assistance, or programming, for local educational agencies which are eligible to receive assistance under part A of title I.

"(e) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share of the cost of projects funded under this section shall not exceed—

"(A) 75 percent for the first and second years for which an eligible telecommunication partnership receives a grant under this part;

"(B) 60 percent for the third and fourth such years; and

"(C) 50 percent for the fifth such year.

"(2) REDUCTION OR WAIVER.—The Secretary may reduce or waive the requirement of the non-Federal share under paragraph (1) upon a showing of financial hardship.

"(f) AUTHORITY TO ACCEPT FUNDS FROM OTHER AGENCIES.—The Secretary is authorized to accept funds from other Federal departments or agencies to carry out the purposes of this section, including funds for the purchase of equipment.

"(g) COORDINATION.—The Department, the National Science Foundation, the Depart-

ment of Agriculture, the Department of Commerce, and any other Federal department or agency operating a telecommunication network for educational purposes, shall coordinate the activities assisted under this part with the activities of such department or agency relating to a telecommunication network for educational purposes.

"(h) CLOSED CAPTIONING AND DESCRIPTIVE VIDEO.—Each entity receiving funds under this part is encouraged to provide—

"(1) closed captioning of the verbal content of such program, where appropriate, to be broadcast by way of line 21 of the vertical blanking interval, or by way of comparable successor technologies; and

"(2) descriptive video of the visual content of such program, as appropriate.

"(i) ADVANCED PLACEMENT INSTRUCTION.—Each eligible entity receiving funds under this part is encouraged to deliver advanced placement instruction to underserved communities.

"SEC. 3204. ELIGIBLE ENTITIES.

"(a) ELIGIBLE ENTITIES.—

"(1) REQUIRED PARTICIPATION.—The Secretary may make a grant under section 3203 to any eligible entity, if at least 1 local educational agency is participating in the proposed project.

"(2) ELIGIBLE ENTITY.—For the purpose of this part, the term 'eligible entity' may include—

"(A) a public agency or corporation established for the purpose of developing and operating telecommunication networks to enhance educational opportunities provided by educational institutions, teacher training centers, and other entities, except that any such agency or corporation shall represent the interests of elementary and secondary schools that are eligible to participate in the program under part A of title I; or

"(B) a partnership that will provide telecommunication services and which includes 3 or more of the following entities, at least 1 of which shall be an agency described in clause (i) or (ii):

"(i) a local educational agency that serves a significant number of elementary and secondary schools that are eligible for assistance under part A of title I, or elementary and secondary schools operated or funded for Indian children by the Department of the Interior eligible under section 1121(b)(2);

"(ii) a State educational agency;

"(iii) adult and family education programs;

"(iv) an institution of higher education or a State higher education agency;

"(v) a teacher training center or academy that—

"(I) provides teacher pre-service and inservice training; and

"(II) receives Federal financial assistance or has been approved by a State agency;

"(vi)(I) a public or private entity with experience and expertise in the planning and operation of a telecommunication network, including entities involved in telecommunication through the Internet, satellite, cable, telephone, or computer; or

"(II) a public broadcasting entity with such experience; or

"(vii) a public or private elementary or secondary school.

"(b) SPECIAL RULE.—An eligible entity receiving assistance under this part shall be organized on a statewide or multistate basis.

"SEC. 3205. APPLICATIONS.

"(a) APPLICATIONS REQUIRED.—Each eligible entity which desires to receive a grant under section 3203 shall submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

“(b) STAR SCHOOL AWARD APPLICATIONS.—Each application submitted pursuant to subsection (a) shall—

“(1) describe how the proposed project will assist in achieving America’s Education Goals, how such project will assist all students to have an opportunity to learn to challenging State and local standards, how such project will assist State and local educational reform efforts, and how such project will contribute to creating a high quality system of lifelong learning;

“(2) describe the telecommunications facilities and equipment and technical assistance for which assistance is sought, which may include—

“(A) the design, development, construction, acquisition, maintenance and operation of State or multistate educational telecommunications networks and technology resource centers;

“(B) microwave, fiber optics, cable, and satellite transmission equipment or any combination thereof;

“(C) reception facilities and equipment;

“(D) satellite time and other transmissions;

“(E) production facilities and equipment;

“(F) other Internet education portals and telecommunications equipment capable of serving a wide geographic area;

“(G) the provision of training services to instructors who will be using the facilities and equipment for which assistance is sought, including training in using such facilities and equipment and training in integrating programs into the classroom curriculum; and

“(H) the development of educational and related programming for use on a telecommunications network;

“(3) in the case of an application for assistance for instructional programming, describe the types of programming which will be developed to enhance instruction and training and provide assurances that such programming will be designed in consultation with professionals (including classroom teachers) who are experts in the applicable subject matter and grade level;

“(4) describe how the eligible entity has engaged in sufficient survey and analysis of the area to be served to ensure that the services offered by the eligible entity will increase the availability of courses of instruction in English, mathematics, science, foreign languages, arts, history, geography, or other disciplines;

“(5) describe the professional development policies for teachers and other school personnel to be implemented to ensure the effective use of the telecommunications facilities and equipment for which assistance is sought;

“(6) describe the manner in which historically underserved students (such as students from low-income families, limited English proficient students, students with disabilities, or students who have low literacy skills) and their families, will participate in the benefits of the telecommunications facilities, equipment, technical assistance, and programming assisted under this part;

“(7) describe how existing telecommunications equipment, facilities, and services, where available, will be used;

“(8) provide assurances that the financial interest of the United States in the telecommunications facilities and equipment will be protected for the useful life of such facilities and equipment;

“(9) provide assurances that a significant portion of any facilities and equipment, technical assistance, and programming for which assistance is sought for elementary and secondary schools will be made available to schools or local educational agencies that

have a high number or percentage of children eligible to be counted under part A of title I;

“(10) provide assurances that the applicant will use the funds provided under this part to supplement and not supplant funds otherwise available for the purposes of this part;

“(11) if any member of the consortia receives assistance under subpart 3 of part A, describe how funds received under this part will be coordinated with funds received for educational technology in the classroom under such section;

“(12) describe the activities or services for which assistance is sought, such as—

“(A) providing facilities, equipment, training services, and technical assistance;

“(B) making programs accessible to students with disabilities through mechanisms such as closed captioning and descriptive video services;

“(C) linking networks around issues of national importance (such as elections) or to provide information about employment opportunities, job training, or student and other social service programs;

“(D) sharing curriculum resources between networks and development of program guides which demonstrate cooperative, cross-network listing of programs for specific curricular areas;

“(E) providing teacher and student support services including classroom and training support materials which permit student and teacher involvement in the live interactive distance learning telecasts;

“(F) incorporating community resources such as libraries and museums into instructional programs;

“(G) providing professional development for teachers, including, as appropriate, training to early childhood development and Head Start teachers and staff and vocational education teachers and staff, and adult and family educators;

“(H) providing programs for adults to maximize the use of telecommunications facilities and equipment;

“(I) providing teacher training on proposed or established voluntary national content standards in mathematics and science and other disciplines as such standards are developed; and

“(J) providing parent education programs during and after the regular school day which reinforce a student’s course of study and actively involve parents in the learning process;

“(13) describe how the proposed project as a whole will be financed and how arrangements for future financing will be developed before the project expires;

“(14) provide an assurance that a significant portion of any facilities, equipment, technical assistance, and programming for which assistance is sought for elementary and secondary schools will be made available to schools in local educational agencies that have a high percentage of children counted for the purpose of part A of title I;

“(15) provide an assurance that the applicant will provide such information and cooperate in any evaluation that the Secretary may conduct under this part; and

“(16) include such additional assurances as the Secretary may reasonably require.

“(c) PRIORITIES.—The Secretary, in approving applications for grants authorized under section 3203, shall give priority to applications describing projects that—

“(1) propose high-quality plans to assist in achieving 1 or more of America’s Education Goals, will provide instruction consistent with State content standards, or will otherwise provide significant and specific assistance to States and local educational agencies undertaking systemic education reform;

“(2) will provide services to programs serving adults, especially parents, with low levels of literacy;

“(3) will serve schools with significant numbers of children counted for the purposes of part A of title I;

“(4) ensure that the eligible entity will—

“(A) serve the broadest range of institutions, programs providing instruction outside of the school setting, programs serving adults, especially parents, with low levels of literacy, institutions of higher education, teacher training centers, research institutes, and private industry;

“(B) have substantial academic and teaching capabilities, including the capability of training, retraining, and inservice upgrading of teaching skills and the capability to provide professional development;

“(C) provide a comprehensive range of courses for educators to teach instructional strategies for students with different skill levels;

“(D) provide training to participating educators in ways to integrate telecommunications courses into existing school curriculum;

“(E) provide instruction for students, teachers, and parents;

“(F) serve a multistate area; and

“(G) give priority to the provision of equipment and linkages to isolated areas; and

“(5) involve a telecommunications entity (such as a satellite, cable, telephone, computer, or public or private television stations) participating in the eligible entity and donating equipment or in-kind services for telecommunications linkages.

“(d) GEOGRAPHIC DISTRIBUTION.—In approving applications for grants authorized under section 3203, the Secretary shall, to the extent feasible, ensure an equitable geographic distribution of services provided under this part.

“SEC. 3206. DEFINITIONS.

“In this part:

“(1) EDUCATIONAL INSTITUTION.—The term ‘educational institution’ means an institution of higher education, a local educational agency, or a State educational agency.

“(2) INSTRUCTIONAL PROGRAMMING.—The term ‘instructional programming’ means courses of instruction and training courses for elementary and secondary students, teachers, and others, and materials for use in such instruction and training that have been prepared in audio and visual form on either analog or digital format and are presented by means of telecommunications devices.

“(3) TERM PUBLIC BROADCASTING ENTITY.—The term ‘public broadcasting entity’ has the same meaning given such term in section 397 of the Communications Act of 1934.

“SEC. 3207. ADMINISTRATIVE PROVISIONS.

“(a) CONTINUING ELIGIBILITY.—

“(1) IN GENERAL.—In order to be eligible to receive a grant under section 3203 for a second 3-year grant period an eligible entity shall demonstrate in the application submitted pursuant to section 3205 that such partnership shall—

“(A) continue to provide services in the subject areas and geographic areas assisted with funds received under this part for the previous 5-year grant period; and

“(B) use all grant funds received under this part for the second 3-year grant period to provide expanded services by—

“(i) increasing the number of students, schools or school districts served by the courses of instruction assisted under this part in the previous fiscal year;

“(ii) providing new courses of instruction; and

“(iii) serving new populations of underserved individuals, such as children or adults who are disadvantaged, have limited-English

proficiency, are individuals with disabilities, are illiterate, or lack secondary school diploma or their recognized equivalent.

“(2) SPECIAL RULE.—Grant funds received pursuant to paragraph (1) shall be used to supplement and not supplant services provided by the grant recipient under this part in the previous fiscal year.

“(b) FEDERAL ACTIVITIES.—The Secretary may assist grant recipients under section 3203 in acquiring satellite time and other transmissions technologies, where appropriate, as economically as possible.

“SEC. 3208. OTHER ASSISTANCE.

“(a) SPECIAL STATEWIDE NETWORK.—

“(1) IN GENERAL.—The Secretary, through the Office of Educational Technology, may provide assistance to a statewide fiber optics telecommunications network under this subsection if such network—

“(A) provides 2-way full motion interactive video and voice communications via Internet, cable and other technologies;

“(B) links together public colleges and universities and schools throughout the State; and

“(C) includes such additional assurances as the Secretary may reasonably require.

“(2) STATE CONTRIBUTION.—A statewide telecommunications network assisted under paragraph (1) shall contribute, either directly or through private contributions, non-Federal funds equal to not less than 50 percent of the cost of such network.

“(b) SPECIAL LOCAL NETWORK.—

“(1) IN GENERAL.—The Secretary may provide assistance, on a competitive basis, to a local educational agency or consortium thereof to enable such agency or consortium to establish a high technology demonstration program.

“(2) PROGRAM REQUIREMENTS.—A high technology demonstration program assisted under paragraph (1) shall—

“(A) include 2-way full motion interactive video, data and voice communications;

“(B) link together elementary and secondary schools, colleges, and universities;

“(C) provide parent participation and family programs;

“(D) include a staff development program; and

“(E) have a significant contribution and participation from business and industry.

“(3) SPECIAL RULE.—Each high technology demonstration program assisted under paragraph (1) shall be of sufficient size and scope to have an effect on meeting America's Education Goals.

“(4) MATCHING REQUIREMENT.—A local educational agency or consortium receiving a grant under paragraph (1) shall provide, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the amount of the grant.

“(c) TELECOMMUNICATIONS PROGRAMS FOR CONTINUING EDUCATION.—

“(1) AUTHORITY.—The Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable such partnerships to develop and operate 1 or more programs which provide on-line access to educational resources in support of continuing education and curriculum requirements relevant to achieving a secondary school diploma or its recognized equivalent. The program authorized by this section shall be designed to advance adult literacy, secondary school completion and the acquisition of specified competency by the end of the 12th grade.

“(2) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary. Each such application shall—

“(A) demonstrate that the applicant will use publicly funded or free public tele-

communications infrastructure to deliver video, voice and data in an integrated service to support and assist in the acquisition of a secondary school diploma or its recognized equivalent;

“(B) assure that the content of the materials to be delivered is consistent with the accreditation requirements of the State for which such materials are used;

“(C) incorporate, to the extent feasible, materials developed in the Federal departments and agencies and under appropriate federally funded projects and programs;

“(D) assure that the applicant has the technological and substantive experience to carry out the program; and

“(E) contain such additional assurances as the Secretary may reasonably require.”.

(b) REDESIGNATION OF PART D.—

(1) Part D of title III (20 U.S.C. 6951 et seq.) is redesignated as subpart 2 of part B of title III and transferred so as to appear at the end of part B of such title.

(2) Sections 3401, 3402, and 3403 are redesignated as sections 3221, 3222, and 3223, respectively.

SEC. 322. COMMUNITY TECHNOLOGY CENTERS.

Part B of Title III, as amended by section 321, is amended by adding at the end the following:

“Subpart 3—Community Technology Centers

“SEC. 3231. PURPOSE; PROGRAM AUTHORITY.

“(a) PURPOSE.—It is the purpose of this subpart to assist eligible applicants to—

“(1) create or expand community technology centers that will provide disadvantaged residents of economically distressed urban and rural communities with access to information technology and related training; and

“(2) provide technical assistance and support to community technology centers.

“(b) PROGRAM AUTHORITY.—

“(1) IN GENERAL.—The Secretary is authorized, through the Office of Educational Technology, to award grants, contracts, or cooperative agreements on a competitive basis to eligible applicants in order to assist them in—

“(A) creating or expanding community technology centers; or

“(B) providing technical assistance and support to community technology centers.

“(2) PERIOD OF AWARD.—The Secretary may award grants, contracts, or cooperative agreements under this subpart for a period of not more than three years.

“SEC. 3232. ELIGIBILITY AND APPLICATION REQUIREMENTS.

“(a) ELIGIBLE APPLICANTS.—In order to be eligible to receive an award under this subpart, an applicant shall—

“(1) have the capacity to expand significantly access to computers and related services for disadvantaged residents of economically distressed urban and rural communities (who would otherwise be denied such access); and

“(2) be—

“(A) an entity such as a foundation, museum, library, for-profit business, public or private nonprofit organization, or community-based organization;

“(B) an institution of higher education;

“(C) a State educational agency;

“(D) a local education agency; or

“(E) a consortium of entities described in subparagraphs (A), (B), (C), or (D).

“(b) APPLICATION REQUIREMENTS.—In order to receive an award under this subpart, an eligible applicant shall submit an application to the Secretary at such time, and containing such information, as the Secretary may require. Such application shall include—

“(1) a description of the proposed project, including a description of the magnitude of

the need for the services and how the project would expand access to information technology and related services to disadvantaged residents of an economically distressed urban or rural community;

“(2) a demonstration of—

“(A) the commitment, including the financial commitment, of entities such as institutions, organizations, business and other groups in the community that will provide support for the creation, expansion, and continuation of the proposed project; and

“(B) the extent to which the proposed project establishes linkages with other appropriate agencies, efforts, and organizations providing services to disadvantaged residents of an economically distressed urban or rural community;

“(3) a description of how the proposed project would be sustained once the Federal funds awarded under this subpart end; and

“(4) a plan for the evaluation of the program, which shall include benchmarks to monitor progress toward specific project objectives.

“(c) MATCHING REQUIREMENTS.—The Federal share of the cost of any project funded under this subpart shall not exceed 50 percent. The non-Federal share of such project may be in cash or in kind, fairly evaluated, including services.

“SEC. 3233. USES OF FUNDS.

“(a) REQUIRED USES.—A recipient shall use funds under this subpart for—

“(1) creating or expanding community technology centers that expand access to information technology and related training for disadvantaged residents of distressed urban or rural communities; and

“(2) evaluating the effectiveness of the project.

“(b) PERMISSIBLE USES.—A recipient may use funds under this subpart for activities, described in its application, that carry out the purposes of this subpart, such as—

“(1) supporting a center coordinator, and staff, to supervise instruction and build community partnerships;

“(2) acquiring equipment, networking capabilities, and infrastructure to carry out the project; and

“(3) developing and providing services and activities for community residents that provide access to computers, information technology, and the use of such technology in support of pre-school preparation, academic achievement, lifelong learning, and workforce development, such as the following:

“(A) After-school activities in which children and youths use software that provides academic enrichment and assistance with homework, develop their technical skills, explore the Internet, and participate in multimedia activities, including web page design and creation.

“(B) Adult education and family literacy activities through technology and the Internet, including—

“(i) General Education Development, English as a Second Language, and adult basic education classes or programs;

“(ii) introduction to computers;

“(iii) intergenerational activities; and

“(iv) lifelong learning opportunities.

“(C) Career development and job preparation activities, such as—

“(i) training in basic and advanced computer skills;

“(ii) resume writing workshops; and

“(iii) access to databases of employment opportunities, career information, and other online materials.

“(D) Small business activities, such as—

“(i) computer-based training for basic entrepreneurial skills and electronic commerce; and

“(ii) access to information on business start-up programs that is available online, or from other sources.

“(E) Activities that provide home access to computers and technology, such as assistance and services to promote the acquisition, installation, and use of information technology in the home through low-cost solutions such as networked computers, web-based television devices, and other technology.

“SEC. 3234. AUTHORIZATION OF APPROPRIATIONS.

“For purposes of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.”

PART C—READY-TO-LEARN TELEVISION
SEC. 331. READY-TO-LEARN TELEVISION.

Part C of title III (20 U.S.C. 6921 et seq.) is amended to read as follows:

“PART C—READY-TO-LEARN TELEVISION
“SEC. 3301. READY-TO-LEARN.

“(a) IN GENERAL.—The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, eligible entities described in section 3302(b) to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate the achievement of America’s Education Goals.

“(b) AVAILABILITY.—In making such grants, contracts, or cooperative agreements under subsection (a), the Secretary shall ensure that eligible entities make programming widely available, with support materials as appropriate, to young children, their parents, childcare workers, and Head Start providers to increase the effective use of such programming.

“SEC. 3302. EDUCATIONAL PROGRAMMING.

“(a) AWARDS.—The Secretary shall award grants, contracts, or cooperative agreements under section 3301 to eligible entities to—

“(1) facilitate the development directly, or through contracts with producers of children and family educational television programming, of—

“(A) educational programming for preschool and elementary school children; and

“(B) accompanying support materials and services that promote the effective use of such programming;

“(2) facilitate the development of programming and digital content especially designed for nationwide distribution over public television stations’ digital broadcasting channels and the Internet, containing Ready to Learn-based children’s programming and resources for parents and caregivers; and

“(3) enable eligible entities to contract with entities (such as public telecommunications entities and those funded under the Star Schools Act) so that programs developed under this section are disseminated and distributed—

“(A) to the widest possible audience appropriate to be served by the programming; and

“(B) by the most appropriate distribution technologies.

“(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall be—

“(1) a public telecommunications entity that is able to demonstrate a capacity for the development and national distribution of educational and instructional television programming of high quality for preschool and elementary school children; and

“(2) able to demonstrate a capacity to contract with the producers of children’s television programming for the purpose of developing educational television programming of

high quality for preschool and elementary school children.

“(c) CULTURAL EXPERIENCES.—Programming developed under this section shall reflect the recognition of diverse cultural experiences and the needs and experiences of both boys and girls in engaging and preparing young children for schooling.

“SEC. 3303. DUTIES OF SECRETARY.

“In carrying out this part, the Secretary may—

“(1) award grants, contracts, or cooperative agreements to eligible entities described in section 3302(b), local public television stations, or such public television stations that are part of a consortium with 1 or more State educational agencies, local educational agencies, local schools, institutions of higher education, or community-based organizations of demonstrated effectiveness, for the purpose of—

“(A) addressing the learning needs of young children in limited English proficient households, and developing appropriate educational and instructional television programming to foster the school readiness of such children;

“(B) developing programming and support materials to increase family literacy skills among parents to assist parents in teaching their children and utilizing educational television programming to promote school readiness; and

“(C) identifying, supporting, and enhancing the effective use and outreach of innovative programs that promote school readiness; and

“(D) developing and disseminating training materials, including—

“(i) interactive programs and programs adaptable to distance learning technologies that are designed to enhance knowledge of children’s social and cognitive skill development and positive adult-child interactions; and

“(ii) support materials to promote the effective use of materials developed under subparagraph (B) among parents, Head Start providers, in-home and center-based daycare providers, early childhood development personnel, elementary school teachers, public libraries, and after-school program personnel caring for preschool and elementary school children;

“(2) establish within the Department a clearinghouse to compile and provide information, referrals, and model program materials and programming obtained or developed under this part to parents, child care providers, and other appropriate individuals or entities to assist such individuals and entities in accessing programs and projects under this part; and

“(3) coordinate activities assisted under this part with the Secretary of Health and Human Services in order to—

“(A) maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

“(B) provide information to recipients of funds under Federal programs that have major training components for early childhood development, including programs under the Head Start Act and Even Start, and State training activities funded under the Child Care and Development Block Grant Act of 1990, regarding the availability and utilization of materials developed under paragraph (1)(D) to enhance parent and child care provider skills in early childhood development and education.

“SEC. 3304. APPLICATIONS.

“Each entity desiring a grant, contract, or cooperative agreement under section 3301 or

3303 shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

“SEC. 3305. REPORTS AND EVALUATION.

“(a) ANNUAL REPORT TO THE SECRETARY.—An eligible entity receiving funds under a grant, contract or cooperative agreement under section 3301 shall prepare and submit to the Secretary an annual report that contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under such grant, contract or cooperative agreement, including—

“(1) the programming that has been developed directly or indirectly by the eligible entity, and the target population of the programs developed;

“(2) the support materials that have been developed to accompany the programming, and the method by which such materials are distributed to consumers and users of the programming;

“(3) the means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available and the geographic distribution achieved through such technologies; and

“(4) the initiatives undertaken by the eligible entity to develop public-private partnerships to secure non-Federal support for the development, distribution and broadcast of educational and instructional programming.

“(b) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report that shall include—

“(1) a summary of activities assisted under section 3302(a); and

“(2) a description of the training materials made available under section 3303(1)(D), the manner in which outreach has been conducted to inform parents and childcare providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such section.

“SEC. 3306. ADMINISTRATIVE COSTS.

“With respect to the implementation of section 3302, eligible entities receiving a grant, contract, or cooperative agreement from the Secretary may use not more than 5 percent of the amounts received under such grant, contract, or cooperative agreement for the normal and customary expenses of administering the grant, contract, or cooperative agreement.

“SEC. 3307. DEFINITION.

“For the purposes of this part, the term ‘distance learning’ means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.

“SEC. 3308. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, \$50,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

“(b) FUNDING RULE.—Not less than 60 percent of the amounts appropriated under subsection (a) for each fiscal year shall be used to carry out section 3302.”

PART D—SPECIAL PROJECTS; NEXT-GENERATION TECHNOLOGY INNOVATION AWARDS

SEC. 341. SPECIAL PROJECTS; NEXT-GENERATION TECHNOLOGY INNOVATION AWARDS.

Title III, as amended by section 321(b), is amended—

(1) by striking part E; and

(2) by inserting after part C the following:
“PART D—SPECIAL PROJECTS; NEXT-GENERATION TECHNOLOGY INNOVATION AWARDS

“SEC. 3401. PURPOSE; PROGRAM AUTHORITY.

“(a) PURPOSE.—It is the purpose of this part to—

“(1) expand the knowledge base about the use of the next generation of advanced computers and telecommunications in delivering new applications for teaching and learning;

“(2) address questions of national significance about the next generation of technology and its use to improve teaching and learning; and

“(3) develop, for wide-scale adoption by State educational agencies and local educational agencies, models of innovative and effective applications of technology to teaching and learning, such as high quality video, voice recognition devices, modeling and simulation software (particularly web-based software and intelligent tutoring), hand-held devices, and virtual reality and wireless technologies, that are aligned with challenging State academic content and student performance standards.

“(b) PROGRAM AUTHORITY.—

“(1) IN GENERAL.—The Secretary is authorized, through the Office of Educational Technology, to award grants, contracts, or cooperative agreements on a competitive basis to eligible applicants in order to carry out the purposes of this part.

“(2) PERIOD OF AWARD.—The Secretary may award grants, contracts, or cooperative agreements under this part for a period of not more than five years.

“SEC. 3402. ELIGIBILITY.

“(a) ELIGIBLE APPLICANTS.—In order to receive an award under this part, an applicant shall, subject to subsection (c)(1), be a consortium that includes—

“(1) at least one State educational agency or local educational agency; and

“(2) at least one institution of higher education, for-profit business, museum, library, or other public or private entity with a particular expertise that would assist in carrying out the purposes of this part.

“(b) APPLICATION REQUIREMENTS.—In order to receive an award under this part, an eligible applicant shall submit an application to the Secretary at such time, and containing such information, as the Secretary may require. Such application shall include—

“(1) a description of the proposed project, and how it would carry out the purposes of this part; and

“(2) a detailed plan for the independent evaluation of the project, which shall include benchmarks to monitor progress toward specific project objectives.

“(c) PRIORITIES.—In making awards under this part, the Secretary may establish one or more priorities consistent with the objectives of this part, including:

“(1) A priority for applicants, the members of which are one or more of the particular types described in subsection (a)(2).

“(2) A priority for projects that develop innovative models of effective use of educational technology, including the development of distance learning networks, software (including software deliverable through the Internet), and online-learning resources.

“(3) A priority for projects serving more than one State and involving large-scale innovations in the use of technology in education.

“(4) A priority for projects that develop innovative models that serve traditionally underserved populations, including low-income students, students with disabilities, and students with limited English proficiency.

“(5) A priority for projects in which applicants provide substantial financial and other resources to achieve the goals of the project.

“(6) A priority for projects that develop innovative models for using electronic networks to provide challenging courses, such as Advanced Placement courses.

“SEC. 3403. USES OF FUNDS.

“A recipient shall use funds awarded under this part to—

“(1) develop new applications of educational technologies and telecommunications to support school reform efforts, such as wireless and web-based telecommunications, hand-held devices, web-based learning resources, distributed learning environments (including distance learning networks), and the development of educational software and other applications; and

“(2) carry out other activities consistent with the purposes of this part, such as—

“(A) developing innovative models for improving teachers' ability to integrate technology effectively into course curriculum, through sustained and intensive, high-quality professional development;

“(B) developing high-quality, standards-based, digital content, including multimedia software, digital video, and web-based resources, such as—

“(i) new technological formats to facilitate deeper subject matter understanding in particularly challenging learning environments in areas such as physics, foreign language, or Advanced Placement courses;

“(ii) computer modeling, visualization, and simulation tools;

“(iii) new methods for assessing student performance;

“(iv) web-based and other distance learning curricula and related materials, such as interoperable software components;

“(v) learning-focused digital libraries, information retrieval systems, and other designs for supporting broad re-use of learning content; and

“(vi) software that supports the development, modification, and maintenance of educational materials;

“(C) using telecommunications, and other technologies, to make programs accessible to students with special needs (such as low-income students, students with disabilities, students in remote areas, and students with limited English proficiency) through such activities as using technology to support mentoring;

“(D) providing classroom and extra-curricular opportunities for female students to explore the different uses of technology;

“(E) promoting school-family partnerships, which may include services for adults and families, particularly parent education programs that provide parents with training, information, and support on how to help their children achieve to high academic standards;

“(F) acquiring connectivity linkages, resources, distance learning networks, and services, including hardware and software, as needed to accomplish the goals of the project; and

“(G) collaborating with other Department of Education and Federal information technology research and development programs.

“SEC. 3404. EVALUATION.

“The Secretary is authorized to—

“(1) develop tools and provide resources for recipients of funds under this part to evaluate their activities;

“(2) provide technical assistance to assist recipients of funds under this part in evaluating their projects;

“(3) conduct independent evaluations of the activities assisted under this part; and

“(4) disseminate findings and methodologies from evaluations of activities assisted under this part, or other information obtained from such projects that would promote the design, replication, or implementation of effective models for evaluating the

impact of educational technology on teaching and learning.

“SEC. 3405. AUTHORIZATION OF APPROPRIATIONS.

“For purposes of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.”

PART E—PREPARING TOMORROW'S TEACHERS TO USE TECHNOLOGY

SEC. 351. PREPARING TOMORROW'S TEACHERS TO USE TECHNOLOGY.

Title III is further amended by adding at the end the following:

“PART E—PREPARING TOMORROW'S TEACHERS TO USE TECHNOLOGY

“SEC. 3501. PURPOSE; PROGRAM AUTHORITY.

“(a) PURPOSE.—It is the purpose of this part to assist consortia of public and private entities in carrying out programs that prepare prospective teachers to use advanced technology to foster learning environments conducive to preparing all students to achieve to challenging State and local content and student performance standards.

“(b) PROGRAM AUTHORITY.—

“(1) IN GENERAL.—The Secretary is authorized, through the Office of Educational Technology, to award grants, contracts, or cooperative agreements on a competitive basis to eligible applicants in order to assist them in developing or redesigning teacher preparation programs to enable prospective teachers to use technology effectively in their classrooms.

“(2) PERIOD OF AWARD.—The Secretary may award grants, contracts, or cooperative agreements under this part for a period of not more than five years.

“SEC. 3502. ELIGIBILITY.

“(a) ELIGIBLE APPLICANTS.—In order to receive an award under this part, an applicant shall be a consortium that includes—

“(1) at least one institution of higher education that offers a baccalaureate degree and prepares teachers for their initial entry into teaching;

“(2) at least one State educational agency or local educational agency; and

“(3) one or more of the following entities:

“(A) An institution of higher education (other than the institution described in paragraph (1)).

“(B) A school or department of education at an institution of higher education.

“(C) A school or college of arts and sciences at an institution of higher education.

“(D) A private elementary or secondary school.

“(E) A professional association, foundation, museum, library, for-profit business, public or private nonprofit organization, community-based organization, or other entity with the capacity to contribute to the technology-related reform of teacher preparation programs.

“(b) APPLICATION REQUIREMENTS.—In order to receive an award under this part, an eligible applicant shall submit an application to the Secretary at such time, and containing such information, as the Secretary may require. Such application shall include—

“(1) a description of the proposed project, including how the project would ensure that individuals participating in the project would be prepared to use technology to create learning environments conducive to preparing all students to achieve to challenging State and local content and student performance standards;

“(2) a demonstration of—

“(A) the commitment, including the financial commitment, of each of the members of the consortium; and

“(B) the active support of the leadership of each member of the consortium for the proposed project;

“(3) a description of how each member of the consortium would be included in project activities;

“(4) a description of how the proposed project would be continued once the Federal funds awarded under this part end; and

“(5) a plan for the evaluation of the program, which shall include benchmarks to monitor progress toward specific project objectives.

“(c) MATCHING REQUIREMENTS.—

“(1) IN GENERAL.—The Federal share of the cost of any project funded under this part shall not exceed 50 percent. Except as provided in paragraph (2), the non-Federal share of such project may be in cash or in kind, fairly evaluated, including services.

“(2) ACQUISITION OF EQUIPMENT.—Not more than 10 percent of the funds awarded for a project under this part may be used to acquire equipment, networking capabilities or infrastructure, and the non-Federal share of the cost of any such acquisition shall be in cash.

“SEC. 3503. USES OF FUNDS.

“(a) REQUIRED USES.—A recipient shall use funds under this part for—

“(1) creating programs that enable prospective teachers to use advanced technology to create learning environments conducive to preparing all students to achieve to challenging State and local content and student performance standards; and

“(2) evaluating the effectiveness of the project.

“(b) PERMISSIBLE USES.—A recipient may use funds under this part for activities, described in its application, that carry out the purposes of this part, such as—

“(1) developing and implementing high-quality teacher preparation programs that enable educators to—

“(A) learn the full range of resources that can be accessed through the use of technology;

“(B) integrate a variety of technologies into the classroom in order to expand students' knowledge;

“(C) evaluate educational technologies and their potential for use in instruction; and

“(D) help students develop their own technical skills and digital learning environments;

“(2) developing alternative teacher development paths that provide elementary and secondary schools with well-prepared, technology-proficient educators;

“(3) developing performance-based standards and aligned assessments to measure the capacity of prospective teachers to use technology effectively in their classrooms;

“(4) providing technical assistance to other teacher preparation programs;

“(5) developing and disseminating resources and information in order to assist institutions of higher education to prepare teachers to use technology effectively in their classrooms; and

“(6) subject to section 3502(c)(2), acquiring equipment, networking capabilities, and infrastructure to carry out the project.

“SEC. 3504. AUTHORIZATION OF APPROPRIATIONS.

“For purposes of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.”

PART F—REGIONAL, STATE, AND LOCAL EDUCATIONAL TECHNOLOGY RESOURCES
SEC. 361. REGIONAL, STATE, AND LOCAL EDUCATIONAL TECHNOLOGY RESOURCES.

Title III is further amended by adding at the end the following:

“PART F—REGIONAL, STATE, AND LOCAL EDUCATIONAL TECHNOLOGY RESOURCES

“Subpart 1—Technology Literacy Challenge Fund

“SEC. 3611. PURPOSE.

“It is the purpose of this subpart to increase the capacity of State and local educational agencies to improve student achievement, particularly that of students in high-poverty, low-performing schools, by supporting State and local efforts that—

“(1) make effective use of new technologies and technology applications, networks, and electronic learning resources;

“(2) utilize research-based teaching practices that are linked to advanced technologies; and

“(3) promote sustained and intensive, high-quality professional development that increases teacher capacity to create improved learning environments through the integration of educational technology into instruction.

“Subpart 2—One-Stop Shop for Technology Education

“SEC. 3621. ONE-STOP SHOP.

“The Office of Educational Technology shall be a one-stop shop for all technology education programs within the Department, provide schools and community groups with information with respect to technology education programs and related sources of funds, and serve as a clearinghouse with respect to information on public and private efforts to bring technology to areas underserved by technology.”

TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

SEC. 401. AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Title IV (20 U.S.C. 7101 et seq.) is amended to read as follows:

“TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

“PART A—STATE GRANTS

“SEC. 4001. SHORT TITLE.

“This part may be cited as the ‘Safe and Drug-Free Schools and Communities Act of 1994’.

“SEC. 4002. FINDINGS.

“Congress makes the following findings:

“(1) Every student should attend a school in a drug- and violence-free learning environment.

“(2) The widespread illegal use of alcohol and drugs among the Nation's secondary school students, and increasingly by students in elementary schools as well, constitutes a grave threat to such students' physical and mental well-being, and significantly impedes the learning process. For example, data show that students who drink tend to receive lower grades and are more likely to miss school because of illness than students who do not drink.

“(3) Drug and violence prevention programs are essential components of a comprehensive strategy to promote school safety, youth development, positive school outcomes, and to reduce the demand for and illegal use of alcohol, tobacco and drugs throughout the Nation. Schools, local organizations, parents, students, and communities throughout the Nation have a special responsibility to work together with young people to combat the continuing epidemic of violence and illegal drug use and should measure the success of their programs against clearly defined goals and objectives.

“(4) Drug and violence prevention programs are most effective when implemented within a research-based, drug and violence prevention framework of proven effectiveness.

“(5) Research clearly shows that community contexts contribute to substance abuse and violence.

“(6) Substance abuse and violence are intricately related and must be dealt with in a holistic manner.

“(7) Research has documented that parental behavior and environment directly influence a child's inclination to use alcohol, tobacco or drugs.

“SEC. 4003. PURPOSE.

“The purpose of this part is to support programs that prevent violence in and around schools and prevent the illegal use of alcohol, tobacco, and drugs, involve parents, and are coordinated with related Federal, State, school, and community efforts and resources, through the provision of Federal assistance to—

“(1) States for grants to local educational agencies and educational service agencies and consortia of such agencies to establish, operate, and improve local programs of school drug and violence prevention, early intervention, rehabilitation referral, and education in elementary and secondary schools for the development and implementation of policies that set clear and appropriate standards regarding the illegal use of alcohol, tobacco and drugs, and for violent behavior (including intermediate and junior high schools);

“(2) States for grants to, and contracts with, community-based organizations and other public and private nonprofit agencies and organizations for programs of drug and violence prevention including community mobilization, early intervention, rehabilitation referral, and education;

“(3) States for development, training, technical assistance, and coordination activities; and

“(4) public and private nonprofit organizations to provide technical assistance, conduct training, demonstrations, and evaluation, and to provide supplementary services and community mobilization activities for the prevention of drug use and violence among students and youth.

“SEC. 4004. FUNDING.

“There are authorized to be appropriated—

“(1) \$700,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years, for State grants under subpart 1;

“(2) \$150,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years, for national programs under subpart 2 (other than activities described in section 4125)

“(3) \$75,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years, for the National Coordinator Initiative under section 4122; and

“(4) \$5,000,000 for each of fiscal years 2000 through 2002 to carry out section 4125.

“Subpart 1—State Grants for Drug and Violence Prevention Programs

“SEC. 4111. RESERVATIONS AND ALLOTMENTS.

“(a) RESERVATIONS.—From the amount made available under section 4004(1) to carry out this subpart for each fiscal year, the Secretary—

“(1) shall reserve 1 percent of such amount for grants under this subpart to Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with the Secretary's determination of their respective needs;

“(2) shall reserve 1 percent of such amount for the Secretary of the Interior to carry out programs under this part for Indian youth;

“(3) may reserve not more than \$2,000,000 for the national impact evaluation required by section 4117(a); and

"(4) shall reserve 0.2 percent of such amount for programs for Native Hawaiians under section 4118.

"(b) STATE ALLOTMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall, for each fiscal year, allocate among the States—

"(A) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

"(B) one-half of such remainder according to the ratio between the amount each State received under section 1124A for the preceding year and the sum of such amounts received by all the States.

"(2) MINIMUM.—For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this subsection.

"(3) REALLOTMENT.—The Secretary may reallocate any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within 2 years of such allotment. Such reallocations shall be made on the same basis as allotments are made under paragraph (1).

"(4) DEFINITIONS.—In this subsection:

"(A) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(B) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' includes educational service agencies and consortia of such agencies.

"(C) LIMITATION.—Amounts appropriated under section 4004(2) for a fiscal year may not be increased above the amounts appropriated under such section for the previous fiscal year unless the amounts appropriated under section 4004(1) for the fiscal year involved are at least 10 percent greater than the amounts appropriated under such section 4004(1) for the previous fiscal year.

"SEC. 4112. STATE APPLICATIONS.

"(a) IN GENERAL.—In order to receive an allotment under section 4111 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

"(1) contains a comprehensive plan for the use of funds by the State educational agency and the chief executive officer to provide safe, orderly, and drug-free schools and communities;

"(2) contains the results of the State's needs assessment for drug and violence prevention programs, which shall be based on the results of on-going State evaluation activities, including data on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities and the prevalence of risk or protective factors, buffers or assets or other research-based variables in the school and community;

"(3) contains assurances that the sections of the application concerning the funds provided to the chief executive officer and the State educational agency were developed together, with each such officer or State representative, in consultation and coordination with appropriate State officials and others, including the chief State school officer, the chief executive officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, the head of the State criminal justice planning agency, the head of the State child welfare agency, the head of the State board of education, or their designees, and representatives of parents, students, and community-based organizations;

"(4) contains an assurance that the State will cooperate with, and assist, the Sec-

retary in conducting a national impact evaluation of programs required by section 4117(a);

"(5) contains assurances that the State education agency and the Governor will develop their respective applications in consultation with an advisory council that includes, to the extent practicable, representatives from school districts, businesses, parents, youth, teachers, administrators, pupil services personnel, private schools, appropriate State agencies, community-based organization, the medical profession, law enforcement, the faith-based community and other groups with interest and expertise in alcohol, tobacco, drug, and violence prevention;

"(6) contains assurances that the State education agency and the Governor involve the representatives described in paragraph (5), on an ongoing basis, to review program evaluations and other relevant material and make recommendations to the State education agency and the Governor on how to improve their respective alcohol, tobacco, drug, and violence prevention programs;

"(7) contains a list of the State's results-based performance measures for drug and violence prevention, that shall—

"(A) be focused on student behavior and attitudes and be derived from the needs assessment;

"(B) include targets and due dates for the attainment of such performance measures; and

"(C) include a description of the procedures that the State will use to inform local educational agencies of such performance measures for assessing and publicly reporting progress toward meeting such measures or revising them as needed; and

"(8) includes any other information the Secretary may require.

"(b) STATE EDUCATIONAL AGENCY FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4113(a) by the State educational agency that includes—

"(1) a plan for monitoring the implementation of, and providing technical assistance regarding, the drug and violence prevention programs conducted by local educational agencies in accordance with section 4116

"(2) a description of how the State educational agency will use funds under section 4113(b), including how the agency will receive input from parents regarding the use of such funds;

"(3) a description of how the State educational agency will coordinate such agency's activities under this subpart with the chief executive officer's drug and violence prevention programs under this subpart and with the prevention efforts of other State agencies; and

"(4) a description of the procedures the State educational agency will use to review applications from and allocate funding to local educational agencies under section 4115 and how such review will receive input from parents.

"(c) GOVERNOR'S FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4114(a) by the chief executive officer that includes, with respect to each activity to be carried out by the State—

"(1) a description of how the chief executive officer will coordinate such officer's activities under this part with the State educational agency and other State agencies and organizations involved with drug and violence prevention efforts;

"(2) a description of how funds reserved under section 4114(a) will be used so as not to duplicate the efforts of the State educational agency and local educational agencies with regard to the provision of school-based pre-

vention efforts and services and how those funds will be used to serve populations not normally served by the State educational agency, such as school dropouts and youth in detention centers;

"(3) a description of how the chief executive officer will award funds under section 4114(a) and a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds;

"(4) a description of the special outreach activities that will be carried out to maximize the participation of community-based nonprofit organizations of demonstrated effectiveness which provide services in low-income communities;

"(5) a description of how funds will be used to support community-wide comprehensive drug and violence prevention planning and community mobilization activities; and

"(6) a specific description of how input from parents will be sought regarding the use of funds under section 4114(a).

"(d) PEER REVIEW.—The Secretary shall use a peer review process in reviewing State applications under this section.

"(e) INTERIM APPLICATION.—Notwithstanding any other provisions of this section, a State may submit for fiscal year 2000 a 1-year interim application and plan for the use of funds under this subpart that are consistent with the requirements of this section and contain such information as the Secretary may specify in regulations. The purpose of such interim application and plan shall be to afford the State the opportunity to fully develop and review such State's application and comprehensive plan otherwise required by this section. A State may not receive a grant under this subpart for a fiscal year subsequent to fiscal year 2000 unless the Secretary has approved such State's application and comprehensive plan in accordance with this subpart.

"SEC. 4113. STATE AND LOCAL EDUCATIONAL AGENCY PROGRAMS.

"(a) USE OF FUNDS.—An amount equal to 80 percent of the total amount allocated to a State under section 4111 for each fiscal year shall be used by the State educational agency and its local educational agencies for drug and violence prevention activities in accordance with this section.

"(b) STATE LEVEL PROGRAMS.—

"(1) IN GENERAL.—A State educational agency shall use not more than 5 percent of the amount available under subsection (a) for activities such as—

"(A) voluntary training and technical assistance concerning drug and violence prevention for local educational agencies and educational service agencies, including teachers, administrators, coaches and athletic directors, other staff, parents, students, community leaders, health service providers, local law enforcement officials, and judicial officials;

"(B) the development, identification, dissemination, and evaluation of the most readily available, accurate, and up-to-date drug and violence prevention curriculum materials (including videotapes, software, and other technology-based learning resources), for consideration by local educational agencies;

"(C) making available to local educational agencies cost effective research-based programs for youth violence and drug abuse prevention;

"(D) demonstration projects in drug and violence prevention, including service-learning projects;

"(E) training, technical assistance, and demonstration projects to address violence associated with prejudice and intolerance;

"(F) financial assistance to enhance resources available for drug and violence prevention in areas serving large numbers of

economically disadvantaged children or sparsely populated areas, or to meet other special needs consistent with the purposes of this subpart; and

“(G) the evaluation of activities carried out within the State under this part.

“(2) SPECIAL RULE.—A State educational agency may carry out activities under this subsection directly, or through grants or contracts.

“(c) STATE ADMINISTRATION.—

“(1) IN GENERAL.—A State educational agency may use not more than 5 percent of the amount reserved under subsection (a) for the administrative costs of carrying out its responsibilities under this part.

“(2) UNIFORM MANAGEMENT INFORMATION AND REPORTING SYSTEM.—In carrying out its responsibilities under this part, a State shall implement a uniform management information and reporting system that includes information on the types of curricula, programs and services provided by the State, Governor, local education agencies, and other recipients of funds under this title.

“(d) LOCAL EDUCATIONAL AGENCY PROGRAMS.—

“(1) IN GENERAL.—A State educational agency shall distribute not less than 91 percent of the amount made available under subsection (a) for each fiscal year to local educational agencies in accordance with this subsection.

“(2) DISTRIBUTION.—A State educational agency shall distribute amounts under paragraph (1) in accordance with any one of the following subparagraphs:

“(A) ENROLLMENT AND COMBINATION APPROACH.—Of the amount distributed under paragraph (1), a State educational agency shall distribute

“(i) at least 70 percent of such amount to local educational agencies, based on the relative enrollments in public and private nonprofit elementary and secondary schools within the boundaries of such agencies; and

“(ii) not to exceed 30 percent of any amounts remaining after amounts are distributed under clause (i)—

“(1) to each local educational agency in an amount determined appropriate by the State education agency; or

“(II) to local educational agencies that the State education agency determines have the greatest need for additional funds to carry out drug and violence prevention programs authorized by this subpart.

“(B) COMPETITIVE AND NEED APPROACH.—Of the amount distributed under paragraph (1), a State educational agency shall distribute

“(i) not to exceed 70 percent of such amount to local educational agencies that the State agency determines, through a competitive process, have the greatest need for funds to carry out drug and violence prevention programs based on criteria established by the State agency and authorized under this subpart; and

“(ii) at least 30 percent of any amounts remaining after amounts are distributed under clause (i) to local education agencies that the State agency determines have a need for additional funds to carry out the program authorized under this subpart.

“(3) CONSIDERATION OF OBJECTIVE DATA.—For purposes of paragraph (2), in determining which local educational agencies have the greatest need for funds, the State educational agency shall consider objective data which may include—

“(A) high or increasing rates of alcohol or drug use among youth;

“(B) high or increasing rates of victimization of youth by violence and crime;

“(C) high or increasing rates of arrests and convictions of youth for violent or drug- or alcohol-related crime;

“(D) the extent of illegal gang activity;

“(E) high or increasing incidence of violence associated with prejudice and intolerance;

“(F) high or increasing rates of referrals of youths to drug and alcohol abuse treatment and rehabilitation programs;

“(G) high or increasing rates of referrals of youths to juvenile court;

“(H) high or increasing rates of expulsions and suspensions of students from schools;

“(I) high or increasing rates of reported cases of child abuse and domestic violence;

“(J) high or increasing rates of drug related emergencies or deaths; and

“(K) high rates of reported incidences of sexual harassment and abuse.”

“(e) REALLOCATION OF FUNDS.—If a local educational agency chooses not to apply to receive the amount allocated to such agency under subsection (d), or if such agency's application under section 4115 is disapproved by the State educational agency, the State educational agency shall reallocate such amount to one or more of its other local educational agencies.

“(f) RETURN OF FUNDS TO STATE EDUCATIONAL AGENCY; REALLOCATION.—

“(1) RETURN.—Except as provided in paragraph (2), upon the expiration of the 1-year period beginning on the date that a local educational agency or educational service agency under this title receives its allocation under this title—

“(A) such agency shall return to the State educational agency any funds from such allocation that remain unobligated; and

“(B) the State educational agency shall reallocate any such amount to local educational agencies or educational service agencies that have plans for using such amount for programs or activities on a timely basis.

“(2) REALLOCATION.—In any fiscal year, a local educational agency, may retain for obligation in the succeeding fiscal year—

“(A) an amount equal to not more than 25 percent of the allocation it receives under this title for such fiscal year; or

“(B) upon a demonstration of good cause by such agency or consortium, a greater amount approved by the State educational agency.

“SEC. 4114. GOVERNOR'S PROGRAMS.

“(a) USE OF FUNDS.—

“(1) IN GENERAL.—An amount equal to 20 percent of the total amount allocated to a State under section 4111(b)(1) for each fiscal year shall be used by the chief executive officer of such State for drug and violence prevention programs and activities in accordance with this section.

“(2) ADMINISTRATIVE COSTS.—A chief executive officer may use not more than 5 percent of the 20 percent described in paragraph (1) for the administrative costs incurred in carrying out the duties of such officer under this section. The chief executive officer of a State may use amounts under this paragraph to award grants to State, county, or local law enforcement agencies, including district attorneys, in consultation with local education agencies or community-based agencies, for the purposes of carrying out drug abuse and violence prevention activities.

“(b) STATE PLAN.—Amounts shall be used under this section in accordance with a State plan submitted by the chief executive office of the State. Such State plan shall contain—

“(1) an objective analysis of the current use (and consequences of such use) of alcohol, tobacco, and controlled, illegal, addictive or harmful substances as well as the violence, safety, and discipline problems among students who attend schools in the State (including private school students who participate in the States's drug and violence pre-

vention programs) that is based on ongoing local assessment or evaluation activities;

“(2) an analysis, based on data reasonably available at the time, of the prevalence of risk or protective factors, buffers or assets or other research-based variables in schools and communities in the State;

“(3) a description of the research-based strategies and programs, which shall be used to prevent or reduce drug use, violence, or disruptive behavior, which shall include—

“(A) a specification of the objectively measurable goals, objectives, and activities for the program;

“(B) a specification for how risk factors, if any, which have been identified will be targeted through research-based programs; and

“(C) a specification for how protective factors, buffers, or assets, if any, will be targeted through research-based programs;

“(4) a specification for the method or methods by which measurements of program goals will be achieved; and

“(5) a specification for how the evaluation of the effectiveness of the prevention program will be assessed and how the results will be used to refine, improve, and strengthen the program.

“(c) PROGRAMS AUTHORIZED.—

“(1) IN GENERAL.—A chief executive officer shall use funds made available under subsection (a)(1) directly for grants to or contracts with parent groups, student-led groups, schools, community action and job training agencies, community-based organizations, community anti-drug coalitions, law enforcement education partnerships, and other public entities and private nonprofit organizations and consortia thereof. In making such grants and contracts, a chief executive officer shall give priority to programs and activities described in subsection (d) for—

“(A) children and youth who are not normally served by State or local educational agencies; or

“(B) populations that need special services or additional resources (such as preschoolers, youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and school dropouts).

“(2) PEER REVIEW.—Grants or contracts awarded under this subsection shall be subject to a peer review process.

“(d) AUTHORIZED ACTIVITIES.—Grants and contracts under subsection (c) shall be used to carry out the comprehensive State plan as required under section 4112(a)(1) through programs and activities such as—

“(1) disseminating information about drug and violence prevention;

“(2) the voluntary training of parents, law enforcement officials, judicial officials, social service providers, health service providers and community leaders about drug and violence prevention, health education (as it relates to drug and violence prevention), early intervention, pupil services, or rehabilitation referral;

“(3) developing and implementing comprehensive, community-based drug and violence prevention programs that link community resources with schools and integrate services involving education, vocational and job skills training and placement, law enforcement, health, mental health, community service, service-learning, mentoring, and other appropriate services;

“(4) planning and implementing drug and violence prevention activities that coordinate the efforts of State agencies with efforts of the State educational agency and its local educational agencies;

“(5) activities to protect students traveling to and from school;

“(6) before-and-after school recreational, instructional, cultural, and artistic programs that encourage drug- and violence-free lifestyles;

“(7) activities that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

“(8) developing and implementing activities to prevent and reduce violence associated with prejudice and intolerance;

“(9) developing and implementing strategies to prevent illegal gang activity;

“(10) coordinating and conducting school and community-wide violence and safety and drug abuse assessments and surveys;

“(11) service-learning projects that encourage drug- and violence-free lifestyles;

“(12) evaluating programs and activities assisted under this section;

“(13) developing and implementing community mobilization activities to undertake environmental change strategies related to substance abuse and violence;

“(14) partnerships between local law enforcement agencies, including district attorneys, and local education agencies or community-based agencies; and

“(15) developing and implementing strategies and programs to greatly reduce the incidence of sexual harassment and abuse and to encourage positive and respectful interactions between girls and boys.”

“SEC. 4115. LOCAL APPLICATIONS.

“(a) APPLICATION REQUIRED.—

“(1) IN GENERAL.—In order to be eligible to receive a distribution under section 4113(d) for any fiscal year, a local educational agency shall submit, at such time as the State educational agency requires, an application to the State educational agency for approval. Such an application shall be amended, as necessary, to reflect changes in the local educational agency’s program.

“(2) DEVELOPMENT.—

“(A) CONSULTATION.—A local educational agency shall develop its application under subsection (a)(1) in consultation with a local or substate regional advisory council that includes, to the extent possible, representatives of local government, business, parents, students, teachers, pupil services personnel, appropriate State agencies, private schools, the medical profession, law enforcement, community-based organizations, and other groups with interest and expertise in drug and violence prevention.

“(B) DUTIES OF ADVISORY COUNCIL.—In addition to assisting the local educational agency to develop an application under this section, the advisory council established or designated under subparagraph (A) shall, on an ongoing basis—

“(i) disseminate information about research-based drug and violence prevention programs, projects, and activities conducted within the boundaries of the local educational agency;

“(ii) advise the local educational agency regarding how best to coordinate such agency’s activities under this subpart with other related programs, projects, and activities;

“(iii) ensure that a mechanism is in place to enable local educational agencies to have access to up-to-date information concerning the agencies that administer related programs, projects, and activities and any changes in the law that alter the duties of the local educational agencies with respect to activities conducted under this subpart; and

“(iv) review program evaluations and other relevant material and make recommendations on an active and ongoing basis to the local educational agency on how to improve such agency’s drug and violence prevention programs.

“(b) CONTENTS OF APPLICATIONS.—An application under this section shall contain—

“(1) an objective analysis of the current use (and consequences of such use) of alcohol, tobacco, and controlled, illegal, addictive or harmful substances as well as the violence, safety, and discipline problems among students who attend the schools of the applicant (including private school students who participate in the applicant’s drug and violence prevention program) that is based on ongoing local assessment or evaluation activities;

“(2) an analysis, based on data reasonably available at the time, of the prevalence of risk or protective factors, buffers or assets or other research-based variables in the school and community;

“(3) a description of the research-based strategies and programs, which shall be used to prevent or reduce drug use, violence, or disruptive behavior, which shall include—

“(A) a specification of the objectively measurable goals, objectives, and activities for the program, which shall include—

“(i) reductions in the use of alcohol, tobacco, and illicit drugs and violence by youth;

“(ii) specific reductions in the prevalence of identified risk factors;

“(iii) specific increases in the prevalence of protective factors, buffers, or assets if any have been identified; or

“(iv) other research-based goals, objectives, and activities that are identified as part of the application that are not otherwise covered under clauses (i) through (iii);

“(B) a specification for how risk factors, if any, which have been identified will be targeted through research-based programs; and

“(C) a specification for how protective factors, buffers, or assets, if any, will be targeted through research-based programs;

“(4) a specification for the method or methods by which measurements of program goals will be achieved;

“(5) a specification for how the evaluation of the effectiveness of the prevention program will be assessed and how the results will be used to refine, improve, and strengthen the program;

“(6) an assurance that the applicant has, or the schools to be served have, a plan for keeping schools safe and drug-free that includes—

“(A) appropriate and effective discipline policies that prohibit disorderly conduct, the possession of firearms and other weapons, and the illegal use, possession, distribution, and sale of tobacco, alcohol, and other drugs by students;

“(B) security procedures at school and while students are on the way to and from school;

“(C) prevention activities that are designed to create and maintain safe, disciplined, and drug-free environments; and

“(D) a crisis management plan for responding to violent or traumatic incidents on school grounds; and

“(7) such other information and assurances as the State educational agency may reasonably require.

“(c) REVIEW OF APPLICATION.—

“(1) IN GENERAL.—In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications.

“(2) CONSIDERATIONS.—

“(A) IN GENERAL.—In determining whether to approve the application of a local educational agency under this section, a State educational agency shall consider the quality of the local educational agency’s comprehensive plan under subsection (b)(6) and the extent to which the proposed plan provides a thorough assessment of the substance

abuse and violence problem, uses objective data and the knowledge of a wide range of community members, develops measurable goals and objectives, and implements research-based programs that have been shown to be effective and meet identified needs.

“(B) DISAPPROVAL.—A State educational agency may disapprove a local educational agency application under this section in whole or in part and may withhold, limit, or place restrictions on the use of funds allotted to such a local educational agency in a manner the State educational agency determines will best promote the purposes of this part, except that a local educational agency shall be afforded an opportunity to appeal any such disapproval.

“SEC. 4116. LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS.

“(a) PROGRAM REQUIREMENTS.—A local educational agency shall use funds received under this subpart to adopt and carry out a comprehensive drug and violence prevention program which shall—

“(1) be designed, for all students and school employees, to—

“(A) prevent the use, possession, and distribution of tobacco, alcohol, and illegal drugs by students and to prevent the illegal use, possession, and distribution of such substances by school employees;

“(B) prevent violence and promote school safety;

“(C) create a disciplined environment conducive to learning; and

“(D) greatly reduce the incidence of sexual harassment and abuse;

“(2) include activities to promote the involvement of parents and students and coordination with community groups and agencies, including the distribution of information about the local educational agency’s needs, goals, and programs under this subpart;

“(3) implement activities which shall only include—

“(A) a thorough assessment of the substance abuse violence problem, using objective data and the knowledge of a wide range of community members;

“(B) the development of measurable goals and objectives;

“(C) the implementation of research-based programs that have been shown to be effective and meet identified goals; and

“(D) an evaluation of program activities; and

“(4) implement prevention programming activities within the context of a research-based prevention framework.

“(b) USE OF FUNDS.—A comprehensive, age-appropriate, developmentally-, and research-based drug and violence prevention program carried out under this subpart may include—

“(1) drug or violence prevention and education programs for all students, from the preschool level through grade 12, that address the legal, social, personal and health consequences of the use of illegal drugs or violence, promote a sense of individual responsibility, and provide information about effective techniques for resisting peer pressure to use illegal drugs;

“(2) programs of drug or violence prevention, health education (as it relates to drug and violence prevention), early intervention, pupil services, mentoring, or rehabilitation referral, which emphasize students’ sense of individual responsibility and which may include—

“(A) the dissemination of information about drug or violence prevention;

“(B) the professional development or voluntary training of school personnel, parents, students, law enforcement officials, judicial officials, health service providers and community leaders in prevention, education,

early intervention, pupil services or rehabilitation referral; and

“(C) the implementation of strategies, including strategies to integrate the delivery of services from a variety of providers, to combat illegal alcohol, tobacco and drug use, such as—

“(i) family counseling; and

“(ii) activities, such as community service and service-learning projects, that are designed to increase students’ sense of community;

“(3) age-appropriate, developmentally based violence prevention and education programs for all students, from the preschool level through grade 12, that address the legal, health, personal, and social consequences of violent and disruptive behavior, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, and that include activities designed to help students develop a sense of individual responsibility and respect for the rights of others, and to resolve conflicts without violence, or otherwise decrease the prevalence of risk factors or increase the prevalence of protective factors, buffers, or assets in the community;

“(4) violence prevention programs for school-aged youth, which emphasize students’ sense of individual responsibility and may include—

“(A) the dissemination of information about school safety and discipline;

“(B) the professional development or voluntary training of school personnel, parents, students, law enforcement officials, judicial officials, and community leaders in designing and implementing strategies to prevent school violence;

“(C) the implementation of strategies, such as conflict resolution and peer mediation, student outreach efforts against violence, anti-crime youth councils (which work with school and community-based organizations to discuss and develop crime prevention strategies), and the use of mentoring programs, to combat school violence and other forms of disruptive behavior, such as sexual harassment and abuse; and

“(D) the development and implementation of character education programs, as a component of a comprehensive drug or violence prevention program, that are tailored by communities, parents and schools; and

“(E) comprehensive, community-wide strategies to prevent or reduce illegal gang activities and drug use;

“(5) supporting ‘safe zones of passage’ for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols;

“(6) the acquisition or hiring of school security equipment, technologies, personnel, or services such as—

“(A) metal detectors;

“(B) electronic locks;

“(C) surveillance cameras; and

“(D) other drug and violence prevention-related equipment and technologies;

“(7) professional development for teachers and other staff and curricula that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

“(8) the promotion of before-and-after school recreational, instructional, cultural, and artistic programs in supervised community settings;

“(9) other research-based prevention programming that is—

“(A) effective in reducing the prevalence of alcohol, tobacco or drug use, and violence in youth;

“(B) effective in reducing the prevalence of risk factors predictive of increased alcohol, tobacco or drug use, and violence; or

“(C) effective in increasing the prevalence of protective factors, buffers, and assets predictive of decreased alcohol, tobacco or drug use and violence among youth;

“(10) the collection of objective data used to assess program needs, program implementation, or program success in achieving program goals and objectives;

“(11) community involvement activities including community mobilization;

“(12) voluntary parental involvement and training;

“(13) the evaluation of any of the activities authorized under this subsection;

“(14) the provision of mental health counseling (by qualified counselors) to students for drug or violence related problems;

“(15) consistent with the fourth amendment to the Constitution of the United States, the testing of a student for illegal drug use or inspecting a student’s locker for guns, explosives, other weapons, or illegal drugs, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test or inspect; and

“(16) the conduct of a nationwide background check of each local educational agency employee (regardless of when hired) and prospective employees for the purpose of determining whether the employee or prospective employee has been convicted of a crime that bears upon the employee’s or prospective employee’s fitness—

“(A) to have responsibility for the safety or well-being of children;

“(B) to serve in the particular capacity in which the employee or prospective employee is or will be employed; or

“(C) to otherwise be employed at all by the local educational agency.

“(c) LIMITATIONS.—

“(1) IN GENERAL.—Not more than 20 percent of the funds made available to a local educational agency under this subpart may be used to carry out the activities described in paragraphs (5) and (6) of subsection (b).

“(2) SPECIAL RULE.—A local educational agency shall only be able to use funds received under this subpart for activities described in paragraphs (5) and (6) of subsection (b) if funding for such activities is not received from other Federal agencies.

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the use of funds under this part by any local educational agency or school for the establishment or implementation of a school uniform policy so long as such policy is part of the overall comprehensive drug and violence prevention plan of the State involved and is supported by the State’s needs assessment and other research-based information.

“SEC. 4117. EVALUATION AND REPORTING.

“(a) IMPACT EVALUATION.—

“(1) BIENNIAL EVALUATION.—The Secretary, in consultation with the National Advisory Committee, shall conduct an independent biennial evaluation of the impact of programs assisted under this subpart and of other recent and new initiatives to combat violence in schools. The evaluation shall report on—

“(A) whether funded community and local education agency programs—

“(i) provided a thorough assessment of the substance abuse and violence problem;

“(ii) used objective data and the knowledge of a wide range of community members;

“(iii) developed measurable goals and objectives; and

“(iv) implemented research-based programs that have been shown to be effective and meet identified needs;

“(v) conducted periodic program evaluations to assess progress made towards

achieving program goals and objectives and whether they used evaluations to improve program goals, objectives and activities;

“(B) whether funded community and local education agency programs have been designed and implemented in a manner that specifically targets, if relevant to the program—

“(i) research-based variables that are predictive of drug use or violence;

“(ii) risk factors that are predictive of an increased likelihood that young people will use drugs, alcohol or tobacco or engage in violence or drop out of school; or

“(iii) protective factors, buffers, or assets that are known to protect children and youth from exposure to risk, either by reducing the exposure to risk factors or by changing the way the young person responds to risk, and to increase the likelihood of positive youth development;

“(C) whether funded community and local education agency programs have appreciably reduced the level of drug, alcohol and tobacco use and school violence and the presence of firearms at schools; and

“(D) whether funded community and local educational agency programs have conducted effective parent involvement and voluntary training programs.

“(2) DATA COLLECTION.—The National Center for Education Statistics shall collect data to determine the incidence and prevalence of social disapproval of drug use and violence, including sexual harassment and abuse, in elementary and secondary schools in the States.

“(3) BIENNIAL REPORT.—Not later than January 1, 2002, and every 2 years thereafter, the Secretary shall submit to the President and Congress a report on the findings of the evaluation conducted under paragraph (1) together with the data collected under paragraph (2) and data available from other sources on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use in elementary and secondary schools in the States. The Secretary shall include data submitted by the States pursuant to subsection (b)(2)(B).

“(b) STATE REPORT.—

“(1) IN GENERAL.—By December 1, 2001, and every 2 years thereafter, the chief executive officer of the State, in cooperation with the State educational agency, shall submit to the Secretary a report—

“(A) on the implementation and outcomes of State programs under section 4114 and section 4113(b) and local educational agency programs under section 4113(d), as well as an assessment of their effectiveness;

“(B) on the State’s progress toward attaining its goals for drug and violence prevention under subsections (b)(1) and (c)(1) of section 4112; and

“(C) on the State’s efforts to inform parents of, and include parents in, violence and drug prevention efforts.

“(2) SPECIAL RULE.—The report required by this subsection shall be—

“(A) in the form specified by the Secretary;

“(B) based on the State’s ongoing evaluation activities, and shall include data on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities; and

“(C) made readily available to the public.

“(c) LOCAL EDUCATIONAL AGENCY REPORT.—

“(1) IN GENERAL.—Each local educational agency receiving funds under this subpart shall submit to the State educational agency such information that the State requires to complete the State report required by subsection (b), including a description of how

parents were informed of, and participated in, violence and drug prevention efforts.

“(2) AVAILABILITY.—Information under paragraph (1) shall be made readily available to the public.

“(3) PROVISION OF DOCUMENTATION.—Not later than January 1 of each year that a State is required to report under subsection (b), the Secretary shall provide to the State education agency all of the necessary documentation required for compliance with this section.

“SEC. 4118. PROGRAMS FOR NATIVE HAWAIIANS.

“(a) GENERAL AUTHORITY.—From the funds made available pursuant to section 4111(a)(4) to carry out this section, the Secretary shall make grants to or enter into cooperative agreements or contracts with organizations primarily serving and representing Native Hawaiians which are recognized by the Governor of the State of Hawaii to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this title for the benefit of Native Hawaiians.

“(b) DEFINITION OF NATIVE HAWAIIAN.—For the purposes of this section, the term ‘Native Hawaiian’ means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

“Subpart 2—National Programs

“SEC. 4121. FEDERAL ACTIVITIES.

“(a) PROGRAM AUTHORIZED.—From funds made available to carry out this subpart under section 4004(2), the Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall carry out programs to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students at all educational levels from preschool through the post-secondary level. The Secretary shall carry out such programs directly, or through grants, contracts, or cooperative agreements with public and private nonprofit organizations and individuals, or through agreements with other Federal agencies, and shall coordinate such programs with other appropriate Federal activities. Such programs may include—

“(1) the development and demonstration of innovative strategies for the voluntary training of school personnel, parents, and members of the community, including the demonstration of model preservice training programs for prospective school personnel;

“(2) demonstrations and rigorous evaluations of innovative approaches to drug and violence prevention;

“(3) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by the clearinghouse for alcohol and drug abuse information established under section 501(d)(16) of the Public Health Service Act;

“(4) the development of curricula related to child abuse prevention and education and the training of personnel to teach child abuse education and prevention to elementary and secondary schoolchildren;

“(5) program evaluations in accordance with section 10201 that address issues not addressed under section 4117(a);

“(6) direct services to schools and school systems afflicted with especially severe drug and violence problems or to support crisis situations and appropriate response efforts;

“(7) activities in communities designated as empowerment zones or enterprise communities that will connect schools to community-wide efforts to reduce drug and violence problems;

“(8) developing and disseminating drug and violence prevention materials, including video-based projects and model curricula;

“(9) developing and implementing a comprehensive violence prevention strategy for schools and communities, that may include conflict resolution, peer mediation, the teaching of law and legal concepts, and other activities designed to stop violence;

“(10) the implementation of innovative activities, such as community service and service-learning projects, designed to rebuild safe and healthy neighborhoods and increase students’ sense of individual responsibility;

“(11) grants to noncommercial telecommunications entities for the production and distribution of national video-based projects that provide young people with models for conflict resolution and responsible decisionmaking;

“(12) the development of education and training programs, curricula, instructional materials, and professional training and development for preventing and reducing the incidence of crimes and conflicts motivated by hate in localities most directly affected by hate crimes; and

“(13) other activities that meet unmet national needs related to the purposes of this title.

“(b) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for funds under this section.

“SEC. 4122. NATIONAL COORDINATOR PROGRAM.

“(a) IN GENERAL.—From amounts available to carry out this section under section 4004(3), the Secretary shall provide for the establishment of a National Coordinator Program under which the Secretary shall award grants to local education agencies for the hiring of drug prevention and school safety program coordinators.

“(b) USE OF FUNDS.—Amounts received under a grant under subsection (a) shall be used by local education agencies to recruit, hire, and train individuals to serve as drug prevention and school safety program coordinators in schools with significant drug and school safety problems. Such coordinators shall be responsible for developing, conducting, and analyzing assessments of drug and crime problems at their schools, and administering the safe and drug free grant program at such schools.

“SEC. 4123. SAFE AND DRUG FREE SCHOOLS AND COMMUNITIES ADVISORY COMMITTEE.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is hereby established an advisory committee to be known as the ‘Safe and Drug Free Schools and Communities Advisory Committee’ (referred to in this section as the ‘Advisory Committee’) to—

“(A) consult with the Secretary under subsection (b);

“(B) coordinate Federal school- and community-based substance abuse and violence prevention programs and reduce duplicative research or services;

“(C) develop core data sets and evaluation protocols for safe and drug free school- and community-based programs;

“(D) provide technical assistance and training for safe and drug free school- and community-based programs;

“(E) provide for the diffusion of research-based safe and drug free school- and community-based programs; and

“(F) review other regulations and standards developed under this title.

“(2) COMPOSITION.—The Advisory Committee shall be composed of representatives from—

“(A) the Department of Education,

“(B) the Centers for Disease Control and Prevention;

“(C) the National Institute on Drug Abuse;

“(D) the National Institute on Alcoholism and Alcohol Abuse;

“(E) the Center for Substance Abuse Prevention;

“(F) the Center for Mental Health Services;

“(G) the Office of Juvenile Justice and Delinquency Prevention;

“(H) the Office of National Drug Control Policy; and

“(I) State and local governments, including education agencies.

“(3) CONSULTATION.—In carrying out its duties under this section, the Advisory Committee shall annually consult with interested State and local coordinators of school- and community-based substance abuse and violence prevention programs and other interested groups.

“(b) PROGRAMS.—

“(1) IN GENERAL.—From amounts made available under section 4004(2) to carry out this subpart, the Secretary, in consultation with the Advisory Committee, shall carry out research-based programs to strengthen the accountability and effectiveness of the State, Governor’s, and national programs under this title.

“(2) GRANTS, CONTRACTS OR COOPERATIVE AGREEMENTS.—The Secretary shall carry out paragraph (1) directly or through grants, contracts, or cooperative agreements with public and nonprofit private organizations and individuals or through agreements with other Federal agencies.

“(3) COORDINATION.—The Secretary shall coordinate programs under this section with other appropriate Federal activities.

“(4) ACTIVITIES.—Activities that may be carried out under programs funded under this section may include—

“(A) the provision of technical assistance and training, in collaboration with other Federal agencies utilizing their expertise and national and regional training systems, for Governors, State education agencies and local education agencies to support high quality, effective programs that—

“(i) provide a thorough assessment of the substance abuse and violence problem;

“(ii) utilize objective data and the knowledge of a wide range of community members;

“(iii) develop measurable goals and objectives; and

“(iv) implement research-based activities that have been shown to be effective and that meet identified needs;

“(B) the provision of technical assistance and training to foster program accountability;

“(C) the diffusion and dissemination of best practices and programs;

“(D) the development of core data sets and evaluation tools;

“(E) program evaluations;

“(F) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by the Clearinghouse for Alcohol and Drug Abuse Information established under section 501(d)(16) of the Public Health Service Act; and

“(G) other activities that meet unmet needs related to the purposes of this title and that are undertaken in consultation with the Advisory Committee.

“SEC. 4124. HATE CRIME PREVENTION.

“(a) GRANT AUTHORIZATION.—From funds made available to carry out this subpart under section 4004(2) the Secretary may make grants to local educational agencies and community-based organizations for the purpose of providing assistance to localities most directly affected by hate crimes.

“(b) USE OF FUNDS.—

“(1) PROGRAM DEVELOPMENT.—Grants under this section may be used to improve elementary and secondary educational efforts, including—

“(A) development of education and training programs designed to prevent and to reduce the incidence of crimes and conflicts motivated by hate;

“(B) development of curricula for the purpose of improving conflict or dispute resolution skills of students, teachers, and administrators;

“(C) development and acquisition of equipment and instructional materials to meet the needs of, or otherwise be part of, hate crime or conflict programs; and

“(D) professional training and development for teachers, administrators, families, and students on the causes, effects, and resolutions of hate crimes or hate-based conflicts.

“(2) IN GENERAL.—In order to be eligible to receive a grant under this section for any fiscal year, a local educational agency, or a local educational agency in conjunction with a community-based organization, shall submit an application to the Secretary in such form and containing such information as the office may reasonably require.

“(3) REQUIREMENTS.—Each application under paragraph (2) shall include—

“(A) a request for funds for the purposes described in this section;

“(B) a description of the schools and communities to be served by the grants; and

“(C) assurances that Federal funds received under this section shall be used to supplement, not supplant, non-Federal funds.

“(4) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan that contains—

“(A) a description of the hate crime or conflict problems within the schools or the community targeted for assistance;

“(B) a description of the program to be developed or augmented by such Federal and matching funds;

“(C) assurances that such program or activity shall be administered by or under the supervision of the applicant;

“(D) proper and efficient administration of such program; and

“(E) fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section.

“(c) AWARD OF GRANTS.—

“(1) SELECTION OF RECIPIENTS.—The Secretary shall consider the incidence of crimes and conflicts motivated by bias in the targeted schools and communities in awarding grants under this section.

“(2) GEOGRAPHIC DISTRIBUTION.—The Secretary shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

“(3) DISSEMINATION OF INFORMATION.—The Secretary shall attempt, to the extent practicable, to make available information regarding successful hate crime prevention programs, including programs established or expanded with grants under this section.

“(d) REPORTS.—The Secretary shall submit to the Congress a report every two years which shall contain a detailed statement regarding grants and awards, activities of grant recipients, and an evaluation of programs established under this section.

“SEC. 4125. GRANTS TO COMBAT THE IMPACT OF EXPERIENCING OR WITNESSING DOMESTIC VIOLENCE ON ELEMENTARY AND SECONDARY SCHOOL CHILDREN.

“(a) GRANTS AUTHORIZED.—

“(1) AUTHORITY.—The Secretary is authorized to award grants and contracts to elementary schools and secondary schools that work with experts to enable the elementary schools and secondary schools—

“(A) to provide training to school administrators, faculty, and staff, with respect to issues concerning children experiencing do-

mestic violence in dating relationships and witnessing domestic violence, and the impact of the violence described in this subparagraph on children;

“(B) to provide educational programming to students regarding domestic violence and the impact of experiencing or witnessing domestic violence on children;

“(C) to provide support services for students and school personnel for the purpose of developing and strengthening effective prevention and intervention strategies with respect to issues concerning children experiencing domestic violence in dating relationships and witnessing domestic violence, and the impact of the violence described in this subparagraph on children; and

“(D) to develop and implement school system policies regarding identification and referral procedures for students who are experiencing or witnessing domestic violence.

“(2) AWARD BASIS.—The Secretary shall award grants and contracts under this section—

“(A) on a competitive basis; and

“(B) in a manner that ensures that such grants and contracts are equitably distributed throughout a State among elementary schools and secondary schools located in rural, urban, and suburban areas in the State.

“(3) POLICY DISSEMINATION.—The Secretary shall disseminate to elementary schools and secondary schools any Department of Education policy guidance regarding the prevention of domestic violence and the impact of experiencing or witnessing domestic violence on children.

“(b) USES OF FUNDS.—Funds provided under this section may be used for the following purposes:

“(1) To provide training for elementary school and secondary school administrators, faculty, and staff that addresses issues concerning elementary school and secondary school students who experience domestic violence in dating relationships or witness domestic violence, and the impact of such violence on the students.

“(2) To provide education programs for elementary school and secondary school students that are developmentally appropriate for the students' grade levels and are designed to meet any unique cultural and language needs of the particular student populations.

“(3) To develop and implement elementary school and secondary school system policies regarding identification and referral procedures for students who are experiencing or witnessing domestic violence.

“(4) To provide the necessary human resources to respond to the needs of elementary school and secondary school students and personnel who are faced with the issue of domestic violence, such as a resource person who is either on-site or on-call, and who is an expert.

“(5) To provide media center materials and educational materials to elementary schools and secondary schools that address issues concerning children who experience domestic violence in dating relationships and witness domestic violence, and the impact of the violence described in this paragraph on the children.

“(6) To conduct evaluations to assess the impact of programs assisted under this section in order to enhance the development of the programs.

“(c) CONFIDENTIALITY.—Policies, programs, training materials, and evaluations developed and implemented under subsection (b) shall address issues of victim safety and confidentiality in a manner consistent with applicable Federal and State laws.

“(d) APPLICATION.—

“(1) IN GENERAL.—To be eligible to be awarded a grant or contract under this section for any fiscal year, an elementary school or secondary school, in consultation with an expert, shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe.

“(2) CONTENTS.—Each application submitted under paragraph (1) shall—

“(A) describe the need for funds provided under the grant or contract and the plan for implementation of any of the activities described in subsection (b);

“(B) describe how the experts shall work in consultation and collaboration with the elementary school or secondary school; and

“(C) provide measurable goals for and expected results from the use of the funds provided under the grant or contract.

“(e) APPLICABILITY.—The provisions of this part (other than this section) shall not apply to this section.

“(f) DEFINITIONS.—In this section:

“(1) DOMESTIC VIOLENCE.—The term ‘domestic violence’ means an act or threat of violence, not including an act of self defense, committed by—

“(A) a current or former spouse of the victim;

“(B) a person with whom the victim shares a child in common;

“(C) a person who is cohabiting with or has cohabited with the victim;

“(D) a person who is or has been in a social relationship of a romantic or intimate nature with the victim;

“(E) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction of the victim; or

“(F) any other person against a victim who is protected from that person's act under the domestic or family violence laws of the jurisdiction.

“(2) EXPERTS.—The term ‘experts’ means—

“(A) experts on domestic violence from the educational, legal, youth, mental health, substance abuse, and victim advocacy fields; and

“(B) State and local domestic violence coalitions and community-based youth organizations.

“(3) WITNESS DOMESTIC VIOLENCE.—

“(A) IN GENERAL.—The term ‘witness domestic violence’ means to witness—

“(i) an act of domestic violence that constitutes actual or attempted physical assault; or

“(ii) a threat or other action that places the victim in fear of domestic violence.

“(B) WITNESS.—In subparagraph (A), the term ‘witness’ means to—

“(i) directly observe an act, threat, or action described in subparagraph (A), or the aftermath of that act, threat, or action; or

“(ii) be within earshot of an act, threat, or action described in subparagraph (A), or the aftermath of that act, threat, or action.

“SEC. 4126. SEXUAL HARASSMENT PREVENTION TRAINING GRANTS.

“(a) SHORT TITLE.—This section may be cited as the ‘Sexual Harassment Prevention Training Grants Act’.

“(b) STATEMENT OF PURPOSES.—It is the purpose of this section to—

“(1) train teachers and administrators in identifying and preventing sexual harassment; and

“(2) reduce the incidence of sexual harassment in elementary schools and secondary schools.

“(c) PROGRAM AUTHORITY; AUTHORIZATION OF APPROPRIATIONS.—

“(1) PROGRAM AUTHORITY.—The Secretary is authorized to carry out a program of awarding grants to eligible entities to enable such entities to train teachers and administrators in identifying and preventing sexual

harassment. A grant recipient shall be responsible for—

“(A) determining the type of training to be offered with respect to identifying and preventing sexual harassment; and

“(B) defining the term sexual harassment.

“(2) ELIGIBLE ENTITY.—The Secretary is authorized to award grants under this section to State educational agencies, local educational agencies, or other private and public agencies and organizations for the planning, developing, or carrying out the activities described in paragraph (1).

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$10,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.”.

“Subpart 3—General Provisions

“SEC. 4131. DEFINITIONS.

“In this part:

“(1) COMMUNITY-BASED ORGANIZATION.—The term ‘community-based organization’ means a private nonprofit organization which is representative of a community or significant segments of a community and which provides educational or related services to individuals in the community.

“(2) DRUG AND VIOLENCE PREVENTION.—The term ‘drug and violence prevention’ means—

“(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of alcohol and the use of controlled, illegal, addictive, or harmful substances, including inhalants and anabolic steroids;

“(B) prevention, early intervention, smoking cessation activities, or education, related to the use of tobacco by children and youth eligible for services under this title; and

“(C) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

“(3) HATE CRIME.—The term ‘hate crime’ means a crime as described in section 1(b) of the Hate Crime Statistics Act of 1990.

“(4) NONPROFIT.—The term ‘nonprofit’, as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

“(5) OBJECTIVELY MEASURABLE GOALS.—The term ‘objectively measurable goals’ means prevention programming goals defined through use of quantitative epidemiological data measuring the prevalence of alcohol, tobacco, and other drug use, violence, and the prevalence of risk and protective factors predictive of these behaviors, collected through a variety of methods and sources known to provide high quality data.

“(6) PROTECTIVE FACTOR, BUFFER, OR ASSET.—The terms ‘protective factor’, ‘buffer’, and ‘asset’ mean any one of a number of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, or which are grounded in a well-established theoretical model of prevention, and have been shown to prevent alcohol, tobacco, or illicit drug use, as well as violent behavior, by youth in the community, and which promote positive youth development.

“(7) RISK FACTOR.—The term ‘risk factor’ means any one of a number of characteristics of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, to be predictive of alcohol, tobacco, and illicit drug use, as well as violent behavior, by youth in the school and community.

“(8) SCHOOL-AGED POPULATION.—The term ‘school-aged population’ means the population aged five through 17, as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

“(9) SCHOOL PERSONNEL.—The term ‘school personnel’ includes teachers, administrators, counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

“SEC. 4132. MATERIALS.

“(a) ILLEGAL AND HARMFUL MESSAGE.—Drug prevention programs supported under this part shall convey a clear and consistent message that the illegal use of alcohol and other drugs is illegal and harmful.

“(b) CURRICULUM.—The Secretary shall not prescribe the use of specific curricula for programs supported under this part, but may evaluate the effectiveness of such curricula and other strategies in drug and violence prevention.

“SEC. 4133. PROHIBITED USES OF FUNDS.

“No funds under this part may be used for—

“(1) construction (except for minor remodeling needed to accomplish the purposes of this part); and

“(2) medical services, drug treatment or rehabilitation, except for pupil services or referral to treatment for students who are victims of or witnesses to crime or who use alcohol, tobacco, or drugs.

“SEC. 4134. QUALITY RATING.

“(a) IN GENERAL.—The chief executive officer of each State, or in the case of a State in which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for education activities, such individual, entity, or agency, is authorized and encouraged—

“(1) to establish a standard of quality for drug, alcohol, and tobacco prevention programs implemented in public elementary schools and secondary schools in the State in accordance with subsection (b); and

“(2) to identify and designate, upon application by a public elementary school or secondary school, any such school that achieves such standard as a quality program school.

“(b) CRITERIA.—The standard referred to in subsection (a) shall address, at a minimum—

“(1) a comparison of the rate of illegal use of drugs, alcohol, and tobacco by students enrolled in the school for a period of time to be determined by the chief executive officer of the State;

“(2) the rate of suspensions or expulsions of students enrolled in the school for drug, alcohol, or tobacco-related offenses;

“(3) the effectiveness of the drug, alcohol, or tobacco prevention program as proven by research;

“(4) the involvement of parents and community members in the design of the drug, alcohol, and tobacco prevention program; and

“(5) the extent of review of existing community drug, alcohol, and tobacco prevention programs before implementation of the public school program.

“(c) REQUEST FOR QUALITY PROGRAM SCHOOL DESIGNATION.—A school that wishes to receive a quality program school designation shall submit a request and documentation of compliance with this section to the

chief executive officer of the State or the individual, entity, or agency described in subsection (a), as the case may be.

“(d) PUBLIC NOTIFICATION.—Not less than once a year, the chief executive officer of each State or the individual, entity, or agency described in subsection (a), as the case may be, shall make available to the public a list of the names of each public school in the State that has received a quality program school designation in accordance with this section.”.

SEC. 402. GUN-FREE REQUIREMENTS.

Title IV (20 U.S.C. 7101 et seq.) is amended by adding at the end the following:

“PART B—GUN POSSESSION

“SEC. 4201. GUN-FREE REQUIREMENTS.

“(a) SHORT TITLE.—This part may be cited as the ‘Gun-Free Schools Act of 1994’.

“(b) REQUIREMENTS.—

“(1) IN GENERAL.—Each State receiving Federal funds under this Act shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than one year a student who is determined to have brought a weapon to a school under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of a local educational agency to modify such expulsion requirement for a student on a case-by-case basis.

“(2) CONSTRUCTION.—Nothing in this part shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student’s regular school setting from providing educational services to such student in an alternative setting.

“(3) DEFINITION.—For the purpose of this section, the term ‘weapon’ means a firearm as such term is defined in section 921(a) of title 18, United States Code.

“(c) SPECIAL RULE.—The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act.

“(d) REPORT TO STATE.—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under this Act shall provide to the State, in the application requesting such assistance—

“(1) an assurance that such local educational agency is in compliance with the State law required by subsection (b); and

“(2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b), including—

“(A) the name of the school concerned;

“(B) the number of students expelled from such school; and

“(C) the type of weapons concerned.

“(e) REPORTING.—Each State shall report the information described in subsection (d) to the Secretary on an annual basis.”.

SEC. 403. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

Title IV (20 U.S.C. 7101 et seq.) is amended by adding at the end the following:

“PART C—TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

“SEC. 4301. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

“(a) NONAPPLICATION OF PROVISIONS.—The provisions of this section shall not apply to any suspension or expulsion disciplinary records transferred from a private, parochial, or other nonpublic school, person, institution, or other entity, that provides education below the college level.

“(b) DISCIPLINARY RECORDS.—Not later than 2 years after the date of enactment of this part, each State receiving Federal funds

under this Act shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of suspension and expulsion disciplinary records by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, full-time or part-time, in the school.”.

SEC. 404. ENVIRONMENTAL TOBACCO SMOKE.

Title IV (20 U.S.C. 7101 et seq.) is amended by adding at the end the following:

“PART D—ENVIRONMENTAL TOBACCO SMOKE

“SEC. 4401. SHORT TITLE.

“This part may be cited as the ‘Pro-Children Act of 2000’.

“SEC. 4402. DEFINITIONS.

“As used in this part:

“(1) CHILDREN.—The term ‘children’ means individuals who have not attained the age of 18.

“(2) CHILDREN’S SERVICES.—The term ‘children’s services’ means the provision on a routine or regular basis of health, day care, education, or library services—

“(A) that are funded, after the date of the enactment of the Educational Excellence for All Children Act of 2000, directly by the Federal Government or through State or local governments, by Federal grant, loan, loan guarantee, or contract programs—

“(i) administered by either the Secretary of Health and Human Services or the Secretary of Education (other than services provided and funded solely under titles XVIII and XIX of the Social Security Act); or

“(ii) administered by the Secretary of Agriculture in the case of a clinic (as defined in part 246.2 of title 7, Code of Federal Regulations (or any corresponding similar regulation or ruling)) under section 17(b)(6) of the Child Nutrition Act of 1966; or

“(B) that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds, as determined by the appropriate head of a Federal agency in any enforcement action carried out under this part,

except that nothing in clause (ii) of subparagraph (A) is intended to include facilities (other than clinics) where coupons are redeemed under the Child Nutrition Act of 1966.

“(3) INDOOR FACILITY.—The term ‘indoor facility’ means a building that is enclosed.

“(4) PERSON.—The term ‘person’ means any State or local subdivision of a State, agency of such State or subdivision, corporation, or partnership that owns or operates or otherwise controls and provides children’s services or any individual who owns or operates or otherwise controls and provides such services.

“(5) SECRETARY.—The term ‘Secretary’ means the Secretary of Health and Human Services.

“SEC. 4403. NONSMOKING POLICY FOR CHILDREN’S SERVICES.

“(a) PROHIBITION.—After the date of the enactment of the Educational Excellence for All Children Act of 2000 no person shall permit smoking within any indoor facility owned or leased or contracted for, and utilized, by such person for provision of routine or regular kindergarten, elementary, or secondary education or library services to children.

“(b) ADDITIONAL PROHIBITION.—

“(1) IN GENERAL.—After the date of the enactment of the Educational Excellence for All Children Act of 2000, no person shall permit smoking within any indoor facility (or portion of such a facility) owned or leased or contracted for, and utilized by, such person for the provision of regular or routine health

care or day care or early childhood development (Head Start) services.

“(2) EXCEPTION.—Paragraph (1) shall not apply to—

“(A) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

“(B) any private residence.

“(C) FEDERAL AGENCIES.—

“(1) KINDERGARTEN, ELEMENTARY, OR SECONDARY EDUCATION OR LIBRARY SERVICES.—After the date of the enactment of the Educational Excellence for All Children Act of 2000, no Federal agency shall permit smoking within any indoor facility in the United States operated by such agency, directly or by contract, to provide routine or regular kindergarten, elementary, or secondary education or library services to children.

“(2) HEALTH OR DAY CARE OR EARLY CHILDHOOD DEVELOPMENT SERVICES.—

“(A) IN GENERAL.—After the date of the enactment of the Educational Excellence for All Children Act of 2000, no Federal agency shall permit smoking within any indoor facility (or portion of such facility) operated by such agency, directly or by contract, to provide routine or regular health or day care or early childhood development (Head Start) services to children.

“(B) EXCEPTION.—Subparagraph (A) shall not apply to—

“(i) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

“(ii) any private residence.

“(3) APPLICATION OF PROVISIONS.—The provisions of paragraph (2) shall also apply to the provision of such routine or regular kindergarten, elementary or secondary education or library services in the facilities described in paragraph (2) not subject to paragraph (1).

“(d) NOTICE.—The prohibitions in subsections (a) through (c) shall be published in a notice in the Federal Register by the Secretary (in consultation with the heads of other affected agencies) and by such agency heads in funding arrangements involving the provision of children’s services administered by such heads. Such prohibitions shall be effective 90 days after such notice is published, or 270 days after the date of the enactment of the Educational Excellence for All Children Act of 2000, whichever occurs first.

“(e) CIVIL PENALTIES.—

“(1) IN GENERAL.—Any failure to comply with a prohibition in this section shall be considered to be a violation of this section and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty in an amount not to exceed \$1,000 for each violation, or may be subject to an administrative compliance order, or both, as determined by the Secretary. Each day a violation continues shall constitute a separate violation. In the case of any civil penalty assessed under this section, the total amount shall not exceed the amount of Federal funds received by such person for the fiscal year in which the continuing violation occurred. For the purpose of the prohibition in subsection (c), the term ‘person’, as used in this paragraph, shall mean the head of the applicable Federal agency or the contractor of such agency providing the services to children.

“(2) ADMINISTRATIVE PROCEEDING.—A civil penalty may be assessed in a written notice, or an administrative compliance order may be issued under paragraph (1), by the Secretary only after an opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before making such assessment or issuing such order, or both, the Secretary shall give written notice of the as-

essment or order to such person by certified mail with return receipt and provide information in the notice of an opportunity to request in writing, not later than 30 days after the date of receipt of such notice, such hearing. The notice shall reasonably describe the violation and be accompanied with the procedures for such hearing and a simple form that may be used to request such hearing if such person desires to use such form. If a hearing is requested, the Secretary shall establish by such certified notice the time and place for such hearing, which shall be located, to the greatest extent possible, at a location convenient to such person. The Secretary (or the Secretary’s designee) and such person may consult to arrange a suitable date and location where appropriate.

“(3) CIRCUMSTANCES AFFECTING PENALTY OR ORDER.—In determining the amount of the civil penalty or the nature of the administrative compliance order, the Secretary shall take into account, as appropriate—

“(A) the nature, circumstances, extent, and gravity of the violation;

“(B) with respect to the violator, any good faith efforts to comply, the importance of achieving early and permanent compliance, the ability to pay or comply, the effect of the penalty or order on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and any demonstration of willingness to comply with the prohibitions of this section in a timely manner; and

“(C) such other matters as justice may require.

“(4) MODIFICATION.—The Secretary may, as appropriate, compromise, modify, or remit, with or without conditions, any civil penalty or administrative compliance order. In the case of a civil penalty, the amount, as finally determined by the Secretary or agreed upon in compromise, may be deducted from any sums that the United States or the agencies or instrumentalities of the United States owe to the person against whom the penalty is assessed.

“(5) PETITION FOR REVIEW.—Any person aggrieved by a penalty assessed or an order issued, or both, by the Secretary under this section may file a petition for judicial review of the order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. Such person shall provide a copy of the petition to the Secretary or the Secretary’s designee. The petition shall be filed within 30 days after the Secretary’s assessment or order, or both, are final and have been provided to such person by certified mail. The Secretary shall promptly provide to the court a certified copy of the transcript of any hearing held under this section and a copy of the notice or order.

“(6) FAILURE TO COMPLY.—If a person fails to pay an assessment of a civil penalty or comply with an order, after the assessment or order, or both, are final under this section, or after a court has entered a final judgment under paragraph (5) in favor of the Secretary, the Attorney General, at the request of the Secretary, shall recover the amount of the civil penalty (plus interest at prevailing rates from the day the assessment or order, or both, are final) or enforce the order in an action brought in the appropriate district court of the United States. In such action, the validity and appropriateness of the penalty or order or the amount of the penalty shall not be subject to review.

“SEC. 4404. PREEMPTION.

“Nothing in this part is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this part.

"PART E—OTHER PROGRAMS**"SEC. 4501. PROJECT SERV.**

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—From funds appropriated to carry out this part for each fiscal year under subsection (d), the Secretary is authorized to carry out a program of providing education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis, such as a shooting or major accident. Such program shall be referred to as 'Project SERV'.

"(2) GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.—The Secretary may carry out Project SERV directly, or through grants, contracts, or cooperative agreements with public and private organizations, agencies, and individuals, or through agreements with other Federal agencies.

"(b) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—Project SERV may provide—

"(A) assistance to school personnel in assessing a crisis situation, including—

"(i) assessing the resources available to the local educational agency and community to respond to the situation; and

"(ii) developing a response plan to coordinate services provided at the Federal, State, and local level;

"(B) mental health crisis counseling to students and their families, teachers, and others in need of such services;

"(C) increased school security;

"(D) training and technical assistance for State and local educational agencies, State and local mental health agencies, State and local law enforcement agencies, and communities to enhance their capacity to develop and implement crisis intervention plans;

"(E) services and activities designed to identify and disseminate the best practices of school- and community-related plans for responding to crises; and

"(F) other needed services and activities that are consistent with the purposes of this section.

"(2) CRITERIA AND REPORTING REQUIREING.—The Secretary, in consultation with the Attorney General, the Secretary of Health and Human Services, and the Director of the Federal Emergency Management Agency—

"(A) shall establish such criteria and application requirements as may be needed to select which local educational agencies are assisted under this section; and

"(B) may establish such reporting requirements as may be needed to collect uniform data and other information from all local educational agencies assisted under this section.

"(c) COORDINATING COMMITTEE.—

"(1) ESTABLISHMENT.—There shall be established a Federal coordinating committee on school crises comprised of the Secretary, the Attorney General, the Secretary of Health and Human Services, the Director of the Federal Emergency Management Agency, the Director of the Office of National Drug Control Policy, and such other members as the Secretary determines appropriate. The Secretary shall serve as chair of the Committee.

"(2) COORDINATION.—The Committee shall coordinate the Federal responses to crises that occur in schools or directly affect the learning environment in schools.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$15,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 following fiscal years."

TITLE V—EDUCATIONAL OPPORTUNITY INITIATIVES**SEC. 501. EDUCATIONAL OPPORTUNITY INITIATIVES.**

The heading for title V (20 U.S.C. 7201 et seq.) is amended to read as follows:

"TITLE V—EDUCATIONAL OPPORTUNITY INITIATIVES"**PART A—MAGNET SCHOOLS ASSISTANCE****SEC. 511. MAGNET SCHOOLS ASSISTANCE.**

Part A of title V (20 U.S.C. 7201 et seq.) is amended to read as follows:

**"PART A—MAGNET SCHOOLS ASSISTANCE
"SEC. 5001. FINDINGS AND STATEMENT OF PURPOSE.**

"(a) FINDINGS.—Congress makes the following findings:

"(1) Magnet schools are a significant part of our Nation's effort to achieve voluntary desegregation of our Nation's schools.

"(2) It is in the national interest to continue the Federal Government's support of school districts that are implementing court-ordered desegregation plans and school districts that are voluntarily seeking to foster meaningful interaction among students of different racial and ethnic backgrounds.

"(3) Desegregation can help ensure that all students have equitable access to high-quality education that will prepare them to function well in a technologically oriented and highly competitive society comprised of people from many different racial and ethnic backgrounds.

"(4) It is in the national interest to desegregate and diversify those schools in our Nation that are racially, economically, linguistically, or ethnically segregated. Such segregation exists between minority and non-minority students as well as among students of different minority groups.

"(b) STATEMENT OF PURPOSE.—The purpose of this part is to assist in the desegregation of schools served by local educational agencies by providing financial assistance to eligible local educational agencies for—

"(1) the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students which shall assist in the efforts of the United States to achieve voluntary desegregation in public schools;

"(2) the development and implementation of magnet school projects that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet challenging State and local content standards and challenging State and local student performance standards;

"(3) the development and design of innovative educational methods and practices;

"(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational, technological and career skills of students attending such schools;

"(5) improving the capacity of local educational agencies, including through professional development, to continue operating magnet schools at a high performance level after Federal funding is terminated; and

"(6) ensuring that all students enrolled in the magnet school program have equitable access to high quality education that will enable the students to succeed academically and continue with post secondary education or productive employment.

"SEC. 5002. PROGRAM AUTHORIZED.

"The Secretary, in accordance with this part, is authorized to make grants to eligible local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this part for magnet schools that are—

"(1) part of an approved desegregation plan; and

"(2) designed to bring students from different social, economic, ethnic, and racial backgrounds together.

"SEC. 5003. DEFINITION.

"For the purpose of this part, the term 'magnet school' means a public elementary school or secondary school or a public elementary or secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

"SEC. 5004. ELIGIBILITY.

"A local educational agency, or consortium of such agencies where appropriate, is eligible to receive assistance under this part to carry out the purposes of this part if such agency or consortium—

"(1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, that requires the desegregation of minority-group-segregated children or faculty in the elementary schools and secondary schools of such agency; or

"(2) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to such local educational agency or consortium of such agencies under this part, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.

"SEC. 5005. APPLICATIONS AND REQUIREMENTS.

"(a) APPLICATIONS.—An eligible local educational agency or consortium of such agencies desiring to receive assistance under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may reasonably require.

"(b) INFORMATION AND ASSURANCES.—Each such application shall include—

"(1) a description of—

"(A) how assistance made available under this part will be used to promote desegregation, including how the proposed magnet school project will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

"(B) the manner and extent to which the magnet school project will increase student achievement in the instructional area or areas offered by the school;

"(C) how an applicant will continue the magnet school project after assistance under this part is no longer available, including, if applicable, an explanation of why magnet schools established or supported by the applicant with funds under this part cannot be continued without the use of funds under this part;

"(D) how funds under this part will be used to implement services and activities that are consistent with other programs under this Act, and other Acts, as appropriate, in accordance with the provisions of section 6506; and

"(E) the criteria to be used in selecting students to attend the proposed magnet school project; and

"(2) assurances that the applicant will—

"(A) use funds under this part for the purposes specified in section 5001(b);

"(B) employ State certified or licensed teachers in the courses of instruction assisted under this part to teach or supervise others who are teaching the subject matter of the courses of instruction;

"(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

“(i) the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

“(ii) the assignment of students to schools, or to courses of instruction within the school, of such agency, except to carry out the approved plan; and

“(iii) designing or operating extra-curricular activities for students;

“(D) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and

“(E) give students residing in the local attendance area of the proposed magnet school project equitable consideration for placement in the project, consistent with desegregation guidelines and the capacity of the project to accommodate these students.

“(c) SPECIAL RULE.—No application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

“SEC. 5006. PRIORITY.

“In approving applications under this part, the Secretary shall give priority to applicants that—

“(1) demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out an approved desegregation plan and the projects for which assistance is sought;

“(2) propose to carry out new magnet school projects, or significantly revise existing magnet school projects;

“(3) propose to select students to attend magnet school projects by methods such as lottery, rather than through academic examination;

“(4) propose to implement innovative educational approaches that are consistent with the State and local content and student performance standards; and

“(5) propose activities, which may include professional development, that will build local capacity to operate the magnet school program once Federal assistance has terminated.

“SEC. 5007. USE OF FUNDS.

“(a) IN GENERAL.—Grant funds made available under this part may be used by an eligible local educational agency or consortium of such agencies—

“(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

“(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation thereof, necessary for the conduct of programs in magnet schools;

“(3) for the payment, or subsidization of the compensation, of elementary school and secondary school teachers who are certified or licensed by the State, and instructional staff where applicable, who are necessary for the conduct of programs in magnet schools;

“(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that—

“(A) are designed to make available the special curriculum that is offered by the magnet school project to students who are enrolled in the school but who are not enrolled in the magnet school program; and

“(B) further the purposes of this part;

“(5) to include professional development, which professional development shall build the agency's or consortium's capacity to operate the magnet school once Federal assistance has terminated;

“(6) to enable the local educational agency or consortium to have more flexibility in the

administration of a magnet school program in order to serve students attending a school who are not enrolled in a magnet school program; and

“(7) to enable the local educational agency or consortium to have flexibility in designing magnet schools for students at all grades.

“(b) SPECIAL RULE.—Grant funds under this part may be used in accordance with paragraphs (2) and (3) of subsection (a) only if the activities described in such paragraphs are directly related to improving the students' reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational, technological and career skills.

“SEC. 5008. PROHIBITION.

Grants under this part may not be used for transportation or any activity that does not augment academic improvement.

“SEC. 5009. LIMITATIONS.

“(a) DURATION OF AWARDS.—A grant under this part shall be awarded for a period that shall not exceed three fiscal years.

“(b) LIMITATION ON PLANNING FUNDS.—A local educational agency may expend for planning (professional development shall not be considered as planning for purposes of this subsection) not more than 50 percent of the funds received under this part for the first year of the project, 25 percent of such funds for the second such year, and 15 percent of such funds for the third such year.

“(c) AMOUNT.—No local educational agency or consortium awarded a grant under this part shall receive more than \$4,000,000 under this part in any one fiscal year.

“(d) TIMING.—To the extent practicable, the Secretary shall award grants for any fiscal year under this part not later than June 1 of the applicable fiscal year.

“SEC. 5010. INNOVATIVE PROGRAMS.

“(a) IN GENERAL.—From amounts reserved under subsection (d) for each fiscal year, the Secretary shall award grants to local educational agencies or consortia of such agencies described in section 5004 to enable such agencies or consortia to conduct innovative programs that—

“(1) involve innovative strategies other than magnet schools, such as neighborhood or community model schools, to support desegregation of schools and to reduce achievement gaps;

“(2) assist in achieving systemic reforms and providing all students the opportunity to meet challenging State and local content standards and challenging State and local student performance standards; and

“(3) include innovative educational methods and practices that—

“(A) are organized around a special emphasis, theme, or concept; and

“(B) involve extensive parent and community involvement.

“(b) APPLICABILITY.—Sections 5301(b), 5302, 5305, 5306, and 5307, shall not apply to grants awarded under subsection (a).

“(c) APPLICATIONS.—Each local educational agency or consortia of such agencies desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may reasonably require.

“(d) INNOVATIVE PROGRAMS.—The Secretary shall reserve not more than 5 percent of the funds appropriated under section 5012(a) for each fiscal year to award grants under this section.

“SEC. 5011. EVALUATIONS.

“(a) RESERVATION.—The Secretary may reserve not more than two percent of the funds appropriated under section 5012(a) for any fiscal year to carry out evaluations of

projects assisted under this part and to provide technical assistance for grant recipients under this part.

“(b) CONTENTS.—Each evaluation described in subsection (a), at a minimum, shall address—

“(1) how and the extent to which magnet school programs lead to educational quality and improvement;

“(2) the extent to which magnet school programs enhance student access to quality education;

“(3) the extent to which magnet school programs lead to the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students;

“(4) the extent to which magnet school programs differ from other school programs in terms of the organizational characteristics and resource allocations of such magnet school programs; and

“(5) the extent to which magnet school programs continue once grant assistance under this part is terminated.

“(c) DISSEMINATION.—The Secretary shall collect and disseminate to the general public information on successful magnet school programs.

“SEC. 5012. AUTHORIZATION OF APPROPRIATIONS; RESERVATION.

“(a) AUTHORIZATION.—For the purpose of carrying out this part, there are authorized to be appropriated \$130,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

“(b) AVAILABILITY OF FUNDS FOR GRANTS TO AGENCIES NOT PREVIOUSLY ASSISTED.—In any fiscal year for which the amount appropriated pursuant to subsection (a) exceeds \$75,000,000, the Secretary shall give priority to using such amounts in excess of \$75,000,000 to award grants to local educational agencies or consortia of such agencies that did not receive a grant under this part in the preceding fiscal year.”

PART B—PUBLIC CHARTER SCHOOLS

SEC. 521. PUBLIC CHARTER SCHOOLS.

(a) REAUTHORIZATION.—Part C of title X (20 U.S.C. 8061 et seq.) is amended—

(1) in section 10301 (20 U.S.C. 8061)—

(A) by striking subsection (a); and

(B) by striking “(b) PURPOSE.—”; and

(2) in section 10311 (20 U.S.C. 8067), by striking “\$100,000,000 for fiscal year 1999” and inserting “\$200,000,000 for fiscal year 2001”.

(b) TRANSFER, REDESIGNATION, CONFORMING AMENDMENTS.—Part C of title X (20 U.S.C. 8061 et seq.) is amended—

(1) by transferring such part so as to appear after part A of title V;

(2) by redesignating such part as part B;

(3) by redesignating sections 10301 through 10311 as sections 5201 through 5211, respectively;

(4) in section 5202 (as so redesignated)—

(A) in subsections (a) and (b), by striking “10303” each place that such appears and inserting “5203”;

(B) in subsection (c)(1)(C), by striking “10304” and inserting “5204”; and

(C) in subsection (e)(1), by striking “10311” each place that such appears and inserting “5211”;

(5) in section 5203 (as so redesignated)—

(A) in subsections (b)(3)(M) and (c), by striking “10302” each place that such appears and inserting “5202”; and

(B) in subsection (d)(2)(B), by striking “10304” and inserting “5204”;

(6) in section 5204 (as so redesignated)—

(A) in the matter preceding paragraph (1) of subsections (a) and (b), by striking “10303” each place that such appears and inserting “5203”;

(B) in subsections (a)(7) and (b)(7), by striking “10302” each place that such appears and inserting “5202”;

(C) in the matter preceding paragraph (1) of subsection (e), by striking “10310” and inserting “5210”; and

(D) in subsection (b)(3)(E), by striking “parents” and inserting “families, students,”;

(7) in section 5205(a)(4)(B) (as so redesignated), by striking “10303” and inserting “5203”; and

(8) in section 5210(2) (as so redesignated), by striking “parents” and inserting “families and students.”.

PART C—OPTIONS: OPPORTUNITIES TO IMPROVE OUR NATION'S SCHOOLS

SEC. 531. OPTIONS: OPPORTUNITIES TO IMPROVE OUR NATION'S SCHOOLS.

Part C of title V (20 U.S.C. 7621 et seq.) is amended to read as follows:

“PART C—OPTIONS: OPPORTUNITIES TO IMPROVE OUR NATION'S SCHOOLS

“SEC. 5301. PURPOSE.

“It is the purpose of this part to identify and support innovative approaches to high-quality public school choice by providing financial assistance for the demonstration, development, implementation, and evaluation of, and the dissemination of information about, public school choice programs that stimulate educational innovation for all public schools and contribute to standards-based school reform efforts.

“SEC. 5302. GRANTS.

“(a) IN GENERAL.—From funds appropriated under section 5305(a) and not reserved under section 5305(b), the Secretary is authorized to make grants to State and local educational agencies to support programs that promote innovative approaches to high-quality public school choice.

“(b) DURATION.—A grant under this part shall not be awarded for a period that exceeds 3 years.

“SEC. 5303. USES OF FUNDS.

“(a) USES OF FUNDS.—

“(1) IN GENERAL.—Funds under this part may be used to demonstrate, develop, implement, and evaluate, and to disseminate information about, innovative approaches to broaden public elementary school and secondary school choice, including the design and development of new public school choice options, the development of new strategies for overcoming barriers to effective public school choice, and the design and development of public school choice systems that promote high standards for all students and the continuous improvement of all such public schools.

“(2) EXAMPLES.—The approaches described in paragraph (1) at the school, school district, and State levels may include—

“(A) inter school district approaches to public school choice, including approaches that increase equal access to high-quality educational programs and diversity in schools;

“(B) public elementary and secondary programs that involve partnerships with institutions of higher education and that are located on the campuses of the institutions;

“(C) programs that allow students in public secondary schools to enroll in postsecondary courses and to receive both secondary and postsecondary academic credit;

“(D) worksite satellite schools, in which State or local educational agencies form partnerships with public or private employers, to create public schools at parents' places of employment; and

“(E) approaches to school desegregation that provide students and parents choice through strategies other than magnet schools.

“(b) LIMITATIONS.—Funds under this part—

“(1) shall supplement, and not supplant, non-Federal funds expended for existing programs;

“(2) may be used for providing transportation services or costs, except that not more than 10 percent of the funds received under this part may be used by the local educational agency to provide such services or costs;

“(3) may be used for improving low performing schools that lose students as a result of school choice plans, except that not more than 10 percent of the funds under this part may be used by the local educational agency for the improvement of low performing schools; and

“(4) shall not be used to fund programs that are authorized under part C, D, or E.

“SEC. 5304. GRANT APPLICATION; PRIORITIES.

“(a) APPLICATION REQUIRED.—A State or local educational agency desiring to receive a grant under this part shall submit an application to the Secretary in such form and containing such information as the Secretary may require.

“(b) APPLICATION CONTENTS.—Each application shall include—

“(1) a description of the program for which funds are sought and the goals for such program;

“(2) a description of how the program funded under this part will be coordinated with, and will complement and enhance, programs under other related Federal and non-Federal programs;

“(3) if the program includes partners, the name of each partner and a description of the partner's responsibilities; and

“(4) a description of the policies and procedures the agency will use to ensure—

“(A) that priority is provided to parents of students attending schools identified for school improvement under section 1116 in exercising choice among schools;

“(B) that priority is provided to parents of students who want to stay enrolled at a school;

“(C) the agency's accountability for results, including the agency's goals and performance indicators;

“(D) that the program is open and accessible to, and will promote high academic standards for, all students regardless of the achievement level or disability of the students and the family income of the families of the students;

“(E) that all parents are provided with easily comprehensible information about various school options, including information on instructional approaches at different schools, resources, and transportation that will be provided at or for the schools on an annual basis;

“(F) that all parents are given timely notice about opportunities to choose which school their child will attend the following year and the period during which the choice may be made;

“(G) that limitations on transfers between schools only occur because of facilities constraints, statutory class size limits, and local efforts to ensure that schools reflect the diversity of the communities in which the schools are located;

“(H) that a lottery or other random system be established for parents of students wishing to attend a school that cannot receive all students wishing to attend; and

“(I) that the program is carried out in a manner consistent with Federal law, including court orders, such as desegregation orders, issued to enforce Federal law.

“(c) PRIORITIES.—

“(1) IN GENERAL.—The Secretary shall give a priority to applications for programs that will serve high-poverty local educational agencies.

“(2) PERMISSIVE.—The Secretary may give a priority to applications demonstrating that the State or local educational agency will carry out the agency's program in partnership with one or more public or private agencies, organizations, or institutions, including institutions of higher education and public or private employers.

“SEC. 5305. AUTHORIZATION OF APPROPRIATIONS; RESERVATION; EVALUATIONS.

“(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated \$100,000,000 for each of fiscal years 2001 through 2005.

“(b) RESERVATION FOR EVALUATION, TECHNICAL ASSISTANCE, AND DISSEMINATION.—From the amount appropriated under subsection (a) for any fiscal year, the Secretary may reserve not more than 5 percent to carry out evaluations under subsection (c), to provide technical assistance, and to disseminate information.

“(c) EVALUATIONS.—The Secretary may use funds reserved under subsection (b) to carry out one or more evaluations of programs assisted under this part, which, at a minimum, shall address—

“(1) how, and the extent to which, the programs supported with funds under this part promote educational equity and excellence; and

“(2) the extent to which public schools of choice supported with funds under this part are—

“(A) held accountable to the public;

“(B) effective in improving public education; and

“(C) open and accessible to all students.”.

PART D—WOMEN'S EDUCATIONAL EQUITY

SEC. 541. WOMEN'S EDUCATIONAL EQUITY.

(a) AMENDMENTS.—Part B of title V, as such part existed on the day before the date of enactment of this Act, (20 U.S.C. 7231 et seq.) is amended—

(1) by amending section 5201 (20 U.S.C. 7231) to read as follows:

“SEC. 5401. SHORT TITLE.

“This part may be cited as the ‘Women's Educational Equity Act of 2000’.”;

(2) in section 5202(3) (20 U.S.C. 7232(3))—

(A) strike “sex,” and insert “sex and”; and

(B) by inserting “socioeconomic status,” after “disability.”;

(3) in section 5203(b) (20 U.S.C. 7233(b))—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “years, to” and inserting “years”;

(ii) in subparagraph (A), by striking “provide grants”; and

(iii) in subparagraph (B), by striking “provide funds”; and

(B) in paragraph (2)(A)—

(i) in clause (v), by striking “and on race” and inserting “and race”;

(ii) in clause (xiii)(I), by striking “institution” and inserting “institutional”;

(iii) in clause (xiii)(II)—

(I) by striking “of equity” and inserting “of gender equity”; and

(II) by striking “education;” and inserting “education,”; and

(iv) in clause (xiii)(III), by striking the period and inserting “for women and girls; and”; and

(C) in paragraph (2)(B)(viii), by striking “and unemployed” and inserting “women, unemployed”;

(4) in section 5204 (20 U.S.C. 7234)—

(A) by striking the matter preceding paragraph (1) and inserting the following:

"Each entity desiring assistance under this part shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall—";

(B) in paragraph (2), by striking "the National Education Goals" and inserting "America's Education Goals";

(C) by striking paragraph (4); and

(D) by redesignating paragraphs (5) through (7) as paragraphs (4) through (6), respectively;

(5) in section 5205 (20 U.S.C. 7235)—

(A) in subsection (a)—

(i) by striking "CRITERIA AND PRIORITIES.—" and all that follows through "The" in paragraph (1) and inserting the following: "CRITERIA AND PRIORITIES.—The"; and

(ii) in paragraph (2)—

(I) by redesignating such paragraph as subsection (b), and realigning the margin accordingly; and

(II) by redesignating subparagraphs (A) through (D) as paragraphs (1) through (4), respectively, and realigning the margins accordingly;

(B) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively;

(C) in subsection (c) (as so redesignated)—

(i) in the matter preceding paragraph (1), by striking "special consideration" and inserting "priority"; and

(ii) by amending paragraph (3)(E) to read as follows:

"(E) address the educational needs of women and girls who suffer multiple forms of discrimination on the basis of sex and on race, ethnic origin, limited English proficiency, disability, socioeconomic status, or age."; and

(D) in subsection (e)(1) (as so redesignated), by striking "by the Office" and inserting "by such Office";

(6) in section 5206 (20 U.S.C. 7236), by striking "1999" and inserting "2004";

(7) in section 5207 (20 U.S.C. 7237), by striking subsection (a) and inserting the following:

"(a) EVALUATION AND DISSEMINATION.—The Secretary shall—

"(1) evaluate in accordance with section 10201, materials and programs developed under this part;

"(2) disseminate materials and programs developed under this part; and

"(3) report to the Congress regarding such evaluation materials and programs not later than January 1, 2004."; and

(8) in section 5208 (20 U.S.C. 7238)—

(A) by striking "1995" and inserting "2001"; and

(B) by striking ", of which" and all that follows through "section 5203(b)(1)".

(b) TRANSFER AND REDESIGNATION.—Part B of title V (20 U.S.C. 7201 et seq.), as amended by subsection (a), is transferred so as to appear after part C of title V (as added by section 531) and redesignated as part D.

(c) REDESIGNATION OF SECTIONS.—Sections 5201 through 5208, as amended by subsection (a), (20 U.S.C. 7231-7238) are redesignated as sections 5401 through 5408, respectively.

(d) CONFORMING AMENDMENTS.—Part D of title V (as so redesignated) is amended—

(1) in section 5404 (as so redesignated), by striking "5203(b)(1)" each place that such appears and inserting "5403(b)(1)";

(2) in section 5405(a) (as so redesignated), by striking "5203(b)" and inserting "5403(b)"; and

(3) in section 5408 (as so redesignated), by striking "5203(b)(1)" and inserting "5403(b)(1)".

PART E—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 551. TECHNICAL AND CONFORMING AMENDMENTS.

(a) GENERAL EDUCATION PROVISIONS ACT.—Section 441(a) of the General Education Provisions Act (20 U.S.C. 1232d(a)) is amended by striking "shall submit (subject)" and all that follows through "to the Secretary" and inserting "shall submit to the Secretary".

(b) TITLE 31, UNITED STATES CODE.—Section 6703(a) of title 31, United States Code is amended by striking paragraph (1).

TITLE VI—HIGH PERFORMANCE AND QUALITY EDUCATION INITIATIVES

SEC. 601. HIGH PERFORMANCE AND QUALITY EDUCATION INITIATIVES.

Title VI (20 U.S.C. 7301 et seq.) is amended to read as follows:

"TITLE VI—HIGH PERFORMANCE AND QUALITY EDUCATION INITIATIVES

"SEC. 6001. FINDINGS, POLICY, AND PURPOSE.

"(a) FINDINGS.—Congress makes the following findings:

"(1) Congress embraces the view that educators most familiar with schools, including school superintendents, principals, teachers, and school support personnel, have a critical role in knowing what is needed and how best to meet the educational needs of students.

"(2) Local educational agencies should therefore have primary responsibility for deciding how to implement funds.

"(b) POLICY.—Congress declares it to be the policy of the United States to assist State educational agencies and local educational agencies in building the agencies' capacity to establish, implement, and sustain innovative programs for public elementary and secondary school students.

"(c) PURPOSES.—The purposes of this title are as follows:

"(1) To provide supplementary assistance for school improvement to elementary schools, secondary schools, and local educational agencies to improve core content curriculum and instructional practices and materials in core subject areas to ensure that all students are at the proficient standard level within 10 years of the date of enactment of the Educational Excellence for All Children Act of 2000.

"(2) To provide assistance to local educational agencies and schools for innovative academic programs and activities by creating a challenging learning environment and facilitating academic enrichment through innovative academic programs.

"PART A—INNOVATIVE PROGRAMS

"SEC. 6011. PROGRAMS AUTHORIZED.

"(a) GRANTS AUTHORIZED.—From the amount appropriated under section 6017 for a fiscal year, the Secretary shall award a grant to each State educational agency having a State plan approved under section 6013(a)(4) to enable the State educational agency to award grants to local educational agencies in the State.

"(b) RESERVATIONS AND ALLOTMENTS.—

"(1) RESERVATIONS.—From the amount appropriated under section 6018 for a fiscal year, the Secretary shall reserve—

"(A) not more than 1/2 of 1 percent of such amount for payments to the Bureau of Indian Affairs for activities, approved by the Secretary, consistent with this title; and

"(B) not more than 1/2 of 1 percent of such amounts for payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this title as determined by the Secretary, for activities, approved by the Secretary, consistent with this title.

"(2) STATE ALLOTMENTS.—

"(A) IN GENERAL.—From the amount appropriated under section 6018 for a fiscal year

and remaining after the Secretary makes reservations under paragraph (1), the Secretary shall allot to each State having a State plan approved under section 6013(a)(4) the sum of—

"(i) an amount that bears the same relationship to 50 percent of the remainder as the amount the State received under part A of title I bears to the amount all States received under such part; and

"(ii) an amount that bears the same relationship to 50 percent of the remainder as the school-age population in the State bears to the school-age population in all States.

"(B) DATA.—For the purposes of determining the school-age population in a State and in all States, the Secretary shall use the latest available Bureau of the Census data.

"(c) STATE MINIMUM.—For any fiscal year, no State shall be allotted under this section an amount that is less than 0.4 percent of the total amount allotted to all States under subsection (b)(2).

"(d) HOLD-HARMLESS AMOUNTS.—For fiscal year 2001, notwithstanding subsection (e), the amount allotted to each State under this section shall be not less than 100 percent of the total amount the State was allotted under title VI (as such title was in effect on the day preceding the date of enactment of the Educational Excellence for All Children Act of 2000) of the preceding fiscal year.

"(e) RATABLE REDUCTIONS.—If the sums made available under subsection (b)(2)(A) for any fiscal year are insufficient to pay the full amounts that all State educational agencies are eligible to receive under that subsection for such year, the Secretary shall ratably reduce such amounts for such year.

"SEC. 6012. WITHIN STATE ALLOCATION.

"(a) ALLOCATIONS.—Each State educational agency for a State receiving a grant award under section 6011(b)(2) shall—

"(1) set aside not more than 1 percent of the grant funds for the cost of administering the activities under this title;

"(2) set aside not more than 4 percent of the grant funds to—

"(A) provide for the establishment of high-quality, internationally competitive content and student performance standards and strategies that all students will be expected to meet;

"(B) provide for the establishment of high-quality, rigorous assessments that include multiple measures and demonstrate comprehensive knowledge;

"(C) encourage and enable all State educational agencies and local educational agencies to develop, implement, and strengthen comprehensive education improvement plans that address student achievement, teacher quality, parent involvement, and reliable measurement and evaluation methods;

"(D) encourage and enable all States to develop and implement value-added assessments; and

"(E) establish other statewide innovative activities aimed at raising student achievement levels of student performance so that all students may meet the proficient level on State standards within 10 years of the date of enactment of the Educational Excellence for All Children Act of 2000; and

"(3) using the remaining 95 percent of the grant funds, make grants by allocating to each local educational agency in the State having a local educational agency plan approved under section 6013(b)(3) the sum of—

"(A) an amount that bears the same relationship to 50 percent of such remainder as the amount the local educational agency received under part A of title I bears to the amount all local educational agencies in the State received under such part; and

"(B) an amount that bears the same relationship to 50 percent of such remainder as

the school-age population in the area served by the local educational agency bears to the school-age population in the area served by all local educational agencies in the State.

“(b) MATCHING REQUIREMENT.—

“(1) IN GENERAL.—Each eligible local educational agency receiving a grant under subsection (a) shall contribute resources with respect to the local authorized activities to be assisted under this title in case or in-kind from non-Federal sources in an amount equal to 25 percent of the Federal funds awarded under the grant.

“(2) WAIVER.—A local educational agency may apply to the State educational agency may grant a waiver of the requirements of paragraph (1) to a local educational agency that—

“(A) applies for such a waiver; and

“(B) demonstrates extreme circumstances for being unable to meet such requirements.

“SEC. 6013. PLANS.

“(a) STATE PLANS.—

“(1) IN GENERAL.—The State educational agency for each State desiring a grant under this title shall submit a State plan to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

“(2) CONTENTS.—Each plan submitted under paragraph (1) shall—

“(A) describe how the State educational agency will assist each local educational agency and school served under this title to comply with the requirements described in section 6015 that are applicable to the local educational agency or school;

“(B) certify that the State has in place the standards and assessments required under section 1111;

“(C) certify that the State educational agency has a system, as required under section 1111, for—

“(i) holding each local educational agency and school accountable for adequate yearly progress (as defined in section 1111(b)(2)(B));

“(ii) identifying local educational agencies and schools that are in need of improvement and corrective action (as required in sections 1116 and 1117);

“(iii) assisting local educational agencies and schools that are identified for improvement with the development of improvement plans; and

“(iv) providing technical assistance, professional development, and other capacity building as needed to get such agencies and schools out of improvement status;

“(D) certify that the State educational agency shall use the disaggregated results of student assessments required under section 1111(b)(4), and other measures or indicators available, to review annually the progress of each local educational agency and school served under this title to determine whether or not each such agency and school is making adequate yearly progress as required under section 1111;

“(E) certify that the State educational agency will take action against a local educational agency that is in corrective action and receiving funds under this title as described in section 6006(d)(1);

“(F) describe what, if any, State and other resources will be provided to local educational agencies and schools served under this title to carry out activities consisted with this title; and

“(G) certify that the State educational agency has a system to hold local educational agencies accountable for meeting the annual performance objectives required under subsection (b)(2)(C).

“(3) APPROVAL.—The Secretary, using a peer review process, shall approve a State plan if the State plan meets the requirements of this subsection.

“(4) DURATION OF THE PLAN.—Each State plan shall remain in effect for the duration of the State's participation under this title.

“(5) REQUIREMENT.—A State shall not be eligible to receive funds under this title unless the State has established the standards and assessments required under section 1111.

“(b) LOCAL PLANS.—

“(1) IN GENERAL.—Each local educational agency shall annually submit a local educational agency plan to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require.

“(2) CONTENTS.—Each local educational agency shall—

“(A) describe the programs for which funds allocated under section 6012(a)(3) will be used and the reasons for the selection of such programs;

“(B) describe the methods the local educational agency will use to measure the annual impact of programs described under subparagraph (A) and the extent to which such programs will increase student academic performance;

“(C) describe the annual, quantifiable, and measurable performance goals and objectives for each program described under subparagraph (A) and the extent to which such goals and objectives are aligned with State content and student performance standards;

“(D) describe how the local educational agency will hold schools accountable for meeting the intended performance objectives for each program described under subparagraph (C);

“(E) provide assurances that the local educational agency consulted, at a minimum, with parents, school board members, teachers, administrators, business partners, education organizations, and community groups to develop the local educational plan and select the programs to be assisted under this title; and

“(F) provide assurances that the local educational agency will continue such consultation on a regular basis and will provide the State with annual evidence of such consultation.

“(3) APPROVAL.—The State, using a peer review process, shall approve a local educational agency plan if the plan meets the requirements of this subsection.

“(4) DURATION OF THE PLAN.—Each local educational agency plan shall remain in effect for the duration of the local educational agency's participation under this title.

“(5) PUBLIC REVIEW.—Each State educational agency will make publicly available each local educational agency plan approved under paragraph (3).

“SEC. 6014. LOCAL USES OF FUNDS AND ACCOUNTABILITY.

“(a) ADMINISTRATIVE EXPENSES.—Each local educational agency receiving a grant award under section 6004(3) may use not more than 1 percent of the grant funds for any fiscal year for the cost of administering this title.

“(b) ACTIVITIES.—Each local educational agency receiving a grant award under section 6012(a)(3) may use the grant funds pursuant to this subsection to establish and carry out programs that are designed to achieve, separately or cumulatively, each of the goals described in the category areas described in paragraphs (1) through (6).

“(1) For programs that seek to raise the academic achievement levels of all elementary school and secondary school students based on challenging State content and student performance standards and, to the greatest extent possible,—

“(A) incorporate the best practices developed from research-based methods and practices;

“(B) are aligned with challenging State content and performance standards and focused on reinforcing and boosting the core academic skills and knowledge of students who are struggling academically, as determined by State assessments under section 1111(b)(4) and local evaluations;

“(C) focus on accelerated learning rather than remediation, so that students will master the high level of skills and knowledge needed to meet the highest State standards or to perform at high levels on all State assessments;

“(D) offer teachers, principals, and administrators professional development and technical assistance that are aligned with the content of such programs; and

“(E) address local needs, as determined by the local educational agency's evaluation of school and districtwide data.

“(2) For programs that provide for extra learning, time, and opportunities for students so that all students may achieve high levels of learning and meet the State proficient standard level within 10 years of the date of enactment of the Educational Excellence for All Children Act of 2000.

“(3) For programs to improve higher order thinking skills of all students, especially disadvantaged students.

“(4) For promising innovative education reform projects that are consistent with challenging State content and student performance standards.

“(5) For programs that focus on ensuring that disadvantaged students enter elementary school with the basic skills needed to meet the highest State content and student performance standards.

“(6) To establish technology programs that will, to the greatest extent possible—

“(A) increase student performance related to an authentic task;

“(B) integrate the use of technology into activities that are a core part of classroom curricula and are available to all students;

“(C) emphasize how to use technology to accomplish authentic tasks;

“(D) provide professional development and technical assistance to teachers so that teachers may integrate technology into daily teaching activities that are directly aligned with State content and student performance standards; and

“(E) enable the local educational agency annually to increase the percentage of classrooms with access to technology, particularly in schools in which not less than 50 percent of the school-age population comes from families with incomes below the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

“SEC. 6015. LOCAL ASSISTANCE.

“(a) IN GENERAL.—A local educational agency shall provide, upon request by an elementary school or secondary school served by the agency, technical assistance to such school, including assistance in analyzing student performance and the impact of programs assisted under this title, and identifying the best instructional strategies and methods for carrying out such programs.

“(b) PROVISION.—Local assistance may be provided by—

“(1) the State educational agency or local educational agency; or

“(2) with the school's approval, by an institution of higher education, a private not-for-profit or for-profit organization, an educational service agency, the recipient of a Federal contract or cooperative agreement, a nontraditional entity such as a corporation or consulting firm, or any other entity with

experience in the program area for which the assistance is being sought.

“SEC. 6016. LOCAL REPORTS.

“Each local educational agency receiving funds under this title shall annually publish and disseminate to the public in a format and, to the extent practicable, in a language that parents can understand, a report on—

“(1) information describing the use of funds;

“(2) the impact of such programs and an assessment of such programs’ effectiveness; and

“(3) the local educational agency’s progress toward attaining the goals and objectives described in section 6013(b), and the extent to which programs assisted under this title have increased student achievement.

“SEC. 6017. SANCTIONS.

“(a) **THIRD FISCAL YEAR.**—If performance objectives established under section 6013 have not been met by a State receiving grant funds under this title by the end of the third fiscal year for which the State receives such grant funds, the Secretary shall reduce by 50 percent the amount the State is entitled to receive for administrative expenses under this title.

“(b) **FOURTH FISCAL YEAR.**—If the State fails to meet such performance objectives by the end of the fourth fiscal year for which the State receives grant funds under this title, the Secretary shall reduce the total amount the State receives under this title by 20 percent.

“(c) **TECHNICAL ASSISTANCE.**—The Secretary shall provide technical assistance, if sought, to a State subjected to sanctions under subsection (a) or (b).

“(d) **LOCAL SANCTIONS.**—

“(1) **IN GENERAL.**—Each State receiving assistance under this title shall develop a system to hold local educational agencies accountable for meeting the adequate yearly progress requirements established under part A of title I and the performance objectives established under this title.

“(2) **SANCTIONS.**—A system developed under paragraph (1) shall include a mechanism for sanctioning local educational agencies for low performance with regard to failure to meet such performance objectives and adequate yearly progress levels.

“SEC. 6018. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this title \$2,000,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

“PART B—RURAL AND URBAN EDUCATION INITIATIVE

“SEC. 6201. SHORT TITLE.

“This part may be cited as the ‘Rural and Urban Education Development Initiative for the 21st Century Act’.

“SEC. 6202. PURPOSE.

“The purpose of this part is to provide rural school students in the United States with increased learning opportunities.

“SEC. 6203. FINDINGS.

“Congress makes the following findings:

“(1) While there are rural education initiatives identified at the State and local level, no Federal education policy focuses on the specific needs of rural school districts and schools, especially those that serve poor students.

“(2) The National Center for Educational Statistics (NCES) reports that 46 percent of our Nation’s public schools serve rural areas.

“(3) A critical problem for rural school districts involves the hiring and retention of qualified administrators and certified teachers (especially in science and mathematics). Consequently, teachers in rural schools are almost twice as likely to provide instruction

in 3 or more subjects than teachers in urban schools. Rural schools also face other tough challenges, such as shrinking local tax bases, high transportation costs, aging buildings, limited course offerings, and limited resources.

“(4) Small school districts with fewer than 600 students often cannot use Federal grant funds distributed by formula because the formula allocation does not provide enough revenue to carry out the program the grant is intended to fund.

“(5) The ability of the Nation’s major urban public school systems to meet the Nation’s educational goals will substantially determine the country’s economic competitiveness and academic standing in the world community.

“(6) The quality of public education in the Nation’s major urban areas has a direct effect on the economic development of the Nation’s cities.

“(7) The success of urban public schools in accelerating the achievement of the youth attending such schools will determine the ability of the Nation to close the gap between the ‘haves and the have-nots’ in society.

“(8) The cost to America’s businesses to provide remedial education to high school graduates is approximately \$21,000,000,000 per year.

“(9) Approximately 1/3 of the Nation’s workforce are members of minority groups.

“(10) Urban schools enroll a disproportionately large share of the Nation’s poor and ‘at-risk’ youth.

“(11) Urban schools enroll over 1/3 of the Nation’s poor, 40 percent of the Nation’s African-American children, and 30 percent of the Nation’s Hispanic youth.

“(12) Nearly 40 percent of the Nation’s limited-English-proficient children and 15 percent of the Nation’s disabled youth are enrolled in urban public schools.

“(13) The National Assessment of Educational Progress (in this section referred to as ‘NAEP’) shows substantial achievement gaps between urban and non-urban students, whether enrolled in high poverty or low poverty schools.

“(14) Urban school children have begun to narrow the achievement gap in reading according to the recent NAEP Reading Report Card.

“(15) The NAEP shows substantial achievement gaps between white students, and African-American and Hispanic students.

“(16) African-American and Hispanic school children have begun to narrow the achievement gap in reading according to the recent NAEP Reading Report Card.

“(17) The dropout rate for urban students is more than 50 percent higher than the national dropout rate.

“(18) Urban preschoolers have 1/2 the access to early childhood development programs as do other children.

“(19) Teacher shortages and teacher turnover in urban public school systems are substantially greater than in non-urban school systems, particularly in math and science.

“(20) Urban public school systems have less parental involvement, and greater problems with health care, teenage pregnancy, truancy and discipline, drug abuse, and gangs than do other kinds of school systems.

“(21) Urban school buildings are in more serious disrepair according to the General Accounting Office than facilities in other kinds of school systems, with 75 percent of urban public school buildings being over 25 years old, 33 percent of such buildings being over 50 years old, thus creating poor and demoralizing working and learning conditions.

“(22) Solving the challenges facing our Nation’s urban schools will require the concerted and collaborative efforts of all levels

of government and all sectors of the community.

“(23) Federal and State funding of urban public schools has not adequately reflected need.

“(24) Federal funding that is well-targeted, flexible, and accountable would contribute significantly to addressing the comprehensive needs of inner-city public schools and school children.

“SEC. 6204. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out—

“(1) subpart 1, \$300,000,000 for each of the fiscal years 2001 through 2004; and

“(2) subpart 2, such sums as may be necessary for fiscal year 2001 and for each of the 4 succeeding fiscal years.

“Subpart 1—Rural Education Development Initiative for the 21st Century

“SEC. 6211. SHORT TITLE OF SUBPART.

“This subpart may be cited as the ‘Rural Education Development Initiative for the 21st Century Act’.

“SEC. 6212. PURPOSE.

“The purpose of this subpart is to provide rural school students in the United States with increased learning opportunities.

“SEC. 6213. FINDINGS.

“Congress makes the following findings:

“(1) While there are rural education initiatives at the State and local levels, no Federal education policy focuses on the specific needs of rural school districts and schools, especially those that serve poor students.

“(2) The National Center for Educational Statistics (NCES) reports that 46 percent of our Nation’s public schools serve rural areas.

“(3) A critical problem for rural school districts involves the hiring and retention of qualified administrators and certified teachers (especially in science and mathematics). Consequently, teachers in rural schools are almost twice as likely to provide instruction in 3 or more subjects than teachers in urban schools. Rural schools also face other tough challenges, such as shrinking local tax bases, high transportation costs, aging buildings, limited course offerings, and limited resources.

“SEC. 6214. DEFINITIONS; CERTIFICATION.

“(a) **DEFINITIONS.**—In this subpart:

“(1) **ELIGIBLE LOCAL EDUCATIONAL AGENCY.**—The term ‘eligible local educational agency’ means a local educational agency that serves—

“(A)(i) a school age population with an average family income that is below the State median income level as determined by the Secretary using the most recent data available from the Bureau of the Census; and

“(ii) a school district that is identified as rural by the National Center for Education Statistics; or

“(B)(i) a school age population 15 percent or more of whom are from families with incomes below the poverty line; and

“(ii) a school district that is identified as rural by the National Center for Education Statistics.

“(2) **POVERTY LINE.**—The term ‘poverty line’ means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

“(3) **SCHOOL AGE POPULATION.**—The term ‘school age population’ means the number of students aged 5 through 17 residing in the school district served by the local educational agency as determined by the Secretary using the most recent data available from the Bureau of the Census.

“(b) **CERTIFICATION.**—The Secretary may waive the requirements of subparagraph

(A)(ii) or (B)(ii) of paragraph (1) for an eligible local educational agency if the agency provides certification to the Secretary that the agency serves a school district located in an area defined as rural by a governmental agency of the State.

“SEC. 6215. PROGRAM AUTHORIZED.

“(a) RESERVATION.—From amounts appropriated under section 6219 for a fiscal year the Secretary shall reserve—

“(1) 0.5 percent of such amount for each fiscal year to make awards to elementary or secondary schools operated or supported by the Bureau of Indian Affairs to carry out the purposes of this subpart; and

“(2) \$2,000,000 for each fiscal year to enable the Secretary to provide technical assistance to eligible local educational agencies to assist such agencies in obtaining other Federal assistance.

“(b) GRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

“(1) IN GENERAL.—From amounts appropriated under section 6219 that are not reserved under subsection (a) for a fiscal year, the Secretary shall award grants to eligible local educational agencies that have applications approved under section 6216 for local authorized activities described in subsection (c).

“(2) INITIAL AMOUNT.—Each eligible local educational agency shall receive a grant under this subpart in an amount equal to the sum of—

“(A) a base amount of \$20,000; plus

“(B) \$100 multiplied by the number of students, over 50 students, in average daily attendance in the schools served by the eligible local educational agency.

“(3) MAXIMUM.—No eligible local educational agency shall receive a grant under this subpart that is greater than \$60,000.

“(4) RATABLE ADJUSTMENT.—

“(A) IN GENERAL.—If the amount made available for this subpart for any fiscal year is not sufficient to pay in full the amounts that eligible local educational agencies are eligible to receive under paragraph (2) for such year, the Secretary—

“(i) first, shall ratably reduce the amount made available under paragraph (2)(B) for all local educational agencies for such year; and

“(ii) second, shall ratably reduce the base amount under paragraph (2)(A) for all eligible local educational agencies for such year.

“(B) ADDITIONAL AMOUNTS.—If additional funds become available for making payments under paragraph (2) for such fiscal year, payments that were reduced under subparagraph (A) shall be increased on the same basis as such payments were reduced.

“(5) DATA.—In determining the school age population under paragraph (2) the Secretary shall use the most recent data available from the Bureau of the Census.

“(c) LOCAL AUTHORIZED ACTIVITIES.—Grant funds awarded to an eligible local educational agency under this subpart shall be used for—

“(1) professional development activities authorized under title II;

“(2) class size reduction activities and other activities authorized under section 307 of the Department of Education Appropriations Act, 1999;

“(3) technology activities authorized under title III; or

“(4) local drug and violence prevention programs authorized under section 4116.

“(d) RELATION TO OTHER FEDERAL FUNDING.—Funds received under this subpart by an eligible local educational agency shall not be taken into consideration in determining the eligibility for, or amount of, any other Federal funding awarded to the eligible local educational agency.

“SEC. 6216. APPLICATIONS.

“Each eligible local educational agency that desires a grant under this subpart to carry out an activity described in section 6215(c) shall include, as part of the application submitted under the provision of law described in section 6215(c) applicable to the activity, a request for funds under this subpart.

“SEC. 6217. ADMINISTRATIVE PROVISIONS.

“(a) SUPPLEMENT NOT SUPPLANT.—Funds under this subpart shall be used to supplement and not supplant any other Federal, State, or local education funds that would otherwise be available for the purposes of this subpart.

“(b) CONSTRUCTION.—Nothing in this subpart shall be construed to prohibit an eligible local educational agency that enters into cooperative arrangements with other local educational agencies for the provision of special, compensatory, or other education services pursuant to State law or a written agreement from entering into similar arrangements for the use or the coordination of the use of the funds made available under this subpart.

“SEC. 6218. REPORTS; ACCOUNTABILITY; STUDIES.

“(a) LOCAL EDUCATIONAL AGENCY REPORTS.—Each eligible local educational agency that receives a grant under this subpart for an activity described in section 6215(c) shall provide an annual report to the Secretary. The report shall describe how the local educational agency used funds provided under this subpart to make progress in meeting the goals and objectives of the provision of law described in section 6215(c) applicable to the activity.

“(b) STUDIES.—

“(1) CONTROLLER GENERAL.—The Comptroller General of the United States shall conduct a study regarding the impact of assistance provided under this subpart on student achievement. The Comptroller General shall report the results of the study to Congress.

“(2) SECRETARY.—The Secretary shall conduct a study and report to Congress regarding the unique needs of rural school districts, including needs related to—

“(A) the small size of the school districts, the small number of students or student sparsity, and remoteness;

“(B) teacher qualifications and class size;

“(C) teacher recruitment and multiple roles of teachers;

“(D) transportation costs;

“(E) school safety and drug abuse;

“(F) course offerings; and

“(G) the impact of children with special needs.

“SEC. 6219. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this subpart \$300,000,000 for each of the fiscal years 2001 through 2004.

“Subpart 2—Urban Education Initiative

“SEC. 6221. SHORT TITLE OF SUBPART.

“This subpart may be cited as the ‘Eliminating Educational Disparities and Promoting Learning for Urban Students Act of 2000’.

“SEC. 6222. PURPOSE.

“The purpose of this subpart to provide supplemental financial assistance to eligible urban school districts to enhance their efforts under programs established under this Act to narrow or overcome educational disparities between minority and non-minority group students, and between urban and non-urban public school students.

“SEC. 6223. URBAN SCHOOL GRANTS.

“(a) AUTHORIZATION.—The Secretary is authorized to make supplementary grants to

eligible local educational agencies serving an urban area, or State educational agencies in the case where the State educational agency is the local educational agency, for activities designed to assist schools with high concentrations of students from low income families and racial and language minority groups improve schoolwide academic achievement, with particular attention to narrowing or overcoming disparities in achievement scores and school completion between minority and non-minority group students and between urban and non-urban public school students.

“(b) DEFINITION OF ELIGIBLE LOCAL EDUCATIONAL AGENCY.—In this subpart, the term ‘eligible local educational agency’ means a local educational agency that—

“(1) serves the largest central city in a State; or

“(2) enrolls—

“(A) more than 30,000 students and serves a central city with a population of at least 200,000 in a metropolitan statistical area; or

“(B) between 25,000 and 30,000 students and serves a central city with a population of at least 140,000 in a metropolitan statistical area.

“(c) AUTHORIZED ACTIVITIES.—

“(1) IN GENERAL.—Grant funds awarded to an eligible local educational agency under this subpart shall be used—

“(A) for—

“(i) activities to assist schools in need of improvement authorized under section 1116;

“(ii) professional development activities authorized under title II;

“(iii) programs authorized under subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act;

“(iv) the Emergency Immigrant Education Program authorized under part C of title VII; or

“(v) class size reduction; and

“(B) in ways consistent with the purposes of this subpart.

“(2) ADDITIONAL REQUIREMENT.—Authorized activities conducted with grant funds provided under this subpart shall be carried out in a school or schools of a feeder system with high concentrations of students from racial and language minority groups within the eligible local educational agency.

“(3) ADMINISTRATIVE COSTS.—Not more than 5 percent of any grant awarded under this subpart may be used for administrative costs.

“(d) ALLOCATIONS.—In making awards from amounts appropriated under this subpart, the Secretary shall allocate amounts directly to each urban eligible local educational agency on the basis of the relative number of children counted under section 1124(c) in such agencies, as determined by the Secretary using the most recent satisfactory data.

“(e) RELATION TO OTHER FEDERAL FUNDING.—Funds received under this subpart by an eligible local educational agency shall not be taken into consideration in determining the eligibility for, or amount of, any other Federal funding awarded to the local educational agency.

“(f) APPLICATIONS.—Each eligible local educational agency that desires a grant under this subpart shall submit an application to the Secretary that identifies the authorized activities described in subsection (c)(1) for which funds provided under the grant will be used.

“(g) SUPPLEMENT NOT SUPPLANT.—Funds under this subpart shall be used to supplement and not supplant any other Federal, State, or local education funds that would otherwise be available for the purposes of this subpart.

“(h) REPORTS; ACCOUNTABILITY; STUDIES.—

“(1) LOCAL EDUCATIONAL AGENCY REPORTS.—Each eligible local educational agency that

receives a grant under this subpart shall provide an annual report to the Secretary. The report shall describe how the local educational agency used funds provided under this subpart to make progress in meeting the goals and objectives applicable to the authorized activities conducted with such funds.

"(2) STUDY BY NATIONAL ACADEMY OF SCIENCES.—The Chairman of the National Academy of Sciences shall conduct a study regarding the impact of assistance provided under this subpart on student achievement and report the results of the study to Congress.

"(i) ADDITIONAL DEFINITIONS.—In this subpart:

"(1) CENTRAL CITY.—The term 'central city' has the meaning given that term by the Bureau of the Census.

"(2) METROPOLITAN STATISTICAL AREA.—The term 'metropolitan statistical area' has the meaning given that term by the Bureau of the Census.

"(3) POVERTY LEVEL.—The term 'poverty level' means the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census."

SEC. 602. TECHNICAL AND CONFORMING AMENDMENT.

Section 4(b)(5) of the Education Flexibility Partnership Act of 1999 (20 U.S.C. 5891b(b)(5)) is amended by striking "Title VI" and inserting "Part A of title VI".

TITLE VII—BILINGUAL EDUCATION

SEC. 701. PURPOSE.

Section 7102 (20 U.S.C. 7402) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 7102. PURPOSE.:"

(2) by striking subsections (a) and (b); and (3) in subsection (c)—

(A) by striking "(c) PURPOSE.—The" and inserting "The";

(B) in the matter preceding paragraph (1), by striking "to educate limited English proficient children and youth to" and inserting "to help ensure that limited English proficient students master English and";

(C) by striking paragraph (1) and inserting the following:

"(1) promoting systemic improvement and reform of, and developing accountability systems for, educational programs serving limited English proficient students;" and

(D) in paragraph (2), by inserting "fully" before "developing".

SEC. 702. AUTHORIZATION OF APPROPRIATIONS.

Section 7103(a) (20 U.S.C. 7403(a)) is amended by striking "\$215,000,000 for the fiscal year 1995" and inserting "\$300,000,000 for fiscal year 2001".

SEC. 703. REPEAL OF PROGRAM DEVELOPMENT AND IMPLEMENTATION GRANTS.

(a) IN GENERAL.—Section 7112 (20 U.S.C. 7422) is repealed.

(b) CONFORMING AMENDMENT.—Section 7111 (20 U.S.C. 7421) is amended, in the matter preceding paragraph (1), by striking "7112, 7113, 7114, and 7115" and inserting "7113 and 7114".

SEC. 703A. PERFORMANCE OBJECTIVES.

Title VII (20 U.S.C. 7401 et seq.), as amended by section 703(a), is amended by inserting after section 7111 the following:

"SEC. 7112. PERFORMANCE OBJECTIVES.

"(a) IN GENERAL.—Each entity receiving a grant under this subpart shall develop annual numerical performance objectives with respect to helping limited English proficient students become proficient in English. The objectives shall include age and developmentally appropriate incremental percentage increases for each fiscal year a State or local educational agency receives a grant under this subpart, including increases in

the number of limited English proficient students demonstrating continuous and substantial progress on annual assessments in reading, writing, speaking, and listening comprehension, from the preceding fiscal year.

"(b) ACCOUNTABILITY.—Each entity receiving a grant under this subpart shall be held accountable for meeting the annual numerical performance objectives under this subpart and the adequate yearly progress levels for limited English proficient students under section 1111(b)(2)(B)(iv) and (vii).

"(c) PROGRAM IMPROVEMENT PLAN.—

"(1) IN GENERAL.—If, at the conclusion of the third year in which an entity receives a grant under this subpart, the Secretary determines that the entity is failing to meet its program objectives, as determined pursuant to the entity's program application, the entity shall promptly develop and submit to the Secretary a program improvement plan in order to receive a continuation grant award under this subpart for the subsequent fiscal year. Such plan shall include the annual performance objectives required under subsection (a).

"(2) APPROVAL.—The Secretary shall approve a program improvement plan under paragraph (1) only if the Secretary determines that the plan holds reasonable promise of enabling students with limited English proficiency participating in the program to learn English and achieve the challenging State content and performance standards.

"(3) DENIAL OF CONTINUATION AWARD.—If, at the conclusion of the fourth fiscal year in which an entity receives a grant under this subpart, the Secretary determines that the entity is still not meeting annual performance objectives for English proficiency and adequate yearly progress levels for limited English proficient students under section 1111(b), the Secretary shall deny the entity a continuation grant award under this subpart for the succeeding fiscal year.

"(d) PARENTAL NOTIFICATION.—

"(1) IN GENERAL.—Each local educational agency shall notify parents, in a manner and form understandable to the parent including, if necessary and to the extent feasible, in the native language of the parent, of a student participating in a language instruction educational program under this subpart of—

"(A) the student's level of English proficiency, how such level was assessed, the status of the student's academic achievement, and the implications of the student's educational strengths and needs for age- and grade-appropriate academic attainment, promotion, and graduation;

"(B) what programs are available to meet the student's educational strengths and needs, and how such programs differ in content and instructional goals from other language instruction educational programs and, in the case of a student with a disability, how such program meets the objectives of the individualized education program of such a student; and

"(C) the instructional goals of the language instruction educational program, and how the program will specifically help the limited English proficient student learn English and meet State and local content and performance standards.

"(2) OPTION TO DECLINE.—Each parent described in paragraph (1) shall also be informed that the parent has the option of declining the enrollment of their children or youth in a language instruction educational program, and shall be given an opportunity to decline such enrollment if the parent so chooses.

"(3) SPECIAL RULE.—A student shall not be admitted to, or excluded from, any Federally assisted language instruction educational program assisted under this subpart solely

on the basis of a surname or language-minority status."

SEC. 704. PROGRAM ENHANCEMENT PROJECTS.

(a) PURPOSE.—Section 7113 (20 U.S.C. 7423) is amended by striking subsection (a) and inserting the following:

"(a) PURPOSE.—The purpose of this section is to—

"(1) provide grants to eligible entities to provide innovative, locally designed, high quality instruction to children and youth of limited English proficiency;

"(2) help children and youth develop proficiency in the English language by expanding or strengthening instructional programs; and

"(3) help children and youth attain the standards established under section 1111(b)."

(b) PROGRAM AUTHORIZED.—Section 7113(b) (20 U.S.C. 7423(b)) is amended—

(1) in paragraph (1)(B), by striking "two" and inserting "3"; and

(2) by striking paragraph (2) and inserting the following:

"(2) AUTHORIZED ACTIVITIES.—(A) Grants awarded under this section shall be used for—

"(i) developing, implementing, expanding, or enhancing comprehensive preschool, elementary, or secondary education programs for limited English proficient children and youth, that are—

"(I) aligned with State and local content and student performance standards, and local school reform efforts; and

"(II) coordinated with related services for children and youth;

"(ii) providing high quality professional development to classroom teachers, administrators, and other school or community-based organization personnel to improve the instruction and assessment of limited English proficient students; and

"(iii) annually assessing the English proficiency of all limited English proficient students served by activities carried out under this section.

"(B) Grants awarded under this section may be used for—

"(i) implementing programs to upgrade the reading and other academic skills of limited English proficient students;

"(ii) developing accountability systems to monitor the academic progress of limited English proficient and formerly limited English proficient students;

"(iii) implementing family education programs and parent outreach and training activities designed to assist parents to become active participants in the education of their children;

"(iv) improving the instructional programs for limited English proficient students by identifying, acquiring, and applying effective curricula, instructional materials (including materials provided through technology), and assessments that are all aligned with State and local standards;

"(v) providing intensified instruction, including tutorials and academic or career counseling, for children and youth who are limited English proficient;

"(vi) adapting best practice models for meeting the needs of limited English proficient students;

"(vii) assisting limited English proficient students with disabilities;

"(viii) implementing applied learning activities such as service learning to enhance and support comprehensive elementary and secondary bilingual education programs; and

"(ix) carrying out such other activities, consistent with the purpose of this part, as the Secretary may approve."

(c) PRIORITY.—Section 7113 (20 U.S.C. 7423) is amended by adding at the end the following:

“(d) PRIORITY.—In awarding grants under this section, the Secretary may give priority to an entity that—

“(1) serves a school district—

“(A) that has a total district enrollment that is less than 10,000 students; or

“(B) with a large percentage or number of limited English proficient students; and

“(2) has limited or no experience in serving limited English proficient students.”.

SEC. 705. COMPREHENSIVE SCHOOL AND SYSTEMWIDE IMPROVEMENT GRANTS.

Section 7114 (20 U.S.C. 7424) is amended to read as follows:

“SEC. 7114. COMPREHENSIVE SCHOOL AND SYSTEMWIDE IMPROVEMENT GRANTS.

“(a) PURPOSES.—The purposes of this section are—

“(1) to provide financial assistance to schools and local educational agencies for implementing bilingual education programs, in coordination with programs carried out under title I, for children and youth of limited English proficiency;

“(2) to assist limited English proficient students to meet the standards established under section 1111(b); and

“(3) to improve, reform, and upgrade relevant instructional programs and operations, in schools and local educational agencies, that serve significant percentages of students with limited English proficiency or significant numbers of such students.

“(b) AUTHORIZED ACTIVITIES.—

“(1) AUTHORITY.—The Secretary may award grants to eligible entities having applications approved under section 7116 to enable such entities to carry out activities described in paragraphs (2) and (3).

“(2) MANDATORY ACTIVITIES.—Grants awarded under this section shall be used for—

“(A) improving instructional programs for limited English proficient students by acquiring and upgrading curriculum and related instructional materials;

“(B) aligning the activities carried out under this section with State and local school reform efforts;

“(C) providing training, aligned with State and local standards, to school personnel and participating community-based organization personnel to improve the instruction and assessment of limited English proficient students;

“(D) developing and implementing plans, coordinated with plans for programs carried out under title II of the Higher Education Act of 1965 (where applicable), and title II of this Act (where applicable), to recruit teachers trained to serve limited English proficient students;

“(E) implementing culturally and linguistically appropriate family education programs, or parent outreach and training activities, that are designed to assist parents to become active participants in the education of their children;

“(F) coordinating the activities carried out under this section with other programs, such as programs carried out under title I;

“(G) providing services to meet the full range of the educational needs of limited English proficient students;

“(H) annually assessing the English proficiency of all limited English proficient students served by the activities carried out under this section; and

“(I) developing or improving accountability systems to monitor the academic progress of limited English proficient students.

“(3) PERMISSIBLE ACTIVITIES.—Grants awarded under this section may be used for—

“(A) implementing programs to upgrade reading and other academic skills of limited English proficient students;

“(B) developing and using educational technology to improve learning, assessments, and accountability to meet the needs of limited English proficient students;

“(C) implementing research-based programs to meet the needs of limited English proficient students;

“(D) providing tutorials and academic or career counseling for limited English proficient children and youth;

“(E) developing and implementing State and local content and student performance standards for learning English as a second language, as well as for learning other languages;

“(F) developing and implementing programs for limited English proficient students to meet the needs of changing populations of such students;

“(G) implementing policies to ensure that limited English proficient students have access to other education programs (other than programs designed to address limited English proficiency), such as gifted and talented, vocational education, and special education programs;

“(H) implementing programs to meet the needs of limited English proficient students with disabilities;

“(I) developing and implementing programs to help all students become proficient in more than 1 language; and

“(J) providing such other activities related to the purpose of this part as the Secretary may approve.

“(4) SPECIAL RULE.—A recipient of a grant under this section, before carrying out activities under this section, shall plan, train personnel, develop curricula, and acquire or develop materials, but shall not use funds made available under this section for planning purposes for more than 90 days. The recipient shall commence carrying out activities under this section not later than 90 days after the date of receipt of the grant.

“(c) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, \$1,000,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

“(2) DISTRIBUTION OF FUNDS.—Subject to paragraph (3), amounts appropriated under paragraph (1) for a fiscal year shall be distributed by the Secretary as follows:

“(A) RESERVATION OF FUNDS FOR CONTINUED PAYMENTS.—

“(i) COVERED GRANT.—In this subparagraph, the term ‘covered grant’ means a grant—

“(I) that was awarded under this section, or section 7115, prior to the date of enactment of the Educational Excellence for All Children Act of 2000; and

“(II) for which the grant period has not ended.

“(ii) RESERVATION.—For any fiscal year that is part of the grant period of a covered grant, the Secretary shall reserve funds for the payments described in clause (iii) from the amount appropriated for the fiscal year under paragraph (1).

“(iii) PAYMENTS.—The Secretary shall continue to make grant payments to each entity that received a covered grant, for the duration of the grant period of the grant, to carry out activities in accordance with the appropriate section described in clause (i)(I).

“(B) AVAILABILITY.—Of the amount appropriated for a fiscal year under paragraph (1) that remains after the Secretary reserves funds for payments under subparagraph (A)—

“(i) not less than 1/3 of the remainder shall be used to award grants for activities carried out within an entire school district; and

“(ii) not less than 2/3 of the remainder shall be used to award grants for activities carried out within individual schools.

“(3) CONVERSION TO FORMULA GRANT PROGRAM.—With respect to any fiscal year in which the amount appropriated to carry out this section equals or exceeds \$800,000,000, such amounts shall be distributed—

“(A) first, among each State with an approved applications under section 7116, in the same proportion as amounts are distributed to such State under part A of title I; and

“(B) second, of the amount distributed to a State under subparagraph (A)—

“(i) 50 percent of such amount shall be distributed within the State based on the number of children who live in poverty in areas of the State; and

“(ii) 50 percent of such amount shall be distributed within the State based on the number of limited English proficiency students, using the most recently available data from the Bureau of the Census.

“(d) ELIGIBLE ENTITIES.—In this section, the term ‘eligible entity’ means—

(1) 1 or more local educational agencies; or

(2) 1 or more local educational agencies, in collaboration with an institution of higher education, community-based organization, local educational agency, or State educational agency.”.

SEC. 706. REPEAL OF SYSTEMWIDE IMPROVEMENT GRANTS.

Section 7115 (20 U.S.C. 7425) is repealed.

SEC. 706A. IMMIGRANTS TO NEW AMERICANS MODEL PROGRAMS.

Title VII (20 U.S.C. 7401 et seq.), as amended by section 706, in amended by inserting after section 7114 the following:

“SEC. 7115. IMMIGRANTS TO NEW AMERICANS MODEL PROGRAMS.

“(a) FINDINGS.—Congress finds the following:

“(1) In 1997, there were an estimated 25,800,000 foreign-born individuals residing in the United States. That number is the largest number of such foreign-born individuals ever in United States history and represents a 6,000,000, or 30 percent, increase over the 1990 census figure of 19,800,000 of such foreign-born individuals. The Bureau of the Census estimates that the recently arrived immigrant population (including the refugee population) currently residing in the Nation will account for 75 percent of the population growth in the United States over the next 50 years.

“(2) For millions of immigrants settling into the Nation’s hamlets, towns, and cities, the dream of ‘life, liberty, and the pursuit of happiness’ has become a reality. The wave of immigrants, from various nationalities, who have chosen the United States as their home, has positively influenced the Nation’s image and relationship with other nations. The diverse cultural heritage of the Nation’s immigrants has helped define the Nation’s culture, customs, economy, and communities. By better understanding the people who have immigrated to the Nation, individuals in the United States better understand what it means to be an American.

“(3) There is a critical shortage of teachers with the skills needed to educate immigrant students and their families in nonconcentrated, nontraditional, immigrant communities as well as communities with large immigrant populations. The large influx of immigrant families over the last decade presents a national dilemma: The number of such families with school-age children, requiring assistance to successfully participate in elementary schools, secondary schools, and communities in the United States, is increasing without a corresponding increase in the number of teachers with skills to accommodate their needs.

“(4) Immigrants arriving in communities across the Nation generally settle into high-poverty areas, where funding for programs to

provide immigrant students and their families with the services the students and families need to successfully participate in elementary schools, secondary schools, and communities in the United States is inadequate.

“(5) The influx of immigrant families settling into many United States communities is often the result of concerted efforts by local employers who value immigrant labor. Those employers realize that helping immigrants to become productive, prosperous members of a community is beneficial for the local businesses involved, the immigrants, and the community. Further, local businesses benefit from the presence of the immigrant families because the families present businesses with a committed and effective workforce and help to open up new market opportunities. However, many of the communities into which the immigrants have settled need assistance in order to give immigrant students and their families the services the students and families need to successfully participate in elementary schools, secondary schools, and communities, in the United States.

“(b) PURPOSE.—The purpose of this section is to establish a grant program, within the Department of Education, that provides funding to partnerships of local educational agencies and community-based organizations for the development of model programs to provide to immigrant students and their families the services the students and families need to successfully participate in elementary schools, secondary schools, and communities, in the United States.

“(c) DEFINITIONS.—In this section:

“(1) COMMUNITY-BASED ORGANIZATION; ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; SECONDARY SCHOOL.—The terms ‘community-based organization’, ‘elementary school’, ‘local educational agency’, and ‘secondary school’ have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

“(2) IMMIGRANT.—The term ‘immigrant’ has the meaning given the term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

“(d) PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—The Secretary is authorized to award not more than 10 grants in a fiscal year to eligible partnerships for the design and implementation of model programs to—

“(A) assist immigrant students to achieve in elementary schools and secondary schools in the United States by offering such educational services as English as a second language classes, literacy programs, programs for introduction to the education system, and civics education; and

“(B) assist parents of immigrant students by offering such services as parent education and literacy development services and by coordinating activities with other entities to provide comprehensive community social services such as health care, job training, child care, and transportation services.

“(2) DURATION.—Each grant awarded under this section shall be awarded for a period of not more than 5 years. A partnership may use funds made available through the grant for not more than 1 year for planning and program design.

“(e) APPLICATIONS FOR GRANTS.—

“(1) IN GENERAL.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

“(2) ELIGIBLE PARTNERSHIPS.—To be eligible to receive a grant under this section, a partnership—

“(A) shall include—

“(i) at least 1 local educational agency; and

“(ii) at least 1 community-based organization; and

“(B) may include another entity such as an institution of higher education, a local or State government agency, a private sector entity, or another entity with expertise in working with immigrants.

“(3) REQUIRED DOCUMENTATION.—Each application submitted by a partnership under this section for a proposed program shall include documentation that—

“(A) the partnership has the qualified personnel required to develop, administer, and implement the proposed program; and

“(B) the leadership of each participating school has been involved in the development and planning of the program in the school.

“(4) OTHER APPLICATION CONTENTS.—Each application submitted by a partnership under this section for a proposed program shall include—

“(A) a list of the organizations entering into the partnership;

“(B) a description of the need for the proposed program, including data on the number of immigrant students, and the number of such students with limited English proficiency, in the schools or school districts to be served through the program and the characteristics of the students described in this subparagraph, including—

“(i) the native languages of the students to be served;

“(ii) the proficiency of the students in English and the native languages;

“(iii) achievement data for the students in—

“(I) reading or language arts (in English and in the native languages, if applicable); and

“(II) mathematics; and

“(iv) the previous schooling experiences of the students;

“(C) a description of the goals of the program;

“(D) a description of how the funds made available through the grant will be used to supplement the basic services provided to the immigrant students to be served;

“(E) a description of activities that will be pursued by the partnership through the program, including a description of—

“(i) how parents, students, and other members of the community, including members of private organizations and nonprofit organizations, will be involved in the design and implementation of the program;

“(ii) how the activities will further the academic achievement of immigrant students served through the program;

“(iii) methods of teacher training and parent education that will be used or developed through the program, including the dissemination of information to immigrant parents, that is easily understandable in the language of the parents, about educational programs and the rights of the parents to participate in educational decisions involving their children; and

“(iv) methods of coordinating comprehensive community social services to assist immigrant families;

“(F) a description of how the partnership will evaluate the progress of the partnership in achieving the goals of the program;

“(G) a description of how the local educational agency will disseminate information on model programs, materials, and other information developed under this section that the local educational agency determines to be appropriate for use by other local educational agencies in establishing similar programs to facilitate the educational achievement of immigrant students;

“(H) an assurance that the partnership will annually provide to the Secretary such infor-

mation as may be required to determine the effectiveness of the program; and

“(I) any other information that the Secretary may require.

(f) SELECTION OF GRANTEES.—

“(1) CRITERIA.—The Secretary, through a peer review process, shall select partnerships to receive grants under this section on the basis of the quality of the programs proposed in the applications submitted under subsection (e), taking into consideration such factors as—

“(A) the extent to which the program proposed in such an application effectively addresses differences in language, culture, and customs;

“(B) the quality of the activities proposed by a partnership;

“(C) the extent of parental, student, and community involvement;

“(D) the extent to which comprehensive community social services are made available;

“(E) the quality of the plan for measuring and assessing success; and

“(F) the likelihood that the goals of the program will be achieved.

“(2) GEOGRAPHIC DISTRIBUTION OF PROGRAMS.—The Secretary shall approve applications under this section in a manner that ensures, to the extent practicable, that programs assisted under this section serve different areas of the Nation, including urban, suburban, and rural areas, with special attention to areas that are experiencing an influx of immigrant groups (including refugee groups), and that have limited prior experience in serving the immigrant community.

“(g) EVALUATION AND PROGRAM DEVELOPMENT.—

“(1) REQUIREMENT.—Each partnership receiving a grant under this section shall—

“(A) conduct a comprehensive evaluation of the program assisted under this section, including an evaluation of the impact of the program on students, teachers, administrators, parents, and others; and

“(B) prepare and submit to the Secretary a report containing the results of the evaluation.

“(2) EVALUATION REPORT COMPONENTS.—Each evaluation report submitted under this section for a program shall include—

“(A) data on the partnership's progress in achieving the goals of the program;

“(B) data showing the extent to which all students served by the program are meeting the State's student performance standards, including—

“(i) data comparing the students served to other students, with regard to grade retention and academic achievement in reading and language arts, in English and in the native languages of the students if the program develops native language proficiency, and in mathematics; and

“(ii) a description of how the activities carried out through the program are coordinated and integrated with the overall school program of the school in which the program described in this section is carried out, and with other Federal, State, or local programs serving limited English proficient students;

“(C) data showing the extent to which families served by the program have been afforded access to comprehensive community social services; and

“(D) such other information as the Secretary may require.

“(i) ADMINISTRATIVE FUNDS.—A partnership that receives a grant under this section may use not more than 5 percent of the grant funds received under this section for administrative purposes.

“(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$10,000,000 for fiscal year 2001 and such sums

as may be necessary for each of the 4 succeeding fiscal years.”.

SEC. 707. APPLICATIONS.

(a) STATE REVIEW AND COMMENTS.—Section 7116(b) (20 U.S.C. 7426(b)) is amended—

(1) in paragraph (1), by striking “such” and inserting “the written comments of the agency on the”; and

(2) in paragraph (2)(B)—

(A) in the matter preceding clause (i), by striking “how the eligible entity”;

(B) by striking clause (i) and inserting the following:

“(i) how the activities to be carried out under the grant will further the academic achievement and English proficiency of limited English proficient students served under the grant; and”; and

(C) by striking clause (ii) and inserting the following:

“(ii) how the grant application is consistent with the State plan required under section 1111.”.

(b) REQUIRED DOCUMENTATION.—Section 7116(f) (20 U.S.C. 7426(f)) is amended to read as follows:

“(f) REQUIRED DOCUMENTATION.—Such application shall include documentation that—

“(1) the applicant has the qualified personnel required to develop, administer, and implement the program proposed in the application; and

“(2) the leadership personnel of each school participating in the program have been involved in the development and planning of the program in the school.”.

(c) CONTENTS.—Section 7116(g) (20 U.S.C. 7426(g)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “including data” and all that follows and inserting the following: “including—

“(i) data on the number of limited English proficient students in the school or school district to be served;

“(ii) the characteristics of such students, including—

“(I) the native languages of the students;

“(II) the proficiency of the students in English and their native language;

“(III) achievement data (current as of the date of submission of the application) for the limited English proficient students in—

“(aa) reading or language arts (in English and in the native language, if applicable); and

“(bb) mathematics;

“(IV) a comparison of that data for the students with that data for the English proficient peers of the students; and

“(V) the previous schooling experiences of the students;

“(iii) the professional development needs of the instructional personnel who will provide services for the limited English proficient students under the proposed program; and

“(iv) how the services provided through the grant would supplement the basic services provided to limited English proficient students.”;

(B) in subparagraph (B)—

(i) in clause (ii)—

(I) by striking “, the Goals 2000: Educate America Act”; and

(II) by striking “section 14306” and inserting “section 6506”;

(ii) by redesignating clauses (ii) through (v) as clauses (iii) through (vi), respectively; and

(iii) by inserting after clause (i) the following:

“(ii) will ensure that the services provided through the program will supplement the basic services the applicant provides to limited English proficient students.”; and

(C) in subparagraph (E), by striking “program” and all that follows and inserting the

following: “program who, individually or in combination, are proficient in—

“(i) English, including written, as well as oral, communication skills; and

“(ii) the native language of the majority of the students that the teachers teach, if instruction in the program is in the native language as well as English.”; and

(2) in paragraph (2), in the matter preceding subparagraph (A), by striking “or 7115”.

(d) PRIORITIES AND SPECIAL RULES.—Section 7116(i) (20 U.S.C. 7426(i)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) PRIORITY.—In approving applications for grants for programs under this subpart, the Secretary shall give priority to an applicant who—

“(A) experiences a dramatic increase in the number or percentage of limited English proficient students enrolled in the applicant’s programs and has limited or no experience in serving limited English proficient students;

“(B) is a local educational agency that serves a school district that has a total district enrollment that is less than 10,000 students;

“(C) demonstrates that the applicant has a proven record of success in helping limited English proficient children and youth learn English and meet high academic standards;

“(D) proposes programs that provide for the development of bilingual proficiency both in English and another language for all participating students; or

“(E) serves a school district with a large percentage or number of limited English proficient students.”;

(2) by striking paragraphs (2) and (3); and

(3) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively.

SEC. 708. REPEAL OF INTENSIFIED INSTRUCTION.

Section 7117 (20 U.S.C. 7427) is repealed.

SEC. 709. REPEAL OF SUBGRANTS, PRIORITY, AND COORDINATION PROVISIONS.

Sections 7119 through 7121 (20 U.S.C. 7429–7431) are repealed.

SEC. 710. EVALUATIONS.

Section 7123 (20 U.S.C. 7433) is amended to read as follows:

“(a) EVALUATION.—Each recipient of funds under this subpart for a program shall annually conduct an evaluation of the program and submit to the Secretary a report concerning the evaluation, in the form prescribed by the Secretary.

“(b) USE OF EVALUATION.—Such evaluation shall be used by the grant recipient—

“(1) for program improvement;

“(2) to further define the program’s goals and objectives; and

“(3) to determine program effectiveness.

“(c) EVALUATION REPORT COMPONENTS.—In preparing the evaluation reports, the recipient shall—

“(1) use the data provided in the application submitted by the recipient under section 7116 as baseline data against which to report academic achievement and gains in English proficiency for students in the program;

“(2) disaggregate the results of the evaluation by gender, language groups, and whether the students have disabilities;

“(3) include data on the progress of the recipient in achieving the objectives of the program, including data demonstrating the extent to which students served by the program are meeting the State’s student performance standards, and including data comparing limited English proficient students with English proficient students with regard to school retention and academic achievement in—

“(A) reading and language arts;

“(B) English proficiency;

“(C) mathematics; and

“(D) the native language of the students if the program develops native language proficiency;

“(4) include information on the extent that professional development activities carried out through the program have resulted in improved classroom practices and improved student performance;

“(5) include a description of how the activities carried out through the program are coordinated and integrated with the other Federal, State, or local programs serving limited English proficient children and youth; and

“(6) include such other information as the Secretary may require.”.

“(B) English proficiency;

“(C) mathematics; and

“(D) the native language of the students if the program develops native language proficiency;

“(4) include information on the extent that professional development activities carried out through the program have resulted in improved classroom practices and improved student performance;

“(5) include a description of how the activities carried out through the program are coordinated and integrated with the other Federal, State, or local programs serving limited English proficient children and youth; and

“(6) include such other information as the Secretary may require.”.

SEC. 711. RESEARCH.

Section 7132(c)(1) (20 U.S.C. 7452(c)(1)) is amended by striking “under subpart 1 or 2” and inserting “under subpart 1 or 3 or this subpart”.

SEC. 712. ACADEMIC EXCELLENCE AWARDS.

Section 7133 (20 U.S.C. 7453) is amended to read as follows:

“SEC. 7133. ACADEMIC EXCELLENCE AWARDS.

“(a) AUTHORITY.—The Secretary may make grants to State educational agencies to assist the agencies in recognizing local educational agencies and other public and non-profit entities whose programs have—

“(1) demonstrated significant progress in assisting limited English proficient students to learn English according to age appropriate and developmentally appropriate standards; and

“(2) demonstrated significant progress in assisting limited English proficient children and youth to meet, according to age appropriate and developmentally appropriate standards, the same challenging State content standards as all children and youth are expected to meet.

“(b) APPLICATIONS.—A State educational agency desiring a grant under this section shall include an application for such grant in the application submitted by the agency under section 7134(e).”.

SEC. 713. STATE GRANT PROGRAM.

(a) GRANT AMOUNT.—Section 7134(b) (20 U.S.C. 7454(b)) is amended by striking “\$100,000” and inserting “\$200,000”.

(b) USE OF FUNDS.—Section 7134(c) (20 U.S.C. 7454(c)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “for programs authorized by this section”;

(B) by striking subparagraph (A) and inserting the following:

“(A) assist local educational agencies in the State with activities that—

“(i) consist of program design, capacity building, assessment of student performance, program evaluation, and development of data collection and accountability systems for limited English proficient students; and

“(ii) are aligned with State reform efforts; and”; and

(C) in subparagraph (B), by striking “populations and” and all that follows and inserting “populations and document the services available to all such populations.”;

(2) by striking paragraph (2); and

(3) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

SEC. 714. NATIONAL CLEARINGHOUSE.

Section 7135(b) (20 U.S.C. 7455(b)) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4)—

(A) by striking “described in part A of title XIII”; and

(B) by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(5) publish, on an annual basis, a list of grant recipients under this title.”

SEC. 715. INSTRUCTIONAL MATERIALS DEVELOPMENT.

Section 7136 (20 U.S.C. 7456) is amended, in the first sentence, by striking the period and inserting “, and in other low-incidence languages in the United States for which instructional materials are not readily available.”

SEC. 716. TRAINING FOR ALL TEACHERS PROGRAM.

Section 7142 (20 U.S.C. 7472) is amended by striking subsections (b) and (c) and inserting the following:

“(b) AUTHORIZATION.—

“(1) AUTHORITY.—The Secretary may award grants under this section to—

“(A) local educational agencies; or

“(B) 1 or more local educational agencies in a consortium with 1 or more State educational agencies, institutions of higher education, or nonprofit organizations.

“(2) DURATION.—Each grant awarded under this section shall be awarded for a period of not more than 5 years.

“(c) AUTHORIZED ACTIVITIES.—

“(1) PROFESSIONAL DEVELOPMENT ACTIVITIES.—Grants awarded under this section shall be used to conduct high-quality, long-term professional development activities relating to meeting the needs of limited English proficient students, which may include—

“(A) developing and implementing induction programs for new teachers, including programs that provide mentoring and coaching by trained teachers, and team teaching with experienced teachers;

“(B) implementing school-based collaborative efforts among teachers to improve instruction in core academic areas, including reading, for students with limited English proficiency;

“(C) coordinating activities with other programs, such as programs carried out under titles I and II and the Head Start Act;

“(D) implementing programs that support effective teacher use of education technologies to improve instruction and assessment;

“(E) establishing and maintaining local professional networks;

“(F) developing curricular materials and assessments for teachers that are aligned with State and local standards and the needs of the limited English proficient students to be served; and

“(G) carrying out such other activities as are consistent with the purpose of this section.

“(2) PERMISSIBLE ACTIVITIES.—Activities conducted under this section may include the development of training programs in collaboration with other programs, such as programs authorized under titles I and II, and under the Head Start Act.”

SEC. 717. GRADUATE FELLOWSHIPS.

Section 7145(a) (20 U.S.C. 7475(a)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 718. REPEAL OF PROGRAM REQUIREMENTS.

Section 7147 (20 U.S.C. 7477) is repealed.

SEC. 719. PROGRAM EVALUATIONS.

Section 7149 (20 U.S.C. 7479) is amended to read as follows:

“SEC. 7149. PROGRAM EVALUATIONS.

“Each recipient of funds under this subpart for a program shall annually conduct an evaluation of the program and submit to the Secretary a report containing the evaluation. Such report shall include information on—

“(1) the number of participants served through the program, the number of participants who completed program requirements, and the number of participants who took positions in an instructional setting with limited English proficient students;

“(2) the effectiveness of the program in imparting the professional skills necessary for participants to achieve the objectives of the program; and

“(3) the teaching effectiveness of graduates of the program or other participants who have completed the program.”

SEC. 720. SPECIAL RULE.

Section 7161 (20 U.S.C. 7491) is amended by striking “Improving America’s Schools Act of 1994” and inserting “Educational Excellence for All Children Act of 2000”.

SEC. 721. REPEAL OF FINDING RELATING TO FOREIGN LANGUAGE ASSISTANCE.

Section 7202 (20 U.S.C. 7512) is repealed.

SEC. 722. FOREIGN LANGUAGE ASSISTANCE APPLICATIONS.

Section 7204(b) (20 U.S.C. 7514(b)) is amended—

(1) in paragraph (2), by striking “or” at the end;

(2) in paragraph (3), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

“(4) make effective use of technology, such as computer-assisted instruction, language laboratories, or distance learning, to promote foreign language study;

“(5) promote innovative activities such as foreign language immersion, partial foreign language immersion, or content-based instruction; and

“(6) are carried out through a consortium comprised of the agency receiving the grant and an elementary school or secondary school.”

SEC. 723. EMERGENCY IMMIGRANT EDUCATION PURPOSE.

Section 7301 (20 U.S.C. 7541) is amended—

(1) by striking the section heading and inserting the following:

“SEC. 7301. PURPOSE.”;

(2) by striking subsection (a); and

(3) in subsection (b), by striking “(b) PURPOSE.—”.

SEC. 724. EMERGENCY IMMIGRANT EDUCATION STATE ADMINISTRATIVE COSTS.

Section 7302 (20 U.S.C. 7542) is amended by inserting after “percent” the following: “(2 percent if the State educational agency distributes funds received under this part to local educational agencies on a competitive basis)”.

SEC. 725. CONFORMING AMENDMENTS.

(a) STATE ALLOCATIONS.—Section 7304(a) (20 U.S.C. 7544(a)) is amended by striking “7301(b)” and inserting “7301”.

(b) REPORTS.—Section 7308(b) (20 U.S.C. 7548(b)) is amended by striking “14701” and inserting “10201”.

SEC. 726. EMERGENCY IMMIGRANT EDUCATION AUTHORIZATION OF APPROPRIATIONS.

Section 7309 (20 U.S.C. 7549) is amended by striking “\$100,000,000 for fiscal year 1995” and inserting “\$200,000,000 for fiscal year 2001”.

SEC. 727. COORDINATION AND REPORTING REQUIREMENTS.

Section 7405(d) (20 U.S.C. 7575(d)) is amended by striking “Committee on Labor and Human Resources of the Senate and to the Committee on Education and Labor” and inserting “Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on Education and the Workforce”.

TITLE VIII—IMPACT AID

SEC. 801. SHORT TITLE.

Title VIII (20 U.S.C. 7701 et seq.) is amended by inserting before section 8001 (20 U.S.C. 7701) the following:

“SEC. 8000. SHORT TITLE.

“This title may be cited as the ‘Impact Aid Act.’.”

SEC. 802. PURPOSE.

Section 8001 (20 U.S.C. 7701) is amended—

(1) in paragraph (4), by inserting “or” after the semicolon;

(2) by striking paragraph (5); and

(3) by redesignating paragraph (6) as paragraph (5).

SEC. 803. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

Section 8002 (20 U.S.C. 7702) is amended—

(1) in the matter preceding paragraph (1) of subsection (a), by striking “1999” and inserting “2005”;

(2) in subsection (b)(1)—

(A) in subparagraph (B), by striking “ratably reduce the payment to each eligible local educational agency” and inserting “calculate the payment for each eligible local educational agency in accordance with subsection (h)”;

(B) in subparagraph (C), by inserting “or this section, whichever is greater” before the period;

(3) by amending subsection (h) to read as follows:

“(h) DISTRIBUTION OF FUNDS WHEN THERE ARE INSUFFICIENT APPROPRIATIONS.—If the amount appropriated under section 8014(a) is insufficient to pay the full amount determined under subsection (b) for all local educational agencies for a fiscal year, then the Secretary shall calculate the payments the local educational agencies receive under this section for the fiscal year as follows:

“(1) FOUNDATION PAYMENTS FOR PRE-1995 RECIPIENTS.—First, the Secretary shall make a foundation payment to each local educational agency that is eligible to receive a payment under this section for the fiscal year and was eligible to receive a payment under section 2 of Public Law 81-874 for any of the fiscal years 1989 through 1994. The Secretary shall make the payment by multiplying 37 percent by the payment the local educational agency was entitled to receive under such section 2 for fiscal year 1994 (or if the local educational agency did not receive a payment for fiscal year 1994, the payment that local educational agency was entitled to receive under such section 2 for the most recent fiscal year preceding 1994). If the funds appropriated under section 8014(a) for the fiscal year are insufficient to fully fund the foundation payments under this paragraph for the fiscal year, then the Secretary shall ratably reduce the foundation payments to each local educational agency under this paragraph.

“(2) PAYMENTS FOR 1995 RECIPIENTS.—From any funds remaining after making payments under paragraph (1) for the fiscal year for which the calculation is made that are the result of the calculation described in subparagraph (A), the Secretary shall make a payment to each local educational agency that received a payment under this section for fiscal year 1995 in accordance with the following rules:

“(A) Calculate the difference between the amount appropriated to carry out this section for fiscal year 1995 and the total amount of foundation payments made under paragraph (1) for the fiscal year for which the calculation is made.

“(B) Determine the percentage share for each local educational agency that received a payment under this section for fiscal year 1995 by dividing the assessed value of the Federal property of the local educational agency for fiscal year 1995, determined in accordance with subsection (b)(3), by the total national assessed value of the Federal property of all such local educational agencies for fiscal year 1995, as so determined.

“(C) Multiply the percentage share described in subparagraph (B) for the local educational agency by the amount determined under subparagraph (A).

“(3) SUBSECTION (I) RECIPIENTS.—From any funds remaining after making payments under paragraphs (1) and (2) for the fiscal year for which the calculation is made, the Secretary shall make payments in accordance with subsection (i).

“(4) REMAINING FUNDS.—From any funds remaining after making payments under paragraphs (1), (2), and (3) for the fiscal year for which the calculation is made—

“(A) the Secretary shall make a payment to each local educational agency that received a foundation payment under paragraph (1) for the fiscal year for which the calculation is made in an amount that bears the same relation to 25 percent of the remainder as the amount the local educational agency received under paragraph (1) for the fiscal year for which the calculation is made bears to the amount all local educational agencies received under paragraph (1) for the fiscal year for which the calculation is made; and

“(B) the Secretary shall make a payment to each local educational agency that is eligible to receive a payment under this section for the fiscal year for which the calculation is made in an amount that bears the same relation to 75 percent of the remainder as a percentage share determined for the local educational agency (in the same manner as percentage shares are determined for local educational agencies under paragraph (2)(B)) bears to the percentage share determined (in the same manner) for all local educational agencies eligible to receive a payment under this section for the fiscal year for which the calculation is made, except that for the purpose of calculating a local educational agency's assessed value of the Federal property, data from the most current fiscal year shall be used.”;

(4) in subsection (i)—

(A) in the subsection heading, by striking “PRIORITY” and inserting “SPECIAL”; and

(B) by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—For any fiscal year beginning with fiscal year 2000 for which the amount appropriated to carry out this section exceeds the amount so appropriated for fiscal year 1996 and for which subsection (b)(1)(B) applies, the Secretary shall use the remainder described in subsection (h)(3) for the fiscal year for which the calculation is made (not to exceed the amount equal to the difference between (A) the amount appropriated to carry out this section for fiscal year 1997 and (B) the amount appropriated to carry out this section for fiscal year 1996) to increase the payment that would otherwise be made under this section to not more than 50 percent of the maximum amount determined under subsection (b) for any local educational agency described in paragraph (2).”;

(5) in subsection (j)—

(A) in paragraph (2)—

(i) by striking “(A) A local” and inserting “A local”; and

(ii) by redesignating clauses (i) through (v) as subparagraphs (A) through (E), respectively; and

(B) in paragraph (3)—

(i) in subparagraph (A)—

(I) by striking the semicolon and inserting a period; and

(II) by striking “(A) The maximum” and inserting “The maximum”; and

(ii) by striking subparagraphs (B) and (C); and

(6) by adding at the end the following:

“(I) DATA; PRELIMINARY AND FINAL PAYMENTS.—The Secretary shall—

“(1) require any local educational agency that applied for a payment under subsection (b) for a fiscal year to submit expeditiously such data as may be necessary in order to compute the payment;

“(2) as soon as possible after the beginning of any fiscal year, but not later than 60 days after the date of enactment of an Act making appropriations to carry out this title for the fiscal year, provide a preliminary payment under subsection (b) for any local educational agency that applied for a payment under subsection (b) for the fiscal year, that has submitted the data described in paragraph (1), and that was eligible for such a payment for the preceding fiscal year, in the amount of 60 percent of the payment for the previous year; and

“(3) make every effort to provide a final payment under subsection (b) for any eligible local educational agency not later than 12 months after the application deadline established under section 8005(c).

“(m) ELIGIBILITY.—

“(1) OLD FEDERAL PROPERTY.—Except as provided in paragraph (2), a local educational agency that is eligible to receive a payment under this section for Federal property acquired by the Federal Government before the date of enactment of the Educational Excellence for All Children Act of 2000 shall be eligible to receive the payment only if the local educational agency submits an application for a payment under this section not later than 5 years after the date of enactment.

“(2) COMBINED FEDERAL PROPERTY.—A local educational agency that is eligible to receive a payment under this section for Federal property acquired by the Federal Government before the date of enactment of the Educational Excellence for All Children Act of 2000 shall be eligible to receive the payment if—

“(A) the Federal property, when combined with other Federal property in the school district served by the local educational agency acquired by the Federal Government after the date of enactment, meets the requirements of subsection (a); and

“(B) the local educational agency submits an application for a payment under this section not later than 5 years after the date of acquisition of the Federal property acquired after the date of enactment.

“(3) NEW FEDERAL PROPERTY.—A local educational agency that is eligible to receive a payment under this section for Federal property acquired by the Federal Government after the date of enactment of the Educational Excellence for All Children Act of 2000 shall be eligible to receive the payment only if the local educational agency submits an application for a payment under this section not later than 5 years after the date of acquisition.

“(n) DISTRIBUTION OF FUNDS.—In calculating payments under this section for a local educational agency, any Federal funds received from a Federal agency (other than the Department of Education) for Federal lands located in a school district served by the local educational agency shall not be deducted from the payment unless the payment is for the maximum amount, as determined under subsection (b), the agency is eligible to receive under this section.”.

SEC. 804. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.

(a) GENERAL AMENDMENTS.—Section 8003 (20 U.S.C. 7703) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by redesignating subparagraph (E) as subparagraph (F);

(ii) in subparagraph (D), by striking “subparagraphs (D) and (E) of paragraph (1) by a factor of .10” and inserting “subparagraph (D) of paragraph (1) by a factor of .25”; and

(iii) by inserting after subparagraph (D) the following:

“(E) Multiply the number of children described in subparagraph (E) of paragraph (1) by a factor of .10.”;

(B) in paragraph (4)—

(i) by amending the paragraph heading to read as follows: “HOUSING UNDERGOING RENOVATION OR REBUILDING”;

(ii) by striking “For purposes” and inserting the following:

“(A)(i) MILITARY HOUSING.—For purposes”;

(iii) in subparagraph (A)(i) (as designated by clause (ii)), by inserting “or rebuilding” after “undergoing renovation”; and

(iv) by adding at the end the following:

“(ii) HOUSING ON INDIAN LAND.—For purposes of computing the amount of a payment for a local educational agency that received a payment for children described in paragraph (1)(C) in the fiscal year prior to the fiscal year for which the local educational agency is making application, but which the Secretary determines on the basis of a certification provided to the Secretary by a designated representative of the Department of the Interior or the Department of Housing and Urban Development, that such children did reside in housing on Indian land in accordance with paragraph (1)(C) in the previous fiscal year and would continue to reside in such housing except that such housing was undergoing renovation or rebuilding on the date for which the Secretary determines the number of children under paragraph (1).

“(B) LIMITATIONS.—(i)(I) Except as provided in subclause (III), children described in paragraph (1)(D)(i) may be deemed to be children described in paragraph (1)(B) with respect to housing on Federal property undergoing renovation or rebuilding in accordance with subparagraph (A)(i) for a period not to exceed 2 fiscal years.

(II) Except as provided in subclause (III), children described in subparagraph (A)(ii) may be deemed to be children described in paragraph (1)(C) with respect to housing on Indian land undergoing renovation or rebuilding in accordance with subparagraph (A)(ii) for a period not to exceed 2 fiscal years.

(III) If the Secretary determines, on the basis of certification provided to the Secretary by a designated representative of the applicable Secretary, that the expected completion date of the renovation or rebuilding of the housing has been delayed by not less than 1 year, then—

“(aa) in the case of a determination made by the Secretary in the first fiscal year described in subclauses (I) or (II), the time period described in such subclauses shall be extended for an additional 2 years; and

“(bb) in the case of a determination made by the Secretary in the 2nd fiscal year described in subclauses (I) or (II), the time period described in such subclauses shall be extended by the Secretary for an additional 1 year.

“(ii) The number of children described in paragraph (1)(D)(i) who are deemed to be children described in paragraph (1)(B) with respect to housing on Federal property undergoing renovation or rebuilding in accordance with subparagraph (A)(i) for any fiscal year may not exceed the maximum number of children who are expected to occupy that housing upon completion of the renovation or rebuilding.

“(iii) The number of children described in subparagraph (A)(ii) who are deemed to be children described in paragraph (1)(C) with respect to housing on Indian land undergoing renovation or rebuilding in accordance with subparagraph (A)(ii) for any fiscal year may not exceed the maximum number of children who are expected to occupy that housing

upon completion of the renovation or rebuilding.”; and

(C) by adding at the end the following:

“(5) MILITARY ‘BUILD TO LEASE’ PROGRAM HOUSING.—

“(A) IN GENERAL.—For purposes of computing the amount of payment for a local educational agency for children identified under paragraph (1), the Secretary shall consider children residing in housing initially acquired or constructed under the former section 2828(g) of title 10, United States Code (commonly known as the ‘Build to Lease’ program), as added by section 801 of the Military Construction Authorization Act, 1984, to be children described under paragraph (1)(B) if the property described is within the fenced security perimeter of the military facility upon which such housing is situated.

“(B) ADDITIONAL REQUIREMENTS.—If the property described in subparagraph (A) is not owned by the Federal Government, is subject to taxation by a State or political subdivision of a State, and thereby generates revenues for a local educational agency that is applying to receive a payment under this section, then the Secretary—

“(i) shall require the local educational agency to provide certification from an appropriate official of the Department of Defense that the property is being used to provide military housing; and

“(ii) shall reduce the amount of the payment under this section by an amount equal to the amount of revenue from such taxation received in the second preceding fiscal year by such local educational agency, unless the amount of such revenue was taken into account by the State for such second preceding fiscal year and already resulted in a reduction in the amount of State aid paid to such local educational agency.”;

(2) in subsection (b)(1), by adding at the end the following:

“(D) DATA.—If satisfactory data from the third preceding fiscal year are not available for any of the expenditures described in clause (i) or (ii) of subparagraph (C), the Secretary shall use data from the most recent fiscal year for which data that are satisfactory to the Secretary are available.

“(E) SPECIAL RULE.—For the purpose of determining the comparable local contribution rate under subparagraph (C)(iii) for a local educational agency described in section 222.39(c)(3) of title 34, Code of Federal Regulations, that had its comparable local contribution rate for fiscal year 1998 calculated pursuant to section 222.39 of title 34, Code of Federal Regulations, the Secretary shall determine as the local educational agency’s minimum comparable local contribution rate the local contribution rate upon which payments under this subsection for fiscal year 2000 were made to the local educational agency adjusted by the percentage increase or decrease in the per pupil expenditure in the State serving the local educational agency calculated on the basis of the second most recent preceding school year compared to the third most recent preceding school year for which school year data are available.”;

(3) in subsection (d)(2), by striking “a free appropriate public education” and inserting “services”;

(4) by amending subsection (e) to read as follows:

“(e) HOLD HARMLESS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the total amount the Secretary shall pay a local educational agency under this section for fiscal year 2001 and each succeeding fiscal year shall not be less than—

“(A) the result obtained by dividing the amount received by the local educational agency under this subsection for fiscal year 2000 by the total weighted student units cal-

culated for the local educational agency under subsection (a)(2) for fiscal year 2000; multiplied by

“(B) the total weighted student units calculated for the local educational agency under subsection (a)(2) (as such subsection was in effect on the day preceding the date of enactment of the Educational Excellence for All Children Act of 2000) for the fiscal year for which the determination is made.

“(2) RATABLE REDUCTIONS.—

“(A) IN GENERAL.—If the sums made available under this title for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under paragraph (1) for such year, then the Secretary shall ratably reduce the payments to all such agencies for such year.

“(B) ADDITIONAL FUNDS.—If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subparagraph (A) shall be increased on the same basis as such payments were reduced.”;

(5) by striking subsections (f) and (g); and

(6) by redesignating subsections (h) and (i) as subsections (f) and (g), respectively.

(b) BASIC SUPPORT PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—Section 8003(b) (20 U.S.C. 7703(b)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) BASIC SUPPORT PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

“(A) IN GENERAL.—(i) From the amount appropriated under section 8014(b) for a fiscal year, the Secretary is authorized to make basic support payments to eligible heavily impacted local educational agencies with children described in subsection (a).

“(ii) A local educational agency that receives a basic support payment under this paragraph for a fiscal year shall not be eligible to receive a basic support payment under paragraph (1) for that fiscal year.

“(B) ELIGIBILITY FOR CONTINUING HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

“(i) IN GENERAL.—A heavily impacted local educational agency is eligible to receive a basic support payment under subparagraph (A) with respect to a number of children determined under subsection (a)(1) if the agency—

(I) received an additional assistance payment under subsection (f) (as such subsection was in effect on the day before the date of the enactment of the Educational Excellence for All Children Act of 2000) for fiscal year 2000; and

“(II)(aa) is a local educational agency whose boundaries are the same as a Federal military installation;

“(bb) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency which is not less than 35 percent, has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located or the average per-pupil expenditure of all States (whichever average per-pupil expenditure is greater), except that a local educational agency with a total student enrollment of less than 350 students shall be deemed to have satisfied such per-pupil expenditure requirement, and has a tax rate for general fund purposes which is not less than 95 percent of the average tax rate for general fund purposes of local educational agencies in the State;

“(cc) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency which is not less than 30 percent,

and has a tax rate for general fund purposes which is not less than 125 percent of the average tax rate for general fund purposes for local educational agencies in the State;

“(dd) has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 6,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or

“(ee) meets the requirements of subsection (f)(2) applying the data requirements of subsection (f)(4) (as such subsections were in effect on the day before the date of the enactment of the Educational Excellence for All Children Act of 2000).

“(ii) LOSS OF ELIGIBILITY.—A heavily impacted local educational agency that met the requirements of clause (i) for a fiscal year shall be ineligible to receive a basic support payment under subparagraph (A) if the agency fails to meet the requirements of clause (i) for a subsequent fiscal year, except that such agency shall continue to receive a basic support payment under this paragraph for the fiscal year for which the ineligibility determination is made.

“(iii) RESUMPTION OF ELIGIBILITY.—A heavily impacted local educational agency described in clause (i) that becomes ineligible under such clause for 1 or more fiscal years may resume eligibility for a basic support payment under this paragraph for a subsequent fiscal year only if the agency meets the requirements of clause (i) for that subsequent fiscal year, except that such agency shall not receive a basic support payment under this paragraph until the fiscal year succeeding the fiscal year for which the eligibility determination is made.

“(C) ELIGIBILITY FOR NEW HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

“(i) IN GENERAL.—A heavily impacted local educational agency that did not receive an additional assistance payment under subsection (f) (as such subsection was in effect on the day before the date of the enactment of the Educational Excellence for All Children Act of 2000) for fiscal year 2000 is eligible to receive a basic support payment under subparagraph (A) for fiscal year 2002 and any subsequent fiscal year with respect to a number of children determined under subsection (a)(1) only if the agency is a local educational agency whose boundaries are the same as a Federal military installation, or the agency—

“(I) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that—

“(aa) is not less than 50 percent if such agency receives a payment on behalf of children described in subparagraphs (F) and (G) of such subsection; or

“(bb) is not less than 40 percent if such agency does not receive a payment on behalf of such children;

“(II)(aa) for a local educational agency that has a total student enrollment of 350 or more students, has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located; or

“(bb) for a local educational agency that has a total student enrollment of less than 350 students, has a per-pupil expenditure that is less than the average per-pupil expenditure of a comparable local educational agency in the State in which the agency is located, as defined in regulations promulgated by the Secretary; and

“(III) has a tax rate for general fund purposes that is not less than 95 percent of the average tax rate for general fund purposes of local educational agencies in the State.

“(ii) RESUMPTION OF ELIGIBILITY.—A heavily impacted local educational agency described in clause (i) that becomes ineligible under such clause for 1 or more fiscal years may resume eligibility for a basic support payment under this paragraph for a subsequent fiscal year only if the agency is a local educational agency whose boundaries are the same as a Federal military installation, or meets the requirements of clause (i), for that subsequent fiscal year, except that such agency shall continue to receive a basic support payment under this paragraph for the fiscal year for which the ineligibility determination is made.

“(iii) APPLICATION.—With respect to the first fiscal year for which a heavily impacted local educational agency described in clause (i) applies for a basic support payment under subparagraph (A), or with respect to the first fiscal year for which a heavily impacted local educational agency applies for a basic support payment under subparagraph (A) after becoming ineligible under clause (i) for 1 or more preceding fiscal years, the agency shall apply for such payment at least 1 year prior to the start of that first fiscal year.

“(D) MAXIMUM AMOUNT FOR REGULAR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—(i) Except as provided in subparagraph (E), the maximum amount that a heavily impacted local educational agency is eligible to receive under this paragraph for any fiscal year is the sum of the total weighted student units, as computed under subsection (a)(2) and subject to clause (ii), multiplied by the greater of—

“(I) four-fifths of the average per-pupil expenditure of the State in which the local educational agency is located for the third fiscal year preceding the fiscal year for which the determination is made; or

“(II) four-fifths of the average per-pupil expenditure of all of the States for the third fiscal year preceding the fiscal year for which the determination is made.

“(ii) (I) For a local educational agency with respect to which 35 percent or more of the total student enrollment of the schools of the agency are children described in subparagraph (D) or (E) (or a combination thereof) of subsection (a)(1), the Secretary shall calculate the weighted student units of such children for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 0.55.

“(II) For a local educational agency that has an enrollment of 100 or fewer children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.75.

“(III) For a local educational agency that has an enrollment of more than 100 but not more than 750 children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.25.

“(iii) Notwithstanding subsection (a)(3), the Secretary shall compute the payment for a heavily impacted local educational agency under this subparagraph for all children described in subsection (a)(1) that are served by the agency.

“(E) MAXIMUM AMOUNT FOR LARGE HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—(i) (I) Subject to clause (ii), the maximum amount that a heavily impacted local educational agency described in subclause (II) is eligible to receive under this paragraph for any fiscal year shall be determined in accordance with the formula described in paragraph (1)(C).

“(II) A heavily impacted local educational agency described in this subclause is a local

educational agency that has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 6,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1).

“(ii) For purposes of calculating the maximum amount described in clause (i), the factor used in determining the weighted student units under subsection (a)(2) with respect to children described in subparagraphs (A) and (B) of subsection (a)(1) shall be 1.35.

“(F) DATA.—For purposes of providing assistance under this paragraph the Secretary shall use student, revenue, expenditure, and tax data from the third fiscal year preceding the fiscal year for which the local educational agency is applying for assistance under this paragraph.”

(C) PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—Section 8003(b)(3) (20 U.S.C. 7703(b)(3)) (as so redesignated) is amended—

(1) in subparagraph (A), by striking “paragraph (1)” and inserting “paragraphs (1) and (2)”;

(2) in subparagraph (B)—

(A) in the heading, by inserting after “PAYMENTS” the following: “IN LIEU OF PAYMENTS UNDER PARAGRAPH (1)”;

(B) in clause (i)—

(i) in the matter preceding subclause (I), by inserting before “by multiplying” the following: “in lieu of basic support payments under paragraph (1)”;

(ii) in subclause (II), by striking “(not including amounts received under subsection (f))”;

(3) by redesignating subparagraph (C) as subparagraph (D);

(4) by inserting after subparagraph (B) the following:

“(C) LEARNING OPPORTUNITY THRESHOLD PAYMENTS IN LIEU OF PAYMENTS UNDER PARAGRAPH (2).—For fiscal years described in subparagraph (A), the learning opportunity threshold payment in lieu of basic support payments under paragraph (2) shall be equal to the amount obtained under subparagraph (D) or (E) of paragraph (2), as the case may be.”;

(5) in subparagraph (D) (as so redesignated), by striking “computation made under subparagraph (B)” and inserting “computations made under subparagraphs (B) and (C)”.

(d) CONFORMING AMENDMENTS.—Section 8003 (20 U.S.C. 7703) is amended—

(1) in the matter preceding subparagraph (A) of subsection (a)(1), by striking “subsection (b), (d), or (f)” and inserting “subsection (b) or (d)”;

(2) in subsection (b)—

(A) in paragraph (1)(C), in the matter preceding clause (i), by striking “this subsection” and inserting “this paragraph”;

(B) in paragraph (4) (as so redesignated)—

(i) in subparagraph (A), by striking “paragraphs (1)(B), (1)(C), and (2) of this subsection” and inserting “subparagraphs (B) and (C) of paragraph (1) or subparagraphs (B) through (D) of paragraph (2), as the case may be, paragraph (3) of this subsection”;

(ii) in subparagraph (B)—

(I) by inserting after “paragraph (1)(C)” the following: “or subparagraph (D) or (E) of paragraph (2), as the case may be.”;

(II) by striking “paragraph (2)(B)” and inserting “subparagraph (B) or (C) of paragraph (3), as the case may be.”;

(3) in subsection (c)(1), by striking “paragraph (2) and subsection (f)” and inserting “subsections (b)(1)(D), (b)(2), and paragraph (2)”;

(4) in subsection (h), by striking “section 6” and all that follows through “1994” and inserting “section 386 of the National De-

fense Authorization Act for Fiscal Year 1993”.

(e) EFFECTIVE DATE.—The time limits imposed by the amendments made by subsection (a)(1)(B)(iv) shall apply with respect to payments made to a local educational agency for fiscal years beginning on or after the date of the enactment of this Act.

SEC. 805. SUDDEN AND SUBSTANTIAL INCREASES IN ATTENDANCE OF MILITARY DEPENDENTS.

Section 8006 (20 U.S.C. 7706) is repealed.

SEC. 806. SCHOOL CONSTRUCTION AND FACILITY MODERNIZATION.

(a) SCHOOL CONSTRUCTION.—Section 8007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707) is amended to read as follows:

“SEC. 8007. SCHOOL CONSTRUCTION.

“(a) PAYMENTS AUTHORIZED FOR SCHOOL CONSTRUCTION.—From 20 percent of the amount appropriated for each fiscal year under section 8014(d), the Secretary shall make payments to each local educational agency—

“(1) that receives a basic payment under section 8003(b); and

“(2)(A) in which the number of children determined under section 8003(a)(1)(C) constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the preceding school year;

“(B) in which the number of children determined under subparagraphs (B) and (D)(i) of section 8003(a)(1) constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the school year preceding the school year for which the determination is made; or

“(C) that receives assistance under section 8003(b)(2) for the fiscal year preceding the school year for which the determination is made.

“(b) AMOUNT OF PAYMENTS.—The amount of a payment to each such agency for a fiscal year shall be equal to—

“(1) the amount made available under subsection (a) for the fiscal year; divided by

“(2) the remainder of—

“(A) the number of children determined under section 8003(a)(2) for all local educational agencies described in subsection (a) for the fiscal year; minus

“(B) the number of children attending a school facility described in section 8008(a) for which the Secretary provided assistance under section 8008(a) for the previous fiscal year; multiplied by

“(3) the sum of the number of children described in paragraph (2) determined for such agency for the fiscal year.

“(c) USE OF FUNDS.—Any local educational agency that receives funds under this section shall use such funds for construction, as defined in section 8013(3).”

(b) SCHOOL FACILITY MODERNIZATION.—Title VIII of such Act (20 U.S.C. 7701 et seq.) is amended by inserting after section 8007 (20 U.S.C. 7707) the following:

“SEC. 8007A. SCHOOL FACILITY MODERNIZATION.

“(a) PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—From 80 percent of the amount appropriated for each fiscal year under section 8014(d), the Secretary shall award grants to eligible local educational agencies to enable the local educational agencies to carry out modernization of school facilities.

“(2) ALLOCATION AMONG ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—The Secretary shall allocate—

“(A) 45 percent of the amount made available under paragraph (1) for each fiscal year for grants to local educational agencies described in clause (i) or (ii) of subsection (b)(2)(A);

“(B) 45 percent of such amount for grants to local educational agencies described in subsection (b)(2)(B); and

“(C) 10 percent of such amount for grants to local educational agencies described in subsection (b)(2)(C).

“(3) SPECIAL RULE.—A local educational agency described in subsection (b)(2)(B) may use grant funds made available under this section for a school facility located on or near Federal property only if the school facility is located at a school where not less than 50 percent of the children in average daily attendance in the school for the preceding school year are children for which a determination is made under section 8003(a)(1).

“(b) ELIGIBILITY REQUIREMENTS.—A local educational agency is eligible to receive funds under this section only if—

“(1) such agency (or in the case of a local educational agency that does not have the authority to tax or issue bonds, such agency’s fiscal agent) has no capacity to issue bonds or is at such agency’s limit in bonded indebtedness for the purposes of generating funds for capital expenditures, except that a local educational agency that is eligible to receive funds under section 8003(b)(2) shall be deemed to have met the requirements of this paragraph; and

“(2)(A)(i) such agency received assistance under section 8002(a) and has an assessed value of taxable property per student in the school district that is less than the average of the assessed value of taxable property per student in the State in which the local educational agency is located; or

“(ii) had an enrollment of children determined under section 8003(a)(1)(C) which constituted at least 25 percent of the number of children who were in average daily attendance in the schools of such agency during the school year preceding the school year for which the determination is made;

“(B) such agency received assistance under section 8003(b) and had an enrollment of children determined under subparagraphs (A), (B), and (D) of section 8003(a)(1) which constituted at least 25 percent of the number of children who were in average daily attendance in the schools of such agency during the school year preceding the school year for which the determination is made; or

“(C) such agency had an enrollment of children determined under section 8003(a)(1)(C) which constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the school year preceding the school year for which the determination is made, and has a school facility emergency, as determined by the Secretary, that poses a health or safety hazard to the students and school personnel assigned to the school facility.

“(c) AWARD CRITERIA.—In awarding grants under this section the Secretary shall consider 1 or more of the following factors:

“(1) The extent to which the local educational agency lacks the fiscal capacity to undertake the modernization project without Federal assistance.

“(2) The extent to which property in the local educational agency is nontaxable due to the presence of the Federal Government.

“(3) The extent to which the local educational agency serves high numbers or percentages of children described in subparagraphs (A), (B), (C), and (D) of section 8003(a)(1).

“(4) The need for modernization to meet—
“(A) the threat that the condition of the school facility poses to the safety and well-being of students;

“(B) overcrowding conditions as evidenced by the use of trailers and portable buildings

and the potential for future overcrowding because of increased enrollment; and

“(C) facility needs resulting from actions of the Federal Government.

“(5) The age of the school facility to be modernized.

“(d) OTHER AWARD PROVISIONS.—

“(1) AMOUNT CONSIDERATION.—In determining the amount of a grant awarded under this section, the Secretary shall consider the cost of the modernization and the ability of the local educational agency to produce sufficient funds to carry out the activities for which assistance is sought.

“(2) FEDERAL SHARE.—The Federal funds provided to a local educational agency under this section shall not exceed 50 percent of the total cost of the project to be assisted under this section. A local educational agency may use in-kind contributions to meet the matching requirement of the preceding sentence.

“(3) MAXIMUM GRANT.—A local educational agency may not receive a grant under this section in an amount that exceeds \$3,000,000 during any 5-year period.

“(e) APPLICATIONS.—A local educational agency desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall contain—

“(1) documentation of the agency’s lack of bonding capacity;

“(2) a listing of the school facilities to be modernized, including the number and percentage of children determined under section 8003(a)(1) in average daily attendance in each school facility;

“(3) a description of the ownership of the property on which the current school facility is located or on which the planned school facility will be located;

“(4) a description of any school facility deficiency that poses a health or safety hazard to the occupants of the school facility and a description of how that deficiency will be repaired;

“(5) a description of the modernization to be supported with funds provided under this section;

“(6) a cost estimate of the proposed modernization; and

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

“(f) EMERGENCY GRANTS.—

“(1) APPLICATIONS.—Each local educational agency described in subsection (b)(2)(C) that desires a grant under this section shall include in the application submitted under subsection (e) a signed statement from an appropriate State official certifying that a health or safety deficiency exists.

“(2) INAPPLICABILITY OF CERTAIN PROVISIONS.—Paragraphs (2) and (3) of subsection (d) shall not apply to grants under this section awarded to local educational agencies described in subsection (b)(2)(C).

“(3) SPECIAL RULES.—The Secretary shall make every effort to meet fully the school facility needs of local educational agencies described in subsection (b)(2)(C).

“(4) PRIORITY.—If the Secretary receives more than 1 application from local educational agencies described in subsection (b)(2)(C) for grants under this section for any fiscal year, the Secretary shall give priority to local educational agencies based on when an application was received and the severity of the emergency as determined by the Secretary.

“(5) CONSIDERATION FOR FOLLOWING YEAR.—A local educational agency described in subsection (b)(2)(C) that applies for a grant under this section for any fiscal year and does not receive the grant shall have the application for the grant considered for the fol-

lowing fiscal year, subject to the priority described in paragraph (4).

“(g) GENERAL LIMITATIONS.—

“(1) REAL PROPERTY.—No part of any grant funds awarded under this section shall be used for the acquisition of any interest in real property.

“(2) MAINTENANCE.—Nothing in this section shall be construed to authorize the payment of maintenance costs in connection with any school facilities modernized in whole or in part with Federal funds provided under this section.

“(3) ENVIRONMENTAL SAFEGUARDS.—All projects carried out with Federal funds provided under this section shall comply with all relevant Federal, State, and local environmental laws and regulations.

“(4) ATHLETIC AND SIMILAR SCHOOL FACILITIES.—No Federal funds received under this section shall be used for outdoor stadiums or other school facilities that are primarily used for athletic contests or exhibitions, or other events, for which admission is charged to the general public.

“(h) SUPPLEMENT NOT SUPPLANT.—An eligible local educational agency shall use funds received under this section only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the modernization of school facilities used for educational purposes, and not to supplant such funds.”

SEC. 807. STATE CONSIDERATION OF PAYMENTS IN PROVIDING STATE AID.

Section 8009 (20 U.S.C. 7709) is amended—

(1) in subsection (a)(1), by striking “or under” and all that follows through “of 1994”;

(2) by amending subsection (b)(1) to read as follows:

“(1) IN GENERAL.—A State may reduce State aid to a local educational agency that receives a payment under section 8002 or 8003(b) (except the amount calculated in excess of 1.0 under section 8003(a)(2)(B)) for any fiscal year if the Secretary determines, and certifies under subsection (c)(3)(A), that the State has in effect a program of State aid that equalizes expenditures for free public education among local educational agencies in the State.”; and

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter proceeding subparagraph (A), by striking “or under” and all that follows through “of 1994”;

(ii) in subparagraph (B), by striking “or under” and all that follows through “of 1994”;

(B) in paragraph (2), by striking “or under” and all that follows through “of 1994”.

SEC. 808. FEDERAL ADMINISTRATION.

Section 8010(c) (20 U.S.C. 7710(c)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(3) in paragraph (1) (as so redesignated), by striking “paragraph (3)” each place the term appears and inserting “paragraph (2)”;

(4) in paragraph (2) (as so redesignated)—

(A) in subparagraph (D), by striking “section 5(d)(2)” and all that follows through “of 1994” or”; and

(B) in subparagraph (E)—

(i) by striking “1994” and inserting “1999”;

(ii) by striking “(or such section’s predecessor authority)”;

(iii) by striking “paragraph (2)” and inserting “paragraph (1)”.

SEC. 809. ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW.
Section 8011(a) (20 U.S.C. 7711(a)) is amended—

(1) by striking "the Act" and all that follows through "of 1994" and inserting "this title's predecessor authorities"; and

(2) by inserting before the period " , if a request for such hearing is submitted to the Secretary by the affected local educational agency or State educational agency not later than 60 days after receiving notice that such action has occurred".

SEC. 810. FORGIVENESS OF OVERPAYMENTS.

The matter preceding paragraph (1) of section 8012 (20 U.S.C. 7712) is amended by striking "under the Act" and all that follows through "of 1994" and inserting "under this title's predecessor authorities".

SEC. 811. APPLICABILITY.

Title VIII is amended by inserting after section 8012 (20 U.S.C. 7712) the following:

"SEC. 8012A. APPLICABILITY TO THIS TITLE.

"Part B of title IV, parts D, E, and F of title VI, and part A of title X, shall not apply to this title."

SEC. 812. DEFINITIONS.

Section 8013 (20 U.S.C. 7713) is amended—

(1) in the first sentence of paragraph (4), by striking "title VI" and inserting "part A of title VI";

(2) in paragraph (5)—

(A) in subparagraph (A)(iii)—

(i) in subclause (I)—

(1) by striking "low-rent" and inserting "low-income"; and

(II) by striking "or" after the semicolon; and

(ii) by adding at the end the following:

"(III) used for affordable housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996; or"; and

(B) in subparagraph (F)(i), by striking "the mutual" and all that follows through "1937" and inserting "or authorized by the Native American Housing Assistance and Self-Determination Act of 1996";

(3) in paragraph (8)(B), by striking "all States" and inserting "the 50 States and the District of Columbia";

(4) in paragraph (9)(B)(i), by striking "or the Act" and all that follows through "of 1994" and inserting "(or under this title's predecessor authorities)";

(5) by redesignating paragraphs (11) and (12) as paragraphs (12) and (13), respectively;

(6) by inserting after paragraph (10) the following:

"(11) MODERNIZATION.—The term 'modernization' means repair, renovation, alteration, or construction, including—

"(A) the concurrent installation of equipment; and

"(B) the complete or partial replacement of an existing school facility, but only if such replacement is less expensive and more cost-effective than repair, renovation, or alteration of the school facility."; and

(7) by amending paragraph (13) (as so redesignated) to read as follows:

"(13) SCHOOL FACILITY.—The term 'school facility' includes—

"(A) a classroom, laboratory, library, media center, or related facility, the primary purpose of which is the instruction of public elementary school or secondary school students; and

"(B) equipment, machinery, and utilities necessary or appropriate for school purposes."

SEC. 813. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 8014 (20 U.S.C. 7714) is amended—

(1) in subsection (a), by striking "\$16,750,000 for fiscal year 1995" and inserting "\$35,000,000 for fiscal year 2001";

(2) by amending subsection (b) to read as follows:

"(b) BASIC PAYMENTS; PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGEN-

CIES.—For the purpose of making payments under subsection (b) of section 8003, there are authorized to be appropriated \$875,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.";

(3) in subsection (c), by striking "\$45,000,000 for fiscal year 1995" and inserting "\$60,000,000 for fiscal year 2001";

(4) by striking subsection (d);

(5) by redesignating subsections (e), (f) and (g) as subsections (d), (e) and (f), respectively;

(6) in subsection (d) (as so redesignated)—
(A) in the subsection heading by inserting "AND FACILITY MODERNIZATION" after "CONSTRUCTION";

(B) by striking "section 8007" and inserting "sections 8007 and 8007A"; and

(C) by striking "\$25,000,000 for fiscal year 1995" and inserting "\$62,500,000 for fiscal year 2001";

(7) in subsection (e) (as so redesignated), by striking \$2,000,000 for fiscal year 1995" and inserting "\$7,000,000 for fiscal year 2001"; and

(8) in subsection (f) (as so redesignated), by striking "such sums as are necessary beginning in fiscal year 1998 and for each succeeding fiscal year" and inserting "\$500,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years".

(b) CONFORMING AMENDMENTS.—Title VIII (20 U.S.C. 7701 et seq.) is amended—

(1) in section 8002(j)(1) (20 U.S.C. 7702(j)(1)), by striking "8014(g)" and inserting "8014(f)"; and

(2) in section 8008(a) (20 U.S.C. 7708(a)), by striking "8014(f)" and inserting "8014(e)".

SEC. 814. TECHNICAL AND CONFORMING AMENDMENT.

Section 426 of the General Education Provisions Act (20 U.S.C. 1228) is amended by striking "subsections (d) and (g) of section 8003" and inserting "section 8003(d)".

TITLE IX—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

SEC. 901. PROGRAMS.

Title IX (20 U.S.C. 7801 et seq.) is amended to read as follows:

"TITLE IX—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION
"PART A—INDIAN EDUCATION

"SEC. 9101. FINDINGS.

"Congress finds that—

"(1) the Federal Government has a special responsibility to ensure that educational programs for all American Indian and Alaska Native children and adults—

"(A) are based on high-quality, internationally competitive content standards and student performance standards, and build on Indian culture and the Indian community;

"(B) assist local educational agencies, Indian tribes, and other entities and individuals in providing Indian students the opportunity to achieve the standards described in subparagraph (A); and

"(C) meet the unique educational and culturally related academic needs of American Indian and Alaska Native students;

"(2) since the date of enactment of the Indian Education Act in 1972, the level of involvement of Indian parents in the planning, development, and implementation of educational programs that affect such parents and their children has increased significantly, and schools should continue to foster such involvement;

"(3) although the number of Indian teachers, administrators, and university professors has increased since 1972, teacher training programs are not recruiting, training, or retraining a sufficient number of Indian individuals as educators to meet the needs of a

growing Indian student population in elementary, secondary, vocational, adult, and higher education;

"(4) the dropout rate for Indian students is unacceptably high: 9 percent of Indian students who were eighth graders in 1988 had already dropped out of school by 1990;

"(5) during the period from 1980 to 1990, the percentage of Indian individuals living at or below the poverty level increased from 24 percent to 31 percent, and the readiness of Indian children to learn is hampered by the high incidence of poverty, unemployment, and health problems among Indian children and their families; and

"(6) research related specifically to the education of Indian children and adults is very limited, and much of the research is of poor quality or is focused on limited local or regional issues.

"SEC. 9102. PURPOSE.

"(a) PURPOSE.—The purpose of this part is to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to meet the unique educational and culturally related academic needs of American Indian and Alaska Native students, so that such students can meet the same challenging State performance standards as are expected for all students.

"(b) PROGRAMS.—This part carries out the purpose described in subsection (a) by authorizing programs of direct assistance for—

"(1) meeting the unique educational and culturally related academic needs of American Indians and Alaska Natives;

"(2) the education of Indian children and adults;

"(3) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and

"(4) research, evaluation, data collection, and technical assistance.

"Subpart 1—Formula Grants to Local Educational Agencies

"SEC. 9111. PURPOSE.

"The purpose of this subpart is to support local educational agencies in their efforts to reform elementary school and secondary school programs that serve Indian students in order to ensure that such programs—

"(1) are based on challenging State content standards and State student performance standards that are used for all students; and

"(2) are designed to assist Indian students to meet those standards and assist the Nation in reaching the National Education Goals.

"SEC. 9112. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) IN GENERAL.—The Secretary may make grants to local educational agencies and Indian tribes in accordance with this section.

"(b) LOCAL EDUCATIONAL AGENCIES.—

"(1) ENROLLMENT REQUIREMENTS.—A local educational agency shall be eligible for a grant under this subpart for any fiscal year if the number of Indian children who are eligible under section 9117, and who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

"(A) was at least 10; or

"(B) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.

"(2) EXCLUSION.—The requirement of paragraph (1) shall not apply in Alaska, California, or Oklahoma, or with respect to any local educational agency located on, or in proximity to, a reservation.

"(c) INDIAN TRIBES.—

"(1) IN GENERAL.—If a local educational agency that is otherwise eligible for a grant under this subpart does not establish a parent committee under section 9114(c)(4), an

Indian tribe that represents not less than ½ of the eligible Indian children who are served by such local educational agency may apply for such grant by submitting an application in accordance with section 9114.

“(2) SPECIAL RULE.—The Secretary shall treat each Indian tribe applying for a grant pursuant to paragraph (1) as if such Indian tribe were a local educational agency for purposes of this subpart, except that any such tribe shall not be subject to section 9114(c)(4) (relating to a parent committee), section 9118(c) (relating to maintenance of effort), or section 9119 (relating to State review of applications).

“SEC. 9113. AMOUNT OF GRANTS.

“(a) AMOUNT OF GRANT AWARDS.—

“(1) IN GENERAL.—Except as provided in subsections (c) and (d), for purposes of making grants under this subpart the Secretary shall allocate to each local educational agency that has an approved application under this subpart an amount equal to the product of—

“(A) the number of Indian children who are eligible under section 9117 and served by such agency; and

“(B) the greater of—

“(i) the average per-pupil expenditure of the State in which such agency is located; or

“(ii) 80 percent of the average per-pupil expenditure of all the States.

“(2) REDUCTION.—The Secretary shall reduce the amount of each allocation determined under paragraph (1) or subsection (b) in accordance with subsection (c).

“(b) SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN AFFAIRS.—

“(1) IN GENERAL.—In addition to the grants awarded under subsection (a), and subject to paragraph (2), for purposes of making grants under this subpart the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

“(A) the total number of Indian children enrolled in schools that are operated by—

“(i) the Bureau of Indian Affairs; or

“(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of such tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act or the Tribally Controlled Schools Act of 1988; and

“(B) the greater of—

“(i) the average per-pupil expenditure of the State in which the school is located; or

“(ii) 80 percent of the average per-pupil expenditure of all the States.

“(2) SPECIAL RULE.—Any school described in paragraph (1) may apply for an allocation under this subpart by submitting an application in accordance with section 9114. The Secretary shall treat the school as if the school were a local educational agency for purposes of this subpart, except that any such school shall not be subject to section 9114(c)(4), 9118(c), or 9119.

“(c) RATABLE REDUCTIONS.—If the sums appropriated for any fiscal year under section 9162(a) are insufficient to pay in full the amounts determined for local educational agencies under subsection (a) and for the Secretary of the Interior under subsection (b), each of those amounts shall be ratably reduced.

“(d) MINIMUM GRANT.—

“(1) IN GENERAL.—Notwithstanding subsection (c), a local educational agency (including an Indian tribe as authorized under section 9112(b)) that is eligible for a grant under section 9112, and a school that is operated or supported by the Bureau of Indian Affairs that is eligible for a grant under subsection (b), that submits an application that is approved by the Secretary, shall, subject to appropriations, receive a grant under this

subpart in an amount that is not less than \$3,000.

“(2) CONSORTIA.—Local educational agencies may form a consortium for the purpose of obtaining grants under this subpart.

“(3) INCREASE.—The Secretary may increase the minimum grant under paragraph (1) to not more than \$4,000 for all grant recipients if the Secretary determines such increase is necessary to ensure quality programs.

“(e) DEFINITION.—In this section, the term ‘average per-pupil expenditure’, for a State, means an amount equal to—

“(1) the sum of the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; divided by

“(2) the aggregate number of children who were included in average daily attendance and for whom such agencies provided free public education during such preceding fiscal year.

“SEC. 9114. APPLICATIONS.

“(a) APPLICATION REQUIRED.—Each local educational agency that desires to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(b) COMPREHENSIVE PROGRAM REQUIRED.—Each application submitted under subsection (a) shall include a description of a comprehensive program for meeting the needs of Indian children served by the local educational agency, including the language and cultural needs of the children, that—

“(1) describes how the comprehensive program will offer programs and activities to meet the culturally related academic needs of American Indian and Alaska Native students;

“(2)(A) is consistent with the State and local plans submitted under other provisions of this Act; and

“(B) includes academic content and student performance goals for such children, and benchmarks for attaining such goals, that are based on the challenging State standards adopted under title I for all children;

“(3) explains how Federal, State, and local programs, especially programs carried out under title I, will meet the needs of such students;

“(4) demonstrates how funds made available under this subpart will be used for activities described in section 9115;

“(5) describes the professional development opportunities that will be provided, as needed, to ensure that—

“(A) teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and

“(B) all teachers who will be involved in programs assisted under this subpart have been properly trained to carry out such programs; and

“(6) describes how the local educational agency—

“(A) will periodically assess the progress of all Indian children enrolled in the schools of the local educational agency, including Indian children who do not participate in programs assisted under this subpart, in meeting the goals described in paragraph (2);

“(B) will provide the results of each assessment referred to in subparagraph (A) to—

“(i) the committee of parents described in subsection (c)(4); and

“(ii) the community served by the local educational agency; and

“(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A).

“(c) ASSURANCES.—Each application submitted under subsection (a) shall include assurances that—

“(1) the local educational agency will use funds received under this subpart only to supplement the funds that, in the absence of the Federal funds made available under this subpart, such agency would make available for the education of Indian children, and not to supplant such funds;

“(2) the local educational agency will prepare and submit to the Secretary such reports, in such form and containing such information, as the Secretary may require to—

“(A) carry out the functions of the Secretary under this subpart; and

“(B) determine the extent to which activities carried out with funds provided to the local educational agency under this subpart are effective in improving the educational achievement of Indian students served by such agency;

“(3) the program for which assistance is sought—

“(A) is based on a comprehensive local assessment and prioritization of the unique educational and culturally related academic needs of the American Indian and Alaska Native students for whom the local educational agency is providing an education;

“(B) will use the best available talents and resources, including individuals from the Indian community; and

“(C) was developed by such agency in open consultation with parents of Indian children and teachers, and, if appropriate, Indian students from secondary schools, including through public hearings held by such agency to provide to the individuals described in this subparagraph a full opportunity to understand the program and to offer recommendations regarding the program; and

“(4) the local educational agency developed the program with the participation and written approval of a committee—

“(A) that is composed of, and selected by—

“(i) parents of Indian children in the local educational agency’s schools and teachers in the schools; and

“(ii) if appropriate, Indian students attending secondary schools of the agency;

“(B) a majority of whose members are parents of Indian children;

“(C) that has set forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents of the children, and representatives of the area, to be served;

“(D) with respect to an application describing a schoolwide program carried out in accordance with section 9115(c), that has—

“(i) reviewed in a timely fashion the program; and

“(ii) determined that the program will enhance the availability of culturally related activities for American Indian and Alaska Native students; and

“(E) that has adopted reasonable bylaws for the conduct of the activities of the committee and abides by such bylaws.

“SEC. 9115. AUTHORIZED SERVICES AND ACTIVITIES.

“(a) GENERAL REQUIREMENTS.—Each local educational agency that receives a grant under this subpart shall use the grant funds, in a manner consistent with the purpose specified in section 9111, for services and activities that—

“(1) are designed to carry out the comprehensive program of the local educational

agency for Indian students, and described in the application of the local educational agency submitted to the Secretary under section 9114;

“(2) are designed with special regard for the language and cultural needs of the Indian students; and

“(3) supplement and enrich the regular school program of such agency.

“(b) PARTICULAR SERVICES AND ACTIVITIES.—The services and activities referred to in subsection (a) may include—

“(1) culturally related activities that support the program described in the application submitted by the local educational agency;

“(2) early childhood and family programs that emphasize school readiness;

“(3) enrichment programs that focus on problem-solving and cognitive skills development and directly support the attainment of challenging State content standards and State student performance standards;

“(4) integrated educational services in combination with other programs that meet the needs of Indian children and their families;

“(5) career preparation activities to enable Indian students to participate in programs such as the programs supported by Public Law 103-239 and Public Law 88-210, including programs for tech-prep, mentoring, and apprenticeship activities;

“(6) activities to educate individuals concerning substance abuse and to prevent substance abuse;

“(7) the acquisition of equipment, but only if the acquisition of the equipment is essential to meet the purpose described in section 9111;

“(8) activities that promote the incorporation of culturally responsive teaching and learning strategies into the educational program of the local educational agency;

“(9) activities that incorporate American Indian and Alaska Native specific curriculum content, consistent with State standards, into the curriculum used by the local educational agency;

“(10) activities to promote coordination and collaboration between tribal, Federal, and State public schools in areas that will improve American Indian and Alaska Native student achievement; and

“(11) family literacy services.

“(c) SCHOOLWIDE PROGRAMS.—Notwithstanding any other provision of law, a local educational agency may use funds made available to such agency under this subpart to support a schoolwide program under section 1114 if—

“(1) the committee composed of parents established pursuant to section 9114(c)(4) approves the use of the funds for the schoolwide program; and

“(2) the schoolwide program is consistent with the purpose described in section 9111.

“(d) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds made available to a local educational agency through a grant made under this subpart for a fiscal year may be used to pay for administrative costs.

“SEC. 9116. INTEGRATION OF SERVICES AUTHORIZED.

“(a) PLAN.—An entity receiving funds under this subpart may submit a plan to the Secretary for a demonstration project for the integration of education and related services provided to Indian students.

“(b) CONSOLIDATION OF PROGRAMS.—Upon the receipt of an acceptable plan under subsection (a), the Secretary, in cooperation with each Federal agency providing grants for the provision of education and related services to the applicant, shall authorize the applicant to consolidate, in accordance with such plan, the federally funded education and related services programs of the appli-

cant and the agencies, or portions of the programs, serving Indian students in a manner that integrates the program services involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.

“(c) PROGRAMS AFFECTED.—The funds that may be consolidated in a demonstration project under any such plan referred to in subsection (b) shall include funds for any Federal program exclusively serving Indian children, or the funds reserved exclusively to serve Indian children under any program, for which the applicant is eligible for receipt of funds under a statutory or administrative formula for the purposes of providing education and related services for Indian students.

“(d) PLAN REQUIREMENTS.—For a plan to be acceptable pursuant to subsection (b), the plan shall—

“(1) identify the programs or funding sources to be consolidated;

“(2) be consistent with the objectives of this section authorizing the program services to be integrated in a demonstration project;

“(3) describe a comprehensive strategy that identifies the full range of potential educational opportunities and related services to be provided to assist Indian students to achieve the objectives set forth in this subpart;

“(4) describe the way in which the services are to be integrated and delivered and the results expected from the plan;

“(5) identify the projected expenditures under the plan in a single budget;

“(6) identify the State, tribal, or local agencies to be involved in the delivery of the services integrated under the plan;

“(7) identify any statutory provisions, regulations, policies, or procedures that the applicant believes need to be waived in order to implement the plan;

“(8) set forth measures of student achievement and performance goals designed to be met within a specified period of time for activities provided under the plan; and

“(9) be approved by a parent committee formed in accordance with section 9114(c)(4), if such a committee exists, in consultation with the Committee on Resources of the House of Representatives and the Committee on Indian Affairs of the Senate.

“(e) PLAN REVIEW.—Upon receipt of the plan from an eligible entity, the Secretary shall consult with the head of each Federal agency providing funds to be used to implement the plan, and with the entity submitting the plan. The parties so consulting shall identify any waivers of statutory requirements or of Federal regulations, policies, or procedures necessary to enable the applicant to implement the plan. Notwithstanding any other provision of law, the Secretary of the affected agency shall have the authority to waive, for the applicant, any regulation, policy, or procedure promulgated by that agency that has been so identified by the applicant or agency, unless the head of the affected agency determines that such a waiver is inconsistent with the objectives of this subpart or the provisions of the statute from which the program involved derives authority that are specifically applicable to Indian students.

“(f) PLAN APPROVAL.—Within 90 days after the receipt of an applicant's plan by the Secretary under subsection (a), the Secretary shall inform the applicant, in writing, of the Secretary's approval or disapproval of the plan. If the plan is disapproved, the applicant shall be informed, in writing, of the reasons for the disapproval and shall be given an opportunity to amend the plan or to petition the Secretary to reconsider such disapproval.

“(g) RESPONSIBILITIES OF DEPARTMENT OF EDUCATION.—Not later than 180 days after the date of enactment of the Educational Excellence for All Children Act of 2000, the Secretary of Education, the Secretary of the Interior, and the head of any other Federal agency identified by the Secretary of Education, shall enter into an interagency memorandum of agreement providing for the implementation of the demonstration projects authorized under this section. The lead agency for a demonstration project authorized under this section shall be—

“(1) the Department of the Interior, in the case of an applicant that is a contract or grant school, as defined in section 1146 of the Education Amendments of 1978; or

“(2) the Department of Education, in the case of any other applicant.

“(h) RESPONSIBILITIES OF LEAD AGENCY.—The responsibilities of the lead agency for a demonstration project shall include—

“(1) the use of a single report format related to the plan for the individual project, which shall be used by an eligible entity to report on the activities undertaken under the project;

“(2) the use of a single report format related to the projected expenditures for the individual project, which shall be used by an eligible entity to report on all project expenditures;

“(3) the development of a single system of Federal oversight for the project, which shall be implemented by the lead agency; and

“(4) the provision of technical assistance to an eligible entity appropriate to the project, except that an eligible entity shall have the authority to accept or reject the plan for providing such technical assistance and the technical assistance provider.

“(i) REPORT REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary shall develop, consistent with the requirements of this section, a single report format for the reports described in subsection (h).

“(2) REPORT INFORMATION.—Such report format shall require that the reports shall—

“(A) contain such information as will allow a determination that the eligible entity has complied with the requirements incorporated in the entity's approved plan, including the demonstration of student achievement; and

“(B) provide assurances to the Secretary of Education and the Secretary of the Interior that the eligible entity has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements that have not been waived.

“(3) RECORD INFORMATION.—The Secretary shall require that records maintained at the local level on the programs consolidated for the project shall contain the information and provide the assurances described in paragraph (2).

“(j) NO REDUCTION IN AMOUNTS.—In no case shall the amount of Federal funds available to an eligible entity involved in any demonstration project be reduced as a result of the enactment of this section.

“(k) INTERAGENCY FUND TRANSFERS AUTHORIZED.—The Secretary is authorized to take such action as may be necessary to provide for an interagency transfer of funds otherwise available to an eligible entity in order to further the objectives of this section.

“(l) ADMINISTRATION OF FUNDS.—

“(1) IN GENERAL.—An eligible entity shall administer the program funds for the consolidated programs in such a manner as to allow for a determination that funds from a specific program are spent on allowable activities authorized under such program, except that the eligible entity shall determine the proportion of the funds that shall be allocated to such program.

“(2) SEPARATE RECORDS NOT REQUIRED.—Nothing in this section shall be construed as

requiring the eligible entity to maintain separate records tracing any services or activities conducted under the approved plan to the individual programs under which funds were authorized for the services or activities, nor shall the eligible entity be required to allocate expenditures among such individual programs.

“(m) OVERAGE.—The eligible entity may commingle all administrative funds from the consolidated programs and shall be entitled to the full amount of such funds (under each program’s or agency’s regulations). The overage (defined as the difference between the amount of the commingled funds and the actual administrative cost of the programs) shall be considered to be properly spent for Federal audit purposes, if the overage is used for the purposes provided for under this section.

“(n) FISCAL ACCOUNTABILITY.—Nothing in this part shall be construed so as to interfere with the ability of the Secretary or the lead agency to fulfill responsibilities for safeguarding Federal funds pursuant to chapter 75 of title 31, United States Code.

“(o) REPORT ON STATUTORY OBSTACLES TO PROGRAM INTEGRATION.—

“(1) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of the Educational Excellence for All Children Act of 2000, the Secretary of Education shall submit a preliminary report to the Committee on Education and the Workforce and the Committee on Resources of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate on the status of the implementation of the demonstration projects authorized under this section.

“(2) FINAL REPORT.—Not later than 5 years after the date of enactment of the Educational Excellence for All Children Act of 2000, the Secretary of Education shall submit a report to the Committee on Education and the Workforce and the Committee on Resources of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate on the results of the implementation of the demonstration projects authorized under this section. Such report shall identify statutory barriers to the ability of participants to integrate more effectively their education and related services to Indian students in a manner consistent with the objectives of this section.

“(p) DEFINITION.—In this section, the term ‘Secretary’ means—

“(1) the Secretary of the Interior, in the case of an applicant that is a contract or grant school, as defined in section 1146 of the Education Amendments of 1978; or

“(2) the Secretary of Education, in the case of any other applicant.

“SEC. 9117. STUDENT ELIGIBILITY FORMS.

“(a) IN GENERAL.—The Secretary shall require that, as part of an application for a grant under this subpart, each applicant shall maintain a file, with respect to each Indian child for whom the local educational agency provides a free public education, that contains a form that sets forth information establishing the status of the child as an Indian child eligible for assistance under this subpart, and that otherwise meets the requirements of subsection (b).

“(b) FORMS.—

“(1) IN GENERAL.—The form described in subsection (a) shall include—

“(A) either—

“(i) the name of the tribe or band of Indians (as defined in section 9161(3)) with respect to which the child claims membership;

“(ii) the enrollment number establishing the membership of the child (if readily available); and

“(III) the name and address of the organization that maintains updated and accurate membership data for such tribe or band of Indians; or

“(ii) if the child is not a member of tribe or band of Indians (as so defined), the name, the enrollment number (if readily available), and the name and address of the organization responsible for maintaining updated and accurate membership rolls, of any parent or grandparent of the child from whom the child claims eligibility under this subpart;

“(B) a statement of whether the tribe or band of Indians (as so defined) with respect to which the child, or parent or grandparent of the child, claims membership is federally recognized;

“(C) the name and address of the parent or legal guardian of the child;

“(D) a signature of the parent or legal guardian of the child that verifies the accuracy of the information supplied; and

“(E) any other information that the Secretary considers necessary to provide an accurate program profile.

“(2) MINIMUM INFORMATION.—In order for a child to be eligible to be counted for the purpose of computing the amount of a grant award made under section 9113, an eligibility form prepared pursuant to this section for a child shall include—

“(A) the name of the child;

“(B) the name of the tribe or band of Indians (as so defined) with respect to which the child claims membership; and

“(C) the dated signature of the parent or guardian of the child.

“(3) FAILURE.—The failure of an applicant to furnish any information described in this subsection other than the information described in paragraph (2) with respect to any child shall have no bearing on the determination of whether the child is an eligible Indian child for the purposes of computing the amount of a grant award made under section 9113.

“(c) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect a definition contained in section 9161.

“(d) FORMS AND STANDARDS OF PROOF.—The forms and the standards of proof (including the standard of good faith compliance) that were in use during the 1985–86 academic year to establish the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act shall be the forms and standards of proof used—

“(1) to establish eligibility under this subpart; and

“(2) to meet the requirements of subsection (a).

“(e) DOCUMENTATION.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant award under section 9113, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians (as so defined) may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.

“(f) MONITORING AND EVALUATION REVIEW.—

“(1) IN GENERAL.—

“(A) REVIEW.—For each fiscal year, in order to provide such information as is necessary to carry out the responsibility of the Secretary to provide technical assistance under this subpart, the Secretary shall conduct a monitoring and evaluation review of a sampling of the local educational agencies that are recipients of grants under this subpart. The sampling conducted under this paragraph shall take into account the size of

such a local educational agency and the geographic location of such agency.

“(B) EXCEPTION.—A local educational agency may not be held liable to the United States or be subject to any penalty by reason of the findings of an audit that relates to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act.

“(2) FALSE INFORMATION.—Any local educational agency that provides false information in an application for a grant under this subpart shall—

“(A) be ineligible to apply for any other grant under this subpart; and

“(B) be liable to the United States for any funds from the grant that have not been expended.

“(3) EXCLUDED CHILDREN.—A student who provides false information for the form required under subsection (a) shall not be counted for the purpose of computing the amount of a grant award under section 9113.

“(g) TRIBAL GRANT AND CONTRACT SCHOOLS.—Notwithstanding any other provision of this section, the Secretary, in computing the amount of a grant award under section 9113 to a tribal school that receives a grant or contract from the Bureau of Indian Affairs, shall use only 1 of the following, as selected by the school:

“(1) A count, certified by the Bureau, of the number of students in the school.

“(2) A count of the number of students for whom the school has eligibility forms that comply with this section.

“(h) TIMING OF CHILD COUNTS.—For purposes of determining the number of children to be counted in computing the amount of a local educational agency’s grant award under section 9113 (other than in the case described in subsection (g)(1)), the local educational agency shall—

“(1) establish a date on, or a period not longer than 31 consecutive days during which, the agency counts those children, if that date or period occurs before the deadline established by the Secretary for submitting an application under section 9114; and

“(2) determine that each such child was enrolled, and receiving a free public education, in a school of the agency on that date or during that period, as the case may be.

“SEC. 9118. PAYMENTS.

“(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall pay to each local educational agency that submits an application that is approved by the Secretary under this subpart the amount computed under section 9113. The Secretary shall notify the local educational agency of the amount of the payment not later than June 1 of the year for which the Secretary makes the payment.

“(b) PAYMENTS TAKEN INTO ACCOUNT BY THE STATE.—The Secretary may not make a grant under this subpart to a local educational agency for a fiscal year if, for such fiscal year, the State in which the local educational agency is located takes into consideration payments made under this subpart in determining the eligibility of the local educational agency for State aid, or the amount of the State aid, with respect to the free public education of children during such fiscal year or the preceding fiscal year.

“(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—

“(1) IN GENERAL.—The Secretary may not pay a local educational agency in a State the full amount of a grant award computed under section 9113 for any fiscal year unless the State educational agency notifies the Secretary, and the Secretary determines, that with respect to the provision of free

public education by the local educational agency for the preceding fiscal year, that the combined fiscal effort of the local educational agency and the State, computed on either a per student or aggregate expenditure basis was not less than 90 percent of the amount of the combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

“(2) FAILURE.—If, for any fiscal year, the Secretary determines that a local educational agency and State failed to maintain the combined fiscal effort at the level specified in paragraph (1), the Secretary shall—

“(A) reduce the amount of the grant that would otherwise be made to such agency under this subpart in the exact proportion of the failure to maintain the fiscal effort at such level; and

“(B) not use the reduced amount of the combined fiscal effort for the year to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) during the fiscal year for which the determination is made.

“(3) WAIVER.—

“(A) IN GENERAL.—The Secretary may waive the requirement of paragraph (1) for a local educational agency, for not more than 1 year at a time, if the Secretary determines that the failure to comply with such requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources.

“(B) FUTURE DETERMINATIONS.—The Secretary shall not use the reduced amount of the combined fiscal effort for the year for which the waiver is granted to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of the waiver during the fiscal year for which the waiver is granted.

“(d) REALLOCATIONS.—The Secretary may reallocate, in a manner that the Secretary determines will best carry out the purpose of this subpart, any amounts that—

“(1) based on estimates made by local educational agencies or other information, the Secretary determines will not be needed by such agencies to carry out approved programs under this subpart; or

“(2) otherwise become available for reallocation under this subpart.

“SEC. 9119. STATE EDUCATIONAL AGENCY REVIEW.

“Before submitting an application to the Secretary under section 9114, a local educational agency shall submit the application to the State educational agency, which may comment on the application. If the State educational agency comments on the application, the agency shall comment on each such application submitted by a local educational agency in the State and shall provide the comment to the appropriate local educational agency, with an opportunity to respond.

“Subpart 2—Special Programs and Projects To Improve Educational Opportunities for Indian Children

“SEC. 9121. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.

“(a) PURPOSE.—

“(1) IN GENERAL.—The purpose of this section is to support projects to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children.

“(2) COORDINATION.—The Secretary shall take such actions as are necessary to achieve the coordination of activities assisted under this subpart with—

“(A) other programs funded under this Act; and

“(B) other Federal programs operated for the benefit of American Indian and Alaska Native children.

“(b) ELIGIBLE ENTITIES.—In this section, the term ‘eligible entity’ means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary school or secondary school for Indian students, Indian institution (including an Indian institution of higher education) or a consortium of such entities.

“(c) GRANTS AUTHORIZED.—

“(1) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to carry out activities that meet the purpose specified in subsection (a)(1), including—

“(A) innovative programs related to the educational needs of educationally disadvantaged children;

“(B) educational services that are not available to such children in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in 1 or more of the core academic subjects of English, mathematics, science, foreign languages, art, history, and geography;

“(C) bilingual and bicultural programs and projects;

“(D) special health and nutrition services, and other related activities, that address the special health, social, and psychological problems of Indian children;

“(E) special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school, and to increase the rate of secondary school graduation for Indian children;

“(F) comprehensive guidance, counseling, and testing services;

“(G) early childhood and kindergarten programs, including family-based preschool programs that emphasize school readiness and parental skills, and the provision of services to Indian children with disabilities;

“(H) partnership projects between local educational agencies and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid such students in the transition from secondary school to postsecondary education;

“(I) partnership projects between schools and local businesses for school-to-work transition programs designed to provide Indian youth with the knowledge and skills the youth need to make an effective transition from school to a first job in a high-skill, high-wage career;

“(J) partnership projects between schools and student groups to improve the achievement of Indian students;

“(K) family literacy services; or

“(L) other services that meet the purpose described in subsection (a)(1).

“(2) PRE-SERVICE OR IN-SERVICE TRAINING.—Pre-service or in-service training of professional and paraprofessional personnel may be a part of any program assisted under this section.

“(d) GRANT REQUIREMENTS AND APPLICATIONS.—

“(1) GRANT REQUIREMENTS.—

“(A) IN GENERAL.—The Secretary may make multiyear grants under subsection (c) for the planning, development, pilot operation, or demonstration of any activity described in subsection (c). The Secretary shall make the grants for periods of not more than 5 years.

“(B) PRIORITY.—In making multiyear grants described in this paragraph, the Secretary shall give priority to entities submitting applications that present a plan for combining 2 or more of the activities de-

scribed in subsection (c) over a period of more than 1 year.

“(C) PROGRESS.—The Secretary shall make a payment for a grant described in this paragraph to an eligible entity after the initial year of the multiyear grant period only if the Secretary determines that the eligible entity has made substantial progress in carrying out the activities assisted under the grant in accordance with the application submitted under paragraph (3) and any subsequent modifications to such application.

“(2) DISSEMINATION GRANTS.—

“(A) IN GENERAL.—In addition to awarding the multiyear grants described in paragraph (1), the Secretary may award grants under subsection (c) to eligible entities for the dissemination of exemplary materials or programs assisted under this section.

“(B) DETERMINATION.—The Secretary may award a dissemination grant described in this paragraph if, prior to awarding the grant, the Secretary determines that the material or program to be disseminated—

“(i) has been adequately reviewed;

“(ii) has demonstrated educational merit; and

“(iii) can be replicated.

“(3) APPLICATION.—

“(A) IN GENERAL.—Any eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

“(B) CONTENTS.—Each application submitted to the Secretary under subparagraph (A), other than an application for a dissemination grant under paragraph (2), shall contain—

“(i) a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the activities for which assistance is sought;

“(ii) assurances that the applicant will participate, at the request of the Secretary, in any national evaluation of activities assisted under this section;

“(iii) information demonstrating that the proposed program for the activities is a research-based program, which may include a program that has been modified to be culturally appropriate for students who will be served;

“(iv) a description of how the applicant will incorporate the proposed activities into the ongoing school program involved once the grant period is over; and

“(v) such other assurances and information as the Secretary may reasonably require.

“(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grant recipient under this subpart for any fiscal year may be used to pay for administrative costs.

“SEC. 9122. PROFESSIONAL DEVELOPMENT.

“(a) PURPOSES.—The purposes of this section are—

“(1) to increase the number of qualified Indian individuals in teaching or other education professions that serve Indian people;

“(2) to provide training to qualified Indian individuals to enable such individuals to become teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and

“(3) to improve the skills of qualified Indian individuals who serve in the capacities described in paragraph (2).

“(b) ELIGIBLE ENTITIES.—In this section, the term ‘eligible entity’ means a consortium of—

“(1) a State or local educational agency; and

“(2) an institution of higher education (including an Indian institution of higher education) or an Indian tribe or organization.

“(c) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to eligible entities with applications approved under subsection (e) to enable such entities to carry out the activities described in subsection (d).

“(d) AUTHORIZED ACTIVITIES.—

“(1) IN GENERAL.—Grant funds made available under subsection (c) shall be used for activities to provide support and training for Indian individuals in a manner consistent with the purposes of this section. Such activities may include continuing programs, symposia, workshops, conferences, and direct financial support.

“(2) SPECIAL RULES.—

“(A) TYPE OF TRAINING.—For education personnel, the training received pursuant to a grant awarded under subsection (c) may be in-service or pre-service training.

“(B) PROGRAM.—For individuals who are being trained to enter any field other than education, the training received pursuant to a grant awarded under subsection (c) shall be in a program that results in a graduate degree.

“(e) APPLICATION.—Each eligible entity desiring a grant under subsection (c) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require.

“(f) SPECIAL RULE.—In awarding grants under subsection (c), the Secretary—

“(1) shall consider the prior performance of an eligible entity; and

“(2) may not limit eligibility to receive a grant under subsection (c) on the basis of—

“(A) the number of previous grants the Secretary has awarded such entity; or

“(B) the length of any period during which such entity received such grants.

“(g) GRANT PERIOD.—Each grant awarded under subsection (c) shall be awarded for a program of activities of not more than 5 years.

“(h) SERVICE OBLIGATION.—

“(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives pre-service training pursuant to a grant awarded under subsection (c)—

“(A) perform work—

“(i) related to the training received under this section; and

“(ii) that benefits Indian people; or

“(B) repay all or a prorated part of the assistance received for the training.

“(2) REPORTING.—The Secretary shall establish, by regulation, a reporting procedure under which a recipient of the pre-service training shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning the compliance of such recipient with the work requirement described in paragraph (1).

“(i) INSERVICE TRAINING FOR TEACHERS OF INDIAN CHILDREN.—

“(1) GRANTS AUTHORIZED.—In addition to the grants authorized by subsection (c), the Secretary may make grants to eligible consortia for the provision of high quality in-service training. The Secretary may make such a grant to—

“(A) a consortium of a tribal college and an institution of higher education that awards a degree in education; or

“(B) a consortium of—

“(i) a tribal college;

“(ii) an institution of higher education that awards a degree in education; and

“(iii) 1 or more elementary schools or secondary schools operated by the Bureau of Indian Affairs, local educational agencies serving Indian children, or tribal educational agencies.

“(2) USE OF FUNDS.—

“(A) IN-SERVICE TRAINING.—A consortium that receives a grant under paragraph (1)

shall use the grant funds only to provide high quality in-service training to teachers, including teachers who are not Indians, in schools of local educational agencies with substantial numbers of Indian children enrolled in their schools, in order to better meet the needs of those children.

“(B) COMPONENTS.—The training described in subparagraph (A) shall include such activities as preparing teachers to use the best available research-based practices and learning strategies, and to make the most effective use of curricula and materials, to respond to the unique needs of Indian children in their classrooms.

“(3) PREFERENCE FOR INDIAN APPLICANTS.—In applying section 9153 to this subsection, the Secretary shall give a preference to any consortium that includes 1 or more of the entities described in that section.

“SEC. 9123. FELLOWSHIPS FOR INDIAN STUDENTS.

“(a) FELLOWSHIPS.—

“(1) AUTHORITY.—The Secretary is authorized to award fellowships to Indian students to enable such students to study in graduate and professional programs at institutions of higher education.

“(2) REQUIREMENTS.—The fellowships described in paragraph (1) shall be awarded to Indian students to enable such students to pursue a course of study—

“(A) of not more than 4 academic years; and

“(B) that leads—

“(i) toward a postbaccalaureate degree in medicine, clinical psychology, psychology, law, education, or a related field; or

“(ii) to an undergraduate or graduate degree in engineering, business administration, natural resources, or a related field.

“(b) STIPENDS.—The Secretary shall pay to Indian students awarded fellowships under subsection (a) such stipends (including allowances for subsistence of such students and dependents of such students) as the Secretary determines to be consistent with prevailing practices under comparable federally supported programs.

“(c) PAYMENTS TO INSTITUTIONS IN LIEU OF TUITION.—The Secretary shall pay to the institution of higher education at which such a fellowship recipient is pursuing a course of study, in lieu of tuition charged to such recipient, such amounts as the Secretary may determine to be necessary to cover the cost of education provided to such recipient.

“(d) SPECIAL RULES.—

“(1) IN GENERAL.—If a fellowship awarded under subsection (a) is vacated prior to the end of the period for which the fellowship is awarded, the Secretary may award an additional fellowship for the unexpired portion of the period of the first fellowship.

“(2) WRITTEN NOTICE.—Not later than 45 days before the commencement of an academic term, the Secretary shall provide to each individual who is awarded a fellowship under subsection (a) for such academic term written notice of—

“(A) the amount of the funding for the fellowship; and

“(B) any stipends or other payments that will be made under this section to, or for the benefit of, the individual for the academic term.

“(3) PRIORITY.—Not more than 10 percent of the fellowships awarded under subsection (a) shall be awarded, on a priority basis, to persons receiving training in guidance counseling with a specialty in the area of alcohol and substance abuse counseling and education.

“(e) SERVICE OBLIGATION.—

“(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives financial assistance under this section—

“(A) perform work—

“(i) related to the training for which the individual receives the assistance under this section; and

“(ii) that benefits Indian people; or

“(B) repay all or a prorated portion of such assistance.

“(2) REPORTING.—The Secretary shall establish, by regulation, a reporting procedure under which a recipient of assistance under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning the compliance of such recipient with the work requirement described in paragraph (1).

“(f) ADMINISTRATION OF FELLOWSHIPS.—The Secretary may administer the fellowships authorized under this section through a grant to, or contract or cooperative agreement with, an Indian organization with demonstrated qualifications to administer all facets of the program assisted under this section.

“SEC. 9124. GIFTED AND TALENTED INDIAN STUDENTS.

“(a) PROGRAM AUTHORIZED.—The Secretary is authorized to—

“(1) establish 2 centers for gifted and talented Indian students at tribally controlled community colleges in accordance with this section; and

“(2) support demonstration projects described in subsection (c).

“(b) ELIGIBLE ENTITIES.—The Secretary shall make grants, or enter into contracts, for the activities described in subsection (a), to or with—

“(1) 2 tribally controlled community colleges that—

“(A) are eligible for funding under the Tribally Controlled College or University Assistance Act of 1978; and

“(B) are fully accredited; or

“(2) if the Secretary does not receive applications that the Secretary determines to be approvable from 2 colleges that meet the requirements of paragraph (1), the American Indian Higher Education Consortium.

“(c) USE OF FUNDS.—

“(1) IN GENERAL.—Funds made available through the grants made, or contracts entered into, by the Secretary under subsection (b) shall be used for—

“(A) the establishment of centers described in subsection (a); and

“(B) carrying out demonstration projects designed to—

“(i) address the special needs of Indian students in elementary schools and secondary schools who are gifted and talented; and

“(ii) provide such support services to the families of the students described in clause (i) as are needed to enable such students to benefit from the projects.

“(2) SUBCONTRACTS.—Each recipient of a grant or contract under subsection (b) to carry out a demonstration project under subsection (a) may enter into a contract with any other entity, including the Children's Television Workshop, to carry out the demonstration project.

“(3) DEMONSTRATION PROJECTS.—Demonstration projects assisted under subsection (b) may include—

“(A) the identification of the special needs of gifted and talented Indian students, particularly at the elementary school level, giving attention to—

“(i) identifying the emotional and psychosocial needs of such students; and

“(ii) providing such support services to the families of such students as are needed to enable such students to benefit from the project;

“(B) the conduct of educational, psychosocial, and developmental activities that the Secretary determines hold a reasonable

promise of resulting in substantial progress toward meeting the educational needs of such gifted and talented children, including—

“(i) demonstrating and exploring the use of Indian languages and exposure to Indian cultural traditions; and

“(ii) carrying out mentoring and apprenticeship programs;

“(C) the provision of technical assistance and the coordination of activities at schools that receive grants under subsection (d) with respect to the activities assisted under such grants, the evaluation of programs assisted under such grants, or the dissemination of such evaluations;

“(D) the use of public television in meeting the special educational needs of such gifted and talented children;

“(E) leadership programs designed to replicate programs for such children throughout the United States, including disseminating information derived from the demonstration projects conducted under subsection (a); and

“(F) appropriate research, evaluation, and related activities pertaining to the needs of such children and to the provision of such support services to the families of such children as are needed to enable such children to benefit from the project.

“(4) APPLICATION.—Each entity desiring a grant or contract under subsection (b) shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

“(d) ADDITIONAL GRANTS.—

“(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall award 5 grants to schools funded by the Bureau of Indian Affairs (referred to individually in this section as a ‘Bureau school’) for program research and development and the development and dissemination of curriculum and teacher training material, regarding—

“(A) gifted and talented students;

“(B) college preparatory studies (including programs for Indian students with an interest in pursuing teaching careers);

“(C) students with special culturally related academic needs, including students with social, lingual, and cultural needs; or

“(D) mathematics and science education.

“(2) APPLICATIONS.—Each Bureau school desiring a grant to conduct 1 or more of the activities described in paragraph (1) shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

“(3) SPECIAL RULE.—Each application described in paragraph (2) shall be developed, and each grant under this subsection shall be administered, jointly by the supervisor of the Bureau school and the local educational agency serving such school.

“(4) REQUIREMENTS.—In awarding grants under paragraph (1), the Secretary shall achieve a mixture of the programs described in paragraph (1) that ensures that Indian students at all grade levels and in all geographic areas of the United States are able to participate in a program assisted under this subsection.

“(5) GRANT PERIOD.—Subject to the availability of appropriations, a grant awarded under paragraph (1) shall be awarded for a 3-year period and may be renewed by the Secretary for additional 3-year periods if the Secretary determines that the performance of the grant recipient has been satisfactory.

“(6) DISSEMINATION.—

“(A) COOPERATIVE EFFORTS.—The dissemination of any materials developed from activities assisted under paragraph (1) shall be carried out in cooperation with entities that receive funds pursuant to subsection (b).

“(B) REPORT.—The Secretary shall prepare and submit to the Secretary of the Interior

and to Congress a report concerning any results from activities described in this subsection.

“(7) EVALUATION COSTS.—

“(A) DIVISION.—The costs of evaluating any activities assisted under paragraph (1) shall be divided between the Bureau schools conducting such activities and the recipients of grants or contracts under subsection (b) who conduct demonstration projects under subsection (a).

“(B) GRANTS AND CONTRACTS.—If no funds are provided under subsection (b) for—

“(i) the evaluation of activities assisted under paragraph (1);

“(ii) technical assistance and coordination with respect to such activities; or

“(iii) the dissemination of the evaluations referred to in clause (i),

the Secretary shall make such grants, or enter into such contracts, as are necessary to provide for the evaluations, technical assistance, and coordination of such activities, and the dissemination of the evaluations.

“(e) INFORMATION NETWORK.—The Secretary shall encourage each recipient of a grant or contract under this section to work cooperatively as part of a national network to ensure that the information developed by the grant or contract recipient is readily available to the entire educational community.

“SEC. 9125. GRANTS TO TRIBES FOR EDUCATION ADMINISTRATIVE PLANNING AND DEVELOPMENT.

“(a) IN GENERAL.—The Secretary may make grants to Indian tribes, and tribal organizations approved by Indian tribes, to plan and develop a centralized tribal administrative entity to—

“(1) coordinate all education programs operated by the tribe or within the territorial jurisdiction of the tribe;

“(2) develop education codes for schools within the territorial jurisdiction of the tribe;

“(3) provide support services and technical assistance to schools serving children of the tribe; and

“(4) perform child-find screening services for the preschool-aged children of the tribe to—

“(A) ensure placement in appropriate educational facilities; and

“(B) coordinate the provision of any needed special services for conditions such as disabilities and English language skill deficiencies.

“(b) PERIOD OF GRANT.—Each grant awarded under this section may be awarded for a period of not more than 3 years. Such grant may be renewed upon the termination of the initial period of the grant if the grant recipient demonstrates to the satisfaction of the Secretary that renewing the grant for an additional 3-year period is necessary to carry out the objectives of the grant described in subsection (c)(2)(A).

“(c) APPLICATION FOR GRANT.—

“(1) IN GENERAL.—Each Indian tribe and tribal organization desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

“(2) CONTENTS.—Each application described in paragraph (1) shall contain—

“(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant; and

“(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and for determining whether such objectives are achieved.

“(3) APPROVAL.—The Secretary may approve an application submitted by a tribe or

tribal organization pursuant to this section only if the Secretary is satisfied that such application, including any documentation submitted with the application—

“(A) demonstrates that the applicant has consulted with other education entities, if any, within the territorial jurisdiction of the applicant who will be affected by the activities to be conducted under the grant;

“(B) provides for consultation with such other education entities in the operation and evaluation of the activities conducted under the grant; and

“(C) demonstrates that there will be adequate resources provided under this section or from other sources to complete the activities for which assistance is sought, except that the availability of such other resources shall not be a basis for disapproval of such application.

“(d) RESTRICTION.—A tribe may not receive funds under this section if such tribe receives funds under section 1144 of the Education Amendments of 1978.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Education to carry out this section \$3,000,000 for each of fiscal years 2001 through 2005.

“Subpart 3—Special Programs Relating to Adult Education for Indians

“SEC. 9131. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS.

“(a) IN GENERAL.—The Secretary shall make grants to State and local educational agencies and to Indian tribes, institutions, and organizations—

“(1) to support planning, pilot, and demonstration projects that are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians;

“(2) to assist in the establishment and operation of programs that are designed to stimulate—

“(A) the provision of basic literacy opportunities for all nonliterate Indian adults; and

“(B) the provision of opportunities to all Indian adults to qualify for a secondary school diploma, or its recognized equivalent, in the shortest period of time feasible;

“(3) to support a major research and development program to develop more innovative and effective techniques for achieving literacy and secondary school equivalency for Indians;

“(4) to provide for basic surveys and evaluations to define accurately the extent of the problems of illiteracy and lack of secondary school completion among Indians; and

“(5) to encourage the dissemination of information and materials relating to, and the evaluation of, the effectiveness of education programs that may offer educational opportunities to Indian adults.

“(b) EDUCATIONAL SERVICES.—The Secretary may make grants to Indian tribes, institutions, and organizations to develop and establish educational services and programs specifically designed to improve educational opportunities for Indian adults.

“(c) INFORMATION AND EVALUATION.—The Secretary may make grants to, and enter into contracts with, public agencies and institutions and Indian tribes, institutions, and organizations, for—

“(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations of the programs, services, and resources; and

“(2) the evaluation of federally assisted programs in which Indian adults may participate to determine the effectiveness of the programs in achieving the purposes of the programs with respect to Indian adults.

“(d) APPLICATIONS.—

“(1) IN GENERAL.—Each entity desiring a grant or contract under this section shall submit to the Secretary an application at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

“(2) CONTENTS.—Each application described in paragraph (1) shall contain—

“(A) a statement describing the activities to be conducted and the objectives to be achieved under the grant or contract; and

“(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and determining whether the objectives of the grant or contract are achieved.

“(3) APPROVAL.—The Secretary shall not approve an application described in paragraph (1) unless the Secretary determines that such application, including any documentation submitted with the application, indicates that—

“(A) there has been adequate participation, by the individuals to be served and the appropriate tribal communities, in the planning and development of the activities to be assisted; and

“(B) the individuals and tribal communities referred to in subparagraph (A) will participate in the operation and evaluation of the activities to be assisted.

“(4) PRIORITY.—In approving applications under paragraph (1), the Secretary shall give priority to applications from Indian educational agencies, organizations, and institutions.

“(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds made available to an entity through a grant or contract made or entered into under this subpart for a fiscal year may be used to pay for administrative costs.

“Subpart 4—National Research Activities

“SEC. 9141. NATIONAL ACTIVITIES.

“(a) AUTHORIZED ACTIVITIES.—The Secretary may use funds made available under section 9162(b) for each fiscal year to—

“(1) conduct research related to effective approaches for the education of Indian children and adults;

“(2) evaluate federally assisted education programs from which Indian children and adults may benefit;

“(3) collect and analyze data on the educational status and needs of Indians; and

“(4) carry out other activities that are consistent with the purpose of this part.

“(b) ELIGIBILITY.—The Secretary may carry out any of the activities described in subsection (a) directly or through grants to, or contracts or cooperative agreements with, Indian tribes, Indian organizations, State educational agencies, local educational agencies, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions.

“(c) COORDINATION.—Research activities supported under this section—

“(1) shall be carried out in consultation with the Office of Educational Research and Improvement to assure that such activities are coordinated with and enhance the research and development activities supported by the Office; and

“(2) may include collaborative research activities that are jointly funded and carried out by the Office of Indian Education and the Office of Educational Research and Improvement.

“(d) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds made available to an entity through a grant, contract, or agreement made or entered into under this subpart for a fiscal year may be used to pay for administrative costs.

“Subpart 5—Federal Administration

“SEC. 9151. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

“(a) MEMBERSHIP.—There is established a National Advisory Council on Indian Education (referred to in this section as the ‘Council’), which shall—

“(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and Indian organizations; and

“(2) represent different geographic areas of the United States.

“(b) DUTIES.—The Council shall—

“(1) advise the Secretary concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under this part—

“(A) with respect to which the Secretary has jurisdiction; and

“(B)(i) that includes Indian children or adults as participants; or

“(ii) that may benefit Indian children or adults;

“(2) make recommendations to the Secretary for filling the position of Director of Indian Education whenever a vacancy occurs; and

“(3) prepare and submit to Congress, not later than June 30 of each year, a report on the activities of the Council, including—

“(A) any recommendations that the Council considers to be appropriate for the improvement of Federal education programs that include Indian children or adults as participants, or that may benefit Indian children or adults; and

“(B) recommendations concerning the funding of any program described in subparagraph (A).

“SEC. 9152. PEER REVIEW.

“The Secretary may use a peer review process to review applications submitted to the Secretary under subpart 2, 3, or 4.

“SEC. 9153. PREFERENCE FOR INDIAN APPLICANTS.

“In making grants and entering into contracts or cooperative agreements under subpart 2, 3, or 4, the Secretary shall give a preference to Indian tribes, organizations, and institutions of higher education under any program with respect to which Indian tribes, organizations, and institutions are eligible to apply for grants, contracts, or cooperative agreements.

“SEC. 9154. MINIMUM GRANT CRITERIA.

“The Secretary may not approve an application for a grant, contract, or cooperative agreement under subpart 2 or 3 unless the application is for a grant, contract, or cooperative agreement that is—

“(1) of sufficient size, scope, and quality to achieve the purpose or objectives of such grant, contract, or cooperative agreement; and

“(2) based on relevant research findings.

“Subpart 6—Definitions; Authorizations of Appropriations

“SEC. 9161. DEFINITIONS.

“In this part:

“(1) ADULT.—The term ‘adult’ means an individual who—

“(A) has attained age 16; or

“(B) has attained an age that is greater than the age of compulsory school attendance under an applicable State law.

“(2) FREE PUBLIC EDUCATION.—The term ‘free public education’ means education that is—

“(A) provided at public expense, under public supervision and direction, and without tuition charge; and

“(B) provided as elementary or secondary education in the applicable State or to pre-school children.

“(3) INDIAN.—The term ‘Indian’ means an individual who is—

“(A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including—

“(i) any tribe or band terminated since 1940; and

“(ii) any tribe or band recognized by the State in which the tribe or band resides;

“(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);

“(C) an individual who is considered by the Secretary of the Interior to be an Indian for any purpose;

“(D) an Eskimo, Aleut, or other Alaska Native (as defined in section 9306); or

“(E) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as in effect the day preceding the date of enactment of the ‘Improving America’s Schools Act of 1994’ (108 Stat. 3518).

“SEC. 9162. AUTHORIZATIONS OF APPROPRIATIONS.

“(a) SUBPART 1.—There are authorized to be appropriated to the Secretary of Education to carry out subpart 1 \$62,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

“(b) SUBPARTS 2 THROUGH 4.—There are authorized to be appropriated to the Secretary of Education to carry out subparts 2, 3, and 4 \$4,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

“PART B—NATIVE HAWAIIAN EDUCATION

“SEC. 9201. SHORT TITLE.

“This part may be cited as the ‘Native Hawaiian Education Act’.

“SEC. 9202. FINDINGS.

“Congress finds the following:

“(1) Native Hawaiians are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago, whose society was organized as a nation and internationally recognized as a nation by the United States, Britain, France, and Japan, as evidenced by treaties governing friendship, commerce, and navigation.

“(2) At the time of the arrival of the first non-indigenous people in Hawai’i in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient subsistence social system based on a communal land tenure system with a sophisticated language, culture, and religion.

“(3) A unified monarchical government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawai’i.

“(4) From 1826 until 1893, the United States recognized the sovereignty and independence of the Kingdom of Hawai’i, which was established in 1810 under Kamehameha I, extended full and complete diplomatic recognition to the Kingdom of Hawai’i, and entered into treaties and conventions with the Kingdom of Hawai’i to govern friendship, commerce and navigation in 1826, 1842, 1849, 1875, and 1887.

“(5) In 1893, the sovereign, independent, internationally recognized, and indigenous government of Hawai’i, the Kingdom of Hawai’i, was overthrown by a small group of non-Hawaiians, including United States citizens, who were assisted in their efforts by the United States Minister, a United States naval representative, and armed naval forces of the United States. Because of the participation of United States agents and citizens in the overthrow of the Kingdom of Hawai’i, in 1993 the United States apologized to Native Hawaiians for the overthrow and the deprivation of the rights of Native Hawaiians

to self-determination through Public Law 103-150 (107 Stat. 1510).

“(6) In 1898, the joint resolution entitled ‘Joint Resolution to provide for annexing the Hawaiian Islands to the United States’, approved July 7, 1898 (30 Stat. 750), ceded absolute title of all lands held by the Republic of Hawai‘i, including the government and crown lands of the former Kingdom of Hawai‘i, to the United States, but mandated that revenue generated from the lands be used ‘solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes’.

“(7) By 1919, the Native Hawaiian population had declined from an estimated 1,000,000 in 1778 to an alarming 22,600, and in recognition of this severe decline, Congress enacted the Hawaiian Homes Commission Act, 1920 (42 Stat. 108), which designated approximately 200,000 acres of ceded public lands for homesteading by Native Hawaiians.

“(8) Through the enactment of the Hawaiian Homes Commission Act, 1920, Congress affirmed the special relationship between the United States and the Native Hawaiians, which was described by then Secretary of the Interior Franklin K. Lane, who said: ‘One thing that impressed me . . . was the fact that the natives of the island who are our wards, I should say, and for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty.’.

“(9) In 1938, Congress again acknowledged the unique status of the Hawaiian people by including in the Act of June 20, 1938 (52 Stat. 781, chapter 530; 16 U.S.C. 391b, 391b-1, 392b, 392c, 396, 396a), a provision to lease lands within the National Parks extension to Native Hawaiians and to permit fishing in the area ‘only by native Hawaiian residents of said area or of adjacent villages and by visitors under their guidance.’.

“(10) Under the Act entitled ‘An Act to provide for the admission of the State of Hawai‘i into the Union’, approved March 18, 1959 (73 Stat. 4), the United States transferred responsibility for the administration of the Hawaiian Home Lands to the State of Hawai‘i but reaffirmed the trust relationship between the United States and the Hawaiian people by retaining the exclusive power to enforce the trust, including the power to approve land exchanges and amendments to such Act affecting the rights of beneficiaries under such Act.

“(11) In 1959, under the Act entitled ‘An Act to provide for the admission of the State of Hawai‘i into the Union’, the United States also ceded to the State of Hawai‘i title to the public lands formerly held by the United States, but mandated that such lands be held by the State ‘in public trust’ and reaffirmed the special relationship that existed between the United States and the Hawaiian people by retaining the legal responsibility to enforce the public trust responsibility of the State of Hawai‘i for the betterment of the conditions of Native Hawaiians, as defined in section 201(a) of the Hawaiian Homes Commission Act, 1920.

“(12) The United States has recognized and reaffirmed that—

“(A) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign lands;

“(B) Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship;

“(C) Congress has also delegated broad authority to administer a portion of the Fed-

eral trust responsibility to the State of Hawai‘i;

“(D) the political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives; and

“(E) the aboriginal, indigenous people of the United States have—

“(i) a continuing right to autonomy in their internal affairs; and

“(ii) an ongoing right of self-determination and self-governance that has never been extinguished.

“(13) The political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States, as evidenced by the inclusion of Native Hawaiians in—

“(A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);

“(B) the American Indian Religious Freedom Act (42 U.S.C. 1996);

“(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

“(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

“(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

“(F) the Native American Languages Act (25 U.S.C. 2901 et seq.);

“(G) the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4401 et seq.);

“(H) the Job Training Partnership Act (29 U.S.C. 1501 et seq.) and the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); and

“(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

“(14) In 1981, Congress instructed the Office of Education to submit to Congress a comprehensive report on Native Hawaiian education. The report, entitled the ‘Native Hawaiian Educational Assessment Project’, was released in 1983 and documented that Native Hawaiians scored below parity with regard to national norms on standardized achievement tests, were disproportionately represented in many negative social and physical statistics indicative of special educational needs, and had educational needs that were related to their unique cultural situation, such as different learning styles and low self-image.

“(15) In recognition of the educational needs of Native Hawaiians, in 1988, Congress enacted title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (102 Stat. 130) to authorize and develop supplemental educational programs to address the unique conditions of Native Hawaiians.

“(16) In 1993, the Kamehameha Schools Bishop Estate released a 10-year update of findings of the Native Hawaiian Educational Assessment Project, which found that despite the successes of the programs established under title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, many of the same educational needs still existed for Native Hawaiians. Subsequent reports by the Kamehameha Schools Bishop Estate and other organizations have generally confirmed those findings. For example—

“(A) educational risk factors continue to start even before birth for many Native Hawaiian children, including—

“(i) late or no prenatal care;

“(ii) high rates of births by Native Hawaiian women who are unmarried; and

“(iii) high rates of births to teenage parents;

“(B) Native Hawaiian students continue to begin their school experience lagging behind other students in terms of readiness factors such as vocabulary test scores;

“(C) Native Hawaiian students continue to score below national norms on standardized education achievement tests at all grade levels;

“(D) both public and private schools continue to show a pattern of lower percentages of Native Hawaiian students in the uppermost achievement levels and in gifted and talented programs;

“(E) Native Hawaiian students continue to be overrepresented among students qualifying for special education programs provided to students with learning disabilities, mild mental retardation, emotional impairment, and other such disabilities;

“(F) Native Hawaiians continue to be underrepresented in institutions of higher education and among adults who have completed 4 or more years of college;

“(G) Native Hawaiians continue to be disproportionately represented in many negative social and physical statistics indicative of special educational needs, as demonstrated by the fact that—

“(i) Native Hawaiian students are more likely to be retained in grade level and to be excessively absent in secondary school;

“(ii) Native Hawaiian students have the highest rates of drug and alcohol use in the State of Hawai‘i; and

“(iii) Native Hawaiian children continue to be disproportionately victimized by child abuse and neglect; and

“(H) Native Hawaiians now comprise over 23 percent of the students served by the State of Hawai‘i Department of Education, and there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.

“(17) In the 1998 National Assessment of Educational Progress, Hawaiian fourth-graders ranked 39th among groups of students from 39 States in reading. Given that Hawaiian students rank among the lowest groups of students nationally in reading, and that Native Hawaiian students rank the lowest among Hawaiian students in reading, it is imperative that greater focus be placed on beginning reading and early education and literacy in Hawai‘i.

“(18) The findings described in paragraphs (16) and (17) are inconsistent with the high rates of literacy and integration of traditional culture and Western education historically achieved by Native Hawaiians through a Hawaiian language-based public school system established in 1840 by Kamehameha III.

“(19) Following the overthrow of the Kingdom of Hawai‘i in 1893, Hawaiian medium schools were banned. After annexation, throughout the territorial and statehood period of Hawai‘i, and until 1986, use of the Hawaiian language as an instructional medium in education in public schools was declared unlawful. The declaration caused incalculable harm to a culture that placed a very high value on the power of language, as exemplified in the traditional saying: ‘I ka ‘olelo no ke ola; I ka ‘olelo no ka make. In the language rests life; In the language rests death.’.

“(20) Despite the consequences of over 100 years of nonindigenous influence, the Native Hawaiian people are determined to preserve, develop, and transmit to future generations their ancestral territory and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.

“(21) The State of Hawai‘i, in the constitution and statutes of the State of Hawai‘i—

“(A) reaffirms and protects the unique right of the Native Hawaiian people to practice and perpetuate their culture and religious customs, beliefs, practices, and language;

“(B) recognizes the traditional language of the Native Hawaiian people as an official language of the State of Hawai‘i, which may be used as the language of instruction for all subjects and grades in the public school system; and

“(C) promotes the study of the Hawaiian culture, language, and history by providing a Hawaiian education program and using community expertise as a suitable and essential means to further the program.

“SEC. 9203. PURPOSES.

“The purposes of this part are to—

“(1) authorize and develop innovative educational programs to assist Native Hawaiians in reaching the National Education Goals;

“(2) provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under this part, on Native Hawaiian education, and to provide periodic assessment and data collection;

“(3) supplement and expand programs and authorities in the area of education to further the purposes of this title; and

“(4) encourage the maximum participation of Native Hawaiians in planning and management of Native Hawaiian education programs.

“SEC. 9204. NATIVE HAWAIIAN EDUCATION COUNCIL AND ISLAND COUNCILS.

“(a) ESTABLISHMENT OF NATIVE HAWAIIAN EDUCATION COUNCIL.—In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs receiving funding under this part, the Secretary is authorized to establish a Native Hawaiian Education Council (referred to in this part as the ‘Education Council’).

“(b) COMPOSITION OF EDUCATION COUNCIL.—The Education Council shall consist of not more than 21 members, unless otherwise determined by a majority of the council.

“(c) CONDITIONS AND TERMS.—

“(1) CONDITIONS.—At least 10 members of the Education Council shall be Native Hawaiian education service providers and 10 members of the Education Council shall be Native Hawaiians or Native Hawaiian education consumers. In addition, a representative of the State of Hawai‘i Office of Hawaiian Affairs shall serve as a member of the Education Council.

“(2) APPOINTMENTS.—The members of the Education Council shall be appointed by the Secretary based on recommendations received from the Native Hawaiian community.

“(3) TERMS.—Members of the Education Council shall serve for staggered terms of 3 years, except as provided in paragraph (4).

“(4) COUNCIL DETERMINATIONS.—Additional conditions and terms relating to membership on the Education Council, including term lengths and term renewals, shall be determined by a majority of the Education Council.

“(d) NATIVE HAWAIIAN EDUCATION COUNCIL GRANT.—The Secretary shall make a direct grant to the Education Council in order to enable the Education Council to—

“(1) coordinate the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part;

“(2) assess the extent to which such services and programs meet the needs of Native Hawaiians, and collect data on the status of Native Hawaiian education;

“(3) provide direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including

resources made available under this part, relating to Native Hawaiian education, and serve, where appropriate, in an advisory capacity; and

“(4) make direct grants, if such grants enable the Education Council to carry out the duties of the Education Council, as described in paragraphs (1) through (3).

“(e) ADDITIONAL DUTIES OF THE EDUCATION COUNCIL.—

“(1) IN GENERAL.—The Education Council shall provide copies of any reports and recommendations issued by the Education Council, including any information that the Education Council provides to the Secretary pursuant to subsection (i), to the Secretary, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Indian Affairs of the Senate.

“(2) ANNUAL REPORT.—The Education Council shall prepare and submit to the Secretary an annual report on the Education Council’s activities.

“(3) ISLAND COUNCIL SUPPORT AND ASSISTANCE.—The Education Council shall provide such administrative support and financial assistance to the island councils established pursuant to subsection (f) as the Secretary determines to be appropriate, in a manner that supports the distinct needs of each island council.

“(f) ESTABLISHMENT OF ISLAND COUNCILS.—

“(1) IN GENERAL.—In order to better effectuate the purposes of this part and to ensure the adequate representation of island and community interests within the Education Council, the Secretary is authorized to facilitate the establishment of Native Hawaiian education island councils (referred to individually in this part as an ‘island council’) for the following islands:

“(A) Hawai‘i.

“(B) Maui.

“(C) Moloka‘i.

“(D) Lana‘i.

“(E) O‘ahu.

“(F) Kaua‘i.

“(G) Ni‘ihau.

“(2) COMPOSITION OF ISLAND COUNCILS.—Each island council shall consist of parents, students, and other community members who have an interest in the education of Native Hawaiians, and shall be representative of individuals concerned with the educational needs of all age groups, from children in preschool through adults. At least $\frac{3}{4}$ of the members of each island council shall be Native Hawaiians.

“(g) ADMINISTRATIVE PROVISIONS RELATING TO EDUCATION COUNCIL AND ISLAND COUNCILS.—The Education Council and each island council shall meet at the call of the chairperson of the appropriate council, or upon the request of the majority of the members of the appropriate council, but in any event not less often than 4 times during each calendar year. The provisions of the Federal Advisory Committee Act shall not apply to the Education Council and each island council.

“(h) COMPENSATION.—Members of the Education Council and each island council shall not receive any compensation for service on the Education Council and each island council, respectively.

“(i) REPORT.—Not later than 4 years after the date of enactment of the Educational Excellence for All Children Act of 2000, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Indian Affairs of the Senate a report that summarizes the annual reports of the Education Council, describes the allocation and use of funds under this part, and contains recommendations for changes in Federal, State, and local policy to advance the purposes of this part.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$300,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years. Funds appropriated under this subsection shall remain available until expended.

“SEC. 9205. PROGRAM AUTHORIZED.

“(a) GENERAL AUTHORITY.—

“(1) GRANTS AND CONTRACTS.—The Secretary is authorized to make direct grants to, or enter into contracts with—

“(A) Native Hawaiian educational organizations;

“(B) Native Hawaiian community-based organizations;

“(C) public and private nonprofit organizations, agencies, and institutions with experience in developing or operating Native Hawaiian programs or programs of instruction in the Native Hawaiian language; and

“(D) consortia of the organizations, agencies, and institutions described in subparagraphs (A) through (C),

to carry out programs that meet the purposes of this part.

“(2) PRIORITIES.—In awarding grants or contracts to carry out activities described in paragraph (3), the Secretary shall give priority to entities proposing projects that are designed to address—

“(A) beginning reading and literacy among students in kindergarten through third grade;

“(B) the needs of at-risk children and youth;

“(C) needs in fields or disciplines in which Native Hawaiians are underemployed; and

“(D) the use of the Hawaiian language in instruction.

“(3) AUTHORIZED ACTIVITIES.—Activities provided through programs carried out under this part may include—

“(A) the development and maintenance of a statewide Native Hawaiian early education and care system to provide a continuum of services for Native Hawaiian children from the prenatal period of the children through age 5;

“(B) the operation of family-based education centers that provide such services as—

“(i) programs for Native Hawaiian parents and their infants from the prenatal period of the infants through age 3;

“(ii) preschool programs for Native Hawaiians; and

“(iii) research on, and development and assessment of, family-based, early childhood, and preschool programs for Native Hawaiians;

“(C) activities that enhance beginning reading and literacy in either the Hawaiian or the English language among Native Hawaiian students in kindergarten through third grade and assistance in addressing the distinct features of combined English and Hawaiian literacy for Hawaiian speakers in fifth and sixth grade;

“(D) activities to meet the special needs of Native Hawaiian students with disabilities, including—

“(i) the identification of such students and their needs;

“(ii) the provision of support services to the families of those students; and

“(iii) other activities consistent with the requirements of the Individuals with Disabilities Education Act;

“(E) activities that address the special needs of Native Hawaiian students who are gifted and talented, including—

“(i) educational, psychological, and developmental activities designed to assist in the educational progress of those students; and

“(ii) activities that involve the parents of those students in a manner designed to assist in the students’ educational progress;

“(F) the development of academic and vocational curricula to address the needs of Native Hawaiian children and adults, including curriculum materials in the Hawaiian language and mathematics and science curricula that incorporate Native Hawaiian tradition and culture;

“(G) professional development activities for educators, including—

“(i) the development of programs to prepare prospective teachers to address the unique needs of Native Hawaiian students within the context of Native Hawaiian culture, language, and traditions;

“(ii) in-service programs to improve the ability of teachers who teach in schools with concentrations of Native Hawaiian students to meet those students’ unique needs; and

“(iii) the recruitment and preparation of Native Hawaiians, and other individuals who live in communities with a high concentration of Native Hawaiians, to become teachers;

“(H) the operation of community-based learning centers that address the needs of Native Hawaiian families and communities through the coordination of public and private programs and services, including—

“(i) preschool programs;

“(ii) after-school programs; and

“(iii) vocational and adult education programs;

“(I) activities to enable Native Hawaiians to enter and complete programs of postsecondary education, including—

“(i) provision of full or partial scholarships for undergraduate or graduate study that are awarded to students based on their academic promise and financial need, with a priority, at the graduate level, given to students entering professions in which Native Hawaiians are underrepresented;

“(ii) family literacy services;

“(iii) counseling and support services for students receiving scholarship assistance;

“(iv) counseling and guidance for Native Hawaiian secondary students who have the potential to receive scholarships; and

“(v) faculty development activities designed to promote the matriculation of Native Hawaiian students;

“(J) research and data collection activities to determine the educational status and needs of Native Hawaiian children and adults;

“(K) other research and evaluation activities related to programs carried out under this part; and

“(L) other activities, consistent with the purposes of this part, to meet the educational needs of Native Hawaiian children and adults.

“(4) SPECIAL RULE AND CONDITIONS.—

“(A) INSTITUTIONS OUTSIDE HAWAII.—The Secretary shall not establish a policy under this section that prevents a Native Hawaiian student enrolled at a 2- or 4-year degree granting institution of higher education outside of the State of Hawai‘i from receiving a fellowship pursuant to paragraph (3)(I).

“(B) FELLOWSHIP CONDITIONS.—The Secretary shall establish conditions for receipt of a fellowship awarded under paragraph (3)(I). The conditions shall require that an individual seeking such a fellowship enter into a contract to provide professional services, either during the fellowship period or upon completion of a program of postsecondary education, to the Native Hawaiian community.

“(b) ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to a grant recipient under this section for any fiscal year may be used for administrative purposes.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$23,000,000 for fiscal

year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years. Funds appropriated under this subsection shall remain available until expended.

“SEC. 9206. ADMINISTRATIVE PROVISIONS.

“(a) APPLICATION REQUIRED.—No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this part.

“(b) SPECIAL RULE.—Each applicant for a grant or contract under this part shall submit the application for comment to the local educational agency serving students who will participate in the program to be carried out under the grant or contract, and include those comments, if any, with the application to the Secretary.

“SEC. 9207. DEFINITIONS.

“In this part:

“(1) NATIVE HAWAIIAN.—The term ‘Native Hawaiian’ means any individual who is—

“(A) a citizen of the United States; and

“(B) a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawai‘i, as evidenced by—

“(i) genealogical records;

“(ii) Kupuna (elders) or Kama‘aina (long-term community residents) verification; or

“(iii) certified birth records.

“(2) NATIVE HAWAIIAN COMMUNITY-BASED ORGANIZATION.—The term ‘Native Hawaiian community-based organization’ means any organization that is composed primarily of Native Hawaiians from a specific community and that assists in the social, cultural, and educational development of Native Hawaiians in that community.

“(3) NATIVE HAWAIIAN EDUCATIONAL ORGANIZATION.—The term ‘Native Hawaiian educational organization’ means a private nonprofit organization that—

“(A) serves the interests of Native Hawaiians;

“(B) has Native Hawaiians in substantive and policymaking positions within the organization;

“(C) incorporates Native Hawaiian perspective, values, language, culture, and traditions into the core function of the organization;

“(D) has demonstrated expertise in the education of Native Hawaiian youth; and

“(E) has demonstrated expertise in research and program development.

“(4) NATIVE HAWAIIAN LANGUAGE.—The term ‘Native Hawaiian language’ means the single Native American language indigenous to the original inhabitants of the State of Hawai‘i.

“(5) NATIVE HAWAIIAN ORGANIZATION.—The term ‘Native Hawaiian organization’ means a private nonprofit organization that—

“(A) serves the interests of Native Hawaiians;

“(B) has Native Hawaiians in substantive and policymaking positions within the organizations; and

“(C) is recognized by the Governor of Hawai‘i for the purpose of planning, conducting, or administering programs (or portions of programs) for the benefit of Native Hawaiians.

“(6) OFFICE OF HAWAIIAN AFFAIRS.—The term ‘Office of Hawaiian Affairs’ means the office of Hawaiian Affairs established by the Constitution of the State of Hawai‘i.

“PART C—ALASKA NATIVE EDUCATION

“SEC. 9301. SHORT TITLE.

“This part may be cited as the ‘Alaska Native Educational Equity, Support, and Assistance Act’.

“SEC. 9302. FINDINGS.

“Congress finds the following:

“(1) The attainment of educational success is critical to the betterment of the conditions, long-term well-being, and preservation of the culture of Alaska Natives.

“(2) It is the policy of the Federal Government to encourage the maximum participation by Alaska Natives in the planning and the management of Alaska Native education programs.

“(3) Alaska Native children enter and exit school with serious educational handicaps.

“(4) The educational achievement of Alaska Native children is far below national norms. Native performance on standardized tests is low, Native student dropout rates are high, and Natives are significantly underrepresented among holders of baccalaureate degrees in the State of Alaska. As a result, Native students are being denied their opportunity to become full participants in society by grade school and high school educations that are condemning an entire generation to an underclass status and a life of limited choices.

“(5) The programs authorized in this title, combined with expanded Head Start, infant learning and early childhood education programs, and parent education programs are essential if educational handicaps are to be overcome.

“(6) The sheer magnitude of the geographic barriers to be overcome in delivering educational services in rural Alaska and Alaska villages should be addressed through the development and implementation of innovative, model programs in a variety of areas.

“(7) Congress finds that Native children should be afforded the opportunity to begin their formal education on a par with their non-Native peers. The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.

“SEC. 9303. PURPOSES.

“The purposes of this part are to—

“(1) recognize the unique educational needs of Alaska Natives;

“(2) authorize the development of supplemental educational programs to benefit Alaska Natives;

“(3) supplement programs and authorities in the area of education to further the objectives of this part; and

“(4) provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under this part, on meeting the educational needs of Alaska Natives.

“SEC. 9304. PROGRAM AUTHORIZED.

“(a) GENERAL AUTHORITY.—

“(1) GRANTS AND CONTRACTS.—The Secretary is authorized to make grants to, or enter into contracts with, Alaska Native organizations, educational entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages, and consortia of such organizations and entities to carry out programs that meet the purposes of this part.

“(2) PERMISSIBLE ACTIVITIES.—Activities provided through programs carried out under this part may include—

“(A) the development and implementation of plans, methods, and strategies to improve the education of Alaska Natives;

“(B) the development of curricula and educational programs that address the educational needs of Alaska Native students, including—

“(i) curriculum materials that reflect the cultural diversity or the contributions of Alaska Natives;

“(ii) instructional programs that make use of Native Alaskan languages; and

“(iii) networks that introduce successful programs, materials, and techniques to urban and rural schools;

“(C) professional development activities for educators, including—

“(i) programs to prepare teachers to address the cultural diversity and unique needs of Alaska Native students;

“(ii) in-service programs to improve the ability of teachers to meet the unique needs of Alaska Native students; and

“(iii) recruitment and preparation of teachers who are Alaska Native, reside in communities with high concentrations of Alaska Native students, or are likely to succeed as teachers in isolated, rural communities and engage in cross-cultural instruction in Alaska;

“(D) the development and operation of home instruction programs for Alaska Native preschool children, the purpose of which is to ensure the active involvement of parents in their children’s education from the earliest ages;

“(E) family literacy services;

“(F) the development and operation of student enrichment programs in science and mathematics that—

“(i) are designed to prepare Alaska Native students from rural areas, who are preparing to enter secondary school, to excel in science and math; and

“(ii) provide appropriate support services to the families of such students that are needed to enable such students to benefit from the programs;

“(G) research and data collection activities to determine the educational status and needs of Alaska Native children and adults;

“(H) other research and evaluation activities related to programs carried out under this part; and

“(I) other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native children and adults.

“(3) HOME INSTRUCTION PROGRAMS.—Home instruction programs for Alaska Native preschool children carried out under paragraph (2)(D) may include—

“(A) programs for parents and their infants, from the prenatal period of the infant through age 3;

“(B) preschool programs; and

“(C) training, education, and support for parents in such areas as reading readiness, observation, story telling, and critical thinking.

“(b) ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to a grant recipient under this section for any fiscal year may be used for administrative purposes.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$17,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

“SEC. 9305. ADMINISTRATIVE PROVISIONS.

“(a) APPLICATION REQUIRED.—No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this part.

“(b) APPLICATIONS.—A State educational agency or local educational agency may apply for a grant or contract under this part only as part of a consortium involving an Alaska Native organization. The consortium may include other eligible applicants.

“(c) CONSULTATION REQUIRED.—Each applicant for a grant or contract under this part shall provide for ongoing advice from and

consultation with representatives of the Alaska Native community.

“(d) LOCAL EDUCATIONAL AGENCY COORDINATION.—Each applicant for a grant or contract under this part shall inform each local educational agency serving students who will participate in the program to be carried out under the grant or contract about the application.

“SEC. 9306. DEFINITIONS.

“In this part:

“(1) ALASKA NATIVE.—The term ‘Alaska Native’ has the meaning given the term ‘Native’ in section 3(b) of the Alaska Native Claims Settlement Act.

“(2) ALASKA NATIVE ORGANIZATION.—The term ‘Alaska Native organization’ means a federally recognized tribe, consortium of tribes, regional nonprofit Native association, or another organization that—

“(A) has or commits to acquire expertise in the education of Alaska Natives; and

“(B) has Alaska Natives in substantive and policymaking positions within the organization.”.

SEC. 902. INDIAN SCHOOL CONSTRUCTION.

(a) DEFINITIONS.—In this section:

(1) BUREAU.—The term “Bureau” means the Bureau of Indian Affairs of the Department of the Interior.

(2) INDIAN.—The term “Indian” means any individual who is a member of a tribe.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) TRIBAL SCHOOL.—The term “tribal school” means an elementary school, secondary school, or dormitory that is operated by a tribal organization for the education of Indian children and that receives financial assistance for its operation under a contract, grant, or agreement with the Bureau under section 102, 103(a), or 208 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f, 450h(a), and 458d).

(5) TRIBE.—The term “tribe” means any Indian tribe, band, nation, or other organized group or community, including a Native village, Regional Corporation, or Village Corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(b) ISSUANCE OF BONDS.—

(1) IN GENERAL.—The Secretary shall establish a pilot program under which eligible tribes have the authority to issue tribal school modernization bonds to provide funding for the improvement, repair, and new construction of tribal schools.

(2) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to issue bonds under the program under paragraph (1), a tribe shall prepare and submit to the Secretary a plan of construction that meets the requirements of subparagraph (B).

(B) PLAN OF CONSTRUCTION.—A plan of construction meets the requirements of this subparagraph if such plan—

(i) contains a description of the improvements, repairs, or new construction to be undertaken with funding provided under the bond;

(ii) demonstrates that a comprehensive survey has been undertaken concerning the construction or renovation needs of the tribal school involved;

(iii) contains assurances that funding under the bond will be used only for the activities described in the plan; and

(iv) contains any other reasonable and related information determined appropriate by the Secretary.

(C) PRIORITY.—In determining whether a tribe is eligible to participate in the program under this section, the Secretary shall give

priority to tribes that, as demonstrated by the relevant plans of construction, will fund projects described in the Replacement School Construction priority list of the Bureau of Indian Affairs, as maintained under the Indian Self-Determination and Education Assistance Act.

(D) APPROVAL.—Except as provided in subparagraph (C), the Secretary shall approve the issuance of qualified tribal school modernization bonds by tribes with approved plans of construction on the basis of the order in which such plans were received by the Secretary. Such approval shall not be unreasonably withheld.

(3) PERMISSIBLE ACTIVITIES.—In addition to the use of funds permitted under paragraph (1), a tribe may use amounts received through the issuance of a bond to—

(A) enter into contracts with architects, engineers, and construction firms in order to determine the needs of the tribal school and for the design and engineering of the school;

(B) enter into contracts with financial advisors, underwriters, attorneys, trustees, and other professionals who would be able to provide assistance to the tribe in issuing bonds; and

(C) carry out other activities determined appropriate by the Secretary.

(4) BOND TRUSTEE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, any tribal school construction bond issued by a tribe under this section shall be subject to a trust agreement between the tribe and a trustee.

(B) TRUSTEE.—Any bank or trust company that meets requirements established by the Secretary by regulation may be designated as a trustee under subparagraph (A).

(C) CONTENT OF TRUST AGREEMENT.—A trust agreement entered into by a tribe under this paragraph shall specify that the trustee, with respect to bonds issued under this section shall—

(i) act as a repository for the proceeds of the bond;

(ii) make payments to bondholders;

(iii) from any amounts in excess of the amounts necessary to make payments to bondholders, in accordance with the requirements of subparagraph (D), make direct payments to contractors with the governing body of the tribe for facility improvement, repair, or new construction pursuant to this section; and

(iv) invest in the tribal school modernization escrow account established under paragraph (6)(B) such amounts of the proceeds as the trustee determines not to be necessary to make payments under clauses (ii) and (iii).

(D) REQUIREMENTS FOR MAKING DIRECT PAYMENTS.—

(i) IN GENERAL.—Notwithstanding any other provision of law, only the trustee shall make the direct payments referred to in subparagraph (C)(iii) in accordance with requirements that the tribe shall prescribe in the agreement entered into under subparagraph (C). The tribe shall require the trustee, prior to making a payment to a contractor under subparagraph (C)(ii), to inspect the project that is the subject of the contract, or provide for an inspection of that project by a local financial institution, to ensure the completion of the project.

(ii) CONTRACTS.—Each contract referred to in subparagraph (C)(iii) shall specify, or be renegotiated to specify, that payments under the contract shall be made in accordance with this subsection.

(5) PAYMENTS OF PRINCIPAL AND INTEREST.—

(A) PRINCIPAL.—Qualified tribal school modernization bonds shall be issued under this section as interest only for a period of 15

years from the date of issuance. Upon the expiration of such 15-year period, the entire outstanding principal under the bond shall become due and payable.

(B) INTEREST.—Interest on a qualified tribal school modernization bond shall be in the form of a tax credit under section 1400F of the Internal Revenue Code of 1986.

(6) BOND GUARANTEES.—

(A) IN GENERAL.—Payment of the principal portion of a qualified tribal school modernization bond issued under this section shall be guaranteed by amounts deposited in the tribal school modernization escrow account established under subparagraph (B).

(B) ESTABLISHMENT OF ACCOUNT.—

(i) IN GENERAL.—Notwithstanding any other provision of law, subject to the availability of amounts made available under an appropriations Act, beginning in fiscal year 2001, the Secretary may deposit not more than \$30,000,000 of unobligated funds into a tribal school modernization escrow account.

(ii) PAYMENTS.—The Secretary shall use any amounts deposited in the escrow account under clause (i) and paragraph (4)(C)(iv) to make payments to holders of qualified tribal school modernization bonds issued under this section.

(7) LIMITATIONS.—

(A) OBLIGATION OF TRIBES.—Notwithstanding any other provision of law, a tribe that issues a qualified tribal school modernization bond under this section shall not be obligated to repay the principal on the bond.

(B) LAND AND FACILITIES.—Any land or facilities purchased or improved with amounts derived from qualified tribal school modernization bonds issued under this section shall not be mortgaged or used as collateral for such bonds.

SEC. 903. CONFORMING AMENDMENTS.

(a) HIGHER EDUCATION ACT OF 1965.—Section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)) is amended—

(1) in paragraph (1), by striking “section 9308” and inserting “section 9306”; and

(2) in paragraph (3), by striking “section 9212” and inserting “section 9207”.

(b) PUBLIC LAW 88-210.—Section 116 of Public Law 88-210 (as added by section 1 of Public Law 105-332 (112 Stat. 3076)) is amended by striking “section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)” and inserting “section 9207 of the Native Hawaiian Education Act”.

(c) CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT OF 1998.—Section 116(a)(5) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2326(a)(5)) is amended by striking “section 9212” and all that follows and inserting “section 9207 of the Native Hawaiian Education Act”.

(d) MUSEUM AND LIBRARY SERVICES ACT.—Section 261 of the Museum and Library Services Act (20 U.S.C. 9161) is amended by striking “section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)” and inserting “section 9207 of the Native Hawaiian Education Act”.

(e) ACT OF APRIL 16, 1934.—Section 5 of the Act of April 16, 1934 (commonly known as the “Johnson-O'Malley Act”) (88 Stat. 2213; 25 U.S.C. 456) is amended by striking “section 9104(c)(4)” and inserting “section 9114(c)(4)”.

(f) NATIVE AMERICAN LANGUAGES ACT.—Section 103 of the Native American Languages Act (25 U.S.C. 2902) is amended—

(1) in paragraph (2), by striking “section 9161(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7881(4))” and inserting “section 9161(3) of the Elementary and Secondary Education Act of 1965”; and

(2) in paragraph (3), by striking “section 9212(1) of the Elementary and Secondary

Education Act of 1965 (20 U.S.C. 7912(1))” and inserting “section 9207 of the Elementary and Secondary Education Act of 1965”.

(g) WORKFORCE INVESTMENT ACT OF 1998.—Section 166(b)(3) of the Workforce Investment Act of 1998 (29 U.S.C. 2911(b)(3)) is amended by striking “paragraphs (1) and (3), respectively, of section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)” and inserting “section 9207 of the Native Hawaiian Education Act”.

(h) ASSETS FOR INDEPENDENCE ACT.—Section 404(11) of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking “section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)” and inserting “section 9207 of the Native Hawaiian Education Act”.

TITLE X—PROGRAMS OF NATIONAL SIGNIFICANCE

PART A—FUND FOR THE IMPROVEMENT OF EDUCATION; ARTS IN EDUCATION

SEC. 1001. FUND FOR THE IMPROVEMENT OF EDUCATION

Part A of title X (20 U.S.C. 8001 et seq.) is amended to read as follows:

“PART A—FUND FOR THE IMPROVEMENT OF EDUCATION

“SEC. 10101. FUND FOR THE IMPROVEMENT OF EDUCATION.

“(a) FUND AUTHORIZED.—From funds appropriated under subsection (d), the Secretary is authorized to support nationally significant programs and projects to improve the quality of elementary and secondary education. The Secretary is authorized to carry out such programs and projects directly or through grants to, or contracts with, State and local educational agencies, institutions of higher education, and other public and private agencies, organizations, and institutions.

“(b) USES OF FUNDS.—Funds under this section may be used for—

“(1) programs under section 10102;

“(2) programs under section 10103;

“(3) programs under section 10104;

“(4) programs under section 10105;

“(5) programs under section 10106;

“(6) the identification and recognition of exemplary schools and programs, such as Blue Ribbon Schools; and

“(7) the development and evaluation of model strategies for professional development for teachers and administrators.

“(c) AWARDS.—

“(1) IN GENERAL.—The Secretary may make awards under this section on the basis of competitions announced by the Secretary.

“(2) SPECIAL RULE.—The Secretary shall ensure that programs, projects, and activities supported under this section are designed so that the effectiveness of such programs, projects, and activities is readily ascertainable.

“(3) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for assistance under this section and may use funds appropriated under subsection (d) for the cost of such peer review.

“(d) AUTHORIZATION.—For the purpose of carrying out this section, there are authorized to be appropriated \$100,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

“SEC. 10102. PARTNERSHIPS IN CHARACTER EDUCATION PROGRAM.

“(a) PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—The Secretary is authorized to award grants to eligible entities for the design and implementation of character education programs that incorporate the elements of character described in subsection (d), as well as other character elements identified by the eligible entities.

“(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a State educational agency in partnership with 1 or more local educational agencies;

“(B) a State educational agency in partnership with—

“(i) 1 or more local educational agencies; and

“(ii) 1 or more nonprofit organizations or entities, including institutions of higher education;

“(C) a local educational agency or consortium of local educational agencies; or

“(D) a local educational agency in partnership with another nonprofit organization or entity, including institutions of higher education.

“(3) DURATION.—Each grant under this section shall be awarded for a period not to exceed 3 years, of which the eligible entity shall not use more than 1 year for planning and program design.

“(b) APPLICATIONS.—

“(1) REQUIREMENT.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

“(2) CONTENTS OF APPLICATION.—Each application submitted under this section shall include—

“(A) a description of any partnerships or collaborative efforts among the organizations and entities of the eligible entity;

“(B) a description of the goals and objectives of the program proposed by the eligible entity;

“(C) a description of activities that will be pursued and how those activities will contribute to meeting the goals and objectives described in subparagraph (B), including—

“(i) how parents, students, and other members of the community, including members of private and nonprofit organizations, will be involved in the design and implementation of the program and how the eligible entity will work with the larger community to increase the reach and promise of the program;

“(ii) curriculum and instructional practices that will be used or developed;

“(iii) methods of teacher training and parent education that will be used or developed; and

“(iv) how the program will be linked to other efforts in the schools to improve student performance;

“(D) in the case of an eligible entity that is a State educational agency—

“(i) a description of how the State educational agency will provide technical and professional assistance to its local educational agency partners in the development and implementation of character education programs; and

“(ii) a description of how the State educational agency will assist other interested local educational agencies that are not members of the original partnership in designing and establishing character education programs;

“(E) a description of how the eligible entity will evaluate the success of its program—

“(i) based on the goals and objectives described in subparagraph (B); and

“(ii) in cooperation with the national evaluation conducted pursuant to subsection (c)(2)(B)(iii);

“(F) an assurance that the eligible entity annually will provide to the Secretary such information as may be required to determine the effectiveness of the program; and

“(G) any other information that the Secretary may require.

“(c) EVALUATION AND PROGRAM DEVELOPMENT.—

“(1) EVALUATION AND REPORTING.—

“(A) STATE AND LOCAL REPORTING AND EVALUATION.—Each eligible entity receiving

a grant under this section shall submit to the Secretary a comprehensive evaluation of the program assisted under this section, including the impact on students, teachers, administrators, parents, and others—

“(i) by the second year of the program; and

“(ii) not later than 1 year after completion of the grant period.

“(B) CONTRACTS FOR EVALUATION.—Each eligible entity receiving a grant under this section may contract with outside sources, including institutions of higher education, and private and nonprofit organizations, for purposes of evaluating its program and measuring the success of the program toward fostering in students the elements of character described in subsection (d).

“(2) NATIONAL RESEARCH, DISSEMINATION, AND EVALUATION.—

“(A) IN GENERAL.—The Secretary is authorized to make grants to, or enter into contracts or cooperative agreements with, State or local educational agencies, institutions of higher education, tribal organizations, or other public or private agencies or organizations to carry out research, development, dissemination, technical assistance, and evaluation activities that support or inform State and local character education programs. The Secretary shall reserve not more than 5 percent of the funds made available under this section to carry out this paragraph.

“(B) USES.—Funds made available under subparagraph (A) may be used—

“(i) to conduct research and development activities that focus on matters such as—

“(I) the effectiveness of instructional models for all students;

“(II) materials and curricula that can be used by programs in character education;

“(III) models of professional development in character education; and

“(IV) the development of measures of effectiveness for character education programs which may include the factors described in paragraph (3);

“(ii) to provide technical assistance to State and local programs, particularly on matters of program evaluation;

“(iii) to conduct a national evaluation of State and local programs receiving funding under this section; and

“(iv) to compile and disseminate, through various approaches (such as a national clearinghouse)—

“(I) information on model character education programs;

“(II) character education materials and curricula;

“(III) research findings in the area of character education and character development; and

“(IV) any other information that will be useful to character education program participants, educators, parents, administrators, and others nationwide.

“(C) PRIORITY.—In carrying out national activities under this paragraph related to development, dissemination, and technical assistance, the Secretary shall seek to enter into partnerships with national, nonprofit character education organizations with expertise and successful experience in implementing local character education programs that have had an effective impact on schools, students, including students with disabilities, and teachers.

“(3) FACTORS.—Factors which may be considered in evaluating the success of programs funded under this section may include—

“(A) discipline issues;

“(B) student performance;

“(C) participation in extracurricular activities;

“(D) parental and community involvement;

“(E) faculty and administration involvement;

“(F) student and staff morale; and

“(G) overall improvements in school climate for all students.

“(d) ELEMENTS OF CHARACTER.—

“(1) IN GENERAL.—Each eligible entity desiring funding under this section shall develop character education programs that incorporate the following elements of character:

“(A) Caring.

“(B) Civic virtue and citizenship.

“(C) Justice and fairness.

“(D) Respect.

“(E) Responsibility.

“(F) Trustworthiness.

“(G) Any other elements deemed appropriate by the members of the eligible entity.

“(2) ADDITIONAL ELEMENTS OF CHARACTER.—

An eligible entity participating under this section may, after consultation with schools and communities served by the eligible entity, define additional elements of character that the eligible entity determines to be important to the schools and communities served by the eligible entity.

“(e) USE OF FUNDS BY STATE EDUCATIONAL AGENCY RECIPIENTS.—Of the total funds received in any fiscal year under this section by an eligible entity that is a State educational agency—

“(1) not more than 10 percent of such funds may be used for administrative purposes; and

“(2) the remainder of such funds may be used for—

“(A) collaborative initiatives with and between local educational agencies and schools;

“(B) the preparation or purchase of materials, and teacher training;

“(C) grants to local educational agencies or schools; and

“(D) technical assistance and evaluation.

“(f) SELECTION OF GRANTEES.—

“(1) CRITERIA.—The Secretary shall select, through peer review, eligible entities to receive grants under this section on the basis of the quality of the applications submitted under subsection (b), taking into consideration such factors as—

“(A) the quality of the activities proposed to be conducted;

“(B) the extent to which the program fosters in students the elements of character described in subsection (d) and the potential for improved student performance;

“(C) the extent and ongoing nature of parental, student, and community involvement;

“(D) the quality of the plan for measuring and assessing success; and

“(E) the likelihood that the goals of the program will be realistically achieved.

“(2) DIVERSITY OF PROJECTS.—The Secretary shall approve applications under this section in a manner that ensures, to the extent practicable, that programs assisted under this section—

“(A) serve different areas of the Nation, including urban, suburban, and rural areas; and

“(B) serve schools that serve minorities, Native Americans, students of limited-English proficiency, disadvantaged students, and students with disabilities.

“(g) PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.—Grantees under this section shall provide, to the extent feasible and appropriate, for the participation of students and teachers in private elementary and secondary schools in programs and activities under this section.

“SEC. 10103. PROMOTING SCHOLAR-ATHLETE COMPETITIONS.

“(a) IN GENERAL.—The Secretary is authorized to award a grant to a nonprofit organization to reimburse such organization for the costs of conducting scholar-athlete games.

“(b) PRIORITY.—In awarding the grant under subsection (a), the Secretary shall give priority to a nonprofit organization that—

“(1) is described in section 501(c)(3) of, and exempt from taxation under section 501(a) of, the Internal Revenue Code of 1986, and is affiliated with a university capable of hosting a large educational, cultural, and athletic event that will serve as a national model;

“(2) has the capability and experience in administering federally funded scholar-athlete games;

“(3) has the ability to provide matching funds, on a dollar-for-dollar basis, from foundations and the private sector for the purpose of conducting a scholar-athlete program;

“(4) has the organizational structure and capability to administer a model scholar-athlete program; and

“(5) has the organizational structure and expertise to replicate the scholar-athlete program in various venues throughout the United States internationally.

“SEC. 10104. ELEMENTARY SCHOOL COUNSELING DEMONSTRATION.

“(a) COUNSELING DEMONSTRATION.—

“(1) IN GENERAL.—The Secretary may award grants under this section to establish or expand elementary school counseling programs.

“(2) PRIORITY.—In awarding grants under this section, the Secretary shall give special consideration to applications describing programs that—

“(A) demonstrate the greatest need for new or additional counseling services among the children in the elementary schools served by the applicant;

“(B) propose the most promising and innovative approaches for initiating or expanding elementary school counseling; and

“(C) show the greatest potential for replication and dissemination.

“(3) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall ensure an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

“(4) DURATION.—A grant under this section shall be awarded for a period not to exceed 3 years.

“(5) MAXIMUM GRANT.—A grant under this section shall not exceed \$400,000 for any fiscal year.

“(b) APPLICATIONS.—

“(1) IN GENERAL.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

“(2) CONTENTS.—Each application for a grant under this section shall—

“(A) describe the elementary school population to be targeted by the program, the particular personal, social, emotional, educational, and career development needs of such population, and the current school counseling resources available for meeting such needs;

“(B) describe the activities, services, and training to be provided by the program and the specific approaches to be used to meet the needs described in subparagraph (A);

“(C) describe the methods to be used to evaluate the outcomes and effectiveness of the program;

“(D) describe the collaborative efforts to be undertaken with institutions of higher education, businesses, labor organizations, community groups, social service agencies, and other public or private entities to enhance the program and promote school-linked services integration;

“(E) describe collaborative efforts with institutions of higher education which specifically seek to enhance or improve graduate programs specializing in the preparation of elementary school counselors, school psychologists, and school social workers;

“(F) document that the applicant has the personnel qualified to develop, implement, and administer the program;

“(G) describe how any diverse cultural populations, if applicable, would be served through the program;

“(H) assure that the funds made available under this section for any fiscal year will be used to supplement and, to the extent practicable, increase the level of funds that would otherwise be available from non-Federal sources for the program described in the application, and in no case supplant such funds from non-Federal sources; and

“(I) assure that the applicant will appoint an advisory board composed of parents, school counselors, school psychologists, school social workers, other pupil services personnel, teachers, school administrators, and community leaders to advise the local educational agency on the design and implementation of the program.

“(C) USE OF FUNDS.—

“(1) IN GENERAL.—Grant funds under this section shall be used to initiate or expand elementary school counseling programs that comply with the requirements in paragraph (2).

“(2) PROGRAM REQUIREMENTS.—Each program assisted under this section shall—

“(A) be comprehensive in addressing the personal, social, emotional, and educational needs of all students;

“(B) use a developmental, preventive approach to counseling;

“(C) increase the range, availability, quantity, and quality of counseling services in the elementary schools of the local educational agency;

“(D) expand counseling services only through qualified school counselors, school psychologists, and school social workers;

“(E) use innovative approaches to increase children's understanding of peer and family relationships, work and self, decision-making, academic and career planning, or to improve social functioning;

“(F) provide counseling services that are well-balanced among classroom group and small group counseling, individual counseling, and consultation with parents, teachers, administrators, and other pupil services personnel;

“(G) include inservice training for school counselors, school social workers, school psychologists, other pupil services personnel, teachers, and instructional staff;

“(H) involve parents of participating students in the design, implementation, and evaluation of a counseling program;

“(I) involve collaborative efforts with institutions of higher education, businesses, labor organizations, community groups, social service agencies, or other public or private entities to enhance the program and promote school-linked services integration; and

“(J) evaluate annually the effectiveness and outcomes of the counseling services and activities assisted under this section.

“(3) REPORT.—The Secretary shall issue a report evaluating the programs assisted pursuant to each grant under this subsection at the end of each grant period in accordance with section 10301.

“(4) DISSEMINATION.—The Secretary shall make the programs assisted under this section available for dissemination, either through the National Diffusion Network or other appropriate means.

“(5) LIMIT ON ADMINISTRATION.—Not more than five percent of the amounts made avail-

able under this section in any fiscal year shall be used for administrative costs to carry out this section.

“(d) DEFINITIONS.—For purposes of this section:

“(1) SCHOOL COUNSELOR.—The term ‘school counselor’ means an individual who has documented competence in counseling children and adolescents in a school setting and who—

“(A) possesses State licensure or certification granted by an independent professional regulatory authority;

“(B) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

“(C) holds a minimum of a master's degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent.

“(2) SCHOOL PSYCHOLOGIST.—The term ‘school psychologist’ means an individual who—

“(A) possesses a minimum of 60 graduate semester hours in school psychology from an institution of higher education and has completed 1,200 clock hours in a supervised school psychology internship, of which 600 hours shall be in the school setting;

“(B) possesses State licensure or certification in school psychology in the State in which the individual works; or

“(C) in the absence of such State licensure or certification, possesses national certification by the National School Psychology Certification Board.

“(3) SCHOOL SOCIAL WORKER.—The term ‘school social worker’ means an individual who—

“(A)(i) holds a master's degree in social work from a program accredited by the Council on Social Work Education; and

“(ii) is licensed or certified by the State in which services are provided; or

“(B) in the absence of such State licensure or certification, possesses national certification as a school social work specialist granted by an independent professional organization.

“(4) SUPERVISOR.—The term ‘supervisor’ means an individual who has the equivalent number of years of professional experience in such individual's respective discipline as is required of teaching experience for the supervisor or administrative credential in the State of such individual.

“SEC. 10105. SMALLER LEARNING COMMUNITIES.

“(a) PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—The Secretary may award grants to eligible entities to support the development of smaller learning communities.

“(2) ELIGIBLE ENTITIES.—In this section, the term ‘eligible entity’ means—

“(A) a local educational agency;

“(B) an elementary or secondary school;

“(C) a Bureau funded school; or

“(D) any of the entities described in subparagraph (A), (B), or (C) in partnership with other public agencies or private nonprofit organizations.

“(b) APPLICATIONS.—A eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall describe—

“(1) strategies and methods the applicant will use to create the smaller learning community;

“(2) curriculum and instructional practices, including any particular themes or emphases, to be used in the learning environment;

“(3) the extent of involvement of teachers and other school personnel in investigating, designing, implementing and sustaining the smaller learning community;

“(4) the process to be used for involving students, parents and other stakeholders in the development and implementation of the smaller learning community;

“(5) any cooperation or collaboration among community agencies, organizations, businesses, and others to develop or implement a plan to create the smaller learning community;

“(6) the training and professional development activities that will be offered to teachers and others involved in the activities assisted under this section;

“(7) the goals and objectives of the activities assisted under this section, including a description of how such activities will better enable all students to reach challenging State content standards and State student performance standards;

“(8) the methods by which the applicant will assess progress in meeting such goals and objectives;

“(9) if the smaller learning community exists as a school-within-a-school, the relationship, including governance and administration, of the smaller learning community to the rest of the school;

“(10) a description of the administrative and managerial relationship between the applicant and the smaller learning community, including how such applicant will demonstrate a commitment to the continuity of the smaller learning community, including the continuity of student and teacher assignment to a particular learning community;

“(11) how the applicant will coordinate or use funds provided under this section with other funds provided under this Act or other Federal laws;

“(12) grade levels or ages of students who will participate in the smaller learning community; and

“(13) the method of placing students in the smaller learning community, such that students are not placed according to ability, performance or any other measure, so that students are placed at random or by their own choice, not pursuant to testing or other judgments.

“(c) AUTHORIZED ACTIVITIES.—Funds under this section may be used—

“(1) to study the feasibility of creating the smaller learning community as well as effective and innovative organizational and instructional strategies that will be used in the smaller learning community;

“(2) to research, develop and implement strategies for creating the smaller learning community, as well as effective and innovative changes in curriculum and instruction, geared to high State content standards and State student performance standards;

“(3) to provide professional development for school staff in innovative teaching methods that challenge and engage students and will be used in the smaller learning community; and

“(4) to develop and implement strategies to include parents, business representatives, local institutions of higher education, community-based organizations, and other community members in the smaller learning communities, as facilitators of activities that enable teachers to participate in professional development activities, as well as to provide links between students and their community.

“(d) EVALUATION AND REPORT.—A recipient of a grant under this section shall provide the Secretary with an annual report that contains a description of—

“(1) the specific uses of grants funds received under this section; and

“(2) evidence of the impact of the grant on student performance and school safety.

“SEC. 10106. NATIONAL STUDENT AND PARENT MOCK ELECTION.

“(a) IN GENERAL.—The Secretary is authorized to award grants to national nonprofit, nonpartisan organizations that work to promote voter participation in American elections to enable such organizations to carry out voter education activities for students and their parents. Such activities shall—

“(1) be limited to simulated national elections that permit participation by students and parents from all 50 States in the United States and territories, including Department of Defense Dependent schools and other international locales where United States citizens are based; and

“(2) consist of—

“(A) school forums and local cable call-in shows on the national issues to be voted upon in an “issue forum”;

“(B) speeches and debates before students and parents by local candidates or stand-ins for such candidates;

“(C) quiz team competitions, mock press conferences and speechwriting competitions;

“(D) weekly meetings to follow the course of the campaign; or

“(E) school and neighborhood campaigns to increase voter turnout, including newsletters, posters, telephone chains, and transportation.

“(b) REQUIREMENTS.—Each organization receiving a grant under this section shall—

“(1) present awards to outstanding student and parent mock election projects; and

“(2) record all votes at least 5 days prior to the date of the general election.”

PART B—GIFTED AND TALENTED CHILDREN

SEC. 1010. GIFTED AND TALENTED CHILDREN

Part B of title X (20 U.S.C. 8031 et seq.) is amended to read as follows:

“PART B—GIFTED AND TALENTED CHILDREN

“SEC. 10201. SHORT TITLE.

“This part may be cited as the ‘Jacob K. Javits Gifted and Talented Students Education Act’.

“SEC. 10202. STATEMENT OF PURPOSE.

“(a) PURPOSE.—The purpose of this part is—

“(1) to provide grants to State educational agencies and local public schools for the support of programs, classes, and other services designed to meet the needs of the Nation’s gifted and talented students in elementary schools and secondary schools;

“(2) to encourage the development of rich and challenging curricula for all students through the appropriate application and adaptation of materials and instructional methods developed under this part; and

“(3) to supplement and make more effective the expenditure of State and local funds for the education of gifted and talented students.

“SEC. 10203. CONSTRUCTION.

“Nothing in this part shall be construed to prohibit a recipient of funds under this part from serving gifted and talented students simultaneously with students with similar educational needs, in the same educational setting where appropriate.

“SEC. 10204. AUTHORIZATION OF APPROPRIATIONS; TRIGGER.

“(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part \$155,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

“(b) TRIGGER.—Notwithstanding any other provision of this part, if the amount appropriated under subsection (a) for a fiscal year is less than \$50,000,000, then the Secretary

shall use such amount to carry out part B of title X (as such part was in effect on the day before the date of enactment of the Educational Excellence for All Children Act of 2000).

“SEC. 10205. ALLOTMENT TO STATES.

“(a) RESERVATION.—From the funds appropriated under section 10204(a) for any fiscal year, the Secretary shall reserve not more than 1 percent for payments to the outlying areas to be allotted to the outlying areas in accordance with their respective needs for assistance under this part.

“(b) ALLOTMENT.—From the funds appropriated under section 10204(a) that are not reserved under subsection (a), the Secretary shall allot to each State an amount that bears the same relation to the funds as the school-age population of the State bears to the school-age population of all States, except that no State shall receive an allotment that is less than 0.50 percent of the funds.

“(c) GRANDFATHER CLAUSE.—If the amount appropriated under section 10204(a) for a fiscal year is \$50,000,000 or more, then the Secretary shall use such amount to continue to make grant or contract payments to each entity that was awarded a multiyear grant or contract under this part B (as such part was in effect on the day before the date of enactment of the Educational Excellence for All Children Act of 2000) for the duration of the grant or contract award.

“SEC. 10206. STATE APPLICATIONS.

“(a) APPLICATION REQUIREMENTS.—Any State that desires to receive assistance under this part shall submit to the Secretary an application that—

“(1) designates the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

“(2) contains an assurance of the State educational agency’s ability to provide matching funds for the activities to be assisted under this part in an amount equal to not less than 20 percent of the grant funds to be received, provided in cash or in-kind;

“(3) provides for a biennial submission of data regarding the use of funds under this part, the types of services furnished under this part, and how the services impacted the individuals assisted under this part;

“(4) provides that the State educational agency will keep such records and provide such information to the Secretary as may be required for fiscal audit and program evaluation (consistent with all State educational agency fiscal audit and program evaluation responsibilities under this Act);

“(5) contains an assurance that there is compliance with the requirements of this part; and

“(6) provides for timely public notice and public dissemination of the data submitted pursuant to paragraph (3).

“(b) DURATION AND AMENDMENTS.—An application filed by the State under subsection (a) shall be for a period not to exceed 3 years.

“SEC. 10207. STATE USES OF FUNDS.

“(a) IN GENERAL.—A State educational agency shall not use more than 10 percent of the funds made available under this part for—

“(1) establishment and implementation of a peer review process for grant applications under this part;

“(2) supervision of the awarding of funds to local educational agencies or consortia thereof to support gifted and talented students from all economic, ethnic, and racial backgrounds, including such students of limited English proficiency and such students with disabilities;

“(3) planning, supervision, and processing of funds made available under this section;

“(4) monitoring, evaluation, and dissemination of programs and activities assisted

under this part, including the submission of an annual report to the Secretary that describes the number of students served and the education activities assisted under the grant;

“(5) providing technical assistance under this part; and

“(6) supplementing, but not supplanting, the amount of State and local funds expended for the education of, and related services provided for, the education of gifted and talented students.

“(b) PARENTAL SUPPORT.—A State educational agency shall not use more than 2 percent of the funds made available under this part for providing information, education, and support to parents of gifted and talented children to enhance the parents’ ability to participate in decisions regarding their children’s educational programs.

“SEC. 10208. DISTRIBUTION TO LOCAL EDUCATIONAL AGENCIES.

“(a) GRANT COMPETITION.—A State educational agency shall use not less than 88 percent of the funds made available under this part to award grants, on a competitive basis, to local educational agencies or consortia thereof to support programs, classes, and other services designed to meet the needs of gifted and talented students.

“(b) SIZE OF GRANT.—A State educational agency shall award a grant under this part for any fiscal year in an amount sufficient to meet the needs of the students to be served under the grant.

“SEC. 10209. LOCAL APPLICATION REQUIREMENTS.

“(a) APPLICATION.—To be eligible to receive a grant under this part the local educational agency or consortium shall submit an application to the State educational agency.

“(b) CONTENTS.—Each such application shall include—

“(1) an assurance that the funds received under this part will be used to identify and support gifted and talented students, including gifted and talented students from all economic, ethnic, and racial backgrounds, including such students of limited English proficiency, and such students with disabilities;

“(2) a description of how the local educational agency or consortium will meet the educational needs of gifted and talented students, including the training of personnel in the education of gifted and talented students.

“SEC. 10210. LOCAL USES OF FUNDS.

“Grants awarded under this part shall be used by local educational agencies or consortia to carry out 1 or more of the following activities to benefit gifted and talented students:

“(1) PROFESSIONAL DEVELOPMENT PROGRAMS.—Developing and implementing programs to address State and local needs for inservice training activities for general educators, specialists in gifted and talented education, administrators, school counselors, or other school personnel.

“(2) IDENTIFICATION OF STUDENTS.—Delivery of services to gifted and talented students who may not be identified and served through traditional assessment methods, including economically disadvantaged individuals, individuals of limited English proficiency, and individuals with disabilities.

“(3) MODEL PROJECTS.—Supporting and implementing innovative strategies such as cooperative learning, service learning, peer tutoring, independent study, and adapted curriculum used by schools or consortia.

“(4) EMERGING TECHNOLOGIES.—Assisting schools or consortia of schools, that do not have the resources to otherwise provide gifted and talented courses, to provide the

courses through new and emerging technologies, including distance learning curriculum packages, except that funds under this part shall not be used for the purchase or upgrading of technological hardware.

“SEC. 10211. PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND TEACHERS.

“In awarding grants under this part the Secretary shall ensure, where appropriate, that provision is made for the equitable participation of students and teachers in private, nonprofit elementary schools and secondary schools, including the participation of teachers and other personnel in professional development programs serving such children.

“SEC. 10212. ESTABLISHMENT OF NATIONAL CENTER.

“(a) PURPOSE.—The purposes of a National Center for Research and Development in the Education of Gifted and Talented Children and Youth are—

“(1) to develop, disseminate, and evaluate model projects and activities for serving gifted and talented students;

“(2) to conduct research regarding innovative methods for identifying and educating gifted and talented students; and

“(3) to provide technical assistance programs that will further the education of gifted and talented students, including how gifted and talented programs, where appropriate, may be adapted for use by all students.

“(b) CENTER ESTABLISHED.—The Secretary shall establish a National Center for Research and Development in the Education of Gifted and Talented Children and Youth through grants to or contracts with 1 or more institutions of higher education, State educational agencies, or a consortia of such institutions and agencies.

“(c) DIRECTOR.—The National Center shall have a Director. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with other institutions of higher education, and State educational agencies or local educational agencies.

“(d) GRANDFATHER CLAUSE.—If the amount appropriated under section 10204(a) for a fiscal year is \$50,000,000 or more, then the Secretary shall use such amount to continue to make grant or contract payments to each entity that was awarded a multiyear grant or contract under section 10204(c) (as such section was in effect on the day before the date of enactment of the Educational Excellence for All Children Act of 2000) for the duration of the grant or contract award.

“(e) FUNDING.—The Secretary may use not more than 30 percent of the funds made available under section 10204(a) for any fiscal year to carry out this section.”

PART C—HIGH SCHOOL REFORM

SEC. 1021. HIGH SCHOOL REFORM.

Title X (20 U.S.C. 8001 et seq.) is amended by inserting after part B the following:

“PART C—HIGH SCHOOL REFORM

“SEC. 10301. FINDINGS AND PURPOSES.

“(a) FINDINGS.—Congress makes the following findings:

“(1) All high school students must obtain the academic foundations needed for further education and training, and to succeed in an economy that is increasingly characterized by global competition, evolving technologies, and high demands for a skilled, literate, and adaptable workforce.

“(2) To be effective, high schools must not only prepare students academically, they must also ensure that students are connecting with adults and are receiving the necessary supports to continue their personal and interpersonal growth during this critical transition stage.

“(3) Effective high schools are places where students feel safe, the school is free of drugs, and the classrooms are disciplined environments where all students can learn. High schools are increasingly larger places where students feel increasingly disconnected from adults and often from their peers, particularly in urban and suburban areas. Research shows that when students feel connected to school and to their parents, they are less likely than other adolescents to suffer from emotional distress, have suicidal thoughts and behaviors, use violence, and smoke cigarettes, drink alcohol, or smoke marijuana.

“(4) Research and national data collections indicate that many high schools do not succeed in meeting both the academic and developmental needs of students. For example—

“(A) more than 20 percent of Americans, ages 25 through 29, do not have a regular high school diploma;

“(B) on the most recent international assessment of mathematics and science knowledge, the Third International Mathematics and Science Study (TIMSS), American 12th-graders outperformed students from only two of the 21 other participating Nations. A comparison of these assessment results with 4th-grade and 8th-grade TIMSS scores indicates that American students lose ground during the high school years;

“(C) recent results from National Assessment of Educational Progress reading assessments for 12th-graders indicate improvement in the performance of higher-achieving students, but no improvement in the scores for the lowest-achieving students;

“(D) the problems facing high schools are particularly prevalent in schools that enroll concentrations of minority students and students from low-income families; and

“(E) relatively few high schools are undertaking serious, standards-based educational reforms. For instance, most of the initiatives carried out through the Comprehensive School Reform Demonstrations program have been at the elementary level.

“(5) Because of changes made by the Improving America's Schools Act of 1994, high schools now receive significantly more title I funding than was the case before, and the number of high schools operating title I schoolwide programs has increased. However, evaluations indicate that title I, by itself, has not yet resulted in significant reforms in high schools. High schools now have the opportunity to use title I funds to leverage Federal, State, and local funds to implement education reforms.

“(6) High school reforms can be effective. For example, schools participating in the Southern Regional Education Board 'High Schools that Work' program, a whole-school, research-based reform initiative, have shown significant improvement in reading and mathematics scores. The Johns Hopkins University Talent Development model has demonstrated promising results at its initial implementation site. The schools implementing locally based reforms and participating in the Department of Education's 'New American High Schools' initiative have generally achieved improved outcomes in graduation, attendance, and achievement.

“(7) A variety of approaches to high school reform, geared to local conditions and needs, can be effective. These approaches include 'schools within schools' and other innovations that create smaller learning environments and involve adults more fully in the lives of students, 'career academies' and other approaches that structure learning around careers, partnerships that pair schools with businesses or institutions of higher education, and reforms that reorganize the school day. In addition, most successful reforms include a strong focus on the

professional development of participating educators and provision of in-depth academic, career, and college counseling.

“(b) PURPOSES.—The purposes of this part are to—

“(1) support the planning and implementation of educational reforms in high schools, particularly in urban and rural high schools that educate concentrations of students from low-income families, in order to—

“(A) meet the needs of students at risk of failing to achieve to challenging standards, by strengthening curriculum and instruction, offering extended learning opportunities, and providing professional development opportunities to school staff; and

“(B) improve title I schoolwide programs in high schools;

“(2) support the further development of educational reforms, designed specifically for high schools, that—

“(A) help students meet challenging State standards; and

“(B) increase connections between students and adults and provide safe learning environments;

“(3) create positive incentives for serious change in high schools, by offering rewards to participating schools that achieve significant improvements in student achievement;

“(4) increase the national knowledge base on effective high school reforms by identifying the most effective approaches and disseminating information on those approaches so that they can be adopted nationally; and

“(5) support the implementation of reforms in at least 5,000 American high schools by the year 2007.

“SEC. 10302. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

“(a) GRANTS AUTHORIZED.—The Secretary may make grants to local educational agencies, on a competitive basis, for activities, consistent with this part, carried out in their high schools.

“(b) DURATION.—Each grant under this section shall be for a period of up to three years.

“(c) LIMITATION.—The Secretary shall not provide assistance under this part to any high school under more than one grant.

“SEC. 10303. APPLICATIONS.

“(a) APPLICATIONS REQUIRED.—A local educational agency that desires to receive a grant under this part shall submit an application at such time, in such manner, and containing such information as the Secretary may determine.

“(b) CONTENTS.—Each such application shall, for each high school for which assistance is sought—

“(1) identify the school and describe its need for assistance under this part;

“(2) include—

“(A) a preliminary plan for grades above 8th grade in the school that describes the educational reforms that will take place, as well as the specific activities to be carried out with grant funds; and

“(B) an assurance that the local educational agency will have a final plan for those reforms and activities within six months of receiving a grant under this part; and

“(3) demonstrate that a substantial percentage of administrators, teachers, and students at the school, as well as parents of students and other members of the community, were (and will be) involved in developing and carrying out that plan.

“SEC. 10304. SELECTION OF GRANTEEES.

“(a) IN GENERAL.—The Secretary shall select grantees, using a peer-review process, on the basis of—

“(1) the relative need of each high school for which assistance is sought, considering such factors as the percentage of students

who are from low-income families, student achievement data, dropout rates, and attendance rates; and

“(2) the quality of applications, including the likelihood that the proposed reforms will succeed.

“(b) APPLICATIONS FOR MORE THAN ONE HIGH SCHOOL.—In case of a meritorious application that requests assistance for more than one high school, the Secretary may approve the application for any number of those schools.

“(c) SPECIAL RULES.—In approving applications under this section, the Secretary shall—

“(1) to the extent possible, award a majority of grants under this part to assist high schools that participate in programs under part A of title I of this Act or serve high-poverty school attendance areas; and

“(2) equitably distribute grants among the geographic regions of the Nation and among urban and rural local educational agencies.

“SEC. 10305. PRINCIPLES AND COMPONENTS OF EDUCATIONAL REFORMS.

“(a) PRINCIPLES.—Each grantee under this part shall ensure that the reforms it carries out under this part are designed so that each assisted high school—

“(1) is a place where students receive individual attention and support, through such strategies as creating smaller learning environments, such as ‘schools within schools’ and career academies and providing students with counselors and mentors;

“(2) provides all students in the school with challenging coursework, aligned with State content and performance standards, through such strategies as the use of technology to enhance academic instruction and the establishment or expansion of international baccalaureate programs or advanced placement programs;

“(3) is a place where students are motivated to learn, through such strategies as applied learning and linking the arts, music, and cultural opportunities with the school, both during and after the normal school day;

“(4) enables students to receive an education that is continuous and integrated, through such strategies as partnerships with middle schools and institutions of higher education;

“(5) helps students achieve their educational and career goals, through such strategies as integrated academic and vocational instruction that connects students with career opportunities; and

“(6) functions as a center for the community, through such strategies as increasing the involvement of parents, employers, and others in the community.

“(b) REQUIRED COMPONENTS.—In order to institutionalize the principles described in subsection (a), each grantee under this part shall use funds that are provided on behalf of a high school to implement (and, if necessary, to use not more than six months to complete the planning and development of) research-based educational reform strategies throughout the entire school that—

“(1) in the case of a school with a schoolwide program under part A of title I, build on and improve the schoolwide reform program;

“(2) address the needs of students who are at risk of failing to be promoted to the next grade or to graduate, including—

“(A) covering material that students need to master in order to pass State-mandated exit exams; and

“(B) strengthening curriculum, instruction, and assessments and by offering extended learning opportunities such as after-school, weekend, and summer programs;

“(3) are implemented at the school level, but include strong support and assistance

from the local educational agency, as documented in its application;

“(4) make full and effective use of the resources that the school receives under other Federal programs;

“(5) make use of outside experts in high-school reform, unless the local educational agency demonstrates in its application, to the Secretary’s satisfaction, that the school’s reform strategy can be implemented effectively without outside assistance;

“(6) include professional development of school staff, including development of the skills needed to use student achievement and other outcome data to refine and improve the educational reform strategy; and

“(7) provide for collecting data on, and evaluating, the reforms and for reporting to the Secretary on the results of those evaluations.

“SEC. 10306. PRIVATE SCHOOLS.

“(a) PROFESSIONAL DEVELOPMENT.—Each grantee under section 10304 shall, in accordance with sections 11803 through 11806, provide for the equitable participation of private school personnel in the professional development activities it carries out with grant funds.

“(b) INFORMATION.—If a grantee uses grant funds to develop curricular materials, it shall make information about those materials available to private schools at their request.

“SEC. 10307. ADDITIONAL ACTIVITIES.

“From the amount available to carry out this part for any fiscal year under section 10310, the Secretary shall reserve the amount he finds appropriate to carry out one or more of the following:

“(1) INCENTIVE AWARDS.—(A)(i) The Secretary shall select a random sample of schools from each of the first two years’ cohorts of grantees, along with a similarly selected control group of comparable schools, to participate in an incentive-based experiment, under which the Secretary makes incentive payments to teachers and administrators in the grantee schools if, after three years of program participation, their students demonstrate significant gains in student educational outcomes compared to the gains made in the schools in the control group.

“(ii) If those significant gains continue, the Secretary may make further incentive payments to those teachers and administrators for up to two additional years.

“(B) The Secretary shall base determinations of student educational outcomes on multiple measures, including scores on State assessments.

“(C) The maximum amount of an incentive award under this paragraph is \$3,000 per teacher and administrator per year, which may be used by those individuals for any purpose.

“(2) RECOGNITION, DISSEMINATION, NETWORKS, AND PEER REVIEW.—The Secretary may—

“(A) recognize high schools and high school reforms that show outstanding results;

“(B) disseminate information on those schools and reforms;

“(C) carry out other activities to encourage the spread and adoption of successful high school reform strategies;

“(D) facilitate the creation of networks among participating schools and local educational agencies, which may include schools and local educational agencies interested in meeting the purpose of this part; and

“(E) pay the costs of the peer review of applications under this part.

“(3) EVALUATION.—The Secretary may reserve funds, consistent with section 11911, to evaluate activities carried out under this part.

“SEC. 10308. CONSTRUCTION.

“Nothing in this Act shall be construed to prohibit recruiters for the Armed Forces of the United States from receiving the same access to secondary school students, and to directory information concerning such students, as is provided to postsecondary educational institutions or to prospective employers of such students, because all students should have access to high quality continuing education or service opportunities.

“SEC. 10309. DEFINITION OF HIGH SCHOOL.

“In this part, the term ‘high school’ means any school that serves students in 12th grade.

“SEC. 10310. AUTHORIZATION OF APPROPRIATIONS.

“For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and each of the four succeeding fiscal years.”

PART D—ARTS IN EDUCATION

SEC. 1031. ARTS IN EDUCATION.

Section 10401 (20 U.S.C. 8091) is amended—

(1) in subsection (d)—

(A) by redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively; and

(B) by inserting immediately after paragraph (8) the following new paragraph:

“(9) supporting model arts and cultural programs for at-risk children and youth, particularly programs that use arts and culture to promote students’ academic progress;”;

and

(2) by amending subsection (f) to read as follows:

“(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and each of the four succeeding fiscal years.”

PART E—EXCELLENCE IN ECONOMIC EDUCATION

SEC. 1041. EXCELLENCE IN ECONOMIC EDUCATION.

Part E of title X (20 U.S.C. 8031 et seq.) is amended to read as follows:

“PART E—EXCELLENCE IN ECONOMIC EDUCATION

“SEC. 10501. SHORT TITLE; FINDINGS.

“(a) SHORT TITLE.—This part may be cited as the ‘Excellence in Economic Education Act of 2000’.

“(b) FINDINGS.—Congress makes the following findings:

“(1) The need for economic literacy in the United States has grown exponentially in the 1990’s as a result of rapid technological advancements and increasing globalization, giving individuals in the United States more numerous and complex economic and financial choices than ever before as members of the workforce, managers of their families’ resources, and voting citizens.

“(2) Individuals in the United States lack essential economic knowledge, as demonstrated in a 1998–1999 test conducted for the National Council on Economic Education, a private nonprofit organization. The test results indicated the following:

“(A) Students and adults alike lack a basic understanding of core economic concepts such as scarcity of resources and inflation, with less than half of those tested demonstrating knowledge of those basic concepts.

“(B) A little more than 1/3 of those tested realize that society must make choices about how to use resources.

“(C) Only 1/3 of those tested understand that active competition in the marketplace serves to lower prices and improve product quality.

“(D) Slightly more than 1/2 of adults in the United States and less than 1/4 of students in

the United States know that a Federal budget deficit is created when the Federal Government's expenditures exceed its revenues in a year.

"(E) Overall, adults received a grade of 57 percent on the test and secondary school students received a grade of 48 percent on the test.

"(F) Despite these poor results, the test findings pointed out that individuals in the United States realize the need for understanding basic economic concepts, with 96 percent of adults tested believing that basic economics should be taught in secondary school.

"(3) A range of trends points to the need for individuals in the United States to receive a practical economics education that will give the individuals tools to make responsible choices about their limited financial resources, and about the range of economic choices which face all people regardless of their financial circumstances. Examples of the trends include the following:

"(A) The number of personal bankruptcies in the United States rose and set new records in the 1990's, despite the longest peacetime economic expansion in United States history. One in every 70 United States households filed for bankruptcy in 1998. Rising bankruptcies have an impact on the cost and availability of consumer credit which in turn negatively affect overall economic growth.

"(B) Credit card delinquencies in the United States rose to 1.83 percent in 1998, which is a percentage not seen since 1992 when the effects of a recession were still strong.

"(C) The personal savings rate in the United States over the 5 years ending in 1998 averaged only 4.5 percent. In the third quarter of 1999, the personal savings rate dropped to 1.8 percent. A decline in savings rates reduces potential investment and economic growth.

"(D) By 2030, the number of older persons in the United States will grow to 70,000,000, more than twice the number of older persons in the United States in 1997. The additional older persons will add significantly to the population of retirees in the United States and require a shift in private and public resources to attend to their specific needs. The needs of this population will have dramatic, long-term economic consequences for younger generations of individuals in the United States workforce who will need to plan well in order to support their families and ensure for themselves a secure retirement.

"(4) The third National Education Goal designates economics as 1 of 9 core content areas in which teaching, learning, and students' mastery of basic and advanced skills must improve.

"(5) The National Council on Economic Education presents a compelling case for doing more to meet the need for economic literacy. While an understanding of economics is necessary to help the next generation to think, choose, and function in a changing global economy, economics has too often been neglected in schools.

"(6) States' requirements for economic and personal finance education are insufficient as evidenced by the fact that, while 39 States have adopted educational standards (including guidelines or proficiencies) in economics—

"(A) only 13 of those States require all students to take a course in economics before graduating from secondary school;

"(B) only 25 States administer tests to determine whether students meet the economic standards; and

"(C) only 27 States require that the economic standards be implemented in schools.

"(7) Improved and enhanced national, State, and local economic education efforts,

conducted as part of the Campaign for Economic Literacy led by the National Council on Economic Education, will help individuals become informed consumers, conscientious savers, prudent investors, productive workforce members, responsible citizens, and effective participants in the global economy.

"(8)(A) Founded in 1949, the National Council on Economic Education is the preeminent economic education organization in the United States, having a nationwide network that supports economic education in the Nation's schools by working with States, local educational agencies, and schools.

"(B) This network supports teacher preparedness in economics through—

"(i) inservice teacher education;

"(ii) classroom-tested materials and appropriate curricula;

"(iii) evaluation, assessment, and research on economics education; and

"(iv) suggested content standards for economics.

"(9) The National Council on Economic Education network includes affiliated State Councils on Economic Education and more than 275 university or college-based Centers for Economic Education. This network represents a unique partnership among leaders in education, business, economics, and labor, the purpose of which is to effectively deliver economic education throughout the United States.

"(10) Each year the National Council on Economic Education network trains 120,000 teachers, reaching more than 7,000,000 students. By strengthening the Council's nationwide network, the Council can reach more of the Nation's 53,000,000 students.

"(11) The National Council on Economic Education conducts an international economic education program that provides information on market principles to the world (particularly emerging democracies) through teacher training, materials translation and development, study tours, conferences, and research and evaluation. As a result of those activities, the National Council on Economic Education is helping to support educational reform and build economic education infrastructures in emerging market economies, and reinforcing the national interest of the United States.

"(12) Evaluation results of economics education activities support the following conclusions:

"(A) Inservice education in economics for teachers contributes significantly to students' gains in economic knowledge.

"(B) Secondary school students who have taken economics courses perform significantly better on tests of economic literacy than do their counterparts who have not taken economics.

"(C) Economics courses contribute significantly more to gains in economic knowledge than does integration of economics into other subjects.

"(13) Through partnerships, the National Council on Economic Education network leverages support for its mission by raising more than \$35,000,000 annually for economic education from the private sector, universities, and States.

"SEC. 10502. EXCELLENCE IN ECONOMIC EDUCATION.

"(a) PURPOSE.—The purpose of this part is to promote economic literacy among all United States students in kindergarten through grade 12 by enhancing national leadership in economic education through the strengthening of a nationwide economic education network and the provision of resources to appropriate State and local entities.

"(b) GOALS.—The goals of this part are—

"(1) to increase students' knowledge of and achievement in economics to enable the stu-

dents to become more productive and informed citizens;

"(2) to strengthen teachers' understanding of and competency in economics to enable the teachers to increase student mastery of economic principles and their practical application;

"(3) to encourage economic education research and development, to disseminate effective instructional materials, and to promote replication of best practices and exemplary programs that foster economic literacy;

"(4) to assist States in measuring the impact of education in economics, which is 1 of 9 national core content areas described in section 306(c) of the Goals 2000: Educate America Act (20 U.S.C. 5886(c)) (as such section was in effect on the day preceding the date of enactment of the Educational Excellence for All Children Act of 2000);

"(5) to extend strong economic education delivery systems to every State; and

"(6) to leverage and expand private and public support for economic education partnerships at national, State, and local levels.

"SEC. 10503. GRANT PROGRAM AUTHORIZED.

"(a) GRANTS TO THE NATIONAL COUNCIL ON ECONOMIC EDUCATION.—

"(1) IN GENERAL.—The Secretary is authorized to award a grant to the National Council on Economic Education (referred to in this section as the 'grantee'), which is a non-profit educational organization that has as its primary purpose the improvement of the quality of student understanding of economics through effective teaching of economics in the Nation's classrooms.

"(2) USE OF GRANT FUNDS.—

"(A) ONE-QUARTER.—The grantee shall use ¼ of the funds made available through the grant and not reserved under subsection (f) for a fiscal year—

"(i) to strengthen and expand the grantee's nationwide network on economic education;

"(ii) to support and promote training, of teachers who teach a grade from kindergarten through grade 12, regarding economics, including the dissemination of information on effective practices and research findings regarding the teaching of economics;

"(iii) to support research on effective teaching practices and the development of assessment instruments to document student performance;

"(iv) to develop and disseminate appropriate materials to foster economic literacy; and

"(v) to coordinate activities assisted under this section with activities assisted under title II.

"(B) THREE-QUARTERS.—The grantee shall use ¾ of the funds made available through the grant and not reserved under subsection (f) for a fiscal year to award grants to State economic education councils, or in the case of a State that does not have a State economic education council, a center for economic education (which council or center shall be referred to in this section as a 'recipient'). The grantee shall award such a grant to pay for the Federal share of the cost of enabling the recipient to work in partnership with 1 or more of the entities described in paragraph (3) for 1 or more of the following purposes:

"(i) Collaboratively establishing and conducting teacher training programs that use effective and innovative approaches to the teaching of economics.

"(ii) Providing resources to school districts that want to incorporate economics into the curricula of the schools in the districts.

"(iii) Conducting evaluations of the impact of economic education on students.

"(iv) Conducting economic education research.

“(v) Creating and conducting school-based student activities to promote consumer, economic, and personal finance education, such as saving, investing, and entrepreneurial education, and to encourage awareness and student achievement in economics.

“(vi) Establishing interstate and international student and teacher exchanges to promote economic literacy.

“(vii) Encouraging replication of best practices to encourage economic literacy.

“(C) ADDITIONAL REQUIREMENTS AND TECHNICAL ASSISTANCE.—The grantee shall—

“(i) meet such other requirements as the Secretary determines to be necessary to assure compliance with this section; and

“(ii) provide such technical assistance as may be necessary to carry out this section.

“(3) PARTNERSHIP ENTITIES.—The entities referred to in paragraph (2)(B) are the following:

“(A) A private sector entity.

“(B) A State educational agency.

“(C) A local educational agency.

“(D) An institution of higher education.

“(E) Another organization promoting economic development.

“(F) Another organization promoting educational excellence.

“(4) ADMINISTRATIVE COSTS.—The grantee and each recipient receiving a grant under this section for a fiscal year may use not more than 25 percent of the funds made available through the grant for administrative costs.

“(b) TEACHER TRAINING PROGRAMS.—

“(1) IN GENERAL.—In carrying out the teacher training programs described in subsection (a)(2)(B) a recipient shall—

“(A) train teachers who teach a grade from kindergarten through grade 12;

“(B) conduct programs taught by qualified teacher trainers who can tap the expertise, knowledge, and experience of classroom teachers, private sector leaders, and other members of the community involved, for the training; and

“(C) encourage teachers from disciplines other than economics to participate in such teacher training programs, if the training will promote the economic understanding of their students.

“(2) RELEASE TIME.—Funds made available under this section for the teacher training programs described in subparagraphs (A) and (B) of subsection (a)(2) may be used to pay for release time for teachers and teacher trainers who participate in the training.

“(c) INVOLVEMENT OF BUSINESS COMMUNITY.—In carrying out the activities assisted under this part the grantee and recipients are encouraged to—

“(1) include interactions with the local business community to the fullest extent possible, to reinforce the connection between economic education and economic development; and

“(2) work with private businesses to obtain matching contributions for Federal funds and assist recipients in working toward self-sufficiency.

“(d) FEDERAL SHARE.—

“(1) IN GENERAL.—The Federal share of the cost described in subsection (a)(2)(B) shall be 50 percent. The Federal share of the cost of establishing a State council on economic education or a center for economic education under subsection (f), for 1 fiscal year only, shall be 75 percent.

“(2) NON-FEDERAL SHARE.—The non-Federal share may be paid in cash or in kind, fairly evaluated, including plant, equipment, or services.

“(e) APPLICATIONS.—

“(1) GRANTEE.—To be eligible to receive a grant under this section, the grantee shall submit to the Secretary an application at such time, in such manner, and accompanied

by such information as the Secretary may require.

“(2) RECIPIENTS.—

“(A) IN GENERAL.—To be eligible to receive a grant under this section, a recipient shall submit an application to the grantee at such time, in such manner, and accompanied by such information as the grantee may require.

“(B) REVIEW.—The grantee shall invite the individuals described in subparagraph (C) to review all applications from recipients for a grant under this section and to make recommendations to the grantee regarding the funding of the applications.

“(C) INDIVIDUALS.—The individuals referred to in subparagraph (B) are the following:

“(i) Leaders in the fields of economics and education.

“(ii) Such other individuals as the grantee determines to be necessary.

“(f) SPECIAL RULE.—For each State that does not have a recipient in the State, as determined by the grantee, not less than the greater of 1.5 percent or \$100,000 of the total amount appropriated under subsection (i), for 1 fiscal year, shall be made available to the State to pay for the Federal share of the cost of establishing a State council on economic education or a center for economic education in partnership with a private sector entity, an institution of higher education, the State educational agency, and other organizations.

“(g) SUPPLEMENT AND NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local funds expended for the purpose described in section 6(a).

“(h) REPORT.—The Secretary shall prepare and submit to the appropriate committees of Congress a report regarding activities assisted under this section not later than 2 years after the date funds are first appropriated under subsection (i) and every 2 years thereafter.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part \$10,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.”.

PART F—ELEMENTARY AND SECONDARY SCHOOL LIBRARY MEDIA RESOURCES

SEC. 1051. ELEMENTARY AND SECONDARY SCHOOL LIBRARY MEDIA RESOURCES.

Part F of title X (20 U.S.C. 8001 et seq.), is amended to read as follows:

“PART F—ELEMENTARY AND SECONDARY SCHOOL LIBRARY MEDIA RESOURCES.

“SEC. 10601. SHORT TITLE.

“This subpart may be cited as the ‘Elementary and Secondary School Library Media Resources, Training, and Advanced Technology Assistance Act’.

“SEC. 10602. PURPOSE.

“The purposes of this subpart are—

“(1) to improve academic achievement of students by providing students with increased access to up-to-date school library materials, a well-equipped, technologically advanced school library media center, and well-trained, professionally certified school library media specialists;

“(2) to support the acquisition of up-to-date school library media resources for the use of students, school library media specialists, and teachers in elementary schools and secondary schools;

“(3) to provide school library media specialists with the tools and training opportunities necessary for the specialists to facilitate the development and enhancement of the information literacy, information retrieval, and critical thinking skills of students; and

“(4)(A) to ensure the effective coordination of resources for library, technology, and professional development activities for elementary schools and secondary schools; and

“(B) to ensure collaboration between school library media specialists, and elementary school and secondary school teachers and administrators, in developing curriculum-based instructional activities for students so that school library media specialists are partners in the learning process of students.

“Chapter 1—Library Media Resources

“SEC. 10605. STATE ALLOTMENTS.

“The Secretary shall allot to each eligible State educational agency for a fiscal year an amount that bears the same relation to the amount appropriated under section 5170 and not reserved under section 5169 for the fiscal year as the amount the State educational agency received under part A of title I for the preceding fiscal year bears to the amount all State educational agencies received under part A of title I for the preceding fiscal year.

“SEC. 10606. STATE APPLICATIONS.

“To be eligible to receive an allotment under section 5161 for a State for a fiscal year, the State educational agency shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall require. The application shall contain a description of—

“(1) the manner in which the State educational agency will use the needs assessment described in section 5165 and poverty data to allocate funds made available through the allotment to the local educational agencies in the State with the greatest need for school library media improvement;

“(2) the manner in which the State educational agency will effectively coordinate all Federal and State funds available for library, technology, and professional development activities to assist local educational agencies, elementary schools, and secondary schools in—

“(A) acquiring up-to-date school library media resources in all formats, including books and advanced technology such as Internet connections;

“(B) providing training for school library media specialists; and

“(C) facilitating resource-sharing among schools and school library media centers;

“(3) the manner in which the State educational agency will develop standards for the incorporation of new technologies into the curricula of elementary schools and secondary schools through school library media programs to develop and enhance the information literacy, information retrieval, and critical thinking skills of students; and

“(4) the manner in which the State educational agency will evaluate the quality and impact of activities carried out under this subpart by local educational agencies to make determinations regarding the need of the agencies for technical assistance and whether to continue funding the agencies under this subpart.

“SEC. 10607. STATE RESERVATION.

“A State educational agency that receives an allotment under section 5161 may reserve not more than 3 percent of the funds made available through the allotment to provide technical assistance, disseminate information about effective school library media programs, and pay administrative costs, relating to this subpart.

“SEC. 10608. LOCAL ALLOCATIONS.

“(a) IN GENERAL.—A State educational agency that receives an allotment under section 5161 for a fiscal year shall use the funds

made available through the allotment and not reserved under section 5163 to make allocations to local educational agencies.

“(b) AGENCIES.—The State educational agency shall allocate the funds to the local educational agencies in the State that have—

“(1) the greatest need for school library media improvement according to the needs assessment described in section 5165; and

“(2) the highest percentages of poverty, as measured in accordance with section 1113(a)(5).

“SEC. 10609. LOCAL APPLICATION.

“To be eligible to receive an allocation under section 5164 for a fiscal year, a local educational agency shall submit to the State educational agency an application at such time, in such manner, and containing such information as the State educational agency shall require. The application shall contain—

“(1) a needs assessment relating to need for school library media improvement, based on the age and condition of school library media resources (including book collections), access of school library media centers to advanced technology, including Internet connections, and the availability of well-trained, professionally certified school library media specialists, in schools served by the local educational agency;

“(2) a description of the manner in which the local educational agency will use the needs assessment to assist schools with the greatest need for school library media improvement;

“(3) a description of the manner in which the local educational agency will use the funds provided through the allocation to carry out the activities described in section 5166;

“(4) a description of the manner in which the local educational agency will develop and carry out the activities described in section 5166 with the extensive participation of school library media specialists, elementary school and secondary school teachers and administrators, and parents;

“(5) a description of the manner in which the local educational agency will effectively coordinate—

“(A) funds provided under this chapter with the Federal, State, and local funds received by the agency for library, technology, and professional development activities; and

“(B) activities carried out under this chapter with the Federal, State, and local library, technology, and professional development activities carried out by the local educational agency; and

“(6) a description of the manner in which the local educational agency will collect and analyze data on the quality and impact of activities carried out under this chapter by schools served by the local educational agency.

“SEC. 10610. LOCAL ACTIVITIES.

“A local educational agency that receives a local allocation under section 5164 may use the funds made available through the allocation—

“(1) to acquire up-to-date school library media resources, including books, for the use of students, school library media specialists, and teachers in elementary schools and secondary schools;

“(2) to acquire and utilize advanced technology, incorporated into the curricula of the schools, to develop and enhance the information literacy, information retrieval, and critical thinking skills of students;

“(3) to acquire and utilize advanced technology, including Internet links, to facilitate resource-sharing among schools and school library media centers, and public and academic libraries, where possible;

“(4) to provide professional development opportunities for school library media specialists; and

“(5) to foster increased collaboration between school library media specialists and elementary school and secondary school teachers and administrators.

“SEC. 10611. ACCOUNTABILITY AND CONTINUATION OF FUNDS.

“Each local educational agency that receives funding under this chapter for a fiscal year shall be eligible to continue to receive the funding—

“(1) for each of the 2 following fiscal years; and

“(2) for each fiscal year subsequent to the 2 following fiscal years, if the local educational agency demonstrates that the agency has increased—

“(A) the availability of, and the access of students, school library media specialists, and elementary school and secondary school teachers to, up-to-date school library media resources, including books and advanced technology, in elementary schools and secondary schools served by the local educational agency;

“(B) the number of well-trained, professionally certified school library media specialists in those schools; and

“(C) collaboration between school library media specialists and elementary school and secondary school teachers and administrators for those schools.

“SEC. 10612. SUPPLEMENT NOT SUPPLANT.

“Funds made available under this chapter shall be used to supplement and not supplant other Federal, State, and local funds expended to carry out activities relating to library, technology, or professional development activities.

“SEC. 10613. NATIONAL ACTIVITIES.

“The Secretary shall reserve not more than 3 percent of the amount appropriated under section 5170 for a fiscal year—

“(1) for an annual, independent, national evaluation of the activities assisted under this chapter, to be conducted not later than 3 years after the date of enactment of this chapter; and

“(2) to broadly disseminate information to help States, local educational agencies, school library media specialists, and elementary school and secondary school teachers and administrators learn about effective school library media programs.

“SEC. 10614. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this chapter \$250,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2004.

“Chapter 2—School Library Access Program

“SEC. 10621. PROGRAM.

“(a) IN GENERAL.—The Secretary may make grants to local educational agencies to provide students with access to libraries in elementary schools and secondary schools during non-school hours, including the hours before and after school, on weekends, and during summer vacation periods.

“(b) APPLICATIONS.—To be eligible to receive a grant under subsection (a), a local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(c) PRIORITY.—In making grants under subsection (a), the Secretary shall give priority to local educational agencies that demonstrate, in applications submitted under subsection (b), that the agencies—

“(1) seek to provide activities that will increase reading skills and student achievement;

“(2) have effectively coordinated services and funding with entities involved in other Federal, State, and local efforts, to provide programs and activities for students during the non-school hours described in subsection (a); and

“(3) have a high level of community support.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this chapter \$25,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2004.”

PART G—FOREIGN LANGUAGE ASSISTANCE PROGRAM

SEC. 1061. FOREIGN LANGUAGE ASSISTANCE PROGRAM.

Part G of title X (20 U.S.C. 8601 et seq.) is amended to read as follows:

“PART G—FOREIGN LANGUAGE ASSISTANCE PROGRAM

“SEC. 10701. FINDINGS; PURPOSE.

“(a) FINDINGS.—Congress finds that:

“(1) Increased fluency in languages other than English is necessary if the United States is to compete effectively in a global economy.

“(2) Four out of five new jobs in the United States are created from foreign trade.

“(3) The optimum time to begin learning a second language is in elementary school, when children have the greatest ability to learn and excel in foreign languages.

“(4) Foreign language study can increase children’s capacity for critical and creative thinking, and children who study a second language show greater cognitive development in such areas as mental flexibility, creativity, tolerance, and higher-order thinking skills.

“(5) Children who have studied a foreign language in elementary school score higher on standardized tests of reading, language arts, and mathematics than children who have not studied a foreign language.

“(6) The United States lags behind other developed countries in offering foreign language study to elementary and secondary school students.

“(7) While research suggests that students more easily acquire foreign languages when instruction begins in the early grades, fewer than one-third of elementary schools in the United States offer foreign language instruction.

“(8) Of those elementary schools that do offer foreign language instruction, most offer only an introductory exposure to the foreign language.

“(9) Few elementary school foreign language programs are coordinated with secondary school foreign language programs to promote transitions that build on student knowledge of the foreign language.

“(10) Foreign language teachers have a continuing need for professional development that provides opportunities to improve their language competence and their teaching skills in the language they teach. This need is particularly important for elementary school teachers, most of whom have no specialized training or certification to teach languages at that level.

“(11) The next generation of advanced computers and telecommunications technology has a tremendous potential for improving access to foreign language instruction and the quality of that instruction at the elementary level.

“(12) It is a national goal that 25 percent of all public elementary schools offer high-quality, comprehensive foreign language programs by 2005, and that 50 percent offer such programs by 2010. Such programs should be designed to achieve language proficiency, aligned with State foreign language standards, and available to all students (including

students with limited English proficiency and students with disabilities), and should ensure effective coordination between elementary and secondary school foreign language instruction.

“(b) PURPOSE.—It is the purpose of this part to expand, improve the quality of, and enhance foreign language programs at the elementary school level, including programs that recruit and train qualified elementary school foreign language teachers, by supporting—

“(1) State efforts to encourage and support such programs;

“(2) local implementation of innovative programs that meet local needs; and

“(3) the identification and dissemination of information on best practices in elementary school foreign language education.

“SEC. 10702. ELEMENTARY SCHOOL FOREIGN LANGUAGE ASSISTANCE PROGRAM.

“(a) AUTHORITY.—(1) From funds appropriated under subsection (g) for any fiscal year, the Secretary is authorized to make grants to State educational agencies and to local educational agencies for the Federal share of the cost of the activities set forth in subsection (b).

“(2) Each grant under paragraph (1) shall be awarded for a period of three years.

“(3) A State educational agency may receive a grant under paragraph (1) if it—

“(A) has established, or is establishing, State standards for foreign language instruction; or

“(B) requires the public elementary schools of the State to provide foreign language instruction.

“(4) A local educational agency may receive a grant under paragraph (1) if the program proposed in its application under subsection (c)—

“(A) shows promise of being continued beyond the grant period;

“(B) would demonstrate approaches that can be disseminated to, and duplicated by, other local educational agencies;

“(C) would include performance measurements and assessment systems that measure students’ proficiency in a foreign language; and

“(D) would use a curriculum that is aligned with State standards, if the State has such standards.

“(b) AUTHORIZED ACTIVITIES.—(1) Grants to State educational agencies under this section shall be used to support programs that promote the implementation of high-quality foreign language programs in the elementary schools of the State, which may include—

“(A) developing foreign language standards and assessments that are aligned with those standards;

“(B) supporting the efforts of institutions of higher education within the State to develop programs to prepare the elementary school foreign language teachers needed in schools within the State and to recruit candidates to prepare for, and assume, such teaching positions;

“(C) developing new certification requirements for elementary school foreign language teachers, including requirements that allow for alternative routes to certification;

“(D) providing technical assistance to local educational agencies in the State in developing, implementing, or improving elementary school foreign language programs, including assistance to ensure effective coordination with, and transition of students among, elementary, middle, and secondary schools;

“(E) disseminating information on promising or effective practices in elementary school foreign language instruction and supporting educator networks that help improve that instruction;

“(F) stimulating the development and dissemination of information on instructional

programs that use educational technologies and technology applications (including such technologies and applications as multimedia software, web-based resources, digital television, and virtual reality and wireless technologies) to deliver instruction or professional development, or to assess students’ foreign language proficiency; and

“(G) collecting data on and evaluating the elementary school foreign language programs in the State and activities carried out with the grant.

“(2) Grants to local educational agencies under this section shall be used for activities to develop and implement high-quality, standards-based elementary school foreign language programs, which may include—

“(A) curriculum development and implementation;

“(B) professional development for teachers and other staff;

“(C) partnerships with institutions of higher education to provide for the preparation of the teachers needed to implement programs under this section;

“(D) efforts to coordinate elementary school foreign language instruction with secondary-level foreign language instruction, and to provide students with a smooth transition from elementary to secondary programs;

“(E) implementation of instructional approaches that make use of advanced educational technologies; and

“(F) collection of data on, and evaluation of, the activities carried out under the grant, including assessment, at regular intervals, of participating students’ proficiency in the foreign language studied.

“(3) SPECIAL RULE.—Efforts under paragraph (2)(D) may include support for the expansion of secondary school instruction, so long as that instruction is part of an articulated elementary-through-secondary school foreign language program that is designed to result in student fluency in a foreign language.

“(c) APPLICATIONS.—(1) Any State educational agency or local educational agency desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information and assurances, as the Secretary may require.

“(2) Each application shall include descriptions of—

“(A) the goals that the applicant intends to accomplish through the project, including—

“(i) for applications submitted by State educational agencies, the goal of ensuring the availability of qualified elementary school foreign language teachers throughout the State; and

“(ii) for applications submitted by local educational agencies, the goal of enabling all participating students to become proficient in a foreign language;

“(B) the activities to be carried out through the project; and

“(C) how the applicant will determine the extent to which its project meets its goals.

“(d) PRIORITIES.—In awarding grants under this section, the Secretary may establish one or more priorities consistent with the purpose of this part, including priorities for projects carried out by local educational agencies that—

“(1) provide immersion programs in which instruction is in the foreign language for a major portion of the day; or

“(2) promote the sequential study of a foreign language for students, beginning in elementary schools.

“(e) REPORTS.—(1) A State educational agency or local educational agency that receives a grant under this section shall submit to the Secretary an annual report that

provides information on the project’s progress in reaching its goals.

“(2) A local educational agency that receives a grant under this section shall include in its report under paragraph (1), information on students’ gains in comprehending, speaking, reading, and writing a foreign language, and shall compare such educational outcomes to the State’s foreign language standards, if such State standards exist.

“(f) FEDERAL SHARE.—(1) The Federal share for each fiscal year of a program under this section shall be not more than 50 percent.

“(2) The Secretary may waive the requirement of paragraph (1) for any local educational agency that the Secretary determines does not have adequate resources to pay the non-Federal share of the cost of the activities assisted under this section.

“(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.

“(2) For any fiscal year, the Secretary may reserve up to five percent of the amount appropriated under paragraph (1) to—

“(A) conduct independent evaluations of the activities assisted under this section;

“(B) provide technical assistance to recipients of awards under this section; and

“(C) disseminate findings and methodologies from evaluations required by, or funded under, this section and other information obtained from such programs.”

PART H—21ST CENTURY COMMUNITY LEARNING CENTERS

SEC. 1071. 21ST CENTURY COMMUNITY LEARNING CENTERS.

Part I of title X (20 U.S.C. 8061 et seq.) is amended to read as follows:

“PART H—21ST CENTURY COMMUNITY LEARNING CENTERS

“SEC. 10901. SHORT TITLE.

“This part may be cited as the “21st Century Community Learning Centers Act”.

“SEC. 10902. PURPOSE.

It is the purpose of this part—

“(1) to provide local public schools, primarily in low income, rural, and inner-city communities, with the opportunity to establish and develop centers that—

“(A) provide supervised care during non-school hours and extended learning opportunities to students, including students with disabilities, to assist such students in meeting challenging State and academic standards and developing personal, social, health and related competencies; and

“(B) deliver education and human services for all members of communities served by the public schools;

“(2) to enable public schools to collaborate with other public and nonprofit agencies and organizations, community-based organizations, local businesses, educational entities (such as vocational and adult education programs, school-to-work programs, community colleges, and universities), recreational, cultural, and other community and human service entities, to meet the needs of, and expand the opportunities available to, the residents of the communities served by such schools;

“(3) to use school facilities, equipment, and resources so that communities can promote a more efficient use of public education facilities, especially in low income, rural, and inner-city communities where limited financial resources have enhanced the necessity for local public schools to become social service centers;

“(4) to enable schools to become centers of lifelong learning; and

“(5) to enable schools to provide educational opportunities for individuals of all ages.

“SEC. 10903. ALLOTMENT TO STATES.

“(a) RESERVATION.—From the amounts appropriated under section 10911 for each fiscal year, the Secretary shall reserve—

“(1) not to exceed 1 percent of such amount in each fiscal year to make payments to the outlying areas and to the Bureau for Indian Affairs to be allotted in accordance with their respective needs for assistance under this subpart as determined by the Secretary;

“(2) not to exceed 2.5 percent of such amounts in each fiscal year to carry out national activities under section 10909; and

“(3) amounts in each fiscal year as may be necessary to make continuation awards for projects that were funded using amount appropriated in fiscal years 1999 and 2000, under the terms and conditions that applied to the original awards for such projects.

“(b) ALLOTMENTS.—From amounts appropriated under section 10911 for a fiscal year and remaining after amounts are reserved under subsection (a), the Secretary shall allot to each State an amount determined by the Secretary based on the relative amounts that each State received under subpart 2 of part A of title I for the fiscal year immediately preceding the fiscal year for which the allotment is being made, except that no State shall receive an amount that is less than ½ of 1 percent of such remaining amount.

“SEC. 10904. STATE APPLICATION.

“(a) APPLICATION REQUIREMENTS.—A State, through the State educational agency, that desires to receive an allotment under this part shall submit to the Secretary an application that—

“(1) describes the competitive procedures to be used by the State for ensuring that the programs carried out with amounts provided under this part will be high quality and serve schools and communities with a substantial need for expanded learning opportunities and a need for supervised care during non-school hours, including those with—

“(A) a high proportion of low achieving students;

“(B) a lack of resources; and

“(C) other needs in the larger community consistent with this part;

“(2) describes the manner in which the State will ensure the implementation of effective strategies for providing community learning centers with technical assistance, training, and other information and support;

“(3) provides for the annual submission of data regarding the use of funds under this part, including data on the activities provided and populations served, and such other information as the Secretary may require;

“(4) provides that the State educational agency will keep such records and provide such information to the Secretary as may be required for fiscal audits and program evaluation (consistent with all State educational agency fiscal audit and program evaluation responsibilities required under this Act);

“(5) contains a description of the manner in which the State will coordinate existing Federal, State, and local programs focused on similar results in order to make the most effective use of the resources available, including resources from health and safety programs;

“(6) describes the manner in which the State will evaluate the effectiveness of the program (carried out with funds received under this part);

“(7) contains an assurance that the State educational agency will comply with the requirements of this part; and

“(8) provides for timely public notice and public dissemination of the data submitted pursuant to paragraph (3).

“(b) PERIOD OF APPLICATION.—An application filed by the State under subsection (a) shall be effective for a period of 5 years.

“(c) APPROVAL.—The Secretary shall approve a State application submitted under subsection (a) if the Secretary determines that the application satisfies the requirements of this part and demonstrates promise for accomplishing the purposes of this part.

“SEC. 10905. LIMITATIONS ON USE OF FUNDS.

“(a) IN GENERAL.—A State educational agency may use not to exceed 5 percent of the amount of the State allotment under section 10903(b) for—

“(1) the establishment and implementation of a peer review process for grant applications;

“(2) the supervision of the awarding of funds to local education agencies;

“(3) the planning, supervision, and processing of funds made available under this part; and

“(4) monitoring activities.

“(b) EVALUATIONS AND TECHNICAL ASSISTANCE.—A State educational agency shall use 3 percent of the amount of the State allotment under section 10903(b) for—

“(1) the evaluation of programs and activities assisted under this part; and

“(2) providing technical assistance and training under this part, including both State and locally based technical assistance.

“(c) SUPPLEMENT NOT SUPPLANT.—Funds made available under this part shall be used to supplement, and not supplant, non-Federal funds expended to carry out services or activities authorized by this part.

“SEC. 10906. DISTRIBUTION TO SCHOOLS.

“(a) DISTRIBUTION RULES.—

“(1) IN GENERAL.—A State educational agency shall use not less than 92 percent of the amount of the State allotment under section 10903(b) to award grants, on a competitive basis, to local educational agencies, consortia of local educational agencies, or consortia of local educational agencies with community-based organizations, acting on behalf of public elementary or secondary schools to enable such agencies to plan, implement, or expand community learning centers that address the educational, health, social service, cultural, and recreational needs of the local community and provide care during non-school hours and expanded learning opportunities for students.

“(2) URBAN AND RURAL AREAS.—In awarding grants under this subsection, a State educational agency shall ensure that both urban and rural areas of the State are served.

“(3) MINIMUM AMOUNT.—A State educational agency shall not award a grant under this subsection in any fiscal year in an amount that is less than \$75,000

“(4) DURATION.—A State educational agency shall award grants under this subsection for a period not to exceed 5 years.

“(b) PRIORITY.—In awarding grants under subsection (a) the State educational agency shall give priority to applicants that intend to use grant funds to—

“(1) serve schools and school districts with a high percentage or large number of children in need of services as indicated by high levels of poverty, juvenile delinquency, poor student achievement, or other need-related indicators; and

“(2) carry out projects that offer a broad selection of services that address the needs of the community to be served.

“SEC. 10907. LOCAL APPLICATION REQUIRED.

“To be eligible to receive a grant under this part, a local educational agency, consortium of local educational agencies, or consortium of local educational agencies with community-based organizations shall submit an application to the State educational agency. Each such application shall include—

“(1) a comprehensive local plan that enables a public elementary or secondary

school to serve as a center for the delivery of education and human services for members of a community;

“(2) an evaluation of the needs, available resources, and goals and objectives for the proposed project in order to determine which activities will be undertaken to address such needs;

“(3) a description of the proposed project, including—

“(A) a description of the mechanism that will be used to disseminate information in a manner that is understandable and accessible to the community;

“(B) a description of the manner in which the applicant will coordinate existing Federal, State, and local programs operating in the community and at schools in order to use most effectively the resources available to support the project;

“(C) a description of staff qualifications and ratios of staff to program participants;

“(D) an assurance that collaborative efforts will be undertaken with community-based organizations, related public agencies, businesses, or other appropriate organizations;

“(E) a description of how the program will provide services in a manner that will meet the needs of working families;

“(F) a description of the manner in which the program will assist students in meeting challenging State academic standards;

“(G) a description of the manner in which the program will assist students in developing personal, social, health, and related competencies;

“(H) an assurance that the local educational agency will serve schools with the highest percentage of low-income students;

“(I) a description of how the community learning center will serve as a delivery center for existing and new services, especially for interactive telecommunication used for education and professional training; and

“(J) an assurance that the public elementary or secondary school will establish a facility utilization policy that specifically states—

“(i) the rules and regulations applicable to building and equipment use; and

“(ii) supervision guidelines;

“(4) information that demonstrates that, unless waived by the State for applicants from low-income areas, the applicant will provide at least 20 percent of the cost of the project to be carried out with the grant from other sources, which may include other Federal funds and may be provided in cash or in-kind, beginning in the second year and in each of the following years of the grant award period;

“(5) an assurance that the applicant will, in each fiscal year, expend from non-Federal sources at least as much for the services provided with assistance made available under this part as it expended in the preceding fiscal year; and

“(6) information on the manner in which the applicant will continue the project after the completion of the grant period.

“SEC. 10908. LOCAL USES OF FUNDS.

“(a) IN GENERAL.—Grants awarded under section 10906(a) may be used to implement or expand community learning centers which shall include supervised care during non-school hours and extended learning opportunities and which shall include not less than 3 of the following activities:

“(1) Literacy education programs.

“(2) Senior citizen programs.

“(3) Integrated education, health, social service, recreational, or cultural programs.

“(4) Summer and weekend school programs in conjunction with recreation programs.

“(5) Nutrition and health programs.

“(6) Expanded library service hours to serve community needs.

“(7) Telecommunications and technology education programs for individuals of all ages.

“(8) Parenting skills education programs.

“(9) Training for providers of supervised care during non-school hours.

“(10) Employment counseling, training, and placement.

“(11) Services for individuals who leave school before graduating from secondary school, regardless of the age of such individual.

“(12) Services for individuals with disabilities.

“(13) Community improvement programs that engage students, school staff, and community members in assessing community strengths and unmet community needs and designing strategies to address those needs, which may involve—

“(A) coordination between the school and community-based organizations and agencies; and

“(B) coordination with the school’s core curriculum, in terms of service learning or vocational education.

“(b) INTEGRATION AND COORDINATION.—With respect to the recipient of a grant under section 10906(a), by the date that is not later than 2 years after the date on which the recipient received such grant, the recipient shall demonstrate how the 4 or more activities required to be carried out under subsection (a) are being integrated and coordinated with each other and with other services in the school and community, including with local educational agencies, local governmental agencies, community-based organizations, vocational education programs, institutions of higher education, community colleges and cultural, recreational and other community and human service entities.

“SEC. 10909. NATIONAL ACTIVITIES.

“The Secretary shall use funds reserved under section 10903(a)(2) to provide technical assistance, conduct evaluations, disseminate information, carry out activities to encourage the spread and adoption of successful extended learning opportunities programs, provide for training and technical assistance best practices, and to carry out other national activities that support programs under this part.

“SEC. 10910. DEFINITION.

“In this part:

“(1) COMMUNITY LEARNING CENTER.—The term ‘community learning center’ means an entity within a public elementary or secondary school building that—

“(A) provides high quality expanded learning opportunities in a safe and drug-free environment, and also provides services that address health, social service, cultural, and recreational needs of the community; and

“(B) coordinates services with public and nonprofit agencies and organizations, community-based organizations, local businesses, educational entities (such as vocational and adult education programs, school-to-work programs, community colleges, and universities), recreational, cultural, and other community and human service entities.

“(2) SCHOOL-AGE POPULATION.—The term ‘school-age population’ means the population of individuals who are at least 5 years of age but who are less than 19 years of age.

“(3) STATE.—The term ‘State’ means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

“SEC. 10911. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated \$1,000,000,000 for fiscal year 2001, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this part.”

PART I—INITIATIVES FOR NEGLECTED, DELINQUENT, OR AT RISK STUDENTS
SEC. 1081. INITIATIVES FOR NEGLECTED, DELINQUENT, OR AT RISK STUDENTS.

Part J of title X (20 U.S.C. 8271 et seq.) is amended to read as follows:

“PART J—INITIATIVES FOR NEGLECTED, DELINQUENT, OR AT RISK STUDENTS
“Subpart 1—Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or at Risk of Dropping Out

“SEC. 10951. PURPOSE; PROGRAM AUTHORIZED.

“(a) PURPOSE.—It is the purpose of this subpart—

“(1) to improve educational services for children in local and State institutions for neglected or delinquent children and youth so that such children and youth have the opportunity to meet the same challenging State content standards and challenging State student performance standards that all children in the State are expected to meet;

“(2) to provide such children and youth with the services needed to make a successful transition from institutionalization to further schooling or employment; and

“(3) to prevent at-risk youth from dropping out of school and to provide dropouts and youth returning from institutions with a support system to ensure their continued education.

“(b) PROGRAM AUTHORIZED.—In order to carry out the purpose of this subpart the Secretary shall make grants to State educational agencies to enable such agencies to award subgrants to State agencies and local educational agencies to establish or improve programs of education for neglected or delinquent children and youth at risk of dropping out of school before graduation.

“SEC. 10952. PAYMENTS FOR PROGRAMS UNDER THIS SUBPART.

“(a) AGENCY SUBGRANTS.—Based on the allocation amount computed under section 10956, the Secretary shall allocate to each State educational agency amounts necessary to make subgrants to State agencies under chapter 1.

“(b) LOCAL SUBGRANTS.—Each State shall retain, for purposes of carrying out chapter 2, funds generated throughout the State under part A of title I based on youth residing in local correctional facilities, or attending community day programs for delinquent children and youth.

“Chapter 1—State Agency Programs

“SEC. 10955. ELIGIBILITY.

“A State agency is eligible for assistance under this chapter if such State agency is responsible for providing free public education for children—

“(1) in institutions for neglected or delinquent children and youth;

“(2) attending community day programs for neglected or delinquent children and youth; or

“(3) in adult correctional institutions.

“SEC. 10956. ALLOCATION OF FUNDS.

“(a) SUBGRANTS TO STATE AGENCIES.—

“(1) IN GENERAL.—Each State agency described in section 10955 (other than an agency in the Commonwealth of Puerto Rico) is eligible to receive a subgrant under this subpart, for each fiscal year, an amount equal to the product of—

“(A) the number of neglected or delinquent children and youth described in section 10955 who—

“(i) are enrolled for at least 15 hours per week in education programs in adult correctional institutions; and

“(ii) are enrolled for at least 20 hours per week—

“(I) in education programs in institutions for neglected or delinquent children and youth; or

“(II) in community day programs for neglected or delinquent children and youth; and

“(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this subparagraph shall not be less than 32 percent, nor more than 48 percent, of the average per-pupil expenditure in the United States.

“(2) SPECIAL RULE.—The number of neglected or delinquent children and youth determined under paragraph (1) shall—

“(A) be determined by the State agency by a deadline set by the Secretary, except that no State agency shall be required to determine the number of such children and youth on a specific date set by the Secretary; and

“(B) be adjusted, as the Secretary determines is appropriate, to reflect the relative length of such agency’s annual programs.

“(b) SUBGRANTS TO STATE AGENCIES IN PUERTO RICO.—For each fiscal year, the amount of the subgrant for which a State agency in the Commonwealth of Puerto Rico is eligible under this subpart shall be equal to—

“(1) the number of children and youth counted under subsection (a)(1)(A) for the Commonwealth of Puerto Rico; multiplied by

“(2) the product of—

“(A) the percentage that the average per-pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

“(B) 32 percent of the average per-pupil expenditure in the United States.

“(c) RATABLE REDUCTIONS IN CASE OF INSUFFICIENT APPROPRIATIONS.—If the amount appropriated for any fiscal year for subgrants under subsections (a) and (b) is insufficient to pay the full amount for which all State agencies are eligible under such subsections, the Secretary shall ratably reduce each such amount.

“SEC. 10957. STATE REALLOCATION OF FUNDS.

“If a State educational agency determines that a State agency does not need the full amount of the subgrant for which such State agency is eligible under this subpart for any fiscal year, the State educational agency may reallocate the amount that will not be needed to other eligible State agencies that need additional funds to carry out the purpose of this subpart, in such amounts as the State educational agency shall determine.

“SEC. 10958. STATE PLAN AND STATE AGENCY APPLICATIONS.

“(a) STATE PLAN.—

“(1) IN GENERAL.—Each State educational agency that desires to receive a grant under this subpart shall submit, for approval by the Secretary, a plan for meeting the needs of neglected and delinquent children and youth and, where applicable, children and youth at risk of dropping out of school, that is integrated with other programs under this Act, or other Acts, as appropriate, consistent with section 6506.

“(2) CONTENTS.—Each such State plan shall—

“(A) describe the program goals, objectives, and performance measures established by the State that will be used to assess the effectiveness of the program in improving academic and vocational skills of children in the program;

“(B) provide that, to the extent feasible, such children will have the same opportunities to learn as such children would have if such children were in the schools of local educational agencies in the State; and

“(C) contain assurances that the State educational agency will—

“(i) ensure that programs assisted under this subpart will be carried out in accordance with the State plan described in this subsection;

“(ii) carry out the evaluation requirements of section 10975;

“(iii) ensure that the State agencies receiving subgrants under this chapter comply with all applicable statutory and regulatory requirements; and

“(iv) provide such other information as the Secretary may reasonably require.

“(3) DURATION OF THE PLAN.—Each State plan shall—

“(A) remain in effect for the duration of the State’s participation under this subpart; and

“(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State’s strategies and programs under this subpart.

“(b) SECRETARIAL APPROVAL; PEER REVIEW.—

“(1) IN GENERAL.—The Secretary shall approve each State plan that meets the requirements of this subpart.

“(2) PEER REVIEW.—The Secretary may review any State plan with the assistance and advice of individuals with relevant expertise.

“(c) STATE AGENCY APPLICATIONS.—Any State agency that desires to receive funds to carry out a program under this chapter shall submit an application to the State educational agency that—

“(1) describes the procedures to be used, consistent with the State plan under section 1111, to assess the educational needs of the children to be served;

“(2) provides assurances that in making services available to youth in adult correctional institutions, priority will be given to such youth who are likely to complete incarceration within a 2-year period;

“(3) describes the program, including a budget for the first year of the program, with annual updates to be provided to the State educational agency;

“(4) describes how the program will meet the goals and objectives of the State plan;

“(5) describes how the State agency will consult with experts and provide the necessary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 10960 are of high quality;

“(6) describes how the agency will carry out the evaluation requirements of section 10201 and how the results of the most recent evaluation are used to plan and improve the program;

“(7) includes data showing that the agency has maintained the fiscal effort required of a local educational agency, in accordance with section 10101;

“(8) describes how the programs will be coordinated with other appropriate State and Federal programs, such as programs under title I of the Workforce Investment Act of 1998, vocational education programs, State and local dropout prevention programs, and special education programs;

“(9) describes how appropriate professional development will be provided to teachers and other staff;

“(10) designates an individual in each affected institution to be responsible for issues relating to the transition of children and youth from the institution to locally operated programs;

“(11) describes how the agency will, endeavor to coordinate with businesses for training and mentoring for participating children and youth;

“(12) provides assurances that the agency will assist in locating alternative programs through which students can continue their education if students are not returning to school after leaving the correctional facility;

“(13) provides assurances that the agency will work with parents to secure parents’ assistance in improving the educational achievement of their children and preventing

their children’s further involvement in delinquent activities;

“(14) provides assurances that the agency works with special education youth in order to meet an existing individualized education program and an assurance that the agency will notify the youth’s local school if the youth—

“(A) is identified as in need of special education services while the youth is in the facility; and

“(B) intends to return to the local school;

“(15) provides assurances that the agency will work with youth who dropped out of school before entering the facility to encourage the youth to reenter school once the term of the youth has been completed or provide the youth with the skills necessary to gain employment, continue the education of the youth, or achieve a secondary school diploma or its recognized equivalent if the youth does not intend to return to school;

“(16) provides assurances that teachers and other qualified staff are also trained to work with children with disabilities and other students with special needs taking into consideration the unique needs of such students;

“(17) describes any additional services provided to children and youth, such as career counseling, and assistance in securing student loans and grants; and

“(18) provides assurances that the program under this chapter will be coordinated with any programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 or other comparable programs, if applicable.

“SEC. 10959. USE OF FUNDS.

“(a) USES.—

“(1) IN GENERAL.—A State agency shall use funds received under this chapter only for programs and projects that—

“(A) are consistent with the State plan under section 10959(a); and

“(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to secondary school completion, further education, or employment.

“(2) PROGRAMS AND PROJECTS.—Such programs and projects—

“(A) may include the acquisition of equipment;

“(B) shall be designed to support educational services that—

“(i) except for institution-wide projects under section 10960, are provided to children and youth identified by the State agency as failing, or most at risk of failing, to meet the State’s challenging State content standards and challenging State student performance standards;

“(ii) supplement and improve the quality of the educational services provided to such children and youth by the State agency; and

“(iii) afford such children and youth an opportunity to learn to such challenging State standards;

“(C) shall be carried out in a manner consistent with section 1120A and part F of title I; and

“(D) may include the costs of meeting the evaluation requirements of section 10201.

“(b) SUPPLEMENT, NOT SUPPLANT.—A program under this chapter that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the supplement, not supplant requirement of section 1120A without regard to the subject areas in which instruction is given during those hours.

“SEC. 10960. INSTITUTION-WIDE PROJECTS.

“A State agency that provides free public education for children and youth in an institution for neglected or delinquent children and youth (other than an adult correctional institution) or attending a community-day

program for such children may use funds received under this subpart to serve all children in, and upgrade the entire educational effort of, that institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for that institution or program that—

“(1) provides for a comprehensive assessment of the educational needs of all youth in the institution or program serving juveniles;

“(2) provides for a comprehensive assessment of the educational needs of youth aged 20 and younger in adult facilities who are expected to complete incarceration within a two-year period;

“(3) describes the steps the State agency has taken, or will take, to provide all youth under age 21 with the opportunity to meet challenging State content standards and challenging State student performance standards in order to improve the likelihood that the youths will complete secondary school, attain a secondary diploma or its recognized equivalent, or find employment after leaving the institution;

“(4) describes the instructional program, pupil services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for students;

“(5) specifically describes how such funds will be used;

“(6) describes the measures and procedures that will be used to assess student progress;

“(7) describes how the agency has planned, and will implement and evaluate, the institution-wide or program-wide project in consultation with personnel providing direct instructional services and support services in institutions or community-day programs for neglected or delinquent children and personnel from the State educational agency; and

“(8) includes an assurance that the State agency has provided for appropriate training for teachers and other instructional and administrative personnel to enable such teachers and personnel to carry out the project effectively.

“SEC. 10961. THREE-YEAR PROGRAMS OR PROJECTS.

“If a State agency operates a program or project under this chapter in which individual children are likely to participate for more than one year, the State educational agency may approve the State agency’s application for a subgrant under this subpart for a period of not more than three years.

“SEC. 10962. TRANSITION SERVICES.

“(a) TRANSITION SERVICES.—Each State agency shall reserve not more than 10 percent of the amount such agency receives under this chapter for any fiscal year to support projects that facilitate the transition of children and youth from State-operated institutions to local educational agencies.

“(b) CONDUCT OF PROJECTS.—A project supported under this section may be conducted directly by the State agency, or through a contract or other arrangement with one or more local educational agencies, other public agencies, or private nonprofit organizations.

“(c) LIMITATION.—Any funds reserved under subsection (a) shall be used only to provide transitional educational services, which may include pupil services and mentoring, to neglected and delinquent children and youth in schools other than State-operated institutions.

“(d) CONSTRUCTION.—Nothing in this section shall be construed to prohibit a school that receives funds under subsection (a) from serving neglected and delinquent children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

Chapter 2—Local Agency Programs**SEC. 10965. PURPOSE.**

"The purpose of this chapter is to support the operation of local educational agency programs that involve collaboration with locally operated correctional facilities to—

"(1) carry out high quality education programs to prepare youth for secondary school completion, training, and employment, or further education;

"(2) provide activities to facilitate the transition of such youth from the correctional program to further education or employment; and

"(3) operate dropout prevention programs in local schools for youth at risk of dropping out of school and youth returning from correctional facilities.

SEC. 10966. PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.

"(a) LOCAL SUBGRANTS.—With funds made available under section 10952(b), the State educational agency shall award subgrants to local educational agencies with high numbers or percentages of youth residing in locally operated (including county operated) correctional facilities for youth (including facilities involved in community day programs).

"(b) SPECIAL RULE.—A local educational agency which includes a correctional facility that operates a school is not required to operate a dropout prevention program if more than 30 percent of the youth attending such facility will reside outside the boundaries of the local educational agency upon leaving such facility.

"(c) NOTIFICATION.—A State educational agency shall notify local educational agencies within the State of the eligibility of such agencies to receive a subgrant under this chapter.

SEC. 10967. LOCAL EDUCATIONAL AGENCY APPLICATIONS.

"Eligible local educational agencies desiring assistance under this chapter shall submit an application to the State educational agency, containing such information as the State educational agency may require. Each such application shall include—

"(1) a description of the program to be assisted;

"(2) a description of formal agreements between—

"(A) the local educational agency; and

"(B) correctional facilities and alternative school programs serving youth involved with the juvenile justice system to operate programs for delinquent youth;

"(3) as appropriate, a description of how participating schools will coordinate with facilities working with delinquent youth to ensure that such youth are participating in an education program comparable to one operating in the local school such youth would attend;

"(4) as appropriate, a description of the dropout prevention program operated by participating schools and the types of services such schools will provide to at-risk youth in participating schools and youth returning from correctional facilities;

"(5) as appropriate, a description of the youth expected to be served by the dropout prevention program and how the school will coordinate existing educational programs to meet unique education needs;

"(6) as appropriate, a description of how schools will coordinate with existing social and health services to meet the needs of students at risk of dropping out of school and other participating students, including prenatal health care and nutrition services related to the health of the parent and child, parenting and child development classes, child care, targeted re-entry and outreach programs, referrals to community resources, and scheduling flexibility;

"(7) as appropriate, a description of any partnerships with local businesses to develop training and mentoring services for participating students;

"(8) as appropriate, a description of how the program will involve parents in efforts to improve the educational achievement of their children, assist in dropout prevention activities, and prevent the involvement of their children in delinquent activities;

"(9) a description of how the program under this chapter will be coordinated with other Federal, State, and local programs, such as programs under title I of the Workforce Investment Act of 1998 and vocational education programs serving at-risk youth;

"(10) a description of how the program will be coordinated with programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable;

"(11) as appropriate, a description of how schools will work with probation officers to assist in meeting the needs of youth returning from correctional facilities;

"(12) a description of efforts participating schools will make to ensure correctional facilities working with youth are aware of a child's existing individualized education program; and

"(13) as appropriate, a description of the steps participating schools will take to find alternative placements for youth interested in continuing their education but unable to participate in a regular public school program.

SEC. 10968. USES OF FUNDS.

"Funds provided to local educational agencies under this chapter may be used, where appropriate, for—

"(1) dropout prevention programs which serve youth at educational risk, including pregnant and parenting teens, youth who have come in contact with the juvenile justice system, youth at least one year behind their expected grade level, migrant youth, immigrant youth, students with limited-English proficiency and gang members;

"(2) the coordination of health and social services for such individuals if there is a likelihood that the provision of such services, including day care and drug and alcohol counseling, will improve the likelihood such individuals will complete their education; and

"(3) programs to meet the unique education needs of youth at risk of dropping out of school, which may include vocational education, special education, career counseling, and assistance in securing student loans or grants.

SEC. 10969. PROGRAM REQUIREMENTS FOR CORRECTIONAL FACILITIES RECEIVING FUNDS UNDER THIS SECTION.

"Each correctional facility having an agreement with a local educational agency under section 10967(2) to provide services to youth under this chapter shall—

"(1) where feasible, ensure educational programs in juvenile facilities are coordinated with the student's home school, particularly with respect to special education students with an individualized education program;

"(2) notify the local school of a youth if the youth is identified as in need of special education services while in the facility;

"(3) where feasible, provide transition assistance to help the youth stay in school, including coordination of services for the family, counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling;

"(4) provide support programs which encourage youth who have dropped out of school to reenter school once their term has been completed or provide such youth with the skills necessary for such youth to gain

employment or seek a secondary school diploma or its recognized equivalent;

"(5) work to ensure such facilities are staffed with teachers and other qualified staff who are trained to work with children with disabilities and other students with special needs taking into consideration the unique needs of such children and students;

"(6) ensure educational programs in correctional facilities are related to assisting students to meet high educational standards;

"(7) use, to the extent possible, technology to assist in coordinating educational programs between the juvenile facility and the community school;

"(8) where feasible, involve parents in efforts to improve the educational achievement of their children and prevent the further involvement of such children in delinquent activities;

"(9) coordinate funds received under this program with other local, State, and Federal funds available to provide services to participating youth, such as funds made available under title I of the Workforce Investment Act of 1998, and vocational education funds;

"(10) coordinate programs operated under this chapter with activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable; and

"(11) if appropriate, work with local businesses to develop training and mentoring programs for participating youth.

SEC. 10970. ACCOUNTABILITY.

"The State educational agency may—

"(1) reduce or terminate funding for projects under this chapter if a local educational agency does not show progress in reducing dropout rates for male students and for female students over a 3-year period; and

"(2) require juvenile facilities to demonstrate, after receiving assistance under this chapter for 3 years, that there has been an increase in the number of youth returning to school, obtaining a secondary school diploma or its recognized equivalent, or obtaining employment after such youth are released.

Chapter 3—General Provisions**SEC. 10975. PROGRAM EVALUATIONS.**

"(a) SCOPE OF EVALUATION.—Each State agency or local educational agency that conducts a program under chapter 1 or 2 shall evaluate the program, disaggregating data on participation by sex, and if feasible, by race, ethnicity, and age, not less than once every three years to determine the program's impact on the ability of participants to—

"(1) maintain and improve educational achievement;

"(2) accrue school credits that meet State requirements for grade promotion and secondary school graduation;

"(3) make the transition to a regular program or other education program operated by a local educational agency; and

"(4) complete secondary school (or secondary school equivalency requirements) and obtain employment after leaving the institution.

"(b) EVALUATION MEASURES.—In conducting each evaluation under subsection (a), a State agency or local educational agency shall use multiple and appropriate measures of student progress.

"(c) EVALUATION RESULTS.—Each State agency and local educational agency shall—

"(1) submit evaluation results to the State educational agency; and

"(2) use the results of evaluations under this section to plan and improve subsequent programs for participating children and youth.

SEC. 10976. DEFINITIONS.

"In this subpart:

“(1) ADULT CORRECTIONAL INSTITUTION.—The term ‘adult correctional institution’ means a facility in which persons are confined as a result of a conviction for a criminal offense, including persons under 21 years of age.

“(2) AT-RISK YOUTH.—The term ‘at-risk youth’ means school aged youth who are at risk of academic failure, have drug or alcohol problems, are pregnant or are parents, have come into contact with the juvenile justice system in the past, are at least one year behind the expected grade level for the age of the youth, have limited-English proficiency, are gang members, have dropped out of school in the past, or have high absenteeism rates at school.

“(3) COMMUNITY DAY PROGRAM.—The term ‘community day program’ means a regular program of instruction provided by a State agency at a community day school operated specifically for neglected or delinquent children and youth.

“(4) INSTITUTION FOR NEGLECTED OR DELINQUENT CHILDREN AND YOUTH.—The term ‘institution for neglected or delinquent children and youth’ means—

“(A) a public or private residential facility, other than a foster home, that is operated for the care of children who have been committed to the institution or voluntarily placed in the institution under applicable State law, due to abandonment, neglect, or death of their parents or guardians; or

“(B) a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision.

“SEC. 10977. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated \$42,000,000 for fiscal year 2001, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this part.”.

**PART J—NATIONAL WRITING PROJECT
SEC. 1091. NATIONAL WRITING PROJECT.**

Part K of title X (20 U.S.C. 8331 et seq.) is amended—

(1) in section 10991—

(A) in paragraph (15)—

(i) by striking “154 regional sites” and inserting “157 regional sites”; and

(ii) by striking “45 States” and inserting “46 States”;

(B) in paragraph (17) by adding “and” at the end;

(C) in paragraph (18) by striking at the end the semicolon and “and” and inserting a period; and

(D) by striking paragraph (19); and

(2) in section 10992—

(A) by striking subsection (e);

(B) by amending subsection (g) to read as follows:

“(g) EVALUATION.—The Secretary may conduct an independent evaluation, by grant or contract, of the program administered pursuant to this part.”; and

(C) by amending subsection (i) to read as follows:

“(i) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and each of the four succeeding fiscal years.”.

PART L—ADVANCED PLACEMENT PROGRAMS

SEC. 1095. ADVANCED PLACEMENT PROGRAMS.

Title X (20 U.S.C. 8001 et seq.) is amended by adding at the end the following:

“PART L—ADVANCED PLACEMENT PROGRAMS

“SEC. 10981. SHORT TITLE.

“This part may be cited as the ‘Access to High Standards Act’.

“SEC. 10982. FINDINGS AND PURPOSES.

“(a) FINDINGS.—Congress finds that—

“(1) far too many students are not being provided sufficient academic preparation in secondary school, which results in limited employment opportunities, college dropout rates of over 25 percent for the first year of college, and remediation for almost one-third of incoming college freshmen;

“(2) there is a growing consensus that raising academic standards, establishing high academic expectations, and showing concrete results are at the core of improving public education;

“(3) modeling academic standards on the well-known program of advanced placement courses is an approach that many education leaders and almost half of all States have endorsed;

“(4) advanced placement programs already are providing 30 different college-level courses, serving almost 60 percent of all secondary schools, reaching over 1,000,000 students (of whom 80 percent attend public schools, 55 percent are females, and 30 percent are minorities), and providing test scores that are accepted for college credit at over 3,000 colleges and universities, every university in Germany, France, and Austria, and most institutions in Canada and the United Kingdom;

“(5) 24 States are now funding programs to increase participation in advanced placement programs, including 19 States that provide funds for advanced placement teacher professional development, 3 States that require that all public secondary schools offer advanced placement courses, 10 States that pay the fees for advanced placement tests for some or all students, and 4 States that require that their public universities grant uniform academic credit for scores of 3 or better on advanced placement tests; and

“(6) the State programs described in paragraph (5) have shown the responsiveness of schools and students to such programs, raised the academic standards for both students participating in such programs and other children taught by teachers who are involved in advanced placement courses, and shown tremendous success in increasing enrollment, achievement, and minority participation in advanced placement programs.

“(b) PURPOSES.—The purposes of this part are—

“(1) to encourage more of the 600,000 students who take advanced placement courses but do not take advanced placement exams each year to demonstrate their achievements through taking the exams;

“(2) to build on the many benefits of advanced placement programs for students, which benefits may include the acquisition of skills that are important to many employers, Scholastic Aptitude Tests (SAT) scores that are 100 points above the national averages, and the achievement of better grades in secondary school and in college than the grades of students who have not participated in the programs;

“(3) to support State and local efforts to raise academic standards through advanced placement programs, and thus further increase the number of students who participate and succeed in advanced placement programs;

“(4) to increase the availability and broaden the range of schools that have advanced placement programs, which programs are still often distributed unevenly among regions, States, and even secondary schools within the same school district, while also increasing and diversifying student participation in the programs;

“(5) to build on the State programs described in subsection (a)(5) and demonstrate that larger and more diverse groups of stu-

dents can participate and succeed in advanced placement programs;

“(6) to provide greater access to advanced placement courses for low-income and other disadvantaged students;

“(7) to provide access to advanced placement courses for secondary school juniors at schools that do not offer advanced placement programs, increase the rate of secondary school juniors and seniors who participate in advanced placement courses to 25 percent of the secondary school student population, and increase the numbers of students who receive advanced placement test scores for which college academic credit is awarded; and

“(8) to increase the participation of low-income individuals in taking advanced placement tests through the payment or partial payment of the costs of the advanced placement test fees.

“SEC. 10983. FUNDING DISTRIBUTION RULE.

“From amounts appropriated under section 10988 for a fiscal year, the Secretary shall give first priority to funding activities under section 10986, and shall distribute any remaining funds not so applied according to the following ratio:

“(1) Seventy percent of the remaining funds shall be available to carry out section 10984.

“(2) Thirty percent of the remaining funds shall be available to carry out section 10985.

“SEC. 10984. ADVANCED PLACEMENT PROGRAM GRANTS.

“(a) GRANTS AUTHORIZED.—

“(1) IN GENERAL.—From amounts appropriated under section 10988 and made available under section 10983(1) for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to enable the eligible entities to carry out the authorized activities described in subsection (c).

“(2) DURATION AND PAYMENTS.—

“(A) DURATION.—The Secretary shall award a grant under this section for a period of 3 years.

“(B) PAYMENTS.—The Secretary shall make grant payments under this section on an annual basis.

“(3) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means a State educational agency, or a local educational agency, in the State.

“(b) PRIORITY.—In awarding grants under this section the Secretary shall give priority to eligible entities submitting applications under subsection (d) that demonstrate—

“(1) a pervasive need for access to advanced placement incentive programs;

“(2) the involvement of business and community organizations in the activities to be assisted;

“(3) the availability of matching funds from State or local sources to pay for the cost of activities to be assisted;

“(4) a focus on developing or expanding advanced placement programs and participation in the core academic areas of English, mathematics, and science; and

“(5)(A) in the case of an eligible entity that is a State educational agency, the State educational agency carries out programs in the State that target—

“(i) local educational agencies serving schools with a high concentration of low-income students; or

“(ii) schools with a high concentration of low-income students; or

“(B) in the case of an eligible entity that is a local educational agency, the local educational agency serves schools with a high concentration of low-income students.

“(c) AUTHORIZED ACTIVITIES.—An eligible entity may use grant funds under this section to expand access for low-income individuals to advanced placement incentive programs that involve—

“(1) teacher training;
 “(2) preadvanced placement course development;
 “(3) curriculum coordination and articulation between grade levels that prepare students for advanced placement courses;
 “(4) curriculum development;
 “(5) books and supplies; and
 “(6) any other activity directly related to expanding access to and participation in advanced placement incentive programs particularly for low-income individuals.

“(d) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

“(e) DATA COLLECTION AND REPORTING.—

“(1) DATA COLLECTION.—Each eligible entity receiving a grant under this section shall annually report to the Secretary—

“(A) the number of students taking advanced placement courses who are served by the eligible entity;

“(B) the number of advanced placement tests taken by students served by the eligible entity;

“(C) the scores on the advanced placement tests; and

“(D) demographic information regarding individuals taking the advanced placement courses and tests disaggregated by race, ethnicity, sex, English proficiency status, and socioeconomic status.

“(2) REPORT.—The Secretary shall annually compile the information received from each eligible entity under paragraph (1) and report to Congress regarding the information.

“SEC. 10985. ON-LINE ADVANCED PLACEMENT COURSES.

“(a) GRANTS AUTHORIZED.—From amounts appropriated under section 10988 and made available under section 10983(2) for a fiscal year, the Secretary shall award grants to State educational agencies to enable such agencies to award grants to local educational agencies to provide students with on-line advanced placement courses.

“(b) STATE EDUCATIONAL AGENCY APPLICATIONS.—

“(1) APPLICATION REQUIRED.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

“(2) AWARD BASIS.—The Secretary shall award grants under this section on a competitive basis.

“(c) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant award under subsection (b) shall award grants to local educational agencies within the State to carry out activities described in subsection (e). In awarding grants under this subsection, the State educational agency shall give priority to local educational agencies that—

“(1) serve high concentrations of low-income students;

“(2) serve rural areas; and

“(3) the State educational agency determines would not have access to on-line advanced placement courses without assistance provided under this section.

“(d) CONTRACTS.—A local educational agency that receives a grant under this section may enter into a contract with a nonprofit or for-profit organization to provide the on-line advanced placement courses, including contracting for necessary support services.

“(e) USES.—Grant funds provided under this section may be used to purchase the on-line curriculum, to train teachers with respect to the use of on-line curriculum, or to purchase course materials.

“SEC. 10986. ADVANCED PLACEMENT INCENTIVE PROGRAM.

“(a) GRANTS AUTHORIZED.—From amounts appropriated under section 10988 and made available under section 10983 for a fiscal year, the Secretary shall award grants to State educational agencies having applications approved under subsection (c) to enable the State educational agencies to reimburse low-income individuals to cover part or all of the costs of advanced placement test fees, if the low-income individuals—

“(1) are enrolled in an advanced placement class; and

“(2) plan to take an advanced placement test.

“(b) AWARD BASIS.—In determining the amount of the grant awarded to each State educational agency under this section for a fiscal year, the Secretary shall consider the number of children eligible to be counted under section 1124(c) in the State in relation to the number of such children so counted in all the States.

“(c) INFORMATION DISSEMINATION.—A State educational agency shall disseminate information regarding the availability of advanced placement test fee payments under this section to eligible individuals through secondary school teachers and guidance counselors.

“(d) APPLICATIONS.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. At a minimum, each State educational agency application shall—

“(1) describe the advanced placement test fees the State educational agency will pay on behalf of low-income individuals in the State from grant funds made available under this section;

“(2) provide an assurance that any grant funds received under this section, other than funds used in accordance with subsection (e), shall be used only to pay for advanced placement test fees; and

“(3) contain such information as the Secretary may require to demonstrate that the State will ensure that a student is eligible for payments under this section, including documentation required under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a-11 et seq.).

“(e) ADDITIONAL USES OF FUNDS.—If each eligible low-income individual in a State pays not more than a nominal fee to take an advanced placement test in a core subject, then a State educational agency may use grant funds made available under this section that remain after advanced placement test fees have been paid on behalf of all eligible low-income individuals in the State, for activities directly related to increasing—

“(1) the enrollment of low-income individuals in advanced placement courses;

“(2) the participation of low-income individuals in advanced placement courses; and

“(3) the availability of advanced placement courses in schools serving high-poverty areas.

“(f) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this section shall supplement, and not supplant, other non-federal funds that are available to assist low-income individuals in paying for the cost of advanced placement test fees.

“(g) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out this section.

“(h) REPORT.—Each State educational agency annually shall report to the Secretary information regarding—

“(1) the number of low-income individuals in the State who received assistance under this section; and

“(2) any activities carried out pursuant to subsection (e).

“(i) DEFINITIONS.—In this section:

“(1) ADVANCED PLACEMENT TEST.—The term ‘advanced placement test’ includes only an advanced placement test approved by the Secretary for the purposes of this section.

“(2) LOW-INCOME INDIVIDUAL.—The term ‘low-income individual’ has the meaning given the term in section 402A(g)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070a-11(g)(2)).

“SEC. 10987. DEFINITIONS.

“In this part:

“(1) ADVANCED PLACEMENT INCENTIVE PROGRAM.—The term ‘advanced placement incentive program’ means a program that provides advanced placement activities and services to low-income individuals.

“(2) ADVANCED PLACEMENT TEST.—The term ‘advanced placement test’ means an advanced placement test administered by the College Board or approved by the Secretary.

“(3) HIGH CONCENTRATION OF LOW-INCOME STUDENTS.—The term ‘high concentration of low-income students’, used with respect to a State educational agency, local educational agency or school, means an agency or school, as the case may be, that serves a student population 40 percent or more of whom are from families with incomes below the poverty level, as determined in the same manner as the determination is made under section 1124(c)(2).

“(4) LOW-INCOME INDIVIDUAL.—The term ‘low-income individual’ means, other than for purposes of section 10986, a low-income individual (as defined in section 402A(g)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070a-11(g)(2))) who is academically prepared to take successfully an advanced placement test as determined by a school teacher or advanced placement coordinator taking into consideration factors such as enrollment and performance in an advanced placement course or superior academic ability.

“(5) 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(a)).

“(6) STATE.—The term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

“SEC. 10988. AUTHORIZATION OF APPROPRIATIONS.

“For the purpose of carrying out this part, there are authorized to be appropriated \$50,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.”

SEC. 1096. DISSEMINATION OF ADVANCED PLACEMENT INFORMATION.

Each institution of higher education receiving Federal funds for research or for programs assisted under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.)—

(1) shall distribute to secondary school counselors or advanced placement coordinators in the State information with respect to the amount and type of academic credit provided to students at the institution of higher education for advanced placement test scores; and

(2) shall standardize, not later than 4 years after the date of enactment of this Act, the form and manner in which the information described in subparagraph (1) is disseminated by the various departments, offices, or other divisions of the institution of higher education.

**TITLE XI—GENERAL PROVISIONS,
DEFINITIONS AND ACCOUNTABILITY**

SEC. 1101. DEFINITIONS.

Part A of title XIV (20 U.S.C. 8801 et seq.) is amended—

(1) in section 14101—

(A) in paragraphs (5), (6), (7), and (8), by striking “section 14302” and inserting “section 11502”;

(B) by amending paragraph (10) to read as follows:

“(10) COVERED PROGRAM.—The term ‘covered program’ means each of the programs authorized by—

“(A) part A of title I,

“(B) part C of title I;

“(C) part A of title II;

“(D) subpart 1 of part D of title III;

“(E) part A of title IV (other than section 4115);

“(F) the Comprehensive School Reform Demonstration Program; and

“(G) title VI.”;

(C) in paragraph (11)(B), by striking “and title VI”;

(D) in paragraph (24), by striking “section 602(a)(17)” and inserting in lieu thereof “section 602(22)”;

(E) by redesignating paragraphs (15) through (29) as paragraphs (16) through (30), respectively; and

(F) by inserting after paragraph (14) a new paragraph (15) to read as follows:

“(15) FAMILY LITERACY SERVICES.—The term ‘family literacy services’ means services provided to eligible participants on a voluntary basis that are of sufficient intensity, both in hours and duration, to make sustainable changes in a family, and that integrate all of the following activities:

“(A) Interactive literacy activities between parents and their children.

“(B) Training for parents on how to be the primary teachers 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.”; and

(2) in section 14102, by striking “Parts B, C, D, E, and F” and inserting “Parts D, E, F, and G”.

SEC. 1102. ADMINISTRATIVE FUNDS.

Part B of title XIV (20 U.S.C. 8821 et seq.) is amended—

(1) in section 14201—

(A) by amending subsection (a)(2) to read as follows:

“(2) APPLICABILITY.—This section applies to—

“(A) programs under title I and those programs described in subparagraphs (C), (D), and (E) of section 11101(10);

“(B) the Comprehensive School Reform Demonstration Program;

“(C) title VI;

“(D) the Carl D. Perkins Vocational and Technical Education Act of 1998; and

“(E) such other programs as the Secretary may designate.”;

(B) by amending subsection (b)(2) to read as follows:

“(2) ADDITIONAL USES.—A State educational agency may also use the funds available under this section for administrative activities designed to enhance the effective and coordinated use of funds under the programs included in the consolidation under subsection (a), such as—

“(A) State-level activities designed to carry out this title, including part B;

“(B) the coordination of those programs with other Federal and non-Federal programs;

“(C) the establishment and operation of peer-review mechanisms under this Act;

“(D) collaborative activities with other State educational agencies to improve administration under this Act;

“(E) the dissemination of information regarding model programs and practices;

“(F) technical assistance under the programs specified in subsection (a)(2);

“(G) training personnel engaged in audit and other monitoring activities; and

“(H) implementation of the Cooperative Audit Resolution and Oversight Initiative.”; and

(C) by striking subsection (f);

(2) in section 14203—

(A) in subsection (b), by striking “Improving America’s Schools Act of 1994” and inserting “Educational Excellence for All Children Act of 2000”; and

(B) in subsection (d), by striking “the uses described in section 14201(b)(2)” and inserting “for uses, at the school district and school levels, comparable to those described in section 11401(b)(2)”;

(3) by repealing section 14204;

(4) in section 14205(a)(2)(B)(i), by striking “National Education Goals” and inserting “America’s Education Goals”; and

(5) in section 14206—

(A) by amending the section heading to read: “MOST EFFECTIVE USE OF PROGRAM FUNDS.”;

(B) by amending subsection (a) to read as follows:

“(a) MOST EFFECTIVE USE.—With the approval of its State educational agency, a local educational agency that determines for any fiscal year that funds under a covered program (other than part A of title I) would be more effective in helping all its students achieve the State’s challenging standards if used under another covered program, may use those funds, not to exceed five percent of the local educational agency’s total allotment for that fiscal year, to carry out programs and activities under that other covered program.”; and

(C) in subsection (b), by striking “title XI of this Act” and inserting “part I of this title”.

SEC. 1103. COORDINATION OF PROGRAMS.

Part C of title XIV (20 U.S.C. 8851 et seq.) is amended—

(1) in the heading thereof, by striking “AND APPLICATIONS”;

(2) by amending section 14302 to read as follows:

“**SEC. 14302. OPTIONAL CONSOLIDATED STATE PLANS.**

“(a) GENERAL.—

“(1) PURPOSE AND AUTHORITY.—In order to promote continuing, standards-based education reform, encourage the integration and coordination of resources, and simplify application requirements and reduce burden for State educational agencies under this Act, the Secretary, in accordance with subsection (b), shall establish procedures and criteria under which a State educational agency may submit a consolidated State plan meeting the requirements of this section for any or all of—

“(A) the covered programs in which the State participates; and

“(B) the additional programs described in paragraph (2).

“(2) ADDITIONAL PROGRAMS.—A State educational agency may also include in its consolidated State plan—

“(A) the Even Start program under part B of title I;

“(B) the State Agency Programs for Children and Youth Who Are Neglected or Delinquent under part D of title I;

“(C) programs under part A of title II of the Carl D. Perkins Vocational and Technical Education Act of 1998; and

“(D) such other programs as the Secretary may designate.

“(3) STATE DEVELOPMENT AND SUBMISSION.—(A) A State educational agency desiring to receive a grant under two or more of the programs to which this section applies may submit a consolidated State plan for those programs that satisfies the procedures and criteria established under this section.

“(B) A State educational agency that submits a consolidated State plan shall not be required to submit separate State plans or applications for the programs included in the consolidated State plan.

“(C) A State educational agency that submits a consolidated State plan shall comply with all the requirements applicable to the programs in the consolidated State plan as if it had submitted separate State plans.

“(4) CONSOLIDATED STATE PLANS.—A State educational agency that desires to receive funds under a program to which this section applies for the fiscal year 2001 and the succeeding four fiscal years shall submit to the Secretary a new consolidated plan that meets the requirements of this section within the time specified by the Secretary.

“(b) PLAN CONTENTS.—

“(1) COLLABORATIVE PROCESS.—(A) In establishing criteria and procedures under this section, the Secretary shall collaborate with State educational agencies and, as appropriate, with other State agencies, local educational agencies, public and private nonprofit agencies, organizations, and institutions, private schools, and representatives of parents, students, and teachers.

“(B)(i) Through the collaborative process described in paragraph (1), the Secretary shall establish, for each program under the Act to which this section applies, the descriptions and information that must be included in a consolidated State plan.

“(ii) In carrying out clause (i), the Secretary shall ensure that a consolidated State plan contains, for each program included in the plan, the descriptions and information needed to ensure proper and effective administration of that program in accordance with its purposes.

“(2) INTEGRATION AND COORDINATION OF RESOURCES.—In its consolidated plan under this section, a State educational agency shall describe how—

“(A) funds under the programs included in the plan will be integrated to best serve the students and teachers intended to benefit from those programs; and

“(B) those programs will be coordinated at the State, school district, and school levels with—

“(i) other covered programs not included in the plan; and

“(ii) related programs, such as programs under the Reading Excellence Act under part E of title I, the 21st Century Community Learning Centers program and the High School Reform program under parts G and H of title X, respectively, and the Teacher Quality Enhancement Programs, and the Gaining Early Awareness and Readiness for Undergraduate Programs under title II and chapter 2 of subpart 2 of part A of title IV, of the Higher Education Act of 1965, respectively.

“(c) INDICATORS.—In order to evaluate its performance under its consolidated State plan, a State educational agency shall include in its plan—

“(1) any information required by the Secretary under section 11912 regarding performance indicators, benchmarks, and targets; and

“(2) any other indicators or measures the State determines are appropriate for evaluating its performance under its consolidated State plan.

“(d) MONITORING AND DATA INTEGRITY.—A State educational agency shall include in its consolidated State plan a description of the

strategies it will use to meet the requirements of section 11503(a)(4) and (5).

“(e) PEER REVIEW AND SECRETARIAL APPROVAL.—(1) The Secretary shall—

“(A) establish a peer-review process to assist in the review, and provide recommendations for the revision, of consolidated State plans under this section; and

“(B) to the extent practicable, appoint individuals to the peer-review process who—

“(i) are knowledgeable about the programs, and the populations they serve, included in the plans;

“(ii) are representative of State educational agencies, local educational agencies, teachers, and parents of students served under those programs; and

“(iii) have expertise on educational standards, assessments, and accountability.

“(2)(A) Following such peer review, the Secretary shall approve a consolidated State plan if the Secretary determines that the plan meets the requirements of this section.

“(B) The Secretary may accompany such approval with one or more conditions that the State educational agency shall meet.

“(3) If the Secretary determines that the plan does not meet the requirements of this section, the Secretary shall notify the State of that determination and the reasons for it.

“(4) The Secretary shall not finally disapprove a consolidated State plan before—

“(A) offering the State an opportunity to revise its plan;

“(B) providing technical assistance to assist the State to meet the requirements; and

“(C) providing a hearing.

“(f) REVISION AND AMENDMENT.—A State educational agency shall periodically review its consolidated State plan to ensure that it accurately reflects its strategies and activities under the programs covered by the plan. If the State educational agency makes significant changes to its strategies and activities, it shall submit an amendment to its plan to the Secretary for approval in accordance with this section.”;

(3) in section 14303(a)—

(A) in the matter before paragraph (1)—

(i) by striking “or consolidated State application”; and

(ii) by striking “section 14302” and inserting “section 11502”;

(B) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (6), (7), (8), and (9), respectively; and

(C) by inserting after paragraph (3) the following new paragraphs:

“(4) The State will monitor performance by local educational agencies to ensure compliance with the requirements of this Act and—

“(A) maintain proper documentation of monitoring activities;

“(B) provide technical assistance when appropriate and undertake enforcement activities when needed; and

“(C) systematically analyze the results of audits and other monitoring activities to identify trends in funding and to develop strategies to correct problems;

“(5) the data used by the State to measure its performance (and that of its local educational agencies) under this Act are complete, reliable, and accurate, or, if not, that the State will take such steps as are necessary to make those data complete, reliable, and accurate.”;

(4) by repealing section 14304;

(5) by amending section 14305 to read as follows:

“SEC. 14305. CONSOLIDATED LOCAL PLANS.

“(a) GENERAL AUTHORITY.—A local educational agency receiving funds under more than one covered program may submit plans to the State educational agency under such programs on a consolidated basis.

“(b) CONSOLIDATED PLANS.—A State educational agency that has an approved con-

solidated State plan under section 11502 may require local educational agencies that receive funds under more than one program included in the consolidated State plan to submit consolidated local plans for such programs.

“(c) COLLABORATION.—A State educational agency shall collaborate with local educational agencies in the State in establishing criteria and procedures for the submission of the consolidated local plans under this section.

“(d) CONTENTS.—For each program under this Act that may be included in a plan under this section, the Secretary may designate the descriptions and information that must be included in a local consolidated plan, to ensure that each such program is administered in a proper and effective manner in accordance with its purposes.”;

(6) in section 14306, by striking out “section 14304” and inserting in lieu thereof “section 11504”;

(7) by repealing section 14307; and

(8) by adding at the end thereof a new section to read as follows:

“SEC. 14307. CONSOLIDATED REPORTING.

“In order to encourage integration and coordination of resources, simplify reporting requirements, and reduce reporting burden, the Secretary shall establish procedures and criteria under which a State educational agency must submit a consolidated State annual performance report. Such a report shall contain information about the programs included in the report, including the State’s performance under those programs, and other matters, as the Secretary determines, such as information regarding monitoring activities under part I and section 11503(a)(4). Such a report shall take the place of individual annual performance reports for the programs subject to it.”.

SEC. 1104. WAIVERS.

Part D of title XIV (20 U.S.C. 8881 et seq.) is amended—

(1) in section 14401(a), by inserting a comma and “the Carl D. Perkins Vocational and Technical Education Act of 1998, or subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act” immediately after “requirement of this Act”;

(2) in section 14401(b), by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—A State educational agency, local educational agency, or Indian tribe that desires a waiver shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall—

“(A) identify each Federal program affected and the statutory or regulatory requirement requested to be waived;

“(B) describe the purpose and expected results of waiving each such requirement;

“(C) describe for each school year specific, measurable, educational goals for the State educational agency and for each local educational agency, Indian tribe, or school that would be affected by the waiver; and

“(D) explain why the waiver would assist the State educational agency and each affected local educational agency, Indian tribe, or school in reaching those goals.”;

(3) in section 14401(c)—

(A) in paragraph (8) by—

(i) striking out “part C of title X” and inserting in lieu thereof “part B of title V”;

(ii) by striking out “or” at the end thereof;

(B) in paragraph (9)—

(i) by striking out “section 14502” and “section 14507” and inserting in lieu thereof “section 11702” and “section 11707”, respectively; and

(ii) at the end thereof, by striking out the period and inserting in lieu thereof a semi-colon and “and”;

(C) by adding at the end thereof a new paragraph to read as follows:

“(10) health and safety.”; and

(4) in section 14401(e)(4), by—

(A) striking out “fiscal year 1997” and inserting in lieu thereof “fiscal year 2001”;

(B) striking out “the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate” and inserting in lieu thereof “the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate”.

SEC. 1105. UNIFORM PROVISIONS.

Part E of title XIV (20 U.S.C. 8891 ET SEQ.) is amended—

(1) in section 14501(a), by inserting “(except part C of title I)” immediately after “covered program”;

(2) in section 14503—

(A) in subsection (a)(1), by inserting “that address their needs” immediately before the period;

(B) by amending subsection (b)(1) to read as follows:

“(1) IN GENERAL.—This section applies to programs under—

“(A) part C of title I;

“(B) part E of title I;

“(C) subpart 2 of part A of title II;

“(D) title III;

“(E) part A of title IV, other than section 4115; and

“(F) part A of title VII.”;

(C) in subsection (c)—

(i) in paragraph (1)—

(I) in subparagraph (C), by striking out “and” at the end thereof;

(II) in subparagraph (D), by striking out the period and inserting a semi-colon; and

(III) by adding at the end thereof the following new subparagraphs:

“(E) to the extent applicable, the amount of funds received by such agency that are attributable to private school children; and

“(F) how and when such agency will make decisions about the delivery of services to these children.”; and

(ii) by amending paragraph (2) to read as follows:

“(2) TIMING.—Such consultation shall include meetings of agency and private school officials, shall occur before the local educational agency makes any decision that affects the opportunities of eligible private school children, teachers, or other educational personnel to participate in programs under this Act, and shall continue throughout the implementation and assessment of activities under this section.”;

(3) in section 14504, by striking out “section 14503” and “sections 14503, 14505, and 14506” and inserting in lieu thereof “section 11703” and “sections 11703, 11705, and 11706”, respectively;

(4) in section 14506—

(A) in subsection (a)(1)(A), by striking out “section 14504” and inserting in lieu thereof “section 11704”;

(B) in subsection (b), by striking out “section 14503” and inserting in lieu thereof “section 11703”;

(C) in subsection (d), by striking out “Improving America’s Schools Act of 1994” and inserting in lieu thereof “Educational Excellence for All Children Act of 1999”;

(5) by repealing section 14513 and section 14514.

SEC. 1106. REPEAL.

Part F of title XIV (20 U.S.C. 8921 et seq.) is repealed.

SEC. 1107. EVALUATION AND INDICATORS.

Part G of title XIV (20 U.S.C. 8941 et seq.) is amended—

(1) in the heading, by inserting “**AND INDICATORS**”;

(2) in section 14701—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(II) by inserting the following new subparagraph (B):

“(B) conduct evaluations that carry out the purposes of the Government Performance and Results Act of 1993 with respect to programs under this Act.”;

(III) in subparagraph (C), as redesignated by clause (i), by striking out “and” at the end thereof;

(IV) in subparagraph (D), as redesignated by clause (i), by striking out the period and inserting in lieu thereof a semi-colon and “and”; and

(V) by adding at the end thereof the following new subparagraph (E):

“(E) to work in partnership with the States to develop information relating to program performance that can be used to help achieve continuous program improvement at the State, school district, and school levels.”;

(B) by striking out subsections (b) and (c); and

(C) by inserting after subsection (a) the following new subsections:

“(b) **NATIONAL EVALUATION.**—The Secretary shall use funds reserved under subsection (a) to conduct independent studies of programs under this Act and the effectiveness of those programs in achieving their purposes, to determine whether those programs (or the administration of those programs) are—

“(1) contributing to improved student academic performance;

“(2) supporting the development of challenging standards and aligned assessments that guide other elements of school reform, including teacher certification, curriculum frameworks, instruction, and professional development;

“(3) assisting efforts in schools and classrooms to improve teaching and the climate for learning, particularly in high-poverty schools, including efforts related to technology, professional development, school violence and drug prevention, and public school choice;

“(4) promoting flexibility with accountability;

“(5) supporting efforts to strengthen family and community involvement in education;

“(6) targeting their resources effectively;

“(7) contributing to reform efforts and continuous improvement; and

“(8) achieving other goals consistent with the purposes of this Act.

“(c) **INDEPENDENT PANEL.**—The Secretary shall establish an independent panel to review studies under subsection (b) to advise the Secretary on their progress, and to comment, if the panel chooses, on the final report described in subsection (d).

“(d) **REPORTS.**—The Secretary shall submit an interim report on the evaluation described in subsection (b) within three years of enactment of the Educational Excellence for All Children Act of 2000 and a final report within four years of its enactment to the Committee on Education and the Workforce of the House of Representatives and to the Committee on Health, Education, Labor and Pensions of the Senate.

“(e) **PARTNERSHIPS TO STRENGTHEN PERFORMANCE INFORMATION FOR IMPROVEMENT.**—The Secretary may provide technical assist-

ance to recipients of assistance under this Act in order to strengthen the collection and assessment of information relating to program performance and quality assurance at the State and local levels. Such technical assistance shall be designed to promote the development, measurement, use, and reporting of data on valid, reliable, timely, and consistent performance indicators, within and across programs, and may include one-time grants, from funds reserved under subsection (a), to recipients to develop their data systems with the goal of helping recipients make continuous program improvement.”; and

(3) by adding at the end thereof the following new section:

“SEC. 14702. PERFORMANCE MEASURES.

“(a) **IN GENERAL.**—The Secretary is authorized to establish performance indicators, benchmarks, and targets for each program under this Act and subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act, to assist in measuring program performance. Indicators, benchmarks, and targets under this section shall be consistent with the Government Performance and Results Act of 1993 (and strategic plans adopted by the Secretary under that Act) and section 11501.

“(b) **COLLABORATION.**—The Secretary shall collaborate with State educational agencies, local educational agencies, and other recipients under this Act in establishing performance indicators, benchmarks, and targets under this section.

“(c) **PLANS AND APPLICATIONS.**—The Secretary may require any applicant for funds under this Act or subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act to—

“(1) include in its plan or application information relating to how it will use performance indicators, benchmarks, and targets under this section to improve its program performance; and

“(2) report data relating to such performance indicators, benchmarks, and targets to the Secretary.”.

SEC. 1108. COORDINATED SERVICES.

(a) **REPEALS AND REDESIGNATIONS.**—The Elementary and Secondary Education Act of 1965 (20 U.S.C 6301 et seq.) is further amended by—

(1) repealing sections 11003 and 11007; and

(2) redesignating—

(A) title XI as part I of title XI; and

(B) sections 11001, 11002, 11004, 11005, and 11006 as sections 11901, 11902, 11903, 11904, and 11905, respectively.

(b) **MISCELLANEOUS.**—Part I of title XI, as redesignated by subsection (a)(2), is amended—

(1) by amending section 11903, as redesignated by subsection (a)(2)(B), to read as follows:

“SEC. 11903. PROJECT DEVELOPMENT AND IMPLEMENTATION.

“(a) **APPLICATIONS.**—Each eligible entity desiring to use funds made available under section 11405(b) shall submit an application to the appropriate State educational agency at such time, in such manner, and accompanied by such information as that agency may reasonably require.

“(b) **PROJECT ACTIVITIES.**—An eligible entity that wishes to conduct a coordinated services project shall—

“(1) maintain on file—

“(i) the results of its assessment of the economic, social, and health barriers to educational achievement experienced by children and families, including foster children and their foster families, in the community, and of the local, State, Federal, and privately funded services available to meet those needs;

“(ii) a description of the entities operating the coordinated services project;

“(iii) a description of its coordinated services project, the objectives of that project, where the project will be located, the community-wide partnership that will link public and private agencies providing services to children and their families, the staff that will be used to carry out the project, and how the project will meet the requirements in this part; and

“(iv) an annual budget that indicates the sources and amounts of funds under this Act that will be used for the project, consistent with section 11405(b), and the purposes, by budget category, for which those funds will be used;

“(2) evaluate annually the success of the coordinated services project under this section in meeting its goals and objectives;

“(3) train teachers and appropriate personnel on the purposes, activities, and services of the coordinated services project, and how children and families may obtain those activities and services; and

“(4) ensure that the coordinated services project addresses the health and welfare needs of migratory families.

“(c) **SPECIAL RULE.**—A State educational agency need not require eligible entities to submit an application under subsection (a) in order to permit them to carry out coordinated services projects under this section.”;

(2) in section 11904(a)—

(A) in paragraph (1), by striking out “section 14206(b)” and “section 11004(b)(1)” and inserting in lieu thereof “section 11405(b) for a coordinated services project” and “section 11903(b)(1)(i)”, respectively; and

(B) in paragraph (2), by striking out “section 14206(b)” and inserting in lieu thereof “section 11405(b)”;

(3) in section 11905—

(A) by striking out “Secretary” each place it appears and inserting in lieu thereof “State educational agency”; and

(B) by striking out “section 14206(b)” and inserting in lieu thereof “section 11405(b)”.

SEC. 1109. REDESIGNATIONS.

Title XIV (20 U.S.C. 8801 et seq.) is further amended—

(1) by redesignating such title as title XI;

(2) (A) by redesignating sections 14101, 14102, and 14103 as sections 11101, 11102, and 11103, respectively; and

(B) by amending section 11103 (as so redesignated) to read as follows:

“SEC. 11103. APPLICABILITY TO BUREAU OF INDIAN AFFAIRS OPERATED SCHOOLS.

“For purposes of any competitive program under this Act—

“(1) a consortium of schools operated by the Bureau of Indian Affairs;

“(2) a school operated under a contract or grant with the Bureau of Indian Affairs in consortium with another contract or grant school, or with a tribal or community organization; or

“(3) a Bureau of Indian Affairs school in consortium with an institution of higher education, with a contract or grant school, or with a tribal or community organization, shall be given the same consideration as a local educational agency.”;

(3) by redesignating—

(A) part B as part D; and

(B) sections 14201, 14202, 14203, 14205, and 14206 as sections 11401, 11402, 11403, 11404, and 11405, respectively;

(4) by redesignating—

(A) part C as part E; and

(B) sections 14301, 14302, 14303, 14305, 14306, and 14307 as sections 11501, 11502, 11503, 11504, 11505, and 11506, respectively;

(5) by redesignating—

(A) part D as part F; and

(B) section 14401 as section 11601;

(6) by redesignating—

(A) part E as part H; and

(B) sections 14501, 14502, 14503, 14504, 14505, 14506, 14507, 14508, 14509, 14510, 14511, and 14512 as sections 11801, 11802, 11803, 11804, 11805, 11806, 11807, 11808, 11809, 11810, 11811, and 11812, respectively;

(7) by redesignating—

(A) part G as part J; and

(B) sections 14701 and 14702 as sections 11911 and 11912, respectively; and

(8) by redesignating—

(A) part H as part K and

(B) sections 14801 and 14802 as sections 11921 and 11922, respectively.

SEC. 1110. ED-FLEX PARTNERSHIPS.

(a) IN GENERAL.—The Education Flexibility Partnership Act of 1999 (P.L. 106-25) is amended—

(1) by striking out everything before section 1;

(2) in section 1, by—

(A) striking out “Act” and inserting in lieu thereof “part”; and

(B) striking out “of 1999”; and

(3) in section (2), by—

(A) striking out paragraph (5);

(B) redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively; and

(C) in paragraph (5), as redesignated by subparagraph (B), by—

(i) striking out “Expansion of waiver authority will allow for the waiver of” and inserting “States should be allowed to waive”; and

(ii) striking out the comma after “affected programs” and everything that follows through “and maintaining” and inserting “and maintaining”;

(4) by amending section 3 to read as follows:

“SEC. 3. DEFINITIONS.

“As used in this part, the terms ‘eligible school attendance area’ and ‘school attendance area’ have the meanings given those terms in section 1113(a)(2) of this Act.”;

(5) in section 4—

(A) in subsection (a)—

(i) in paragraph (2)—

(I) in the matter before subparagraph (A), by inserting a comma after “section”;

(II) by amending subparagraph (A) to read as follows:

“(A) has an approved educational accountability plan under section 11208 of this Act and is making satisfactory progress, as determined by the Secretary, in implementing its policies under sections 11204 and 11205 of this Act.”; and

(III) by amending subparagraph (B) to read as follows:

“(B) has developed and implemented challenging State content standards, challenging State student performance standards, and aligned assessments described in section 1111(b) of this Act; and”;

(ii) in paragraph (3)(B)—

(I) in the matter before clause (i), by striking out “such application” and inserting “it”; and

(II) in clause (iv)(I), by striking out “have the ability to” and inserting “can”;

(iii) in paragraph (4)(A)—

(I) in the matter before clause (i), by inserting a comma immediately after “paragraph (1)(A)” and immediately after “regulatory requirement”, the second time that phrase appears, respectively; and

(II) in clause (iv), by striking out “why” and inserting “how”;

(iv) in paragraph (5)—

(I) in subparagraph (B)(ii), by striking out “each such State” and inserting in lieu thereof “it”; and

(II) in subparagraph (C), by striking out “2 years after the date of the enactment of this Act” and inserting “May 1, 2001”;

(v) in paragraph (6), by amending subparagraph (A) to read as follows:

“(A) IN GENERAL.—The Secretary shall not approve the application of a State educational agency under paragraph (3) for a period exceeding 5 years, except that the Secretary may, in accordance with subparagraph (C), extend that period if the Secretary determines that—

“(i) the State educational agency’s authority to grant waivers has been effective in enabling that State or affected local educational agencies or schools to carry out their State or local reform plans and to continue to meet the accountability requirement described in paragraph (2)(B); and

“(ii) the State has made significant statewide gains in student achievement and in closing the achievement gap between low- and high-performing students.”; and

(vi) in paragraph (7), by striking out “1999” and inserting “2000”;

(B) by amending subsection (b) to read as follows:

“(b) INCLUDED PROGRAMS.—The statutory and regulatory requirements referred to in subsection (a)(1)(A) are any requirements for programs carried out under the following provisions:

“(1) Title I of this Act (other than subsection (a) and (c) of section 1116).

“(2) Part A of title II of this Act.

“(3) Subpart 1 of part D of title III of this Act.

“(4) Part A of title IV of this Act.

“(5) Title VI of this Act.

“(6) Part B of title VII of this Act.

“(7) The Carl D. Perkins Vocational and Technical Education Act of 1998.

“(8) Subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act.”;

(C) in subsection (c)—

(i) in subparagraph (G), by striking out “such Act” and inserting “this Act”;

(ii) by redesignating subparagraphs (H) and (I) as subparagraphs (I) and (J), respectively; and

(iii) by inserting a new subparagraph (H) to read as follows:

“(H) the eligibility of a school for a schoolwide program under section 1114 of this Act, except that a State educational agency may grant a waiver to allow a local educational agency to conduct a schoolwide program in a school that serves an attendance area in which not less than 40 percent of the children are from low-income families or in which not less than 40 percent of the children enrolled are from such families.”;

(D) in subsection (d)—

(i) in paragraph (1), by striking out “the waiver authority” and inserting “that waiver authority”; and

(ii) in paragraph (4), by—

(I) striking out “date of the enactment of this Act” and inserting “effective date of this part”; and

(II) striking out “subpart 2 of part A of title III of the Elementary and Secondary Education Act of 1965 (other than section 3136 of such Act)” and inserting “subpart 1 of part D of title III of this Act”; and

(E) at the end thereof, by adding a new subsection (f) to read as follows:

“(f) TRANSITION.—Waivers granted under applicable ED-Flex authority prior to the effective date of this part shall remain in effect in accordance with the terms and conditions that applied to those waivers when they were granted. Waivers granted on or after the effective date of this part shall be subject to the provisions of this part.”;

(6) by striking out “the Elementary and Secondary Education Act of 1965” each place it appears and inserting “this Act”; and

(7) by repealing sections 5 and 6.

(b) REDESIGNATIONS.—Title XI is further amended—

(1) by redesignating the Education Flexibility Partnership Act, as amended by subsection (a), as part G of title XI; and

(2) by redesignating sections 1, 2, 3, and 4 as sections 11701, 11702, 11703, and 11704, respectively.

SEC. 1111. ACCOUNTABILITY.

Title XI as redesignated by section 1109, is further amended by inserting a new part B to read as follows:

“PART B—IMPROVING EDUCATION THROUGH ACCOUNTABILITY

“SEC. 11201. SHORT TITLE.

“This part may be cited as the “Education Accountability Act of 2000”.

“SEC. 11202. PURPOSE.

It is the purpose of this part to improve academic achievement for all children, assist in meeting America’s Education Goals under section 3 of this Act, promote the incorporation of challenging State academic content and student performance standards into classroom practice, enhance the accountability of State and local officials for student progress, and improve the effectiveness of programs under this Act and the educational opportunities of the students that they serve.

“Subpart 1—Turning Around Failing Schools

“SEC. 11211. TURNING AROUND FAILING SCHOOLS.

“Consistent with section 1111(b)(3)(B) of this Act, a State that receives assistance under this Act shall develop and implement a statewide system for holding its local educational agencies and schools accountable for student performance that includes—

“(1) a procedure for identifying local educational agencies and schools in need of improvement;

“(2) intervening in those agencies and schools to improve teaching and learning; and

“(3) implementing corrective actions, if those interventions are not effective.

“SEC. 11212. ENSURING TEACHER QUALITY.

“(a) IN GENERAL.—A State that receives assistance under this Act shall, at the time it submits its accountability plan under section 11221, have in effect a policy that—

“(1) is designed to ensure that there are qualified teachers in every classroom in the State; and

“(2) meets the requirements of this section.

“(b) POLICY.—A policy to ensure teacher quality under this section shall include the strategies that the State will carry out to ensure that, within four years from the date of the approval of its accountability plan—

“(1) not less than 95 percent of the teachers in public schools in the State are certified or—

“(A) have a baccalaureate degree and are enrolled in a program, such as an alternative certification program, leading to full certification in their field within three years; or

“(B) have full certification in another State and are establishing certification where they are teaching;

“(2) not less than 95 percent of the teachers in public secondary schools in the State have academic training or demonstrated competence in the subject area in which they teach;

“(3) there is no disproportionate concentration in particular school districts of teachers who are not described in paragraphs (1) or (2); and

“(4) its certification process for new teachers includes an assessment of content knowledge and teaching skills that is aligned with State standards.

“(c) PLAN CONTENT.—(1) A State shall include in its accountability plan under section 11221 the performance indicators by

which it will annually measure its progress in—

“(A) decreasing the percentage of teachers in the State teaching without full licenses or credentials; and

“(B) increasing the percentage of secondary school classes in core academic subject areas taught by teachers who—

“(i) have a postsecondary-level academic major or minor in the subject area they teach or a related field; or

“(ii) otherwise demonstrate a high level of competence through rigorous tests in their academic subject.

“(2) In its accountability plan under section 11221, a State shall assure that, in carrying out this policy, it will not decrease the rigor or quality of its teacher certification standards.

“SEC. 11213. SOUND DISCIPLINE POLICY.

“(a) IN GENERAL.—A State that receives assistance under this Act shall, at the time it submits its accountability plan under section 11221, have in effect a policy that requires its local educational agencies and schools to have in place and implement sound and equitable discipline policies, in order to ensure a safe, orderly, and drug-free learning environment in every school.

“(b) POLICY.—A State discipline policy under this section shall require local educational agencies and schools to have in place and implement disciplinary policies that—

“(1) focus on prevention and are coordinated with prevention strategies and programs under title IV of this Act;

“(2) apply to all students and are enforced consistently and equitably;

“(3) are clear and understandable;

“(4) are developed with the participation of school staff, students, and parents;

“(5) are broadly disseminated;

“(6) ensure that due process is provided;

“(7) are consistent with applicable Federal, State and local laws, including the Individuals With Disabilities Education Act;

“(8) ensure that teachers are adequately trained to manage their classrooms effectively; and

“(9) in case of students who are suspended or expelled from school, provide for appropriate supervision, counseling, and educational services that will help those students continue to meet the State's challenging standards.

“(c) PLAN CONTENT.—A State shall include in its accountability plan under section 11221 an assurance that it has in effect a policy that meets the requirements of this section.

“Subpart 2—Accountability and Performance
“SEC. 11221. EDUCATION ACCOUNTABILITY PLANS.

“(a) IN GENERAL.—Each State that receives assistance under this Act on or after July 1, 2000, shall have on file with the Secretary an approved accountability plan that meets the requirements of this section.

“(b) CONTENT.—An accountability plan under subsection (a) shall include—

“(1) a description of the State's system under section 11203;

“(2) a description of the steps the State will take to ensure that all local educational agencies have the capacity needed to ensure compliance with this part;

“(3) the information or assurances called for by sections 11204(c), 11205(c), 11206(c), and 11207(e);

“(4) information indicating that the Governor and the State educational agency concur with the plan; and

“(5) any other information that the Secretary may reasonably require to ensure the proper and effective administration of this part.

“(c) REPORTS.—(1) A State shall report annually to the Secretary, in such form and

containing such information as the Secretary may require, on its progress in carrying out the requirements of this part, and shall include such report in its consolidated State performance report under section 11506.

“(2) In reporting on its progress in implementing its student progress and social promotion policy under section 11204, a State shall assess the effect of its policy, and its implementation, in improving academic achievement for all children and otherwise carrying out the purpose specified in section 11202.

“(d) RELATIONSHIP TO CONSOLIDATED PLAN.—(1) If a State submits a consolidated State plan under section 11502, it shall include in that plan its accountability plan under this section.

“(2) If a State does not submit a consolidated State plan, it shall submit a separate accountability plan under this section to receive assistance under this Act.

“(e) APPROVAL.—(1)(A) The Secretary shall approve an accountability plan under this section if the Secretary determines that it complies substantially with the requirements of this part.

“(B) The Secretary may accompany the approval of a plan with conditions that are consistent with the purpose of this part.

“(2) In reviewing accountability plans under this part, the Secretary shall employ the peer-review procedures under section 11502(e).

“(3) If a State does not submit a consolidated State plan under section 11502, the Secretary shall, in considering that State's separate accountability plan under this section, employ such procedures, comparable to those set forth in section 11502(e), as the Secretary may determine.

“SEC. 11211A. ADDITIONAL ACCOUNTABILITY PROVISIONS.

“(a) IN GENERAL.—Notwithstanding any other provision of this Act, a recipient of funds provided under part A of title I, part B, D, F, G, or H of title II, part A, B, C, D, or E of title III, part A of title IV, title VII, or title X shall include the following in the plans or applications and reports required under such provisions:

“(1) The methods the recipient will use to measure the annual impact of each program funded in whole or in part with funds provided under such part and, if applicable, the extent to which each such program will increase student academic achievement.

“(2) The annual, quantifiable, and measurable performance goals and objectives for each such program, including the adequate yearly progress established under part A of title I, the extent to which, if applicable, the program's goals and objectives align with State content standards and State student performance standards established under section 1111(b)(1)(A).

“(3) If the recipient is a local educational agency, provide assurances that the local educational agency consulted, at a minimum, with parents, school board members, teachers, administrators, business partners, education organizations, and community groups to develop the plan submitted and that such consultation will continue on a regular basis.

“(4) A report for the preceding fiscal year regarding how the plan submitted for such fiscal year was implemented, the recipient's progress towards attaining the goals and objectives identified in such plan for such year, and, if applicable, the extent to which programs funded in whole or in part with funds provided under such part increased student achievement.

“(b) PENALTIES.—If a recipient of funds provided under the parts of this Act described in subsection (a) fails to meet the

goals and objectives of such parts for 3 consecutive fiscal years, the Secretary shall—

“(1) withhold not less than 50 percent of the funds made available under the relevant program for administrative expenses for the succeeding fiscal year, and for each consecutive fiscal year thereafter for which the recipient fails to meet such goals and objectives; and

“(2) in the case of—

“(A) a competitive grant, consider the recipient ineligible for future grants until the applicants meet such goals and objectives; and

“(B) a formula grant, withhold not less than 20 percent of the total amount of funds provided under title VI for the succeeding fiscal year and each consecutive fiscal year thereafter for which the recipient fails to meet such goals and objectives.

“(c) OTHER PENALTIES.—A State that has not met the requirements of subsection (a)(2) with respect to a fiscal year—

“(A) is not eligible for Ed-Flex designation under the Education Flexibility Partnership Act of 1999; and

“(B) shall be subject to such other penalties as are provided for violation of this Act.

“(d) SPECIAL RULE FOR SECRETARY AWARDS.—

“(1) IN GENERAL.—Notwithstanding any other provision of this Act, a recipient of funds provided under a direct award made by the Secretary, or a contract or cooperative agreement entered into with the Secretary, shall include the following in any application or plan required under such programs:

“(A) How funds provided under the program will be used and how such use will increase student academic achievement.

“(B) The goals and objectives to be met, including goals for dissemination and use of the information or materials produced, where applicable.

“(C) If the grant requires dissemination of information or materials, how the recipient will track and report annually to the Secretary—

“(i) the successful dissemination of information or materials produced;

“(ii) where information or materials produced are being used; and

“(iii) what is the impact of such use and, if applicable, the extent to which such use increased student academic achievement or contributed to the stated goal of the program.

“(2) REQUIREMENT.—If no application or plan is required under a program, contract, or cooperative agreement described in paragraph (1), the Secretary shall require the recipient of funds to submit a plan containing the information required under paragraph (1).

“(3) FAILURE TO ACHIEVE GOALS AND OBJECTIVES.—

“(A) IN GENERAL.—The Secretary shall evaluate the information submitted under this subsection to determine whether the recipient has met the goals and objectives described in paragraph (1)(B), where applicable, assess the magnitude of dissemination, and, where applicable, assess the effectiveness of the activity funded in raising student academic achievement in places where information or materials produced with such funds are used.

“(B) INELIGIBILITY.—The Secretary shall consider the recipient ineligible for future grants under the program, contract, or cooperative agreement described in paragraph (1) if—

“(i) the goals and objectives described in paragraph (1)(B) have not been met;

“(ii) where applicable, dissemination has not been of a magnitude to ensure goals are being addressed; and

“(iii) where applicable, the information or materials produced have not made a significant impact on raising student achievement in places where such information or materials are used.

“SEC. 11222. PARENTAL INVOLVEMENT PLAN.

“(a) STATE PARENTAL INVOLVEMENT PLAN.—In order to receive Federal funding for any program authorized under this Act, a State educational agency shall (as part of a consolidated application, or other State plan or application submitted under this Act) submit to the Secretary—

“(1) a description of the agency’s parental involvement policies, consistent with section 1118, including specific details about—

“(A) how Federal funds will be used to implement such policies; and

“(B) how successful research-based practices will be implemented in schools throughout the State; and

“(2) a description of how such policies will be evaluated with respect to increased parental involvement in the schools throughout the State.

“(b) PARENTAL REVIEW OF STATE PARENTAL INVOLVEMENT PLAN.—Prior to making the submission described in subsection (a), a State educational agency shall involve parents in the development of the policies described in such subsection by—

“(1) providing public notice of the policies in a manner and language understandable to parents;

“(2) providing the opportunity for parents and other interested individuals to comment on the policies; and

“(3) including the comments received with the submission.

“(c) LANGUAGE APPLICABILITY.—Each State educational agency and local educational agency that is required to establish a parental involvement plan or policy under a program assisted under this Act shall make available, to the parents of children eligible to participate in the program, the plan or policy in the language most familiar to the parents (where there are significant numbers of parents in that language group) and in an easily understandable manner.

“SEC. 11223. AUTHORITY OF SECRETARY TO ENSURE ACCOUNTABILITY.

“(a) REMEDIES FOR SUBSTANTIAL FAILURE.—If the Secretary determines that a State has failed substantially to carry out a requirement of this part or a provision in its approved accountability plan under section 11208, or that its performance has failed substantially to meet a performance indicator in such plan, the Secretary shall take, consistent with applicable due process procedures, one or more of the following steps to ensure that the purpose of this part is carried out promptly:

“(1) Providing, or arranging for the provision of, technical assistance to the State educational agency in question.

“(2) Requiring a plan for corrective action.

“(3) Suspending or terminating authority to grant waivers under applicable ED-Flex authority.

“(4) Suspending or terminating eligibility to participate in competitive programs under this Act.

“(5) Withholding, in whole or in part, State administrative funds available under this Act.

“(6) Withholding, in whole or in part, program funds available to such State under the Act.

“(7) Imposing one or more conditions upon the Secretary’s approval of a State plan or application under this Act.

“(8) Taking other action authorized under part D of the General Education Provisions Act, such as a cease-and-desist order or compliance agreement.

“(9) Taking any other appropriate accountability step that is consistent with this Act, including referral to the Department of Justice for enforcement.

“(b) EFFECTIVE ENFORCEMENT.—If remedial steps taken by the Secretary under subsection (a) fail to correct the State’s non-compliance, the Secretary shall take one or more additional steps under subsection (a) to bring the State into compliance.

“SEC. 11224. REPORT CARDS.

“(a) GRANTS AUTHORIZED.—The Secretary shall award a grant, from allotments under subsection (b), to each State having a State report card meeting the requirements described in subsection (g), to enable the State annually to publish report cards for each elementary school and secondary school that receives funding under this Act and is served by the State.

“(b) RESERVATIONS AND ALLOTMENTS.—

“(1) RESERVATIONS.—From the amount appropriated under subsection (e) to carry out this part for each fiscal year, the Secretary shall reserve—

“(A) ½ of 1 percent of such amount for payments to the Secretary of the Interior for activities approved by the Secretary, consistent with this part, in schools operated or supported by the Bureau of Indian Affairs, on the basis of their respective needs for assistance under this part; and

“(B) ½ of 1 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this part, as determined by the Secretary, for activities, approved by the Secretary, consistent with this part.

“(2) STATE ALLOTMENTS.—From the amount appropriated under subsection (e) for a fiscal year and remaining after the Secretary makes reservations under paragraph (1), the Secretary shall allot to each State having a State report card meeting the requirements described in subsection (g) an amount that bears the same relationship to the remainder as the number of public school students enrolled in elementary schools and secondary schools in the State bears to the number of such students so enrolled in all States.

“(c) WITHIN-STATE ALLOCATIONS.—Each State educational agency receiving a grant under subsection (a) shall allocate the grant funds that remain after making the reservation described in subsection (d) to each local educational agency in the State in an amount that bears the same relationship to the remainder as the number of public school students enrolled in elementary schools and secondary schools served by the local educational agency bears to the number of such students so enrolled in all local educational agencies within the State.

“(d) STATE RESERVATION OF FUNDS.—Each State educational agency receiving a grant under subsection (a) may reserve—

“(1) not more than 10 percent of the grant funds to carry out activities described under subsections (f) and (g), and (i)(1) for fiscal year 2001; and

“(2) not more than 5 percent of the grant funds to carry out activities described under subsections (f) and (g), and (i)(1) for fiscal year 2002 and each of the 3 succeeding fiscal years.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part \$5,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

“(f) ANNUAL STATE REPORT.—

“(1) REPORTS REQUIRED.—Not later than the beginning of the 2001–2002 school year, a State that receives assistance under this Act shall prepare and disseminate an annual report for parents, the general public, teachers

and the Secretary, with respect to all elementary schools and secondary schools within the State.

“(2) REQUIREMENTS.—Annual report cards under this part shall be—

“(A) concise; and

“(B) presented in a format and manner that parents can understand, including, to the extent practicable, in a language the parents can understand.

“(g) CONTENT OF ANNUAL STATE REPORTS.—

“(1) REQUIRED INFORMATION.—Each State described in subsection (f)(1), at a minimum, shall include in the annual State report information regarding—

“(A) student performance on statewide assessments for the year for which the annual State report is made, and the preceding year, in at least English language arts and mathematics, including—

“(i) a comparison of the proportions of students who performed at the basic, proficient, and advanced levels in each subject area, for each grade level at which assessments are required under title I, with proportions in each of the same 4 levels at the same grade levels in the previous school year;

“(ii) a statement on the 3-year trend in the percentage of students performing at the basic, proficient, and advanced levels in each subject area, for each grade level for which assessments are required under title I; and

“(iii) a statement of the percentage of students not tested and a listing of categories of the reasons why such students were not tested;

“(B) student retention rates in grades, the number of students completing advanced placement courses, annual school dropout rates, as calculated by procedures conforming with the National Center for Education Statistics Common Core of Data and 4-year graduation rates; and

“(C) the professional qualifications of teachers in the aggregate, including the percentage of teachers teaching with emergency or provisional credentials, the percentage of class sections not taught by fully qualified teachers, and the percentage of teachers who are fully qualified.

“(2) STUDENT DATA.—Student data in each report shall contain disaggregated results for the following categories:

“(A) Racial and ethnic groups.

“(B) Gender.

“(C) Economically disadvantaged students, as compared to students who are not economically disadvantaged.

“(D) Students with limited English proficiency, as compared to students who are proficient in English.

“(E) Migrant status.

“(F) Students with disabilities, as compared with students who are not disabled.

“(3) OPTIONAL INFORMATION.—A State may include in the State annual report any other information the State determines appropriate to reflect school quality and school achievement, including by grade level information on average class size and information on school safety, such as the incidence of school violence and drug and alcohol abuse, the incidence of student suspensions and expulsions, student access to technology, including the number of computers for educational purposes, the number of computers per classroom, and the number of computers connected to the Internet, and parent involvement, as determined by such measures as the extent of parental participation in school, parental involvement activities, and extended learning time programs, such as after-school and summer programs.

“(h) LOCAL EDUCATIONAL AGENCY AND SCHOOL REPORT CARDS.—

“(1) IN GENERAL.—The State shall ensure that each local educational agency, elementary school, or secondary school in the

State, collects appropriate data and publishes an annual report card consistent with this subsection.

“(2) REQUIRED INFORMATION.—Each local educational agency, elementary school, and secondary school described in paragraph (1), at a minimum, shall include in its annual report card—

“(A) the information described in subsections (g)(1) and (2) for each local educational agency and school;

“(B) in the case of a local educational agency—

“(i) information regarding the number and percentage of schools identified for school improvement, including schools identified under section 1116 of this Act, served by the local educational agency;

“(ii) information on the 3-year trend in the number and percentage of elementary schools and secondary schools identified for school improvement; and

“(iii) information that shows how students in the schools served by the local educational agency perform on the statewide assessment compared to students in the State as a whole;

“(C) in the case of an elementary school or a secondary school—

“(i) information regarding whether the school has been identified for school improvement;

“(ii) information that shows how the school's students performed on the statewide assessment compared to students in schools served by the same local educational agency and to all students in the State; and

“(iii) information about the enrollment of students compared to the rated capacity of the schools; and

“(D) other appropriate information, whether or not the information is included in the annual State report.

“(i) DISSEMINATION AND ACCESSIBILITY OF REPORTS AND REPORT CARDS.—

“(1) STATE REPORTS.—State annual reports under subsection (g) shall be disseminated to all elementary schools, secondary schools, and local educational agencies in the State, and made broadly available to the public through means such as posting on the Internet and distribution to the media, and through public agencies.

“(2) LOCAL REPORT CARDS.—Local educational agency report cards under subsection (h) shall be disseminated to all elementary schools and secondary schools served by the local educational agency and to all parents of students attending such schools, and made broadly available to the public through means such as posting on the Internet and distribution to the media, and through public agencies.

“(3) SCHOOL REPORT CARDS.—Elementary school and secondary school report cards under subsection (h) shall be disseminated to all parents of students attending that school, and made broadly available to the public, through means such as posting on the Internet and distribution to the media, and through public agencies.

“(j) COORDINATION OF STATE PLAN CONTENT.—A State shall include in its plan under part A of title I or part A of title II, an assurance that the State has in effect a policy that meets the requirements of this section.

“(l) PRIVACY.—Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals.

“SEC. 11225. REWARDING HIGH PERFORMANCE.

“(a) STATE REWARDS.—

“(1) IN GENERAL.—From amounts appropriated under subsection (d), the Secretary shall make awards to States that—

“(A) for 3 consecutive years have—

“(i) exceeded the States' performance objectives established for any title under this Act;

“(ii) exceeded their adequate yearly progress levels established in section 1111(b);

“(iii) significantly narrowed the gaps between minority and non-minority students, and between economically disadvantaged and non-economically disadvantaged students;

“(iv) raised all students to the proficient standard level prior to 10 years from the date of enactment of the Educational Opportunities Act; or

“(v) significantly increased the percentage of core classes being taught by fully qualified teachers teaching in schools receiving funds under part A of title I; or

“(B) by not later than fiscal year 2003, ensure that all teachers teaching in the States' public elementary schools and secondary schools are fully qualified.

“(2) STATE USE OF FUNDS.—

“(A) DEMONSTRATION SITES.—Each State receiving an award under paragraph (1) shall use a portion of the award that is not distributed under subsection (b) to establish demonstration sites with respect to high-performing schools (based on achievement or performance levels) objectives and adequate yearly progress in order to help low-performing schools.

“(B) IMPROVEMENT OF PERFORMANCE.—Each State receiving an award under paragraph (1) shall use the portion of the award that is not used pursuant to subparagraph (A) or (C) and is not distributed under subsection (b) for the purpose of improving the level of performance of all elementary and secondary school students in the State, based on State content and performance standards.

“(C) RESERVATION FOR ADMINISTRATIVE EXPENSES.—Each State receiving an award under paragraph (1) may set aside not more than ½ of 1 percent of the award for the planning and administrative costs of carrying out this section, including the costs of distributing awards to local educational agencies.

“(b) LOCAL EDUCATIONAL AGENCY AWARDS.—

“(1) IN GENERAL.—Each State receiving an award under subsection (a)(1) shall distribute 80 percent of the award funds to local educational agencies in the State that—

“(A) for 3 consecutive years have—

“(i) exceeded the State-established local educational agency performance objectives established for any title under this Act;

“(ii) exceeded the adequate yearly progress level established under section 1111(b)(2);

“(iii) significantly narrowed the gaps between minority and nonminority students, and between economically disadvantaged and noneconomically disadvantaged students;

“(iv) raised all students enrolled in schools within the local educational agency to the proficient standard level prior to 10 years from the date of enactment of the Educational Opportunities Act; or

“(v) significantly increased the percentage of core classes being taught by fully qualified teachers teaching in schools receiving funds under part A of title I; or

“(B) not later than December 31, 2003, ensured that all teachers teaching in the elementary schools and secondary schools served by the local educational agencies are fully qualified; or

“(C) have attained consistently high achievement in another area that the State deems appropriate to reward.

“(2) SCHOOL-BASED PERFORMANCE AWARDS.—A local educational agency may use funds made available under paragraph (1) for activities such as school-based performance awards.

“(3) RESERVATION FOR ADMINISTRATIVE EXPENSES.—Each local educational agency receiving an award under paragraph (1) may set aside not more than ½ of 1 percent of the award for the planning and administrative costs of carrying out this section, including the costs of distributing awards to eligible elementary schools and secondary schools, teachers, and principals.

“(C) SCHOOL REWARDS.—Each local educational agency receiving an award under subsection (b) shall consult with teachers and principals to develop a reward system, and shall use the award funds—

“(1) to reward individual schools that demonstrate high performance with respect to—

“(A) increasing the academic achievement of all students;

“(B) narrowing the academic achievement gap described in section 1111(b)(2)(B)(vii);

“(C) improving teacher quality;

“(D) increasing high-quality professional development for teachers, principals, and administrators; or

“(E) improving the English proficiency of limited English proficient students;

“(2) to reward collaborative teams of teachers, or teams of teachers and principals, that—

“(A) significantly increase the annual performance of low-performing students; or

“(B) significantly improve in a fiscal year the English proficiency of limited English proficient students;

“(3) to reward principals who successfully raise the performance of a substantial number of low-performing students to high academic levels;

“(4) to develop or implement school district-wide programs or policies to increase the level of student performance on State assessments that are aligned with State content standards; and

“(5) to reward schools for consistently high achievement in another area that the local educational agency deems appropriate to reward.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$200,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

“(e) DEFINITION.—The term ‘low-performing student’ means students who are below the basic State standard level.

“SEC. 11226. BEST PRACTICES AND MODELS.

“In implementing this part, the Secretary shall, after consulting with State and local educational agencies and other agencies, institutions, and organizations with experience or information relevant to the purpose of this part, disseminate information about best practices, models, and other forms of technical assistance.

“SEC. 11227. CONSTRUCTION.

“Nothing in this part shall be construed as affecting home schooling or the application of the civil rights laws or the Individuals with Disabilities Education Act.”

SEC. 1112. AMERICA'S EDUCATION GOALS PANEL.

(a) IN GENERAL.—Title XI, as redesignated by section 1109, is further amended by adding at the end the following:

“PART I—AMERICA'S EDUCATION GOALS PANEL

“SEC. 11931. AMERICA'S EDUCATION GOALS PANEL.

“(a) PURPOSE.—It is the purpose of this section to establish a bipartisan mechanism for—

“(1) building a national consensus for education improvement; and

“(2) reporting on progress toward achieving the National Education Goals.

(b) AMERICA'S EDUCATION GOALS PANEL.—

“(1) ESTABLISHMENT.—There is established in the executive branch an America's Education Goals Panel (hereafter in this section

referred to as the 'Goals Panel') to advise the President, the Secretary, and Congress.

"(2) COMPOSITION.—The Goals Panel shall be composed of 18 members (hereafter in this section referred to as 'members'), including—

"(A) 2 members appointed by the President;

"(B) 8 members who are Governors, 3 of whom shall be from the same political party as the President and 5 of whom shall be from the opposite political party of the President, appointed by the Chairperson and Vice Chairperson of the National Governors' Association, with the Chairperson and Vice Chairperson each appointing representatives of such Chairperson's or Vice Chairperson's respective political party, in consultation with each other;

"(C) 4 Members of Congress, of whom—

"(i) 1 member shall be appointed by the Majority Leader of the Senate from among the Members of the Senate;

"(ii) 1 member shall be appointed by the Minority Leader of the Senate from among the Members of the Senate;

"(iii) 1 member shall be appointed by the Majority Leader of the House of Representatives from among the Members of the House of Representatives; and

"(iv) 1 member shall be appointed by the Minority Leader of the House of Representatives from among the Members of the House of Representatives; and

"(D) 4 members of State legislatures appointed by the President of the National Conference of State Legislatures, of whom 2 shall be of the same political party as the President of the United States.

"(3) SPECIAL APPOINTMENT RULES.—

"(A) IN GENERAL.—The members appointed pursuant to paragraph (2)(B) shall be appointed as follows:

"(i) SAME PARTY.—If the Chairperson of the National Governors' Association is from the same political party as the President, the Chairperson shall appoint 3 individuals and the Vice Chairperson of such association shall appoint 5 individuals.

"(ii) OPPOSITE PARTY.—If the Chairperson of the National Governors' Association is from the opposite political party as the President, the Chairperson shall appoint 5 individuals and the Vice Chairperson of such association shall appoint 3 individuals.

"(B) SPECIAL RULE.—If the National Governors' Association has appointed a panel that meets the requirements of paragraph (2) and subparagraph (A), except for the requirements of subparagraph (D) of paragraph (2), prior to the date of enactment of the Elementary and Secondary Education Amendments of 1999, then the members serving on such panel shall be deemed to be in compliance with the provisions of such paragraph and subparagraph and shall not be required to be reappointed pursuant to such paragraph and subparagraph.

"(C) REPRESENTATION.—To the extent feasible, the membership of the Goals Panel shall be geographically representative and reflect the racial, ethnic, and gender diversity of the United States.

"(4) TERMS.—The terms of service of members shall be as follows:

"(A) PRESIDENTIAL APPOINTEES.—Members appointed under paragraph (2)(A) shall serve at the pleasure of the President.

"(B) GOVERNORS.—Members appointed under paragraph (2)(B) shall serve for 2-year terms, except that the initial appointments under such paragraph shall be made to ensure staggered terms with 1/2 of such members' terms concluding every 2 years.

"(C) CONGRESSIONAL APPOINTEES AND STATE LEGISLATORS.—Members appointed under subparagraphs (C) and (D) of paragraph (2) shall serve for 2-year terms.

"(5) DATE OF APPOINTMENT.—The initial members shall be appointed not later than 60 days after the date of enactment of the Elementary and Secondary Education Amendments of 1999.

"(6) INITIATION.—The Goals Panel may begin to carry out the Goals Panel's duties under this section when 10 members of the Goals Panel have been appointed.

"(7) VACANCIES.—A vacancy on the Goals Panel shall not affect the powers of the Goals Panel, but shall be filled in the same manner as the original appointment.

"(8) TRAVEL.—Each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Goals Panel away from the home or regular place of business of the member.

"(9) CHAIRPERSON.—

"(A) IN GENERAL.—The members shall select a Chairperson from among the members.

"(B) TERM AND POLITICAL AFFILIATION.—The Chairperson of the Goals Panel shall serve a 1-year term and shall alternate between political parties.

"(10) CONFLICT OF INTEREST.—A member of the Goals Panel who is an elected official of a State which has developed content or student performance standards may not participate in Goals Panel consideration of such standards.

"(11) EX OFFICIO MEMBER.—If the President has not appointed the Secretary as 1 of the 2 members the President appoints pursuant to paragraph (2)(A), then the Secretary shall serve as a nonvoting ex officio member of the Goals Panel.

"(c) DUTIES.—

"(1) IN GENERAL.—The Goals Panel shall—

"(A) report to the President, the Secretary, and Congress regarding the progress the Nation and the States are making toward achieving America's Education Goals, including issuing an annual report;

"(B) report on, and widely disseminate through multiple strategies, promising or effective actions being taken at the Federal, State, and local levels, and in the public and private sectors, to achieve America's Education Goals;

"(C) report on, and widely disseminate on promising or effective practices pertaining to, the achievement of each of the 8 America's Education Goals; and

"(D) help build a bipartisan consensus for the reforms necessary to achieve America's Education Goals.

"(2) REPORT.—

"(A) IN GENERAL.—The Goals Panel shall annually prepare and submit to the President, the Secretary, the appropriate committees of Congress, and the Governor of each State a report that shall—

"(i) assess the progress of the United States toward achieving America's Education Goals; and

"(ii) identify actions that should be taken by Federal, State, and local governments—

"(I) to enhance progress toward achieving America's Education Goals; and

"(II) to provide all students with a fair opportunity-to-learn.

"(B) FORM; DATA.—Reports shall be presented in a form, and include data, that is understandable to parents and the general public.

"(d) POWERS OF THE GOALS PANEL.—

"(1) HEARINGS.—

"(A) IN GENERAL.—The Goals Panel shall, for the purpose of carrying out this section, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Goals Panel considers appropriate.

"(B) REPRESENTATION.—In carrying out this section, the Goals Panel shall conduct hearings to receive reports, views, and analyses of a broad spectrum of experts and the public on the establishment of voluntary national content standards, voluntary national student performance standards, and State assessments.

"(2) INFORMATION.—The Goals Panel may secure directly from any department or agency of the United States information necessary to enable the Goals Panel to carry out this section. Upon request of the Chairperson of the Goals Panel, the head of a department or agency shall furnish such information to the Goals Panel to the extent permitted by law.

"(3) POSTAL SERVICES.—The Goals Panel may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

"(4) USE OF FACILITIES.—The Goals Panel may, with or without reimbursement, and with the consent of any agency or instrumentality of the United States, or of any State or political subdivision thereof, use the research, equipment, services, and facilities of such agency, instrumentality, State, or subdivision, respectively.

"(5) ADMINISTRATIVE ARRANGEMENTS AND SUPPORT.—

"(A) IN GENERAL.—The Secretary shall provide to the Goals Panel, on a reimbursable basis, such administrative support services as the Goals Panel may request.

"(B) CONTRACTS AND OTHER ARRANGEMENTS.—The Secretary, to the extent appropriate, and on a reimbursable basis, shall enter into contracts and make other arrangements that are requested by the Goals Panel to help the Goals Panel compile and analyze data or carry out other functions necessary to the performance of such responsibilities.

"(6) GIFTS.—The Goals Panel may accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible.

"(e) ADMINISTRATIVE PROVISIONS.—

"(1) MEETINGS.—The Goals Panel shall meet on a regular basis, as necessary, at the call of the Chairperson of the Goals Panel or a majority of the Goals Panel's members.

"(2) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

"(3) VOTING AND FINAL DECISION.—

"(A) VOTING.—No individual may vote, or exercise any of the powers of a member, by proxy.

"(B) FINAL DECISIONS.—

"(i) CONSENSUS.—In making final decisions of the Goals Panel with respect to the exercise of the Goals Panel's duties and powers the Goals Panel shall operate on the principle of consensus among the members of the Goals Panel.

"(ii) VOTES.—Except as otherwise provided in this section, if a vote of the membership of the Goals Panel is required to reach a final decision with respect to the exercise of the Goals Panel's duties and powers, then such final decision shall be made by a 3/4 vote of the members of the Goals Panel who are present and voting.

"(4) PUBLIC ACCESS.—The Goals Panel shall ensure public access to the Goals Panel's proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and make available to the public, at reasonable cost, transcripts of such proceedings.

"(f) DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.—

"(1) DIRECTOR.—The Chairperson of the Goals Panel, without regard to the provisions of title 5, United States Code, relating

to the appointment and compensation of officers or employees of the United States, shall appoint a Director of the Goals Panel to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

“(2) APPOINTMENT AND PAY OF EMPLOYEES.—

“(A) APPOINTMENT.—

“(i) IN GENERAL.—The Director may appoint not more than 4 additional employees to serve as staff to the Goals Panel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

“(ii) PAY.—The employees appointed under subparagraph (A) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS-15 of the General Schedule.

“(B) ADDITIONAL EMPLOYEES.—The Director may appoint additional employees to serve as staff to the Goals Panel in accordance with title 5, United States Code.

“(3) EXPERTS AND CONSULTANTS.—The Goals Panel may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

“(4) STAFF OF FEDERAL AGENCIES.—Upon the request of the Goals Panel, the head of any department or agency of the United States may detail any of the personnel of such agency to the Goals Panel to assist the Goals Panel in the Goals Panel's duties under this section.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part \$2,500,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.”

(b) TRANSITION RULE.—Each individual who is a member or employee of the National Education Goals Panel on the date of enactment of the Elementary and Secondary Education Amendments of 1999 shall be a member or employee, respectively, of the America's Education Goals Panel, without interruption or loss of service or status.

TITLE XII—PUBLIC SCHOOL REPAIR AND RENOVATION

SEC. 1201. PUBLIC SCHOOL REPAIR AND RENOVATION.

Title XII (20 U.S.C. 8501 et seq.) is amended to read as follows:

“TITLE XII—PUBLIC SCHOOL REPAIR AND RENOVATION

“SEC. 12001. FINDINGS.

“Congress finds as follows:

“(1) The General Accounting Office estimated in 1995 that it would cost \$112,000,000,000 to bring our Nation's school facilities into good overall condition.

“(2) The General Accounting Office also found in 1995 that 60 percent of the Nation's schools, serving 28,000,000 students, reported that 1 or more building features, such as roofs and plumbing, needed to be extensively repaired, overhauled, or replaced.

“(3) The National Center for Education Statistics reported that the average age for a school building in 1998 was 42 years and that local educational agencies with relatively high rates of poverty tend to have relatively old buildings.

“(4) School condition is positively correlated with student achievement, according to a number of research studies.

“(5) The results of a recent survey indicate that the condition of schools with large proportions of students living on Indian lands is particularly poor.

“(6) While school repair and renovation are primarily a State and local concern, some

States and communities are not, on their own, able to meet the burden of providing adequate school facilities for all students, and the poorest communities have had the greatest difficulty meeting this need. It is, therefore, appropriate for the Federal Government to provide assistance to high-need communities for school repair and renovation.

“SEC. 12002. PURPOSE.

“The purpose of this title is to assist high-need local educational agencies in making urgent repairs and renovations to public school facilities in order to—

“(1) reduce health and safety problems, including violations of local or State fire codes, faced by students; and

“(2) improve the ability of students to learn in their school environment.

“SEC. 12003. AUTHORIZED ACTIVITIES.

“(a) IN GENERAL.—A recipient of a grant or loan under this title shall use the grant or loan funds to carry out the purpose of this title by—

“(1) repairing or replacing roofs, electrical wiring or plumbing systems;

“(2) repairing, replacing, or installing heating, ventilation, or air conditioning systems;

“(3) ensuring that repairs and renovations under this title comply with the requirements of section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 relating to the accessibility of public school programs to individuals with disabilities; and

“(4) making other types of school repairs and renovations that the Secretary may reasonably determine are urgently needed, particularly projects to correct facilities problems that endanger the health and safety of students and staff such as violations of State or local fire codes.

“(b) LIMITATION.—The Secretary shall not approve an application for a grant or loan under this title unless the applicant demonstrates to the Secretary's satisfaction that the applicant lacks sufficient funds, from other sources, to carry out the repairs or renovations for which the applicant is requesting assistance.

“SEC. 12004. GRANTS TO LOCAL EDUCATIONAL AGENCIES WITH HIGH CONCENTRATIONS OF STUDENTS LIVING ON INDIAN LANDS.

“(a) GRANTS AUTHORIZED.—From funds available under section 12008(a), the Secretary shall award grants to local educational agencies to enable the agencies to carry out the authorized activities described in section 12003 and subsection (e).

“(b) ELIGIBILITY.—A local educational agency is eligible for a grant under this section if the number of children determined under section 8003(a)(1)(C) of this Act for that agency constituted at least 50 percent of the number of children who were in average daily attendance at the schools of such agency during the preceding school year.

“(c) ALLOCATION OF FUNDS.—The Secretary shall allocate funds available to carry out this section to eligible local educational agencies based on their respective numbers of children in average daily attendance who are counted under section 8003(a)(1)(C) of this Act.

“(d) APPLICATIONS.—Each eligible local educational agency that desires to receive a grant under this section shall submit an application to the Secretary that includes—

“(1) a statement of how the agency will use the grant funds;

“(2) a description of the steps the agency will take to adequately maintain the facilities that the agency repairs, renovates, or constructs with those funds; and

“(3) such other information and assurances as the Secretary may reasonably require.

“(e) CONSTRUCTION OF NEW SCHOOLS.—In addition to any other activity authorized under section 12003, an eligible local educational agency may use grant funds received under this section to construct a new school if the agency demonstrates to the Secretary's satisfaction that the agency will replace an existing school that is in such poor condition that renovating the school will not be cost-effective.

“SEC. 12005. GRANTS TO HIGH-POVERTY LOCAL EDUCATIONAL AGENCIES.

“(a) GRANTS AUTHORIZED.—From funds available under section 12008(b)(1), the Secretary shall make grants, on a competitive basis, to local educational agencies with poverty rates of 25 percent or greater to enable the agencies to carry out the authorized activities described in section 12003.

“(b) CRITERIA FOR AWARDED GRANTS.—In awarding grants under this section, the Secretary shall consider—

“(1) the poverty rate, the need for school repairs and renovations, and the fiscal capacity of each local educational agency; and

“(2) such other factors as the Secretary determines appropriate.

“(c) APPLICATIONS.—Each eligible local educational agency that desires to receive a grant under this section shall submit an application to the Secretary that includes—

“(1) a description of the agency's urgent need for school repair and renovation and of how the agency will use funds available under this title to meet those needs;

“(2) information on the fiscal effort that the agency is making in support of education and evidence demonstrating that the agency lacks the capacity to meet the agency's urgent school repair and renovation needs without assistance made available under this title;

“(3) a description of the steps the agency will take to adequately maintain the facilities that the agency repairs or renovates with the assistance; and

“(4) such other information and assurances as the Secretary may reasonably require.

“SEC. 12006. SCHOOL RENOVATION GRANTS AND LOANS.

“(a) GRANTS AND LOANS AUTHORIZED.—From funds available under section 12008(b)(2), the Secretary shall make grants, and shall pay the cost of loans made, on a competitive basis, to local educational agencies that lack the ability to fund urgent school repairs without a grant or loan provided under this section to enable the agencies to carry out the authorized activities described in section 12003.

“(b) LOAN PERIOD.—Each loan under this section shall be for a period of 7 years and shall carry an interest rate of 0 percent.

“(c) CRITERIA FOR MAKING LOANS.—In making loans under this section, the Secretary shall consider—

“(1) the extent of poverty, the need for school repairs and renovations, and the fiscal capacity of each applicant; and

“(2) such other factors as the Secretary determines appropriate.

“(d) APPLICATIONS.—Each eligible local educational agency that desires to receive a grant or loan under this section shall submit an application to the Secretary that includes the information described in section 12005(c).

“(e) CREDIT STANDARDS.—In carrying out this section, the Secretary—

“(1) shall not extend credit without finding that there is reasonable assurance of repayment; and

“(2) may use credit enhancement techniques, as appropriate, to reduce the credit risk of loans.

“SEC. 12007. PROGRESS REPORTS.

“The Secretary shall require recipients of grants and loans under this title to submit

progress reports and such other information as the Secretary determines necessary to ensure compliance with this title and to evaluate the impact of activities assisted under this title.

“SEC. 12008. AUTHORIZATION OF APPROPRIATIONS.

“(a) GRANTS UNDER SECTION 12004.—For the purpose of making grants under section 12004, there are authorized to be appropriated \$50,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

“(b) GRANTS UNDER SECTION 12005 AND GRANTS AND LOANS UNDER SECTION 12006.—For the purpose of making grants under section 12005, and grants and loans under section 12006, there are authorized to be appropriated \$1,250,000,000 for fiscal year 2001 and such sums as may be necessary for each of the succeeding 4 years, of which—

“(1) 10 percent shall be available for grants under section 12005; and

“(2) 90 percent shall be available to make grants and to pay the cost of loans under section 12006.

“(c) LIMITATION ON LOAN VOLUME.—Within the available resources and authority, gross obligations for the principal amount of direct loans offered by the Secretary under section 12006 for fiscal year 2001 shall not exceed \$7,000,000,000, or the amount specified in an applicable appropriations Act, whichever is greater.

“SEC. 12009. DEFINITIONS.

“For the purpose of this title, the following terms have the following meanings:

“(1) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ has the meaning given that term in section 14101(18)(A) and (B) of this Act.

“(2) PUBLIC SCHOOL FACILITY.—

“(A) IN GENERAL.—The term ‘public school facility’ means a public building whose primary purpose is the instruction of public elementary or secondary students.

“(B) EXCLUSIONS.—The term excludes athletic stadiums or any other structure or facility intended primarily for athletic exhibitions, contests, games, or events for which admission is charged to the general public.

“(3) REPAIR AND RENOVATION.—The term ‘repair and renovation’ used with respect to an existing public school facility, means the repair or renovation of the facility without increasing the size of the facility.”

TITLE XIII—COMPREHENSIVE REGIONAL ASSISTANCE CENTERS

Title XVIII (20 U.S.C. 8601 et seq.) is amended to read as follows:

“TITLE XVIII—COMPREHENSIVE REGIONAL ASSISTANCE CENTERS

“SEC. 13101. PROGRAM AUTHORIZED.

“(a) COMPREHENSIVE REGIONAL ASSISTANCE CENTERS.—

“(1) IN GENERAL.—The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, public or private nonprofit entities or consortia of such entities in order to establish a networked system of 15 comprehensive regional assistance centers to provide comprehensive training and technical assistance, related to administration and implementation of programs under this Act, to States, local educational agencies, schools, tribes, community-based organizations, and other recipients of funds under this Act.

“(2) CONSIDERATION.—In establishing comprehensive regional assistance centers and allocating resources among the centers, the Secretary shall consider—

“(A) the geographic distribution of students assisted under title I;

“(B) the geographic and linguistic distribution of students of limited-English proficiency;

“(C) the geographic distribution of Indian students;

“(D) the special needs of students living in urban and rural areas; and

“(E) the special needs of States and outlying areas in geographic isolation.

“(3) SPECIAL RULE.—The Secretary shall establish 1 comprehensive regional assistance center under this section in Hawaii.

“(b) SERVICE TO INDIANS AND ALASKA NATIVES.—The Secretary shall ensure that each comprehensive regional assistance center that serves a region with a significant population of Indian or Alaska Native students shall—

“(1) be awarded to a consortium which includes a tribally controlled community college or other Indian organization; and

“(2) assist in the development and implementation of instructional strategies, methods and materials which address the specific cultural and other needs of Indian or Alaska Native students.

“(c) ACCOUNTABILITY.—To ensure the quality and effectiveness of the networked system of comprehensive regional assistance centers supported under this part, the Secretary shall—

“(1) develop, in consultation with the Assistant Secretary for Elementary and Secondary Education, the Director of Bilingual Education and Minority Languages Affairs, and the Assistant Secretary for Educational Research and Improvement, a set of performance indicators that assesses whether the work of the centers assists in improving teaching and learning under this Act for all children, particularly children at risk of educational failure;

“(2) conduct surveys every two years of populations to be served under this Act to determine if such populations are satisfied with the access to and quality of such services;

“(3) collect, as part of the Department’s reviews of programs under this Act, information about the availability and quality of services provided by the centers, and share that information with the centers; and

“(4) take whatever steps are reasonable and necessary to ensure that each center performs its responsibilities in a satisfactory manner, which may include—

“(A) termination of an award under this part (if the Secretary concludes that performance has been unsatisfactory) and the selection of a new center; and

“(B) whatever interim arrangements the Secretary determines are necessary to ensure the satisfactory delivery of services under this part to an affected region.

“(d) DURATION.—Grants, contracts or cooperative agreements under this section shall be awarded for a period of 5 years.

“SEC. 13102. REQUIREMENTS OF COMPREHENSIVE REGIONAL ASSISTANCE CENTERS.

“(a) IN GENERAL.—Each comprehensive regional assistance center established under section 13101(a) shall—

“(1) maintain appropriate staff expertise and provide support, training, and assistance to State educational agencies, tribal divisions of education, local educational agencies, schools, and other grant recipients under this Act, in—

“(A) improving the quality of instruction, curricula, assessments, and other aspects of school reform, supported with funds under title I;

“(B) implementing effective schoolwide programs under section 1114;

“(C) meeting the needs of children served under this Act, including children in high-poverty areas, migratory children, immigrant children, children with limited-English proficiency, neglected or delinquent children, homeless children and youth, Indian

children, children with disabilities, and, where applicable, Alaska Native children and Native Hawaiian children;

“(D) implementing high-quality professional development activities for teachers, and where appropriate, administrators, pupil services personnel and other staff;

“(E) improving the quality of bilingual education, including programs that emphasize English and native language proficiency and promote multicultural understanding;

“(F) creating safe and drug-free environments, especially in areas experiencing high levels of drug use and violence in the community and school;

“(G) implementing educational applications of technology;

“(H) coordinating services and programs to meet the needs of students so that students can fully participate in the educational program of the school;

“(I) expanding the involvement and participation of parents in the education of their children;

“(J) reforming schools, school systems, and the governance and management of schools;

“(K) evaluating programs; and

“(L) meeting the special needs of students living in urban and rural areas and the special needs of local educational agencies serving urban and rural areas;

“(2) ensure that technical assistance staff have sufficient training, knowledge, and expertise in how to integrate and coordinate programs under this Act with each other, as well as with other Federal, State, and local programs and reforms;

“(3) provide technical assistance using the highest quality and most cost-effective strategies possible;

“(4) coordinate services, work cooperatively, and regularly share information with, the regional educational laboratories, research and development centers, State literacy centers authorized under the National Literacy Act of 1991, and other entities engaged in research, development, dissemination, and technical assistance activities which are supported by the Department as part of a Federal technical assistance system, to provide a broad range of support services to schools in the region while minimizing the duplication of such services;

“(5) work collaboratively with the Department’s regional offices;

“(6) consult with representatives of State educational agencies, local educational agencies, and populations served under this Act;

“(7) provide services to States, local educational agencies, tribes, and schools in order to better implement the purposes of this part; and

“(8) provide professional development services to State educational agencies and local educational agencies to increase the capacity of such entities to provide high-quality technical assistance in support of programs under this Act.

“(b) PRIORITY.—Each comprehensive regional assistance center assisted under this part shall give priority to servicing—

“(1) schoolwide programs under section 1114; and

“(2) local educational agencies and Bureau-funded schools with the highest percentages or numbers of children in poverty.

“SEC. 13103. MAINTENANCE OF SERVICE AND APPLICATION REQUIREMENTS.

“(a) MAINTENANCE OF SERVICE.—The Secretary shall ensure that the comprehensive regional assistance centers funded under this part provide technical assistance services that address the needs of educationally disadvantaged students, including students in urban and rural areas, and bilingual, migrant, immigrant, and Indian students, that are at least comparable to the level of such

technical assistance services provided under programs administered by the Secretary on the day preceding the date of enactment of the Improving America's Schools Act of 1994.

“(b) APPLICATION REQUIREMENTS.—Each entity or consortium desiring assistance under this part shall submit an application to the Secretary at such time, in such manner and accompanied by such information, as the Secretary may require. Each such application shall—

“(1) demonstrate how the comprehensive regional assistance center will provide expertise and services in the areas described in section 13102;

“(2) demonstrate how such centers will work to conduct outreach to local educational agencies receiving priority under section 13102;

“(3) demonstrate support from States, local educational agencies and tribes in the area to be served;

“(4) demonstrate how such centers will ensure a fair distribution of services to urban and rural areas; and

“(5) provide such other information as the Secretary may require.

“SEC. 13104. TRANSITION.

“(a) EXTENSION OF PREVIOUS CENTERS.—The Secretary shall, notwithstanding any other provision of law, use funds appropriated under section 13105 to extend or continue contracts and grants for existing comprehensive regional assistance centers assisted under this Act (as such Act was in effect on the day preceding the date of enactment of the Educational Excellence for All Children Act of 2000), and take other necessary steps to ensure a smooth transition of services provided under this part and that such services will not be interrupted, curtailed, or substantially diminished.

“(b) STAFF EXPERTISE.—In planning for the competition for the new comprehensive regional assistance centers under this part, the Secretary may draw on the expertise of staff from existing comprehensive regional assistance centers assisted under this Act prior to the date of enactment of the Educational Excellence for All Children Act of 2000.

“SEC. 13105. AUTHORIZATION OF APPROPRIATIONS.

“For the purpose of carrying out this part, there are authorized to be appropriated \$70,000,000 for fiscal year 2001 and such sums as may be necessary for each of the four succeeding fiscal years.”

TITLE XIV—AMENDMENTS TO OTHER LAWS; REPEALS

PART A—AMENDMENTS TO OTHER LAWS

SEC. 1401. AMENDMENTS TO THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.

(a) POLICY.—Section 721(3) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11421 et seq.; hereinafter referred to in this section as “the Act”) is amended by striking “should not be” and inserting “is not”.

(b) GRANTS TO STATES FOR STATE AND LOCAL ACTIVITIES.—Section 722 of the Act is amended—

(1) in subsection (c)—

(A) in paragraph (2)(A)—

(i) by inserting “and” before “the Commonwealth of”; and

(ii) by striking “and Palau (until the effective date of the Compact of Free Association with the Government of Palau),”;

(B) in paragraph (3)—

(i) by inserting “and” before “the Commonwealth of”; and

(ii) by striking “, or Palau”;

(2) in subsection (e), by adding at the end the following new paragraph:

“(3) PROHIBITION ON SEGREGATING HOMELESS STUDENTS.—In providing a free, appropriate

public education to a homeless child or youth, no State receiving funds under this subtitle shall segregate such child or youth, either in a separate school, or in a separate program within a school, based on such child or youth's status as homeless, except in accordance with section 723(a)(2)(B)(ii).”;

(3) in subsection (f)—

(A) by striking paragraph (1);

(B) by amending paragraph (4) to read as follows:

“(4) collect and transmit to the Secretary, at such time and in such manner as the Secretary may require, such information as the Secretary deems necessary to assess the educational needs of homeless children and youth within the State.”;

(C) by amending paragraph (6) to read as follows:

“(6) in order to improve the provision of comprehensive education and related services to homeless children and youth and their families, coordinate and collaborate with—

“(A) educators, including child development and preschool program personnel;

“(B) providers of services to homeless and runaway children and youth and homeless families (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youth);

“(C) local educational agency liaisons for homeless children and youth; and

“(D) community organizations and groups representing homeless children and youth and their families.”; and

(D) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively; and

(4) in subsection (g)—

(A) by amending paragraph (1)(H) to read as follows:

“(H) contain assurances that—

“(i) State and local educational agencies will adopt policies and practices to ensure that homeless children and youth are not segregated on the basis of their status as homeless or stigmatized; and

“(ii) local educational agencies in which homeless children and youth reside or attend school will—

“(I) post public notice of the educational rights of such children and youth where such children and youth receive services under this Act (such as family shelters, and soup kitchens); and

“(II) designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a liaison for homeless children and youth.”;

(B) by amending paragraph (3)(B) to read as follows:

“(B) In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

“(i) to the extent feasible, keep a homeless child or youth in his or her school of origin, except when doing so is contrary to the wishes of his or her parent or guardian; and

“(ii) provide a written explanation to the homeless child or youth's parent or guardian when the local educational agency sends such child or youth to a school other than the school of origin or a school requested by the parent or guardian.”;

(C) by amending paragraph (6) to read as follows:

“(6) COORDINATION.—(A) Each local educational agency serving homeless children and youth that receives assistance under this subtitle shall coordinate the provision of services under this part with local services agencies and other agencies or programs providing services to homeless children and youth and their families, including services

and programs funded under the Runaway and Homeless Youth Act.

“(B) Where applicable, each State and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzales National Affordable Housing Act to minimize educational disruption for children and youth who become homeless.

“(C) The coordination required in subparagraphs (A) and (B) shall be designed to—

“(i) ensure that homeless children and youth have access to available education and related support services; and

“(ii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homeless children and youth.”;

(D) in paragraph (7)(A)—

(i) in the matter before clause (i), by striking out “local educational agency that receives assistance under this subtitle shall designate a homelessness liaison to ensure that” and inserting in lieu thereof “local liaison for homeless children and youth, designated pursuant to subsection (g)(1)(H)(ii)(II), shall ensure that”;

(ii) by amending clause (i) to read as follows:

“(i) homeless children and youth enroll in, and have a full and equal opportunity to succeed in, schools of that agency.”;

(iii) in clause (ii), by striking out the period at the end thereof and inserting in lieu thereof a semicolon and “and”;

(iv) by adding a new clause (iii) to read as follows:

“(iii) the parents or guardians of homeless children and youth are informed of the education and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children.”; and

(v) by adding a new subparagraph (C) to read as follows:

“(C) Local educational agency liaisons for homeless children and youth shall, as a part of their duties, coordinate and collaborate with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youth.”; and

(E) by striking paragraph (9).

(c) LOCAL EDUCATIONAL AGENCY GRANTS.—Section 723 of the Act is amended—

(1) by amending subsection (a)(2) to read as follows:

“(2) SERVICES.—(A) Services under paragraph (1)—

“(i) may be provided through programs on school grounds or at other facilities;

“(ii) shall, to the maximum extent practicable, be provided through existing programs and mechanisms that integrate homeless individuals with non-homeless individuals; and

“(iii) shall be designed to expand or improve services provided as part of a school's regular academic program, but not replace that program.

“(B) Where services under paragraph (1) are provided on school grounds, schools—

“(i) may use funds under this Act to provide the same services to other children and youth who are determined by the local educational agency to be at risk of failing in, or dropping out of, schools, subject to the requirements of clause (ii) as applied to such other children and youth; and

“(ii) shall not provide services in settings within a school that segregate homeless children and youths from other children and youths, except as is necessary for short periods of time—

“(I) because of health and safety emergencies; or

“(II) to provide temporary, special, supplementary services to meet the unique needs of homeless children and youth.”; and

(2) in subsection (b)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively; and

(B) by adding a new paragraph (1) to read as follows:

“(1) an assessment of the educational and related needs of homeless children and youth in their district (which may be undertaken as a part of needs assessments for other disadvantaged groups);”;

(3) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—The State educational agency shall, in accordance with the requirements of this subtitle and from amounts made available to it under section 726, make competitive subgrants to local educational agencies that submit applications under subsection (b). Such subgrants shall be awarded on the basis of the need of such agencies for assistance under this subtitle and the quality of the applications submitted.”;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following new paragraph:

“(3) QUALITY.—In determining the quality of applications under paragraph (1), the State educational agency shall consider—

“(A) the applicant’s needs assessment under subsection (b)(1) and the likelihood that the program presented in the application will meet those needs;

“(B) the types, intensity, and coordination of the services to be provided under the program;

“(C) the involvement of parents or guardians;

“(D) the extent to which homeless children and youth will be integrated within the regular education program;

“(E) the quality of the applicant’s evaluation plan for the program;

“(F) the extent to which services provided under this subtitle will be coordinated with other available services; and

“(G) such other measures as the State educational agency deems indicative of a high-quality program.”;

(d) COLLECTION AND DISSEMINATION OF INFORMATION; REPORT.—Section 724 of the Act is amended—

(1) by striking subsection (f); and

(2) adding at the end the following new subsections:

“(f) INFORMATION.—(1) From funds appropriated under section 726, the Secretary shall, either directly or through grants, contracts, or cooperative agreements, periodically collect and disseminate data and information on:

“(A) the number and location of homeless children and youth;

“(B) the education and related services such children and youth receive;

“(C) the extent to which such needs are being met; and

“(D) such other data and information as the Secretary deems necessary and relevant to carry out this subtitle.

“(2) The Secretary shall coordinate such collection and dissemination with the other agencies and entities that receive assistance and administer programs under this subtitle.

“(g) REPORT.—Not later than four years after the date of the enactment of the Educational Excellence for All Children Act of 1999, the Secretary shall prepare and submit to the President and appropriate committees of the House of Representatives and the Senate a report on the status of education of

homeless youth and children, which may include information on—

“(1) the education of homeless children and youth; and

“(2) the actions of the Department and the effectiveness of the programs supported under this subtitle.”;

(e) Section 726 of the Act is amended to read:

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 726. For the purpose of carrying out this subtitle, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.”.

SEC. 1402. AMENDMENTS TO OTHER LAWS.

(a) PERKINS ACT.—Section 116(a) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2326(a)) is amended by striking out paragraph (5).

(b) HIGHER EDUCATION ACT OF 1965.—Section 317(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)(10)) is amended by striking out “9308” and inserting in lieu thereof “9306”.

(c) PRO-CHILDREN ACT OF 1994.—The Pro-Children Act of 1994 (20 U.S.C. 6081 et seq.) is amended—

(1) in section 1042(2)—

(A) by striking out “education”; and

(B) in subparagraph (A)(i), by striking “or the Secretary of Education”; and

(2) in section 1043—

(A) in subsection (a), by striking “kindergarten, elementary, or secondary education or”; and

(B) in subsection (c)—

(i) in paragraph (1)—

(I) in the heading thereof, by striking “KINDERGARTEN, ELEMENTARY, OR SECONDARY EDUCATION OR”; and

(II) by striking out kindergarten, elementary, or secondary education or”; and

(ii) in paragraph (3), by striking out “kindergarten, elementary, or secondary education or”.

(d) DEPARTMENT OF EDUCATION ORGANIZATION ACT.—Section 216 of the Department of Education Organization Act (as added by Public Law 103-227) (20 U.S.C. 3425) is amended—

(1) in subsection (a), by striking “Director” each place the term appears and inserting “Assistant Secretary”;

(2) in subsection (b), by striking “Director” each place the term appears and inserting “Assistant Secretary”;

(3) in subsection (c), by striking “Director” and inserting “Assistant Secretary”; and

(4) by redesignating such section (as so amended) as section 218 of such Act.

PART B—REPEALS

SEC. 1411. REPEALS.

The Goals 2000: Educate America Act (Public Law 103-227) is amended—

(1) by repealing titles I, II, III, IV, VII, and VIII; and

(2) in title X, by repealing part B.

AKAKA AMENDMENT NO. 3112

(Ordered to lie on the table.)

Mr. AKAKA submitted an amendment intended to be proposed by him to the bill, S. 2, supra; as follows:

On page 721, between lines 12 and 13, insert the following:

(d) CHILDREN WITH DISABILITIES.—Section 8003(d) (20 U.S.C. 7703(d)) is amended—

(1) in paragraph (1), by inserting after “educational agency,” the following: “, and each State agency designated as the lead State agency under part C of the Individuals with Disabilities Education Act that is determined to be eligible by the Secretary.”; and

(2) in paragraph (2), by inserting “, or State agency referred to in paragraph (1),” after “agency”.

On page 721, line 13, strike “(d)” and insert “(e)”.

On page 722, line 21, strike “(e)” and insert “(f)”.

VOINOVICH AMENDMENT NO. 3113

(Ordered to lie on the table.)

Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill, S. 2, supra; as follows:

At the end of title X, insert the following:

SEC. ____ INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Title X (20 U.S.C. 6301 et seq.) is amended by adding at the end the following:

“PART F—INDIVIDUALS WITH DISABILITIES EDUCATION ACT

“SEC. 10601. INDIVIDUALS WITH DISABILITIES EDUCATION ACT FUNDING.

“(a) SHORT TITLE.—This section may be cited as the ‘State and Local Educators Empowerment Act’.

“(b) PURPOSE.—The purpose of this section is to authorize local education leaders to fund selected programs by giving such leaders the flexibility to spend education dollars on programs under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

“(c) FINDINGS.—Congress makes the following findings:

“(1) All children deserve a quality education, including children with disabilities.

“(2) Programs implemented under the Individuals with Disabilities Education Act have been successful in enabling children with disabilities to participate more fully in mainstream schools.

“(3) The Individuals with Disabilities Education Act provides that the Federal Government and State and local governments are to share in the expense of educating children with disabilities and commits the Federal Government to provide funds to assist with the expenses of educating children with disabilities.

“(4) The amount of Federal money spent on education programs continues to grow at an enormous rate from \$21,000,000,000 in 1991 to more than \$35,000,000,000 in 2000.

“(5) The cost of educating a child with special educational needs is far greater than the cost of educating a child without such needs.

“(6) The Individuals with Disabilities Education Act represents a commitment by the Federal Government to fund 40 percent of the average per-pupil expenditure on special education in public elementary and secondary schools in the United States.

“(7) Education leaders throughout the Nation support honoring the commitment in the Individuals with Disabilities Education Act to fully fund programs carried out under such Act.

“(8) To date, the Federal Government has never contributed more than 12.6 percent of the national average per pupil expenditure to assist with the expenses of educating children with disabilities under the Individuals with Disabilities Education Act.

“(9) Failing to meet the Federal Government’s commitment to assist with the expense of educating a child with a disability contradicts the goal of ensuring that children with disabilities receive a quality education.

“(10) The failure of the Federal Government to provide full funding for programs under the Individuals with Disabilities Education Act results in placing a great burden on the States by creating an unfunded mandate.

"(11) The mandate impedes the ability of State and local education leaders to fund their own education priorities, such as hiring new teachers, building schools, providing after-school programs, improving technology and training in schools, and creating community learning centers.

"(d) INDIVIDUALS WITH DISABILITIES EDUCATION ACT FUNDING.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, a local educational agency may use funds—

"(A) made available to the local educational agency under this Act (other than under title I) pursuant to a State grant program established on or after the date of enactment of the Educational Opportunities Act, or

"(B) made available to the local educational agency under this Act (other than under title I) pursuant to a State grant program that is in excess of the amount made available to the local educational agency under the State program for fiscal year 2000, to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

"(2) STATE GRANT PROGRAM.—In this part, the term 'State grant program' means any program carried out under this Act (other than under title I) in which the Secretary awards grants to States on a discretionary basis or on the basis of a formula. Such term does not include a program under this Act in which the Secretary awards grants to States on a competitive basis or in which the State awards grants to local educational agencies on a competitive basis."

SANTORUM AMENDMENT NO. 3114

(Ordered to lie on the table.)

Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill, S. 2, supra; as follows:

On page 532, line 3, strike the end quotation marks and the second period and insert the following:

"PART ____—NATIONAL CLEARINGHOUSE FOR YOUTH ENTREPRENEURSHIP EDUCATION

"SEC. ____1. NATIONAL CLEARINGHOUSE FOR YOUTH ENTREPRENEURSHIP EDUCATION.

"(a) PROGRAM AUTHORIZED.—The Secretary may award a grant or contract to an organization or institution with substantial experience in curriculum-based entrepreneurship education to establish a national clearinghouse for youth entrepreneurship education. The clearinghouse shall facilitate professional development opportunities for teachers, stimulate community partnerships with businesses, youth agencies, and nonprofit entities (including faith-based, non-profit, and other local organizations), collect and disseminate curricular materials, and undertake other activities, to encourage teacher interest and involvement in entrepreneurship education, especially for students in grades 7 through 12.

"(b) FUNDING.—The Secretary shall make available \$500,000 from funds otherwise available to the Department of Education for administrative expenses, to carry out this section for each of fiscal years 2001 through 2003.

"SEC. ____2. USE OF FUNDS FROM OTHER PROGRAMS FOR YOUTH ENTREPRENEURSHIP.

"(a) IN GENERAL.—The Secretary may use funds made available under any of the provisions described in subsection (b) to award grants and contracts to organizations and institutions with demonstrated records of empowering disadvantaged youth by teaching the youth applied math, entrepreneurial, and other analytical skills, to enable the organi-

zations and institutions to carry out curriculum-based youth entrepreneurship education programs.

"(b) COVERED PROVISIONS.—The provisions referred to in subsection (a) are—

"(1) subparts 1 and 2 of part D, and part E, of title I;

"(2) subparts 1, 2, and 4 of part A, and part B, of title III;

"(3) subparts 1 and 2 of part A of title IV;

"(4) parts B and C of title VI; and

"(5) part A, and subparts 1 and 2 of part J, of title X."

BOXER AMENDMENTS NOS. 3115–3116

(Ordered to lie on the table.)

Mrs. BOXER submitted two amendments intended to be proposed by her to the bill, S. 2, supra; as follows:

AMENDMENT NO. 3115

Beginning on page 250, strike line 9 and all that follows through line 14 on page 254, and insert the following:

"SEC. 3103. PROGRAM AUTHORIZATION.

"(a) GRANTS BY THE SECRETARY TO LOCAL EDUCATIONAL AGENCIES FOR SCHOOLS.—The Secretary is authorized, in accordance with the provisions of this part, to award grants to local educational agencies for the support of public elementary schools or secondary schools, including middle schools, that serve communities with substantial needs for expanded learning opportunities for children and youth in the communities, to enable the schools to establish or expand projects that benefit the educational, health, social service, cultural, and recreational needs of communities.

"(b) EQUITABLE DISTRIBUTION.—In awarding grants under this part, the Secretary shall assure an equitable distribution of assistance among the States and among urban and rural areas of the United States.

"(c) GRANT PERIOD.—The Secretary shall award grants under this part for a period not to exceed 5 years.

"(d) AMOUNT.—The Secretary shall not award a grant under this part in any fiscal year in an amount less than \$35,000.

"SEC. 3104. APPLICATION REQUIRED.

"(a) APPLICATION.—To be eligible to receive a grant under this part, a local educational agency shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably prescribe.

"(b) CONTENTS OF APPLICATION.—Each application under subsection (a) shall include—

"(1) a comprehensive local plan that enables the school to serve as a center for the delivery of education and human resources for members of a community;

"(2) an evaluation of the needs, available resources, and goals and objectives for the proposed project in order to determine which activities will be undertaken to address such needs;

"(3) a description of the proposed project, including—

"(A) a description of the mechanism that will be used to disseminate information in a manner that is understandable and accessible to the community;

"(B) identification of Federal, State, and local programs to be merged or coordinated so that public resources may be maximized, including programs under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

"(C) a description of the collaborative efforts to be undertaken by community-based organizations, related public agencies, students, parents, teachers, school administrators, local government, including law en-

forcement organizations such as Police Athletic and Activity Leagues, businesses, or other appropriate organizations;

"(D) a description of how the school will serve as a delivery center for existing and new services, especially for interactive telecommunication used for education and professional training; and

"(E) an assurance that the school will establish a facility utilization policy that specifies states—

"(i) the rules and regulations applicable to building and equipment use; and

"(ii) supervision guidelines;

"(4) information demonstrating that the local educational agency will—

"(A) provide not less than 35 percent of the annual cost of the activities assisted under the project from sources other than funds provided under this part, which contribution may be provided in cash or in kind, fairly evaluated; and

"(B) provide not more than 25 percent of the annual cost of the activities assisted under the project from funds provided by the Secretary under other Federal programs that permit the use of those other funds for activities assisted under the project; and

"(5) an assurance that the local educational agency, in each year of the project, will maintain the agency's fiscal effort, from non-Federal sources, from the preceding fiscal year for the activities the local educational agency provides with funds provided under this part.

"(b) PRIORITY.—The Secretary shall give priority to applications describing projects that offer a broad selection of services which address the needs of the community.

"SEC. 3105. USES OF FUNDS.

"(a) IN GENERAL.—Grants awarded under this part may be used to establish or expand community learning centers. The centers may provide 1 or more of the following activities:

"(1) Literacy education programs.

"(2) Senior citizen programs.

"(3) Children's day care services.

"(4) Integrated education, health, social service, recreational, or cultural programs.

"(5) Summer and weekend school programs in conjunction with recreation programs.

"(6) Nutrition and health programs.

"(7) Expanded library service hours to serve community needs.

"(8) Telecommunications and technology education programs for individuals of all ages.

"(9) Parenting skills education programs.

"(10) Support and training for child day care providers.

"(11) Employment counseling, training, and placement, and job skills preparation.

"(12) Services for individuals who leave school before graduating from secondary school, regardless of the age of such individual.

"(13) Services for individuals with disabilities.

"(14) After school programs, that—

"(A) shall include at least 2 of the following—

"(i) mentoring programs;

"(ii) academic assistance;

"(iii) recreational activities; or

"(iv) technology training; and

"(B) may include—

"(i) drug, alcohol, and gang prevention activities;

"(ii) health and nutrition counseling; and

"(iii) job skills preparation activities.

"(b) LIMITATION.—Not less than 2/3 of the amount appropriated under section 10907 for each fiscal year shall be used for after school programs, as described in paragraph (14). Such programs may also include activities described in paragraphs (1) through (13) that

offer expanded opportunities for children or youth.

“(c) ADMINISTRATION.—In carrying out the activities described in subsection (a), a local educational agency or school shall, to the greatest extent practicable—

“(1) request volunteers from business and academic communities, and law enforcement organizations, such as Police Athletic and Activity Leagues, to serve as mentors or to assist in other ways;

“(2) ensure that youth in the local community participate in designing the after school activities;

“(3) develop creative methods of conducting outreach to youth in the community;

“(4) request donations of computer equipment and other materials and equipment; and

“(5) work with State and local park and recreation agencies so that activities carried out by the agencies prior to the date of enactment of this subsection are not duplicated by activities assisted under this part.”.

“SEC. 3106. DEFINITION.

“For the purpose of this part, the term ‘community learning center’ means an entity within a public elementary or secondary school building that—

“(1) provides educational, recreational, health, and social service programs for residents of all ages within a local community; and

“(2) is operated by a local educational agency in conjunction with local governmental agencies, including law enforcement organizations such as the Police Athletic and Activity League, businesses, vocational education programs, institutions of higher education, community colleges, and cultural, recreational, and other community and human service entities.

“SEC. 3107. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated \$1,000,000,000 for fiscal year 2001, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this part.

AMENDMENT No. 3116

On page 254, line 11, strike “\$500,000,000” and insert “\$1,000,000,000”.

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, May 16, 2000, at 3 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to conduct general oversight on the U.S. Forest Service’s proposed transportation policy.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey (202) 224-2878.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of Oregon. Mr. President, I would like to announce for the infor-

mation of the Senate and the public that a legislative hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Wednesday, May 24, 2000, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 2163, a bill to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington; S. 2396, a bill to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; S. 2248, a bill to assist in the development and implementation of projects to provide for the control of drainage water, storm water, flood water, and other water as part of water-related integrated resource management, environmental infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California; S. 2410, a bill to increase the authorization of appropriations for the Reclamation Safety of Dams Act of 1978, and for other purposes; and S. 2425, a bill to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224-8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet at 3 p.m., on Wednesday, May 3, 2000, in executive session, to mark up the fiscal year 2001 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 3, 2000, at 9:30 a.m. on the Boston Central Artery Tunnel.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, May 3, 2000, at 2 p.m., to mark up pending legislation. The meeting will be held in the committee room, 485 Russell Senate Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, May 3, 2000, at 9:30 a.m., to receive testimony on political speech on the Internet.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT COMMITTEE ON TAXATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Joint Committee on Taxation be authorized to meet during the session of the Senate on Wednesday, May 3, 2000, to hear testimony on Joint Review of the Strategic Plans and Budget of the IRS.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND FORCES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet at 11 a.m., on Wednesday, May 3, 2000, in executive session, to mark up the FY 2001 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet at 2 p.m., on Wednesday, May 3, 2000, in executive session, to mark up the FY 2001 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet at 9:30 a.m., on Wednesday, May 3, 2000, in Executive Session, to mark up the FY 2001 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Laura Chow, a legislative fellow in my office, be granted floor privileges during the entire debate on the Elementary and Secondary Education Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I ask unanimous consent for floor privileges for three individuals on Senate bill 2: Kathy Hogan-

Bruen, Meredith Miller, and Shannon Falten.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Ann Ifekwunigwe, a fellow of my office, be granted the privilege of the floor for the entire ESEA debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Matthew Lyon, a fellow with the Committee on Health, Education, Labor, and Pensions, be afforded floor privileges during the consideration of S. 2, the Educational Opportunities Act, and during any votes in relation thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, on behalf of Senator HATCH, I ask unanimous consent that Becky Shipp of Senator HATCH's staff and Jeff Taylor, a detailee from the Justice Department on the Judiciary Committee, be accorded the privileges of the floor during consideration of S. 2, the Education Opportunities Act, and during votes in relation to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, MAY 4, 2000

Mr. JEFFORDS. Mr. President, I ask unanimous consent that when the Senate completes its business today it adjourn until the hour of 9:45 a.m. on Thursday, May 4. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 2 under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. JEFFORDS. Mr. President, for the information of all Senators, at 9:45 a.m. the Senate will resume consideration of the Elementary and Secondary Education Act, with debate on the Abraham-Mack merit pay amendment to begin immediately. Following the consideration of that amendment, Senator MURRAY will be recognized to offer her amendment regarding class size. Votes are expected throughout the day. As usual, Senators will be notified as these votes are scheduled. As a reminder, the Senate will not meet on Friday in order to accommodate the Democratic retreat.

ORDER FOR ADJOURNMENT

Mr. JEFFORDS. If there is no further business to come before the Senate, I now ask unanimous consent that the

Senate stand in adjournment under the previous order, following the remarks of Senators BYRD and GRASSLEY.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia is recognized under the previous order.

MIKE EPSTEIN

Mr. BYRD. Mr. President:

God hath not promised
Skies always blue
Flower-strewn pathways
All our lives through;
God hath not promised
Sun without rain,
Joy without sorrow,
Peace without pain.

But God hath promised
Strength for the day,
Rest for the laborer,
And light on the way,
Grace for the trials,
Help from above,
Unfailing sympathy
And undying love.

Mr. President, I have quoted this bit of poetry because I am thinking of Mike Epstein, Senator WELLSTONE's long serving legislative director. Mike Epstein, I heard only yesterday, is gravely ill. I know that he is facing this news with the same gallant, noble, straightforward courage that has marked his entire life. I know because I employed him as a member of the Democratic Policy Committee staff when I was the majority leader of the Senate, and I have seen him in action. I have seen him at work many times.

Mike is a man of lively humor, great heart, idealistic vision, and pragmatic understanding. Despite many years on Capitol Hill, he has never lost his sense of purpose in public service. He has never lost his desire to make the world a better place in which to live. At the same time, he has accumulated the political savvy and acumen to rapidly size up a piece of legislation, weigh its strengths and weigh its weaknesses, and then deliver a succinct analysis on the spot. He has been a fixture on the Democratic bench during debate on many bills.

It seems it was only yesterday that I saw him back here on this bench. I always made it a point to speak to Mike as I went by. It may have been a week ago, it may have been 2 weeks ago, perhaps it was 3 weeks ago, but he was there. And, as I say, just like always, it was as though it was only a few hours ago.

He has shepherded a generation of inexperienced legislative assistants through the arcane minuet of amendment trees, tabling motions, and cloture votes. In this respect, as in so many others, Mike has been outstanding in his commitment to the Senate, to its traditions, and in giving one's best to the Nation. What more can one do?

The Senate is, in many ways, Mike's enduring passion. Legislation is his obsession. He was a "policy wonk" before that phrase was ever coined. His

friends are legion in both parties, and outside the Senate as well as inside the Senate, and outside both parties as well.

Senator WELLSTONE and his staff are part of Mike's extended Senate family. I know that everyone is shocked, just as I was shocked yesterday, at this unexpected news and that all my colleagues join me in offering Mike strength and comfort.

It brings home the memory of that scriptural passage which says:

Man that is born of a woman is of few days, and full of trouble.

He cometh forth like a flower, and is cut down: he fleeth also as a shadow, and continueth not.

Seneca once observed that "there is nothing in the world so much admired as a man who knows how to bear unhappiness with courage." As he bravely faces his toughest battle, Mike Epstein offers to each of us something further to admire and to cherish.

So tonight I shall go home, remembering Mike, sitting back there on that bench, looking at me, smiling.

I close with a short verse by Spencer Michael Free, "The Human Touch," which I believe best captures the warm and caring legacy of Mike Epstein's long and faithful service to the Senate:

'Tis the human touch in this world that counts,

The touch of your hand and mine,
Which means far more to the fainting heart

Than shelter and bread and wine;
For shelter is gone when the night is o'er,
And bread lasts only a day.

But the touch of the hand and the sound of the voice

Sing on in the soul away[s].

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until the hour of 9:45 a.m. tomorrow.

Thereupon, the Senate, at 7:03 p.m., adjourned until Thursday, May 4, 2000, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate May 3, 2000:

CORPORATION FOR PUBLIC BROADCASTING

KATHERINE MILNER ANDERSON, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2006. (REAPPOINTMENT)

DEPARTMENT OF ENERGY

GENERAL JOHN A. GORDON, UNITED STATES AIR FORCE, TO BE UNDER SECRETARY FOR NUCLEAR SECURITY, DEPARTMENT OF ENERGY. (NEW POSITION)

May 3, 2000

CONGRESSIONAL RECORD—SENATE

S3451

BROADCASTING BOARD OF GOVERNORS

MARC B. NATHANSON, OF CALIFORNIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2001. (REAPPOINTMENT)

MARC B. NATHANSON, OF CALIFORNIA, TO BE CHAIRMAN OF THE BROADCASTING BOARD OF GOVERNORS. (NEW POSITION)

TERM OF SEVEN YEARS EXPIRING MARCH 1, 2007, VICE BENJAMIN LEADER ERDERICH, RESIGNED.

MERIT SYSTEMS PROTECTION BOARD

BARBARA J. SAPIN, OF MARYLAND, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE

THE JUDICIARY

DENNIS M. CAVANAUGH, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY, VICE ALFRED M. WOLIN, RETIRING.

EXTENSIONS OF REMARKS

WORLD ASTHMA DAY 2000

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Ms. DeLAURO. Mr. Speaker, May 3, 2000 is World Asthma Day. Many of my Colleagues and I are strong supporters of federal, state, and local efforts to create and enhance awareness of asthma and to improve asthma care throughout this country and indeed throughout the world. I would also like to extend sincere thanks to the many thousands of Americans and others who work day after day to try to improve the way asthma is diagnosed and treated.

In the last 15 years, the prevalence of asthma has doubled throughout the world. More than 10 percent of children have asthma symptoms, and in some countries, as many as 30 percent are affected. In this country, asthma ranks among the most common chronic conditions, affecting more than 15 million Americans, including 4 million children, and causing more than 1.5 million emergency department visits, approximately 500,000 hospitalizations, and more than 5,500 deaths. The estimated direct and indirect monetary costs for this disease totaled \$11.3 billion in 1998, in the United States alone.

World Asthma Day 2000 is being marked by more than 80 countries throughout the world. It is a partnership between health care groups and asthma educators organized by the Global Initiative for Asthma (GINA), which is a collaboration between the National Heart, Lung, and Blood Institute (NHLBI) of the National Institutes of Health and the World Health Organization. On this day, thousands of people throughout the world will work together to create greater awareness of the need for every person with asthma to obtain a timely diagnosis, receive appropriate treatment, learn to manage their asthma in partnership with a health professional, and reduce exposure to environmental factors that make their asthma worse.

Among those participating in World Asthma Day, via a special World Asthma Day Internet site (www.Webvention.org), will be Dr. David Satcher, Surgeon General of the U.S., and Mr. Nelson Mandela, former President of the Republic of South Africa and currently Chairman of the South African National Asthma Campaign. Ministers of Health from Japan, Turkey, Malaysia and other countries will also be available on the Internet to answer questions about how the implementation of international asthma treatment guidelines can benefit patients and reduce health care costs.

In the U.S., local World Asthma Day activities are being coordinated by the NHLBI's National Asthma Education and Prevention Program (NAEPP) and are listed on its Web site (www.nhlbi.nih.gov). These activities range from local press conferences to school poster contests, and health fairs to science museum education programs.

The NAEPP, along with the National Library of Medicine (NLM), Howard University, the Office of the Mayor of the District of Columbia, the American Lung Association of the District of Columbia, and the D.C. public school system, will hold the official U.S. press conference to report on the state of asthma in the U.S. and what is being done to combat the problem. Invited guests include members of Congress; Olympians who have achieved their titles despite their asthma; Washington, D.C. elementary school students who have asthma; and representatives of selected community-based asthma coalitions from across the country. The press conference will be Webcast and shown on the World Asthma Day Web site.

Mr. Speaker, it is my hope that our colleagues will join in paying tribute to World Asthma Day and to those who suffer from this condition and those who are working to help them. It is hoped that with the continued support of the Congress, additional progress can be made in the efforts to prevent asthma, as well as to improve its diagnosis and treatment.

NATIONAL ASSOCIATION OF LETTER CARRIERS NATIONAL FOOD DRIVE DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. Gilman. Mr. Speaker, I would like to take this opportunity to publicly commend the National Association of Letter Carriers [NALC] for the good work they are doing nationwide and grant them well-deserved recognition and appreciation for their genuine humanitarian acts and for their good will.

As Americans, we enjoy one of the highest living standards in the world. Nevertheless, many people within our borders do not benefit from our Nation's great prosperity. In fact, many more Americans are hungry and malnourished than most people realize. Hunger is a serious problem that deserves national attention.

The NALC has undertaken a tremendous amount of initiative in solving this problem by planning their eighth annual national food drive day on May 13, 2000, which will be the largest one-day food drive in the country. Last year more than 1,500 NALC branches in all fifty states and U.S. jurisdictions collected 58.4 million pounds of food, and we are hopeful this record will be exceeded in the year 2000.

I considered it a privilege to have had the opportunity to participate in the "Stamp Out Hunger" food drive kickoff. The NALC branches in Westchester, Newburgh and Middletown honored me with the opportunity to assist them in their efforts to improve the lives of less fortunate individuals. Both NALC branches appear to be well on their way to another record-breaking food drive and I wish them success and the best of luck.

Mr. Speaker, I am honored to commend the NALC on their continued generosity and good

will. Their kind spirit and genuine care for less privileged individuals embody the values of brotherhood upon which this great nation was founded. I urge them to stay motivated and my best wishes are with them in all of their future endeavors.

I urge my colleagues to encourage people and organizations within their respective districts to follow the lead of the NALC and support those people who take personal initiative in making America a better place in which to live.

TRIBUTE TO M. DAVID COHEN

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. Sherman. Mr. Speaker, today I pay tribute to M. David Cohen, one of the most dedicated and committed individuals in our country for his humanitarian service throughout the world. Mr. Cohen's vision, expertise and active participation to serve those in need is legendary.

David's father, Hyman Louis Cohen, emigrated to the United States from Russia in 1923, settled in Chelsea, Massachusetts, and graduated from Northeastern University School of Law in 1936. His mother, Jean Goldberg Cohen, was born in Boston; his parents married in 1941. They were among the most active in their community, setting the example David was to emulate. At the age of 12, when David's mother suffered a massive heart attack and stroke, he stepped into her role and became chairperson of the Everett Leukemia Fund Drive. He organized youth groups, schools, churches, synagogues and public and private sector employees to raise the most money ever raised by that city in any charity drive.

David served in the United States Air Force as an Acting Jewish Chaplain in France, Spain, Morocco and Libya. He organized programs on and off base for the military and civilian population and served as a coordinator with the Joint Distribution Committee in Paris, resettling displaced persons from behind the Iron Curtain. He created a food service gathering and distribution program for the Little Sisters of the Poor which has continued successfully since 1962, and was a basis for what we now know as the "meals on wheels" programs. Upon being honorably discharged, he returned to Boston College to complete his studies.

Serving on many boards of directors of charitable and community organizations, Mr. Cohen's 44 years of volunteer work include International Special Olympics, Adam Walsh Child Resource Centers (missing and exploited children), American Youth Soccer (ATSO), Lokrantz School (M.O.V.E.), Presidents' Summit on America's Future, Jewish Home for the Aging and Elizabeth Kubler-Ross Foundation. Current service includes the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

University of Judaism, King Solomon Education Foundation (tuition reduction), Healing Hands Project (reconstructive surgery), Club SODA (after school safe haven for middle and high school students), Shomrei Torah Synagogue, Blue Eagle Foundation (community sports and education facility), St. Joseph Center and General Colin Powell's America's Promise. In addition, David is very proud of his many years of imaginative pro-bono support of and active participation with the Stephen S. Wise Temple and its Schools, the largest Reform Jewish Temple in the United States. He created and now chairs the first Stephen S. Wise Temple Corporate Resources Division.

David is frequently heard commenting, "My greatest accomplishment is my daughter, Danielle Elizabeth, who at 13 has learned, embraced and implements every day the very best of what concerned citizenship is all about. I know that as my parents set the example for me, Danielle will lead her generation and those who follow to make a significant difference in our community, our country and the world. As she always says, 'One can count'".

Mr. Speaker, distinguished colleagues, please join me in paying tribute to Mr. M. David Cohen as he continues his extraordinary commitment to the community and our country. He has earned and deserves our recognition, praise and respect.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Ms. CARSON. Mr. Speaker, I was unavoidably absent yesterday, Tuesday, May 2, 2000, and as a result, missed rollcall votes 131 and 132. Had I been present, I would have voted "yes" on roll call vote 131 and "yes" on rollcall vote 132.

IN HONOR OF AYHAN HASSAN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. ACKERMAN. Mr. Speaker, today I pay tribute to Ayhan Hassan who will be honored by the Residents For A More Beautiful Port Washington at its Annual Spring Gala on May 7th.

Ayhan Hassan truly exemplifies a person who has achieved the American dream. He was born in the Turkish portion of Cyprus, and became a citizen of the United States in 1982. During that year, Mr. Hassan opened Shish Kabab, one of the most successful restaurants in Port Washington and on Long Island. In 1995, Mr. Hassan's Fish Kebab restaurant debuted across the street and in 1995 he created a third successful business in downtown Port Washington, the Mediterranean Marketplace.

In addition to being a prominent restaurateur, Mr. Hassan has been a major contributor to the beautification of downtown Port Washington. Ayhan Hassan has incorporated the beauty of the natural environment

within his restaurants by using the trees, shrubs and flowers of Port Washington into the decorum of these properties.

Mr. Hassan has invested his time and also has used his own money to restore many of the old buildings in downtown Port Washington to play host to his three businesses. He has consulted many times with the members of the Residents For A More Beautiful Port Washington to inquire about how they would effectively make Port Washington a more enjoyable place to shop, eat and live. Ayhan Hassan is indeed a man dedicated to improving the quality of life for his community.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me today in honoring Ayhan Hassan for his many years of active service to Port Washington and in wishing him many more to come.

PERSONAL EXPLANATION

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. McINTYRE. Mr. Speaker, on Tuesday, May 2, 2000, I was in North Carolina participating in my state's primary election and was unavoidably absent for rollcall votes 131 and 132. Had I been present I would have voted "yes" on rollcall vote 131, and "yes" on rollcall vote 132.

HMONG VETERANS'
NATURALIZATION ACT OF 2000

SPEECH OF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 371, the Hmong Veterans Naturalization Act of 2000. I urge my colleagues to join in supporting this important legislation.

This legislation is long overdue. For too many years, the contributions made by our courageous Hmong allies during the Vietnam war went largely unrecognized. As we commemorate the 25th anniversary of the ignoble end to the Vietnam war, it is befitting that this bill has come to the House floor for consideration.

The Hmong veterans were an invaluable, staunch ally to the U.S. war effort in Southeast Asia. Throughout the Vietnam conflict, Hmong guerrilla units, operating out of their native Laos, collected vital intelligence, protected key American installations in remote mountain locations, and rescued downed American pilots. In a statement submitted to the Judiciary Subcommittee on Immigration and Claims in the 105th Congress, a former CIA intelligence officer estimated that Hmong operations out of Laos tied down 50,000 North Vietnamese troops in that country.

It is important to note that the Hmong veterans performed their invaluable guerrilla role at great peril to themselves and to their families. Moreover, many of them suffered dearly at the hands of the Communist North Vietnamese and Laotian forces after the U.S. withdrawal from Southeast Asia in 1972.

H.R. 371 provides special relief and consideration for those Hmong veterans who have sought to emigrate to the United States. It recognizes the fact that many of the Hmong face unique language problems that would normally disqualify them for U.S. citizenship. These problems stem from the Natural Cultural Barriers that exist between Asian and Western societies, as well as the distinct issue of an underdeveloped and underutilized Hmong written language.

H.R. 371 addresses this unique problem by waiving the English language requirement and provides special consideration for the civics requirement associated with naturalization. The bill was amended in subcommittee to address concerns over the potential for fraud by clearly outlining steps that needed to be taken to determine a veteran's eligibility, and limiting the total number of potential beneficiaries to 45,000.

Mr. Speaker, I reiterate that this legislation is long overdue. I visited Hmong Commanding General Vang-Pao at his field headquarters in Central Laos in 1973. At that time, I was deeply impressed at how these people were willing to place their own lives and welfare on the line to not only fight for their freedom, but also to assist our American war effort and to save American lives. To paraphrase the author of this legislation, their actions during the Vietnam war demonstrates that the Hmong have already passed the most important test of all, risking their lives to defend freedom and save American personnel.

Accordingly, for this, we owe them our gratitude. This legislation corrects a long overdue problem, and is a significant step on the road to repaying the debt we as a Nation owe the Hmong veterans.

TRIBUTE TO DR. DAVID RICHARD
PRESTON

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. SHERMAN. Mr. Speaker, today I pay tribute to Dr. David Richard Preston, an educator and management consultant who founded the Department of Organizational Behavior at Phillips Graduate Institute. In his capacity as Executive Director of this master's degree program, Dr. Preston teaches and guides the research of professional students who are learning how to make organizations more successful and humane.

Albert Einstein once wrote, "Try not to become a man of success, but rather a man of value." David Preston has spearheaded programs designed to promote personal, professional and organizational values for the past fifteen years. His efforts began as a high school student, when he developed and implemented events in which student leaders and public officials engaged in dialogue about policy, to the benefit of disabled students. Dr. Preston has maintained his ties to public education, through training teachers at UCLA and by volunteering in such programs as Students Run Los Angeles, in which he participated in the Los Angeles Marathon alongside students from Haddon Avenue Elementary School in Pacoima, California.

Dr. Preston's teaching expertise has been recognized locally and nationally. Over the

past seven years, his courses at UCLA have received praise from students and colleagues. He is sought after by professional associations and corporations for his expertise on topics such as team building, time management, leadership and motivation. Dr. Preston's first book, *Time for Success*, has helped many of his students and clients achieve their goals.

Two years ago, Dr. Preston was asked to create an academic program that would help professionals deal with the human issues that create challenges in organizations.

Phillips Graduate Institute invited Dr. Preston to write the curriculum, hire adjunct faculty, recruit students and create business alliances for what would eventually become the Department of Organizational Behavior. Today, the department serves approximately twenty students in each class. In addition to the basic skills needed in the business environment, each student takes courses such as Ethics, Conflict Resolution, and Organizational Change. Students are taught adult learning styles, how satisfaction is linked to performance, and how organizational values can lead to success beyond mere profit.

Dr. Preston's students are as ethnically and professionally diverse as the organizations they serve. In a recent class, a workgroup included an entrepreneur, a financial planner, a human resources specialist, and the CEO of a hospital. The common thread that weaves students together is that they work with people and have the desire to create and maintain successful long-term working relationships. By teaching management strategies that emphasize values such as honesty, loyalty, and teamwork, Dr. Preston is giving these students the tools that can change the face of business.

Mr. Speaker, distinguished colleagues, please join me in honoring Dr. David Richard Preston for his service both as Executive Director at Phillips Graduate Institute, and for his continual efforts to foster action on behalf of education in the business community. He is a role model for educators and business leaders who want to improve performance within their organizations, and together improve cooperation and corporate citizenship as a society.

IN RECOGNITION OF MASON LANKFORD FIRE SERVICE LEADERSHIP AWARD RECIPIENT PAUL BOECKER

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mrs. BIGGERT. Mr. Speaker, today I recognize and congratulate a true leader in fire safety and emergency preparedness with whom the people of the 13th District of Illinois have the distinct pleasure of living.

Tonight, that leadership will be honored at the National Fire and Emergency Services Dinner held by the Congressional Fire Services Institute. There, Paul Boecker, Fire Chief Emeritus of the Lisle-Woodridge Fire District, will receive the Mason Lankford Fire Service Leadership Award.

As my colleagues are no doubt aware, this award was established in 1998 in honor of the late Mason Lankford, who was a strong advocate of all first responders. Lankford was also

instrumental in the formation of the Congressional Fire Services Caucus and the Congressional Fire Services Institutes.

Paul Boecker is a worthy successor to this legacy.

It's hard to know where to begin to list Paul's accomplishments. Perhaps it is simplest to say that, when he retired on July 2, 1994, he had made the Lisle-Woodridge Fire District one of the finest in the world.

But that might not fully capture what he did. During his 23 years as fire chief, he took a volunteer fire department of part-time firefighters and two stations that responded to 454 calls to one that now responds annually to more than 4,800 calls with 100 full-time firefighters at five stations.

In 1993, the district became the first fire protection district and one of only 15 fire departments in the nation to achieve the ISO Class 1 rating.

Paul's accomplishments aren't limited to the local level. For 14 years, he served as chairman of the Emergency Management Committee of the International Association of Fire Chiefs. He is the author of the "Common Sense Disaster Management—Think Big!" program that is presented at numerous state fire schools.

His list of awards is so long as to make a full accounting here impossible. However, anyone who has been named citizen of the year in so many different places has clearly had an impact.

Beyond his own personal accomplishments, Paul was instrumental in encouraging his personnel—from firefighters to administrators to fire chaplains—to contribute to the growth of the national fire service. From his staff came ideas, encouraged by Paul, that led to the Federation of Fire Chaplains and the Illinois Fire Chiefs' Secretary Association.

Paul is a man devoted to his profession, his family, and his friends. He exemplifies the spirit and dedication of the men and women in the fire service.

I congratulate Paul Boecker for winning the Mason Lankford Fire Service Leadership Award. It is an honor to represent him in Congress and an honor to recognize his achievements here today.

COMMENDING CALHOUN ELEMENTARY SCHOOL

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. WHITFIELD. Mr. Speaker, I rise to commend a school in my District—Calhoun Elementary School, located in McLean County, Kentucky. The school was honored on May 2 as a Distinguished Title I School by the U.S. Department of Education and the National Association of State Title I Directors (NASTID) at an awards luncheon in conjunction with the annual meeting of the International Reading Association. Each Distinguished School is nominated by its state.

The Title I program provides critical help to schools with students from low-income families. Title I funds are targeted at boosting poor achievement and improving basic skills. The purpose of the Distinguished Title I Schools award is to honor the successes of these

schools and provide valuable information so other schools may learn what has made these schools so effective.

Calhoun Elementary School is made up of students in kindergarten through fifth grade. Programs at Calhoun Elementary include a computer lab which is incorporated into the science, social studies, reading, and math curriculums. Calhoun Elementary has increased parental involvement by over 100%. The Family Reading Night has tripled in size since its inception last year. Other activities involving parents include parent and child computer night, sweatshirt decorating, and speakers on topics of interest to parents, all of which are planned by the Title I Parent Liaison. Calhoun students participate in a keyboard lab to learn music, history, notes and background. This has enabled students to become more proficient in science and math. Calhoun students have improved achievement scores by at least 16 points.

Title I has enabled the school to adopt extensive programmatic and systematic changes to help ensure the success of their students. New teaching strategies have incorporated tasks which require higher order thinking skills used in critical problem solving. Teachers engage students in challenging activities which capture the students' interests. Teachers have also focused attention on addressing the needs of a student body with multiple intelligences and diverse learning capabilities.

The students, teachers, administrators, and parents at Calhoun Elementary School should be proud of their extraordinary achievement. Their determination and community-based solutions set an outstanding example for other schools to follow.

COMMENDING THE CITY OF MONTCLAIR IN THE WAR AGAINST HEART DISEASE

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to celebrate the exciting work that is being done to combat heart disease in the City of Montclair, California.

Heart disease is the number one killer in this nation. To battle this deadly problem, the American Heart Association works with local cities to encourage education on the disease and to promote healthy lifestyles. This year, I am pleased to join the American Heart Association of the Inland Empire to recognize the City of Montclair in the war against heart disease.

You may be interested to know that the City of Montclair successfully competed for a grant from the California Department of Health Services Nutrition Network to promote healthy eating and lifestyles choices. This grant expands the city's Por La Vida program. This program trains Latino women to be health educators (consejeras) with a six-week series of ongoing cooking classes. In addition to healthy meal preparation, the classes include formal chef demonstrations and tours of a local farmer's market. To promote heart-healthy lifestyles throughout Montclair, the city council is also supportive of a cooking contest and a health promotion workshop that will be open to the entire community this summer.

I commend the City of Montclair for this innovative approach to educating and promoting heart-healthy lifestyles.

TRIBUTE TO VIRGINIA TUFARO

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today to pay tribute to a real hero from my District, Virginia Tufaro. As a life long resident of Long Island, Virginia has dedicated her life to helping others. For over 27 years, as a registered nurse and through her volunteer work as a member of the Mineola Volunteer Ambulance Core, the New York Disaster Medical Assistance Team, and the Safe Kids Coalition—Virginia is truly one of our unsung heroes on Long Island.

In addition, Virginia can be found teaching junior volunteers, working at the first station at the Olympic Swim Team Trials, and at the local county fair's first aid station.

Virginia's daily heroism came into the public's eye on December 30, 1999, when Virginia saved Michael Geier's life. Michael had been riding at the North Shore Equestrian Center in Brookville, New York. When Michael's horse returned to the barn without Michael, Virginia jumped off her horse and into her jeep in search of Michael. She found him face down in the dirt. He was flaccid and unresponsive. He had a pulse, but his breathing was agony and it was clear the situation was desperate.

Fortunately, Virginia's expertise is in critical care and trauma, thus she was able to quickly assess her patient's condition and intervene to save his life. She stabilized Michael's airway and cervical spine and administered artificial respiration. Virginia then mobilized a helicopter rescue and were both airlifted to Nassau County Medical Center, a level one trauma center, where he was immediately incubated and placed on a ventilator. Michael slipped into a coma for about a week, but thankfully today Michael has regained consciousness and is doing great at St. Charles Rehabilitation Hospital.

As we begin to celebrate National Nurses Week, I want to thank Virginia for going above and beyond the call of duty for the people of Long Island.

HONORING DR. LEE AND KATHY BERMAN

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. SHERMAN. Mr. Speaker, today I pay tribute to two exceptional people, Dr. Lee and Kathy Berman, as they receive this year's Spirit of Life Award from Temple Bat Yahm. Their dedication and commitment to their temple and community serves as an example to us all.

A practicing optometrist for the past 25 years, Lee Berman has a long history of distinguished service to the Jewish community and the greater community. His religious lead-

ership positions include Vice President of Membership and Treasurer at Temple Israel in Long Beach. At Temple Bat Yahm, Lee has also held various Vice Presidential positions, including Membership, Facilities, and Long Range Planning. Currently, he is serving his second term as President of the Temple Bat Yahm Board of Trustees. He has also served on the Board of Directors for the Jewish National Fund. Lee's ongoing commitment to the Boy Scouts of America is evidenced by his service as a Cub Master and as an Assistant Scoutmaster for the past four years. Kathy Berman has also long been active in scouting, having served as a Cub Scout leader, Girl Scout leader, and Troop Organizer for the Greater Long Beach Girl Scout Council. Along with her husband, Kathy has dedicated herself to Temple Bat Yahm, where she served as Sisterhood Co-President for three years. She has also served as Scrip Chair, Gala Reservation Chair, Campership Chair, and as a singer in the Temple choir.

Together, Dr. Lee and Kathy Berman worked diligently to create a new expanded campus and Torah learning center at Temple Bat Yahm. Their dedication to the realization of this goal has not gone unnoticed and, through their leadership, their dream will soon become a reality. In recognition of their invaluable service, Kathy and Lee will receive the distinguished Spirit of Life Award from Temple Bat Yahm at its annual Gala Dinner Dance, Vision 2000. This honor represents the exemplary dedication of Lee and Kathy to improve both Temple Bat Yahm and our community.

Mr. Speaker, may we ask our distinguished colleagues to join me in extending our gratitude and appreciation to Dr. Lee and Kathy Berman for their dedicated service to our community.

HONORING THE 2000 BEST OF RESTON AWARD WINNERS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to honor those residents of Reston, Virginia who have been awarded the Best of Reston Community Service Award, which is presented annually by the Greater Reston Chamber of Commerce and Reston Interfaith to honor businesses and individuals that have gone above the norm in their service to others in the Reston community.

Dan Amato and the Hyatt Regency Reston—for their strong work ethic, invaluable customer service and commitment to the community. Both Dan Amato and the staff of the Hyatt Regency Reston have taken enormous strides to host a quality facility in Reston. Throughout their years in the Reston Town Center, they have been more than willing to donate time, resources and money to the many organizations that patronize their hotel. Whether it has been hosting an event for the Reston 2000 Task Force, donating gift certificates for countless charities and community organizations, or supporting the Greater Reston Arts Center's (GRACE) gallery and the Greater Reston Chamber of Commerce, Dan Amato and the Hyatt have made continuous strides to be involved in every aspect of the

community. Many charities and organizations have benefited from their generosity. Their services—whether it is as host for a meeting or sponsor of an event—are highlighted by their quality of work and impressive work ethic.

Willie Bush—for his desire to help the less fortunate. Willie Bush is a well known figure within the family of Reston's Martin Luther King Christian Church. As Chairman of the Church Outreach Center, he has spent 14 years providing holiday food baskets, serving as a member of Reston Interfaith, the Reston Jaycees and the Church Bible Study/Choir/Deacon Board, and serving as a member of the "Works Sunday Project," an outreach activity in support of the homeless, abused women and senior citizens. Throughout his long history of providing assistance to others, he has exemplified his Christian living by working for the poor, visiting the sick and feeding the hungry. Whether a member has needed food or clothing, money to pay utility bills or simply support, Willie Bush has given of himself and worked for the betterment of the Reston community.

Nancy Burke—for her tireless efforts and support of athletics in the community. Nancy Burke currently serves as a Health and Physical Education, Sports Medicine and Driver's Education teacher at South Lakes High School. As the school's head athletic trainer, she oversees medical assistance to athletes and trains student assistants to administer help. As a teacher, she has gone above the call of duty by working to improve the school's athletic training facility and taking her students on numerous trips to learn about sports medicine. Outside of the classroom, she continues her role by volunteering with the Reston youth football and softball teams and donating her time and efforts to help students with counseling and advice. Nancy Burke has had a positive influence on the lives of the countless students she has known during her years at South Lakes, whether it is through athletics or her role as a teacher and friend.

Greater Reston Arts Center (GRACE)—for promoting the importance of arts and enriching individual and community life in Reston. For 25 years, GRACE has strived to foster and promote excellence in contemporary visual arts. GRACE has worked directly with the youth of Reston in many ways, including providing arts experiences through its volunteers for more than 15,000 students in more than 30 area elementary schools; offering free Saturday workshop for area children; hosting a summer art program; and awarding scholarships to students to pursue post-graduate arts education. GRACE also produces gallery exhibits at the Town Center gallery and present a series of exhibitions of contemporary art at Market Street Bar & Grill. GRACE's key event of the year is its Northern Virginia Fine Arts Festival, which brings nationally known fine artists and craftspeople for a weekend of art and music. Now in its ninth year, more than 70,000 people attend the festival. GRACE plays a large role in the lives of Reston's citizens and contributes to the quality of life.

Michael Guthrie—for his inner drive to make Reston the best possible place to live and to raise a family. Michael Guthrie is an active member of the Reston community in every way. Whether as a representative on the Reston 2000 Task Force, a supporter of the American Cancer Society, a coach in the

Reston Youth Athlete Association or a member of the Reston Rail Scope of Work, he has given his all to ensure success. Along with his work as office manager of the Long & Foster Wiehle Avenue Office, Michael Guthrie has wasted no time supporting many organizations in Reston. He has volunteered to serve on numerous committees and has always taken a leadership role. From spearheading the public relations campaign for the 2000 Martin Luther King Celebration, to arranging for motivational speakers for students at Langston Hughes Middle School and South Lakes High School, to creating an opportunity for realtors to donate to Reston Interfaith through a deduction on commission checks and many more, Michael has put his heart into support of all walks of life in Reston. His energy and enthusiasm for Reston has not gone unnoticed by his co-workers and fellow citizens, who are often inspired to serve along with him. Michael Guthrie has gone beyond what is expected of any citizen and continues to make a contribution to the community.

Joe and Marcia Stowers—for their continued work to improve transportation in Reston. Joe and Marcia Stowers have been involved in almost every land use and transportation projects in Reston. Through their service on the Reston Community Association Planning and Zoning Committee, Reston on Foot, Reston 2000 and more, the Stowers have shared their expertise to benefit every resident and transient, worker, bicyclist, and pedestrian. The Stowers have had a hand in countless transportation issues in Reston, including creating the Reston Transportation Committee, assisting in the formation of LINK, advocating for HOV lanes on the Dulles Toll Road, and more recently, supporting rail to Dulles. The Stowers arrived among the first settlers in Reston in 1965 and have both lived and worked—now at Sydec Inc., a transportation consulting firm—around the Lake Anne Village Center. After 30 years of community service, they have succeeded in encouraging a new generation to become active in Reston civic affairs and to play roles as emerging community leaders.

Vicky Wingert—for her steadfast effort as a community volunteer. Vicky Wingert has gone well beyond her role as Executive Vice President of Reston Association (RA) in working for a better Reston, where her personal contributions go far beyond her job related duties. She uses her talent in firm-making to maximize the visual image of Reston for residents, visitors and employers. She has volunteered her services in the production of The Difference is Reston; Reston Interfaith's 25 Anniversary celebration, a presentation that stressed the importance of its program; and Pals, the Movie, a firm created for PALS, Reston's early learning center, to assist parents in selecting a quality care facility. Vicky also volunteers for countless other programs, including the Reston Festival, Character Counts! Coalition of Reston, the Northern Virginia Fine Arts Festival, the Martin Luther King Jr. Celebration and more. Throughout her 23 years of community service, her volunteer efforts have been to the advantage of the entire community and have affected thousands. She is a strong advocate for the community and seeks to provide the leadership necessary to further implement the goals on which Reston was founded. She is a wonderful steward and acts from the conviction that Reston, on her watch, will be an extraordinary community.

Mr. Speaker, I know my colleagues join me in honoring the Best of Reston award winners for all of their hard work in making their community a better place to live.

BUSINESS CHECKING MODERNIZATION ACT

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mrs. MYRICK. Mr. Speaker, the House of Representatives yesterday passed H.R. 4067, the "Business Checking Modernization Act" by voice vote. As this legislation goes to the Senate and possible to a conference, I would like to urge my House colleagues who will be conferees to insist on the inclusion of two important provisions in any conference report. One key provision currently not part of this legislation is language that would allow the Federal Reserve to pay interest on "sterile reserves." The last time the House of Representatives passed similar legislation on October 9, 1998, such language was included. This language is still needed. The measure that passed yesterday will impose new costs on banks, according to the Federal Reserve, without any provision for offsetting these costs. The Federal Reserve has expressed its support for the payment of interest on sterile reserves to offset these costs, and I understand that House Banking Committee Chairman Leach has indicated that he supports the provision as well. I would urge my colleagues to include that language in any conference report prepared on this bill.

One other provision that I would urge the House conferees to retain is language providing a three-year transition period before the payment of interest on commercial checking accounts becomes effective. This transition period is shorter by half than the transition period included in the legislation adopted by the House in 1998, and yet it is still the case that banks will be required to unwind and restructure long-standing relationships with their customers. Due to the current prohibition against the payment of interest on commercial checking accounts, many banks have developed a menu of other services that they provide to their customers. These will need to be restructured. With yesterday's vote the House has already reduced the transition period available to banks from the earlier 1998 legislation. It is very important that this transition period of three years not be reduced further. I would urge the House conferees to maintain the House position of a three-year transition period in any conference report on H.R. 4067.

TRIBUTE TO THE NORTHEAST REBELS CHEERLEADERS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. SHAW. Mr. Speaker, today I honor and pay tribute to the Northeast Rebels Cheerleaders for their efforts and contributions in the USACF National Competition held at the Charlotte Coliseum, in Charlotte, North Carolina.

The Northeast Rebels is a self-supported league and has four cheerleading teams, averaging approximately 300 children, from the ages of 7–15 years of age. Cheerleaders try-out for the team based on their age group, with a maximum of 20 girls per squad. Each year all four divisions of cheerleading squads compete against other county leagues in the same classification for the NBFL Cheerleading Competition. They also compete in the Broward County Fair Competition and in 1999, all four teams won 1st place in their division.

In particular I would like to recognize their accomplishments of the A&B Team in the Junior Recreation Division and the C-Team in the Youth Recreation Division at the USACF National Competition held at the Charlotte Coliseum, Charlotte North Carolina on April 1 and 2. The A&B Team placed 2nd in the Junior Recreation Division and the C Team won the National Championship in the Youth Recreation Division.

To prepare for competition, the managers and coaches spend many hours making up dances, cheers, formations, stunts & choreography. They volunteer not only for community hours, but they also have the satisfaction that they have inspired and impacted the girls they coach. The admiration of the cheerleaders for their coaches, is evident in their performances.

I know the House will join me in paying tribute to this outstanding team of people and wish them continued success in their endeavors: Lori Thompson, Stacy Guy, Shannon Troyer, Amanda Nutter, Gina Mariatti, Katie Birge, Rachel Maggi, Paige Becerra, Angelina DiCandia, Melanie Dhaveloose, Stephanie Ely, Heidi Friedman, Samantha Gasperic, Melanie Gent, Joanne Maglorie, Julie McGaha, Jamie McMillan, Lauren Mitchell, Elizabeth Montero, Lexy Spellacy, and Samantha Tomaro.

NATIONAL READING PANEL SUPPORTS PHONICS

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. McINTOSH. Mr. Speaker, a parent in Indiana shared with me this touching story, "When my son was in first grade, he used to say, 'I hate school, how old do you have to be to quit.' He was so frustrated because he couldn't read. The school did not 'believe' in phonics. When my son learned the Direct Approach, he got the 'tools' he needed to read. The logical approach made sense to him. He started reading on his own instead of me reading to him. With only one year of the smart chart, in second grade, he scored 4th grade reading equivalency on the Stanford Achievement test. Pretty amazing!"

This success story could be repeated again and again if schools took the initiative this caring parent took to help her child learn to read by teaching him phonics. Unfortunately, many elementary schools do not teach phonics and more than a few teacher colleges do not teach teachers this instruction technique.

Recently, however, I became optimistic that many more schools will choose to adopt phonics. My optimism stems from the release of the National Reading Panel's report on successful reading strategies. On April 13, 2000, the Congressionally mandated National Reading Panel released its findings which support

the teaching of phonics, word sounds, and giving feedback on oral reading as the most effective way to teach reading.

The Panel, selected by the Director of the National Institute of Child Health and Human Development in consultation with the U.S. Secretary of Education, was composed of 14 individuals including leading scientists in reading research, representatives of colleges of education, reading teachers, educational administrators, and parents. During the past two years, members reviewed thirty years of reading research studies.

The panel found that for children to read well, they must be taught phonemic awareness—the ability to manipulate the sounds that make up spoken language and phonics skills—an understanding of the relationship between words and sounds.

The panel concluded that research literature provides hard evidence that phonics provides significant benefits to children from kindergarten through the 6th grade and to children with learning difficulties. The panel recommends systematic phonics instruction which provides the greatest improvements. Systematic phonics consists of teaching a planned sequence of phonics elements, rather than highlighting elements as they happen to appear in a text.

The importance of these findings cannot be overstated. America suffers from a reading deficit. The 1998 National Assessment for Educational Progress (NAEP) has found that 69% of 4th grade students are reading below the proficient level. Minority children have been particularly hard hit by reading difficulties. According to NAEP, 90 percent of African American, 86 percent of Hispanic, 63 Percent of Asian students were reading below the proficient level.

The cost to those who never learn to read adequately is much higher than that. Job prospects for those who cannot read are few. Americans who cannot read are cut off from the rich opportunities this nation has to offer. And the tragedy is that students who can't read often end up in juvenile hall, or on the street susceptible to drugs, or school drop outs.

Many students will not get a second chance. Andrea Neal, the Chief Editorial Writer for the Indianapolis Star who has been closely following this issue puts it this way, "It is reasonable and necessary to require elementary teachers be trained in the most effective phonetic programs. To do otherwise is to commit educational malpractice on our children."

The National Reading Panel's report provides teachers and teacher colleges information to prevent instructional malpractice. As the most comprehensive evidenced-based review ever conducted of research on how children learn reading, this report can be a powerful tool in fight against ineffective reading instruction and illiteracy, if we choose to use it.

I urge my colleagues to read the report and disseminate its findings through their respective districts.

50TH ANNIVERSARY OF ADELPHI UNIVERSITY SCHOOL OF SOCIAL WORK

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mrs. MCCARTHY of New York. Mr. Speaker, social workers are the people who translate their education and training into commitment to making a difference in all aspects of people's lives. They are everywhere: in the courts, healthcare settings, schools, public and private agencies, congressional offices and industry, just to name a few. Often the public decries social problems that they would like solved; these are the people who work on a daily basis with individuals affected by them.

In order for social workers to maintain their high standard of care, they need the knowledge and skills required to assess the biological, interpersonal, environmental, cultural, and organizational components of people's problems. Adelphi University's School of Social Work has spent the past five decades educating and training individuals for roles and careers in the social welfare system.

The School of Social Work first opened its doors in 1949 in response to the increased need for social and community services. Over the past 50 years, it has sent countless professional social workers into the world to facilitate social as well as individual change with families, groups communities, and individuals. Graduates of Adelphi's School of Social Work have become practitioners, executives, administrators, faculty members and deans of professional schools.

By recognizing the increased demand for social work education, Adelphi has created numerous programs over the 5 decades to accommodate the needs of its students. The list includes part-time study, weekend and evening classes. A curriculum continuum from undergraduate to graduate education was created in 1969, and a Doctorate of Social Welfare program was adopted in 1975.

The school's staff is widely published, and they continue to provide superior professional education to future generations of social workers. They have a history of concern for social policy and social welfare. This is reflected by the operation of Adelphi's social agency by faculty, students, community professionals and volunteers. Current programs include the Breast Cancer Support Program and Hotline, the Refugee Assistance Program (RAP), and the Long Island Coalition for Full Employment.

In 1949, the School of Social Work admitted 25 students, and in 1951 graduated 23. It now boasts four campuses with nearly 850 students enrolled in Bachelor, Master and Doctoral programs. As the Adelphi School of Social Work celebrates its 50th anniversary, I applaud its strong commitment to the ongoing enhancement of social work knowledge, values, and skills, and its successful preparation of countless professionals who continue to meet the needs of an ever-changing society.

TRIBUTE TO STAN SMITH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in paying tribute to my friend Stan Smith, who is retiring after 25 years of distinguished service for San Francisco's working families as the Secretary Treasurer/Business Representative of the San Francisco Building & Construction Trades Council.

Stan's lifelong commitment to organized labor began in 1955 when he entered the building trades as an apprentice glazier. He became a journeyman in 1958. His exceptional skills and devotion to assisting his fellow workers were recognized in his election as President of Glaziers Union Local #718 in 1958, an office he held until 1965. Stan's selfless dedication to the causes of organized labor was further demonstrated when he was elected Field Representative of Local #718 in 1965. In this position, he was tireless in the pursuit of justice, and he was masterful in settling grievances, bargaining, and resolving disputes arising during the collective bargaining process.

Mr. Speaker, Stan Smith's stellar career culminated in his election to the office of Secretary Treasurer/Business Representative of the San Francisco Building & Construction Trades Council, AFL-CIO. In this position, Stan has worked tirelessly to bring prosperity and security to Bay Area working families. He was an exceptionally able steward of all of San Francisco's construction unions, and in this position assured their full participation in the prosperity that we have enjoyed in the Bay Area.

Mr. Smith's credentials as a master tradesman are as stellar as his accomplishments in organized labor. He co-authored the first apprenticeship manual for the glazing trade, which is used throughout the United States and the world. His service on the Flat Glass Industry Joint Apprenticeship and Training Committee was exemplary. He serves as an Executive Committee member of the California State Building Trades Council, and he is the past Vice President of the San Francisco Labor Council, as well as a co-founder of Labor and Neighbor. Stan is also an honorary member of the Elevator Constructors Local Union #8.

Mr. Speaker, Stan Smith's commitment to helping others is typified by his outstanding service as a leader in numerous organizations seeking to provide opportunities for disadvantaged youth, minorities and women in apprenticeship programs in the construction industries, including Young Community Developers, Chinese for Affirmative Action, Ella Hill Hutch Community Center, Cal/OSHA Advisory Committee, Mission Bay Citizens Advisory Committee, Apprentice Opportunities Foundation, and the Youth Guidance Center Committee.

He has also held a number of leadership positions with community organizations, including service as a director of the Bayview Hunters Point Model Cities Program, and as a member of the community advisory group on the University of California at San Francisco's Long Range Development Plan, the San Francisco Open Space Committee, and the Booker

T. Washington Community Center. Stan is also San Francisco Mayor Willie Brown's appointee to the Golden Gate Bridge District Board of Directors.

A graduate of George Washington High School, Stan Smith also served in the United States Marine Corps from 1951 to 1966, initially on active duty and later in the reserves. He is the loving husband of Kathy Maas and the proud father of six children, seven grandchildren and three great-grandchildren.

Mr. Speaker, I greatly admire Stan Smith's dedication and commitment to working people of San Francisco. I invite my colleagues to join me in expressing gratitude and esteem for his lifetime of service and in wishing him a rich and rewarding retirement.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mrs. MYRICK. Mr. Speaker, due to necessary medical treatment, I was not present for the following votes. If I had been present, I would have voted as follows:

APRIL 13, 2000

Rollcall vote 123, on approving the journal, I would have voted yea.

Rollcall vote 124, on agreeing to H. Res. 474, the Rule to the Conference Report for the FY 2001 Budget Resolution, I would have voted yea.

Rollcall vote 125, on agreeing to the Conference Report to H. Con. Res. 290, the FY 2001 Budget Resolution, I would have voted yea.

Rollcall vote 126, on the motion to recommend H.R. 4199, the Date Certain Tax Code Replacement Act, I would have voted nay.

Rollcall vote 127, on passage of H.R. 4199, the Date Certain Tax Code Replacement Act, I would have voted yea.

Rollcall vote 128, on passage of the H.R. 3615, the Rural Local Broadcast Signal Act, I would have voted yea.

Rollcall vote 129, on agreeing to the Barrett amendment to H.R. 3439, the Radio Broadcasting Preservation Act, I would have voted nay.

Rollcall vote 130, on passage of the H.R. 3439, the Radio Broadcasting Preservation Act, I would have voted yea.

RECOGNIZING DOUGLAS WEAVER, NEW YORK STATE 4-H SHOOTING SPORTS PROGRAM LIFETIME ACHIEVEMENT AWARD RECIPIENT

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. SWEENEY. Mr. Speaker, today I recognize the New York State 4-H Shooting Sports Programs' Lifetime Achievements Award recipient, Mr. Douglas Weaver of Hudson Falls, NY. Mr. Weaver received the award at the New York State Shooting Sports Recognition Banquet which was held at the 4-H Training Center in Ballston Spa, NY on April 28, 2000.

Mr. Weaver has been a 4-H leader in the 22nd Congressional District for the past 19

years. His leadership has been instrumental in starting and maintaining the popular Washington County Shooting Sports Program. Mr. Weaver's innovative approaches in the areas of youth development and environmental education distinguish the Washington County, NY program from all others. Local 4-H participants are fortunate to have a leader of his superior caliber.

Mr. Weaver actively participates in the New York State Shooting Sports program. He attended instructor classes at the national level and currently serves as an instructor for state and local level workshops. Mr. Weaver has held numerous leadership roles in the 4-H, including Chairperson of the 4-H Leaders Association. He is an excellent role model for youth and adults and always promotes teamwork and cooperation.

Mr. Speaker, please join me in congratulating Mr. Douglas Weaver on his receipt of the New York State 4-H Shooting Sports Program Lifetime Achievement Award. He is an inspiration to us all.

HONORING REVEREND WILLIAM HARGRAVE OF EBENEZER BAPTIST CHURCH

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. ROTHMAN. Mr. Speaker, today I pay tribute to Reverend William H. Hargrave, who retired last year as the pastor of Ebenezer Baptist Church in Englewood, NJ.

As the former mayor of Englewood, NJ, I was witness to some of the many wonderful ways in which Reverend Hargrave lifted the spirit of his congregation and his community over a career that spanned three decades.

During his tenure as pastor of Ebenezer Baptist Church from 1973 to 1999, Reverend Hargrave led his congregation with faith and great distinction. As an eyewitness to his work as a pastor, I want to make several observations about the Reverend's remarkable career.

As a pastor, Reverend Hargrave had the great talent to bring people together-together in prayer and together to help build the spiritual foundation of his church. From his work with the youngest member of his congregation to the oldest, Reverend Hargrave had a gift that is the mark of any truly successful leader; he used his God-given power to unify people. Whether he was working with a member of his Board of Deacons or with the youngest member of the youth choir, Reverend Hargrave was able to unify people in pursuing a common goal. And for Reverend Hargrave, that goal was always in keeping with what was best for his congregation and what would most benefit the people of Englewood.

I also want to convey my deep appreciation for the Reverend's foresight in paving the way for the future of Ebenezer Baptist Church. By being an integral part of the "mortgage burning" by helping oversee the purchase of the Hall House, and by acquiring a new church organ, the Reverend was moving to ensure that his church would prosper well into the 21st century.

For the parishioners of his church, for the residents of Englewood, and for the people of the State of New Jersey, Reverend Hargrave's

tenure at Ebenezer Baptist Church was indeed a fortunate and blessed time. A time of progress, a time of great faith, and an era where hope, spread by his good works, thrived.

I wish Reverend Hargrave every happiness on the occasion of his retirement.

RECOGNITION OF THE CONTRIBUTIONS OF ANTHONY F. SABILIA, JR.

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. GEJDENSON. Mr. Speaker, today I commend Anthony F. Sabilia, Jr. of New London, CT for 35 illustrious years as an educator in the New London Public School System. Mr. Sabilia's commitment to the education in New London will remain an influence for years to come.

Mr. Sabilia was born on November 19, 1943, the oldest child of Rose and Anthony Sabilia, Sr. Growing up in New London under the watchful eye of his maternal grandparents, Mr. Sabilia graduated New London High School in 1961 and went on to Providence College where he graduated in 1965. Shortly thereafter, Mr. Sabilia began a long career as a teacher at New London High School. He married Cleo Shea in 1966 and they are the proud parents of Anthony and Elizabeth.

Through a career which spanned more than three decades, Mr. Sabilia taught English, English as a Second Language, Citizenship, Basic Skills among other courses in the Adult Education Program. As a leader in this field, Mr. Sabilia served as President of the Connecticut Association of Adult and Continuing Education from 1985 to 1991 and President of the National Commission on Adult Basic Education in 1992, 1993, 1999 and 2000.

Mr. Speaker, after 35 years of commitment to New London schools and to adult learners across our state, Mr. Sabilia will soon retire from the position of Director of New London Adult Education. His leadership and inspiration will have a lasting influence in New London and across Connecticut for years to come. Today, I join citizens from New London in honoring Mr. Sabilia's accomplishments and in wishing him all the best in the future.

PROTECTING THE INTERNET FROM EXCESSIVE AND DISCRIMINATORY TAXATION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. NADLER. Mr. Speaker, I am pleased to join with my colleagues Chairman HYDE, Chairman GEKAS, and Ranking Member CONYERS in introducing legislation to follow up on the work of the Advisory Commission of Electronic Commerce.

This legislation is not intended to be a final proposal, but rather to stimulate debate on a very important subject. I have no doubt the sponsors would find portions of this bill over which they would disagree, but we believe it is

necessary to initiate discussion, to have hearings during which all points of view can be considered, and determine what action might be appropriate.

It is in that spirit that I join my colleagues, and I look forward to working with my fellow members, the White House, state and local officials and the industry to form a fair rational approach to these complex but important issues.

FULL FUNDING FOR SPECIAL
EDUCATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Ms. ESHOO. Mr. Speaker, I rise today in support of H.R. 4055, the IDEA Full Funding Act, which I'm proud to be a co-sponsor of.

This bill is a prudent investment in our children that will finally put us on track to fulfill the Federal government's share of special education. It sets a schedule to meet the 40% Federal commitment by FY 2010 by authorizing increases of \$2 billion each year to reach the level of funding we should have been providing all along.

I'm proud to have supported House Concurrent Resolution 84 last year which urged the Congress and the President to fully fund special education. But we can do more and we should, by passing this important bill.

Everyone agrees that a good education is critical to our children's future and their success, yet we are not providing the financial resources to make this possible. It's hard for local school districts to reduce class sizes, build needed schools, or hire new teachers while still providing for special education services, especially when the Federal government doesn't pay its fair share.

School districts are struggling with how to provide the best education possible for all children within tightly constrained budgets. California has over 600,000 students who receive special education and related services at a reported cost of \$3.4 billion. Without Federal assistance, local school districts are forced to use their general funds to the detriment of other programs.

In a speech I gave almost one year ago in support of House Concurrent Resolution 84, I called upon Congress to fulfill its pledge for full funding of IDEA. I'm pleased that the leadership of the House heard my call and that of my colleagues to make good on the Federal government's obligation to the school districts and our children across our country.

I thank the House leadership for bringing this important piece of legislation to the floor and I urge my colleagues to support H.R. 4055.

THE NATIONAL COALITION FOR
ASIAN PACIFIC AMERICAN COM-
MUNITY DEVELOPMENT INAUGU-
RAL CONVENTION: MAY 1-3,
2000

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Ms. PELOSI. Mr. Speaker, on the occasion of its Inaugural Convention, The National Coalition for Asian Pacific American Community Development should be commended for its important work.

The National Coalition for Asian Pacific American Community Development [National CAPACD] was formed to address a significant issue. It is dedicated to meeting the housing and community development needs of the Asian Pacific American population.

For more than two decades, the founding member organizations of National CAPACD have been providing effective services to Asian Pacific Americans, immigrants, refugees, minority and impoverished populations. The formation of National CAPACD will help coordinate the diverse work of the non-profit organizations that serve the rapidly expanding Asian Pacific American (APA) population. National CAPACD's mission is to enhance the capacity and ability of community based organizations to conduct community development activities for the Asian and Pacific Islander communities.

National CAPACD seeks to accomplish this mission by: Creating an information sharing network to provide mutual support for established and emerging community development organizations, and to define advocacy issues; Establishing a presence and voice to raise awareness and impact community development policies on a local and national level; Increasing public and private resources to build community development capacity. Pursuing activities that promote unity, trust, support, mutual assistance, empowerment, and inclusion.

Through this important work, National CAPACD seeks to strengthen affordable housing development; economic development activities, such as workforce and business development; community empowerment and cultural preservation; and neighborhood revitalization.

National CAPACD will increase representation, participation, and resources in Asian Pacific American communities.

SUPPORT FOR CHARTER SCHOOLS

HON. DAVID M. MCINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. MCINTOSH. Mr. Speaker, I rise today in support of National Charter Schools Week and the resolution which highlights the success of this important institution. National Charter Schools Week was declared to recognize the achievement of charter schools across America. It is supported by more than sixty grassroots organizations including the Indiana Charter School Association. Hundreds of schools, governors, and legislators are participating in activities to honor the involvement, dedication,

and academic success of students, parents, teachers, and administrators.

Declared "one of the most promising education innovations in recent years." by the Indianapolis Star charter schools are an essential institution in a state which wants to bring the community together for education and give students greater opportunities to succeed academically.

Charter schools are an important step in engaging "edupreneurs"—people who care deeply about education, are able to replicate successful practice because of their knowledge of how results-oriented systems work, and have the potential to bring enormous financial resources to the table for the betterment of their students' education.

Charter schools create "social capital" by greatly expanding the opportunities for entire communities—particularly parents—to become involved with the life of the school. Parents tend to be involved more in charter schools, both because they are welcomed, and in some cases required to participate, but also because people tend to develop a vested interest in situations where they have made a deliberate choice. Choice leads to ownership and responsibility.

Choice also stimulates innovation. Charter schools tend to provide smaller and more "family-like" environments which some children need to succeed. Charter schools serve diverse groups of students including those of lower income and those with disabilities. These customized environment can provide extra attention, tailored curricula, new learning innovations, and other benefits.

As I said, charter schools are essential to building a successful education system. Thirty-six states, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools. It is my hope that Indiana will be the thirty-seventh. By adopting a strong charter school law, we will ensure that no child is left behind.

For these reasons, I am an original co-sponsor of this resolution and an enthusiastic supporter of National Charter Schools Week.

IN COMMEMORATION OF
HOLOCAUST MEMORIAL DAY

SPEECH OF

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2000

Mr. WAXMAN. Mr. Speaker, I commend Yom Hashoah, Holocaust Martyrs' and Heroes' Remembrance Day, which memorializes the six million Jews murdered during World War II.

This somber anniversary is a tribute to the memory of the victims of the Holocaust, the heroism of those who fought back, and the strength of those who survived. A national holiday in Israel, Yom Hashoah is also commemorated in communities across this country.

I strongly believe that we must act on our promise to "never forget" by acting on our responsibility to teach future generations about the lessons of the Holocaust. As we prepare our children for a new century, we must instill in them the tolerance and compassion to prevent the greatest terror of the past century

from ever being repeated in the next. The legacy of the survivors of the Holocaust and of those who perished will only live on if we educate people about this history.

It was only last month that British Courts exonerated historian Deborah Lipstadt of the libel charges brought by a Holocaust denier. Although the decision reaffirmed that Holocaust denial is false history and Nazi sympathy, it is unfortunate that such attempts to distort and trivialize the Holocaust abound. The release of the Eichmann diaries as evidence used in the trial only further establishes the reality of the Holocaust and the dangers of those who seek to deny it.

Today is an opportunity to recommit ourselves to stand against anti-Semitism, discrimination, and intolerance in all forms, at home and abroad. We reflect upon the murder of 6 million innocent Jewish men, women and children, and the systematic destruction of families and vibrant communities. We reestablish our determination to confront the past, and our dedication to perpetuating the memory of those who suffered.

GREEN UP DAY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. SANDERS. Mr. Speaker, today I would like to salute the citizens of Vermont who are celebrating the 30th anniversary of Green Up Day.

In the 1960s and 70s, Vermont was on the cutting edge in environmental sensitivity. As U.S. Senator George Aiken's remarks revealed in the May 5, 1971 CONGRESSIONAL RECORD:

"Mr. President, several times recently, I have advised the Senate of things going on in Vermont which have lent and can lend encouragement and inspiration to the other States. I now have to report another event which could have far-reaching results. Last Saturday, May 1, a successful demonstration occurred in my State. This demonstration—called Green Up Day—was put on largely by our young people and extended into every community throughout the length and breadth of Vermont. About 75,000 people collected virtually every glass bottle, every metal can, every scrap of paper which had been cast onto the roadsides by careless and unthinking people. The result was that by Saturday evening, Vermont was undoubtedly the cleanest State in the Nation."

Mr. Speaker, this May Day ritual continues to be an expression in the finest American tradition. People—young, old and in between—businessmen, farmers, workers, students, families, all working together to clean up the state. Vermont's clean up, the Vermont way, continues to inspire others, and it should serve as a model for dealing with litter nationwide.

Though all other states address litter with "Adopt-A-Highway," and 21 states now designate a day for statewide cleaning, none matches Vermont's long-standing Green Up Day community tradition. I salute the citizens of Vermont for their commitment to the environment, to our state and to the tradition. Happy 30th anniversary Green Up Vermont.

A TRIBUTE TO WAYNE REED

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. PHELPS. Mr. Speaker, I pay tribute to Wayne Reed of Harrisburg, Illinois on his 80th birthday. Wayne's birthday was two weeks ago on April 23, 2000. He has born to Mr. and Mrs. Howard Reed in Harrisburg, and has lived there all of his life. He has three sisters and two brothers still living. Wayne and his wife Jeanne, who sadly passed away last year, raised three wonderful sons: Ray, a firefighter in Dallas, Texas; Ron, a letter carrier and ordained minister who resides in Harrisburg; and Randy, a mortician and owner of Reed Funeral Chapel in Harrisburg.

The Reed family has a long tradition of military service. Wayne is a United States Army veteran of World War Two. Two of his brothers are also veterans of the United States Army and his son Ray is a Vietnam-era veteran. His grandfather, Lewis Reed of Hardin County, Illinois was a Civil War veteran. Wayne was also a volunteer fire fighter with the Harrisburg Fire Department for over thirty years. He is a carpenter by occupation.

Mr. Speaker, I would like to encourage all of my colleagues here in the House of Representatives to congratulate Wayne Reed on a happy eightieth birthday. I do not know Wayne personally, but I have met with his son Ray, and from his biography I can tell that Wayne is a proud American and a good father to his family. I hope he enjoys his birthday and I wish him God's Speed.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. ORTIZ. Mr. Speaker, due to inclement weather and the inability to arrive in Washington DC yesterday, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated below.

Rollcall No. 131—Yes; rollcall No. 132—Yes.

PERSONAL EXPLANATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. VISCLOSKY. Mr. Speaker, I apologize for my absence from the House of Representatives on May 2, 2000. I was unavoidably detained in Indiana for my Primary election, and unfortunately missed two recorded votes. Had I been present, I would have voted "Aye" for both Rollcall votes 131 and 132.

LETTER CARRIERS WORK TO STAMP OUT HUNGER—A NATION-WIDE FOOD DRIVE

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. KLECZKA. Mr. Speaker, on Saturday, May 13, 2000, the largest one-day food drive in the country will take place. Letter carriers from across the country will be collecting nonperishable food items from their customers and the food will then be taken to local food pantries for distribution. In Milwaukee, the Hunger Task Force feeds approximately 35,000 individuals each month through a network of more than 80 food pantries.

Sponsors of this worthwhile project are the National Association of Letter Carriers, in conjunction with the United States Postal Service, the AFL-CIO, United Way of Greater Milwaukee and Hunger Task Force of Milwaukee.

I rise today, Mr. Speaker, to ask that my colleagues lend their support to the letter carriers' food drives in their hometowns and districts. To my fellow residents in Milwaukee and Waukesha Counties, in order to meet the high demand for food over the summer, I ask that you consider buying a few extra canned goods and nonperishable items while doing the weekly grocery shopping. Let's make this year's food drive better than ever.

Our food pantries are counting on drives like this to help keep their shelves filled. Let's all try to do our part to stamp out hunger.

RECOGNIZING GUS McLEOD

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mrs. MORELLA. Mr. Speaker, I rise today to honor a courageous explorer. On Monday, April 17, Gus McLeod, a former CIA agent, successfully flew his 1939 Boeing Stearman Biplane over the North Pole. Completing this journey, he became the first person to fly over the North Pole in an open-cockpit aircraft.

Mr. McLeod undertook this expedition for the sake of adventure. He wanted to help people truly appreciate the challenges that the earliest pioneers of aviation faced. And what challenges he faced!

Leaving Montgomery County Air Park in my district on April 5, Mr. McLeod flew his 60 year old aircraft, which has most recently been used as a crop duster, through freezing cold temperatures as low as 34 degrees below zero and winds as harsh as 100 miles per hour. At 6-foot-1, and 285 pounds, he had very little mobility in the cockpit of his old Army training plane. He wore a special electric suit to keep his body warm which left a burn the size of a silver dollar on his stomach which he didn't even notice at the time. He faced "white-outs" as he flew through snowy weather in Canada. At one point during the journey, the extreme cold caused the plastic engine gaskets to burst, causing his aircraft to leak oil and forcing a delay in his journey. But circling three times at the very top of the globe made him forget the cold and left only the feeling that all the hardships and challenges he endured were worthwhile.

This latest feat of the human spirit harkens to the accomplishments of the very earliest heroes of flight. Charles Lindberg crossing the Atlantic. Amelia Earhart crossing the Atlantic, the Pacific, and attempting to circumnavigate the globe at the equator. Richard Byrd and Floyd Bennett making the first flight over the North Pole. And Gus McLeod repeating their journey in an open-cockpit bi-plane.

LUBBOCK AVALANCHE JOURNAL
CELEBRATES 100 YEARS IN PRINT

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. COMBEST. Mr. Speaker, today I recognize the Lubbock Avalanche-Journal newspaper in Lubbock, Texas in celebration of their 100 year anniversary of publication on the South Plains. The A-J has served the people of the South Plains for an entire century, longer even than the official town of Lubbock itself, which was incorporated in 1909.

Over the years, like its home, the paper has grown tremendously. The A-J now boasts an impressive number of over 64,000 subscriptions in Lubbock and the surrounding area. Without fail, the A-J has printed the latest news every day and has been instrumental in helping our town grow from a rural, rustic town into the thriving city it is today. The A-J has also helped shape the history on the South Plains by providing essential information to our community.

With the advent of the Internet and the World Wide Web, the A-J online is now able to connect people from all over the world. Current, former and future Lubbockites are just a mouse-click away from getting the latest information on what's happening on the South Plains.

The A-J has helped build a bridge of communication on the South Plains and has made a century's worth of friendships. I extend my gratitude to all involved in its successful production—from the publisher and editors to the printing press operators and paper couriers. Your hard work and dedication has made a significant contribution to our community. Best wishes for at least another century of continued and devoted services.

HONORING RICHARD A. WATSON,
FROM THE 20TH DISTRICT OF ILLINOIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. SHIMKUS. Mr. Speaker, as a former high school teacher, today I commend a retiring teacher from the 20th District of Illinois, Mr. Richard A. Watson. For 31 years, Mr. Watson taught agricultural education and served as the FFA advisor at Lincolnwood High School in Raymond, IL.

Some teachers think that education is a 9 to 5 job, but not Mr. Watson. Besides teaching in the classroom, he spent countless hours coaching judging teams, public speakers, and parliamentary procedure teams. Mr. Watson

spent time after school assisting students with their Supervised Agricultural Experiences and other various community activities that the FFA Chapter set out to do.

Because of Mr. Watson's hard work, he was able to watch his students achieve their goals. Whether it was a State FFA Degree, Foundation Award or State FFA Office, he was an advocate and a motivator. More importantly, Mr. Watson was known for his famous phrase, "Keep your chin up," when things didn't go so well.

Mr. Watson has contributed to the betterment of the 20th District because he taught high school agricultural education to the person who advises me today on agricultural issues, Amy Matthews. I thank him for his 31 years of service and congratulate him for his outstanding teaching career.

But I also want to remind him, that our area won't let him slip away. Good teachers, good people are always needed and always welcome in our communities. While his official service may be ending, I know we can count on him to continue to make a difference in the lives of our children and therefore our collective futures.

INTRODUCTION OF THE FURNITURE FIRE SAFETY ACT OF 2000

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Ms. DELAURO. Mr. Speaker, today I join with my colleagues, Representative ROB ANDREWS and Representative CURT WELDON, to introduce legislation that is long overdue. The United States has one of the highest fire death rates in the industrialized world. In the vast majority of home fire deaths, the killer is upholstered furniture, which is one of the most flammable items in the American home. Because of the seriousness of this problem, and the devastation it has caused countless American families (including those of Fire Fighters killed in the line of duty fighting home fires), we have introduced the Furniture Fire Safety Act of 2000.

This legislation would amend the Consumer Product Safety Act to require the Consumer Product Safety Commission (CPSC) to immediately establish a performance standard that is equal to the successful California state standard—the only one of its kind in the nation. California Technical Bulletin 117 (TB 117) is a mandatory standard for all residential upholstered furniture for sale in California that has been in effect since 1975. It is both an open flame test and a smoldering cigarette test for the component materials that make up the upholstered furniture. While the fire death rates for furniture fires have dropped for both California and the entire nation, death rates in California have dropped by a larger percentage than the nation as a whole. In 1994, for example, the theoretical number of California fire deaths due to upholstered furniture based on actual national figures, would be 65.2. However, the actual number of furniture fire deaths in California in that year was 10.

Mr. Speaker, two people die each day as a result of residential furniture fires. CPSC data report that, on average, 55 people die per

month in fires where upholstered furniture is the first item ignited. Most of these fires are caused by cigarette ignitions, while a significant portion is caused by open-flames such as matches, lighters, and candles.

Upholstered furniture is one of the most flammable items in the American home. In just four short minutes, a sofa fire can engulf an entire living room in flames, filling the entire home with thick, dark smoke and toxic gases. Temperatures can exceed 1,400 degrees Fahrenheit in this short period of time, according to the National Fire Protection Association.

Since 1994, the National Association of State Fire Marshals, the International Association of Fire Fighters, and many other fire safety and consumer groups have urged the CPSC to develop national standards to deter residential furniture fires. To date, there has been no significant progress on the part of CPSC. In lieu of national standards, the upholstered furniture industry is being asked to adhere on a voluntary basis to lax safety standards for home furniture sold in all states except California. The result has been that approximately 4,500 Americans have lost their lives in residential furniture fires since 1994.

What is even more disturbing is the simple fact that for a small 3–5% add-on cost to the manufacturers for flame-retardant measures (on average, the cost of three pizzas, \$20–\$30) a sofa can be made safe and potentially save lives. Even more telling is the fact that price studies have revealed that flame-resistant sofas purchased at retail outlets in California were priced equal to, or in some cases less, than identical, non-flame-resistant products purchased from that same furniture retailer at a location outside of California.

This legislation would save lives. The time has come to take action. We can not allow one more person to die unnecessarily from an upholstered furniture fire. I urge my colleagues to support this effort.

RETIREMENT OF McEACHERN
HIGH SCHOOL PRINCIPAL RALPH
WILLIAMS

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. BARR of Georgia. Mr. Speaker, it is with great admiration—and some sadness—that I honor Principal Ralph Williams, as he plans for his announced retirement from the Cobb County School system and McEachern High School. Principal Ralph Williams came to Cobb County from Tennessee in 1972, to serve as administrative assistant for Pebblebrook High School. He later served as an administrator for Pebblebrook, Wheeler and North Cobb, before accepting his current position as principal of McEachern High School in 1982. For the past 18 years he has served the students of McEachern with honor and integrity; tirelessly devoting himself to the west Cobb community and this outstanding school.

McEachern High School has an extensive history in the community. It was founded in 1908 as an Agricultural and Mechanical School, with financial support and donated land from John Newton McEachern, co-founder of the Life of Georgia Insurance Company. In 1933, when A & M schools were abandoned, the community opened the Macland

Consolidated School to continue to serve the educational needs of the community. In 1938 the school was renamed John McEachern Schools, providing educational opportunities to students from first through eleventh grade.

In 1980, McEachern became a comprehensive high school, and is widely recognized as one of the very top high schools in the entire state of Georgia. Enrollment now approaches 3,000 students. The presence of Principal Williams on campus of McEachern High School will be greatly missed. His dedication and commitment to educating the young people of his community has made a lasting impression on two decades of Cobb citizens. We will miss him greatly and wish him the best as he moves into this new phase of his life.

CONGRATULATING BRITTANY
HEATH OF THE 19TH DISTRICT
OF TEXAS

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. COMBEST. Mr. Speaker, today, I congratulate a young lady from the 19th District of Texas who has earned national recognition for her outstanding volunteer service. Miss Brittany Heath, a 13-year-old student from Lubbock, has been named one of Texas' top two youth volunteers for the year 2000 in The Prudential Spirit of Community Awards program, a national initiative honoring young people for exemplary acts of service.

Brittany, an eighth grade student at Evans Junior High School, initiated a chapter of "Suitcase for Kids" which collects, cleans, and distributes used suitcases to children in foster care. During her program's first year, more than 400 suitcases were given to children within the community. The Lubbock Children's Protective Services program and the Community Partnership Program Sponsored by Brittany by providing a storage facility for donations. Brittany set up a voice mailbox for donor calls, designed business cards, composed a brochure, and contacted the local newspaper. During the first two days of operation, more than 100 messages were received from individuals offering donations and assistance. Community support has been overwhelming, and Brittany plans to expand "Suitcases for Kids" to other counties around Luddock. She says as long as children are in foster care, there will be a need for this program.

The Prudential Spirit of Community Awards was created by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals in 1995 to encourage youth volunteers and emphasize the importance and value of their contributions. Brittany was nominated by Evans Junior High School and selected from more than 20,000 high school and middle school students. She has received \$1,000, an engraved silver medallion, and an all-expense paid trip to Washington, D.C. This program is the nation's largest youth recognition effort based solely on community service.

At a time when our nation has seen a lack of community involvement from our youth and violence in our schools, it is good to be reminded that many young people are actively contributing to our society and working to

make a difference where they live. We can learn a great deal from Brittany's exceptional act of volunteerism. We should all reflect upon how we, as individuals, can work together in our own communities to improve the lives of others and establish a brighter tomorrow.

IN RECOGNITION OF MS. DONNA
OSBORN

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. VISCLOSKY. Mr. Speaker, I rise today to recognize Ms. Donna Osborn, who has worked in my office as an Albert Einstein fellow since July 1999. The Albert Einstein Distinguished Educator Fellowship Program offers elementary and secondary teachers with demonstrated excellence in teaching an opportunity to serve in the national public policy arena.

Since Donna's arrival in my office, she has handled all education issues—elementary, secondary, and higher education—as well as children's issues. She researches legislation, updates me on changing information, and answers constituent mail on these topics. Donna has also been invaluable in other areas of my office. I can guarantee you that she now knows more about steel manufacturing and bulletproof vests than she ever imagined she would. She is the first person to volunteer for any task, and greets every visitor with a warm welcome. Her enthusiasm is contagious.

Donna has not been a passive member of my staff, rather she has taken initiative and vigorously pursued projects that she believed would be valuable to my constituents. First, she organized and planned a grants workshop for all of the schools in Indiana's First Congressional District. Several Einstein Fellows and other individuals from Washington and Indiana provided educators with information on obtaining grants and other educational opportunities for students. She also reached out to our community, working with local businesses and organizations to include them in the event, and securing their place as stakeholders in the education of our children. This workshop was a very successful event, and would not have been possible without Donna's initiative and hard work.

Donna was also integral to the implementation of the Missing Child Alert Plan in Indiana's First Congressional District. The Missing Child Alert Plan gives detailed information about a missing child and the suspected abductor utilizing a joint police-media effort to alert the public when a child has been abducted. Donna worked closely with my staff and local police departments and media outlets, to get this program off to a successful start. The Missing Child Alert Plan has been successful in recovering missing children in other areas of the country. Thanks to Donna's hard work, Northwest Indiana is one of only 11 areas of the country with such a program. Activating the alert often receives considerable press attention, which increases the reach of the emergency announcement—enlisting hundreds of thousands of people in their search parties. Leads usually pour into police departments within hours. In addition to the Missing Child Alert Program, Donna saw to it that a

picture of a missing child from the First Congressional District appears on each of my office envelopes. The first set features five children, one each from Gary and Hebron, and three from Hammond.

The zeal that Donna brought to my office must be even more apparent to her classroom. Donna has taught mathematics in Lafayette School Corporation in Lafayette, Indiana since 1972, and is currently a mathematics teacher at Jefferson High School. She is a graduate from Anderson College, with a degree in mathematics. Her master's degree is from Purdue University. She was a Christa McAuliffe fellow in 1998 and a Tandy scholar in 1997. She won the Presidential Award for Excellence in Teaching of Mathematics in 1996. She taught school in Billerica, England on a Fulbright scholarship in 1979–1980; at the International School of Paris in Paris, France in 1991–1992; and at the Hong Kong International School in the summer of 1997.

She served as the President of the Lafayette Education Association Board of the Indiana Council for the Teaching of Mathematics in 1996–1997, and on the Mathematics Department Advisory Council (Purdue, West Lafayette). Donna has received the Golden Apple award from the Lafayette Chamber of Commerce, and was recognized as a Distinguished Alumnus by the Purdue University-School of Science.

Donna has been a wonderful addition to my office, and I want to express my appreciation and gratitude for all of her hard work. She has touched the lives of countless young people throughout Indiana, the United States, and the world. Donna's passion for education and children, along with her indescribable enthusiasm, will surely be missed in my office.

TRIBUTE TO GIRL SCOUT GOLD
AWARD RECIPIENTS—2000

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. SANDERS. Mr. Speaker, today I would like to salute six outstanding young women who are being presented with the Girl Scout Gold Award by the Vermont Girl Scout Council. They are:

Kellie Miner, 619 Basin Harbor Road, Vergennes, VT 05491, Cassie Charlebois, PO Box 323, Vergennes, VT 05491, Catherine McEnerney, 39 Boothwoods, Vergennes, VT 05491, Linnea Oosterman, 1074 Slatterly Road, Vergennes, VT 05491, Stephanie Leonard, 201 Sunset Drive, Morrisville, VT 05661, Rebecca Robare, 6 Giorgetti Blvd., Rutland, VT 05701.

They are being honored on May 16, 2000 for earning the highest achievement in U.S. Girl Scouting.

The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning and personal development. The award can be earned by girls aged 14–17, or in grades 9–12. To receive the award, these Girl Scouts first earned four interest project patches, the Career Exploration Pin, the Senior Girl Scout Leadership Award and the Senior Girl Scout Challenge as well as designing and implementing a Girl Scout Gold Award project to

meet what they saw as a need in their community. A synopsis of Gold Award projects is provided here.

Kellie Miner, Vergennes, VT is a musician with a gift for teaching youth. Kellie developed an after school music program teaching guitar and keyboards at her local elementary school with another Senior Girl Scout from her community. Kellie knows that musical education enhances children's ability to focus, to practice numerical and language skills and to feel a sense of success. Kellie served children from Kindergarten through sixth grade. Though the age range was a bit broad, she enjoyed teaching something she loves. She believes that her Girl Scout Gold Award Project will influence her to decide about a future as a high school choral director.

Cassie Charlebois, Vergennes, VT was the song leader for the after school music program she developed with another Senior Girl Scout from her community. Cassie collaborated on the project with the hope of engaging children in the fun and sense of group cooperation that singing provides. Cassie taught music to younger children who had varying reading abilities through repetition and reinforcement with the words written out on a flip chart. She organized a closing concert and invited the community. Cassie feels her own personal growth was in discovering her success as a teacher and overcoming shyness. She knows that her project has reminded children of the importance of music in their lives.

Katie McEnerney of Vergennes, VT is an artist. Her Gold Award Project was to collaborate with a fellow Senior Girl Scout to restore a playground structure at a local preschool. Katie first had to communicate with the school's administration to explain how the playground area could be improved. She selected a colorful rainbow theme, created the plans, and sketched the designs over the entire wooden structure inside and out. Katie was also concerned about the structure's stability and the over all safety of the playground. Her involvement in this Gold Award Project has been one that required careful planning, negotiating skills and a sense of timing so that the project would not inhibit the school schedule. Katie hopes to continue her skills through a career in the arts.

Linnea Oosterman of Vergennes, VT is interested in art. Linnea chose to collaborate with a fellow Senior Girl Scout to restore a playground structure at a local preschool. Linnea contributed to the project by securing the necessary materials, painting the design created by her partner and helping to restore the safety of the playground by sanding and treating the wood before painting. She completed the project by building a sandbox around the base. Linnea was primarily concerned that the children have a fun, safe and colorful place to play. Linnea chose this project as a worthwhile activity that she hopes will improve the playspace and make her a better artist.

Stephanie Leonard of Marrisville, VT is a musician who plays several instruments. In her community it is sometimes challenging for families to find adequate after school child care that is fun, accessible and safe. Stephanie developed an after school arts program for the Bishop Marshall Catholic School as part of their ongoing after school offerings. Stephanie incorporated both her musical talents and her interest in arts and crafts in the

activities for the children. Stephanie enjoyed working with the children and found the collaboration with the existing after school program goals to blend well with her own vision of a fun experience for youth.

Rebecca Robare of Rutland, VT is a multiply talented young woman. As a past member of our Board of Directors, Becky was personally involved in policy decisions at the Council. Becky chose her Gold Award Project to respond to what she felt was a lack of creative statewide offerings for older girls through the Vermont Girl Scout Council. This project was her attempt to create change on a programmatic level. Becky chose to host an event at the Fletcher Farm School for Arts and Crafts. She coordinated use of space for activities, meals, lodging and entertainment and collected her own registrations. Becky learned a great deal about her organizational abilities and how to effectively communicate with numerous players in hosting of this event. The success of the event was evident from the evaluations of girls in attendance.

IN SUPPORT OF WORKER
ECONOMIC OPPORTUNITY ACT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Ms. ESHOO. Mr. Speaker, I rise in support of Senate Bill 2323, the Worker Economic Opportunity Act. I am a proud cosponsor of this legislation that amends the Fair Labor Standards Act and allows hourly employees to take advantage of stock option plans offered by their companies.

Mr. Speaker, one of the reasons we call the New Economy the *New Economy* is because of the new opportunities and new wealth created by the groundkeeping technology industries. And in these technology industries, new opportunities for sharing in the wealth and success of companies are available to everyone.

In old business models, many junior employees were paid an hourly wage and if they gained some sonority they might be offered some type of stock purchase plan. In the new model used by technology companies, every employee gets to share in the wealth of it. When employees join the company, they have an opportunity to own a piece of the company. When the company goes public, they can exercise their options and share in the company's success.

In my District—which includes Silicon Valley—new companies are born every day. One reason people are attracted to this area and are willing to work at an hourly wage is because they can share in the dream of achieving the success and wealth created by these companies.

The Department of Labor took a short-sighted approach when it issued its opinion last year stating that stock option plans are not exempt from the regular rate of pay provisions. I'm pleased that the Labor Department now supports this bill which amends the current law, thereby voiding its earlier opinion.

Mr. Speaker, the Federal Reserve estimates that in the last two years approximately 17 percent of U.S. firms have introduced stock option programs. Additionally, another 37 per-

cent have broadened the eligibility in their existing plans. This legislation is about expanding the winner's circle for employees. If the Labor Department's initial view on this issue were allowed to stand, it would have resulted in the exclusion of hourly workers participating in the financial success of the businesses they have had in shaping.

There are secretaries and other hourly wage workers in my Congressional District who have become millionaires because of the success of their stock option plans. This wouldn't have happened if their option plan had been calculated into their overtime pay table. This has happened because companies with vision created business plans that included a model where every employee benefits when the company succeeds.

We should exercise the same vision and pass this legislation.

Mr. Speaker, I urge a "yes" vote on this legislation.

IN TRIBUTE TO DAVID MERRICK

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. NADLER. Mr. Speaker, I rise today in memory of David Merrick, a legendary Broadway producer who passed away last Tuesday at the age of 88. The Broadway theater community, which I represent, owes a great debt to the talents of David Merrick. Merrick was responsible for bringing to audiences such great works as *Gypsy*, *Hello Dolly*, *42nd Street*, and *Oliver!*, as well as dozens of other productions. His living legacy is proven every time one of his masterpieces returns to the "Great White Way."

Born to a poor family in St. Louis, Merrick grew up to become a major force in the Broadway theater. Producing a half-dozen or more plays and musicals in a typical season, it was estimated that at times he employed up to 20 percent of Broadway's workforce, while his shows amassed countless Tony Awards for excellence in the theater.

Feared as well as respected by those in the industry, he had a flair for showmanship and publicity that set him apart, stopping at nothing to gain recognition for his plays.

David Merrick could be ruthless, tyrannical, even downright nasty, and he reveled in his reputation as "the abominable showman," but he loved the Broadway theater and he spent his life bringing to the stage works that moved us and entertained us.

Today, the lights on Broadway shine a little less brightly with the passing of this great showman.

LETTER CARRIERS PARTICIPATE
IN FOOD DRIVE FOR NATION'S
NEEDY

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. COMBEST. Mr. Speaker, today I commend the National Association of Letter Carriers for their outstanding efforts to help those

who are hungry in communities across the nation. On May 13, 2000, local branches of the Letter Carriers, along with the United Way and the United States Postal Service, will kick off their annual food drive to collect non-perishable food and other essential items for families in need.

Residents of Amarillo, Canyon, Hereford, Dumas and Tulia, Texas will be asked to place non-perishable food items, paper products or hygiene items by their mailboxes. The letter carriers will pick these items up on May 13th and deliver them to the High Plains Food Bank. The donations received through this food drive will help fill the need for food distribution throughout the summer months.

This food drive is a worthwhile and important project, and has been extremely helpful to a large number of families over the years. In fact, 83,000 pounds of food were collected last year from postal routes across the Panhandle and sent to the High Plains Food Bank, currently serving over 5,200 families each month. The goal this year is to raise over 90,000 pounds of food. I am confident that our community will rise to meet this challenge.

The Amarillo branch of the National Association of Letter Carriers is deserving of our full support and I praise them for their work in the fight against hunger. Together, with such individual acts of generosity, we can help stop the growing problem of hunger on the High Plains.

PERSONAL EXPLANATION

HON. NYDIA M. VELAZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Ms. VELAZQUEZ. Mr. Speaker, I was unavoidably detained today, May 3, 2000.

If I had been present for rollcall No. 133, I would have voted "yes."

If I had been present for rollcall No. 134, I would have voted "yes."

If I had been present for rollcall No. 135, I would have voted "yes."

If I had been present for rollcall No. 136, I would have voted "yes."

If I had been present for rollcall No. 137, I would have voted "yes."

If I had been present for rollcall No. 138, I would have voted "yes."

If I had been present for rollcall No. 139, I would have voted "yes."

If I had been present for rollcall No. 140, I would have voted "yes."

If I had been present for rollcall No. 141, I would have voted "yes."

WILKES-BARRE LAW AND LIBRARY ASSOCIATION 150TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to an organization of which I am proud to be a member, the Wilkes-Barre Law and Library Association. I am pleased and honored to have been asked to participate in the 150th anniversary of its founding.

Founded in 1850 by the leading attorneys of Luzerne County, Pennsylvania, the Association was first known as the Wilkes-Barre Law Association. As the bar association for all of Luzerne County, the association soon adopted the longer name of Wilkes-Barre Law and Library Association, which is how it is still known today.

Its original function was a law library for its membership. Because of the expense of older law books dating back to the Civil War era, it was an attempt to create a central law library as a less costly way for lawyers of the day to have an important resource in their practices. The original library contained around 2000 volumes. Throughout the years, the library has expanded and by 1968 contained over 21,000 volumes of law books including English law. Some of the oldest volumes date back to the early 1700's and the library is one of the finest in the nation to this day.

The membership of the Association currently includes 649 members and has had a total of over 1,600 members in good standing in its 150-year history. Its first president was the Honorable Hendrick B. Wright, a member of the Pennsylvania Legislature, and Andrew McClintock and George B. Nicholson served as the first treasurer and secretary, respectively.

Many of the original names on the membership list are quite familiar to those of us in the Wyoming Valley—Welles, Dennison, Bidlack, Conyngham, Wright—as even to this day many of our streets and communities bear these distinguished names. Many served in the Pennsylvania Legislature and were icons of the era. At least 14 members of the Association were elected to the U.S. Congress, myself included. The Association also boasts three governors among its ranks: Henry Hoyt, Arthur James, and John S. Fine.

Mr. Speaker, the list of appellate and state supreme court justices from this bar association's membership list is too long to name all of them here, but that list includes some of the most distinguished jurists in the Commonwealth's history. One of its most famous was Chief Justice Gibson, whose case precedents were considered the most widely read in his era and were cited regularly by courts as far away as Westminster, England.

Currently in senior status, Third Circuit Court of Appeals Judge Max Rosenn is a highly respected member of the Wilkes-Barre Law and Library Association. With my strong support, the Congress recently renamed the Wilkes-Barre Federal Courthouse in his honor.

Mr. Speaker, the Wilkes-Barre Law and Library Association is the oldest and most distinguished legal institution in Northeastern Pennsylvania. It is the center of the legal community in Luzerne County and its library is a great resource to its membership. I am extremely proud to be a member and to have this opportunity to bring its history to the attention of my colleagues in the House of Representatives. I send my sincere best wishes on this milestone anniversary and for the future of the legal profession in Luzerne County.

GARY EVERHARDT: PUBLIC SERVANT

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. TAYLOR of North Carolina. Mr. Speaker, it is my honor to rise and commend a great public servant of Western North Carolina and the National Park Service, Gary Everhardt, Superintendent of the Blue Ridge Parkway. Gary has been devoted to making our National Parks cleaner, safer and more enjoyable for future generations. Today marks the beginning of Gary's well-earned retirement.

Gary is a native of Western North Carolina and is a product of the Lenoir North Carolina School System. He graduated in 1957 with a degree in Civil Engineering from North Carolina State University and immediately began work for the Park Service as a civil engineer for the Blue Ridge Parkway. He has served in engineering positions at the Park Service's Southeast and Southwest offices. Gary was also named the Superintendent of Grand Teton National Park in January 1972. While there he helped orchestrate and conduct the Second World Conference on National Parks. For his effort and hard work, Gary was awarded the Department of the Interiors Meritorious Service Award.

President Gerald Ford recognized Everhardt's dedication, professionalism, and hard work as he named Gary the ninth director of the National Park Service on January 13, 1975. It was under Gary's leadership that the Park Service saw a period of unbridled growth and success. The Park took great steps in the areas of visitor services and safety. Gary, with President Ford's approval, proposed doubling the park size with the purchase of nearly 32 million acres of land in Alaska.

Gary returned home to the Blue Ridge Parkway in 1977 to assume leadership as the fifth Superintendent of the Parkway and since that time Gary has worked diligently to improve relations with neighbors of the Parkway and government agency officials. Gary took a construction program that was near death and revived it. The final section of the Parkway motor road at Grandfather Mountain was completed in 1987. During Everhardt's tenure, the number of visitors to the park has risen to over 25 million.

I would like to add my tribute to Gary to the long list of honors that he has received in the past. In 1985 Everhardt received the Department of the Interior's highest honor, the Distinguished Service Award. In 1990 he received the Cornelius Amory Pugsley Medal from the National Park Foundation for stellar contributions to the advancement of parks and recreation. In September 1998 Gary received the Walter T. Cox award at the George B. Hertzog Lecture at Clemson University, this Award recognized Gary's sustained public achievement in wise management of natural and cultural resources.

Everhardt has a long list of involvement in other agencies and groups including his roles as Past President of the Asheville Federal Executive Association, a member of the Board of Directors of the Appalachian Consortium, and as a member of the North Carolina National Parks, Parkway & Forestry Development Council.

I am sure that Gary will enjoy this well-deserved retirement from the National Park Service. But I believe that it will leave him more time for the jobs that he enjoys most; being a husband, father of two, and a grandfather of three. I know that my colleagues will join me in saluting this fine public servant and community leader and thanking him for nearly 45 years of service to the National Park Service.

RECOGNIZING THE OUTSTANDING
ACHIEVEMENTS OF LAFAYETTE
PARISH SHERIFF DONALD J.
BREAUX

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. JOHN. Mr. Speaker, I rise today to recognize the outstanding law enforcement career of Lafayette Parish Sheriff Donald J. Breaux. Sheriff Breaux's over 30 years of distinguished service in Louisiana law enforcement are coming to a close on July 1, 2000, and I would like to take this opportunity to honor his accomplished service.

Sheriff Breaux began his career in law enforcement in 1958 at the age of twenty-one with the Lafayette Police Department. In 1964, he left local law enforcement to join the Louisiana State Police where he remained until his retirement in 1980. Shortly thereafter, he was appointed Lafayette City Marshall where he served until 1984 when he was elected Sheriff of Lafayette Parish. Today, fifteen years later, he is retiring from the law enforcement arena after what he calls a "blessed" life and career.

His years of distinguished service also includes leadership in numerous law enforcement organizations. He has served as: past president of the Louisiana State Troopers Association; past president of the Louisiana Sheriff's Association; Chairman of the National Sheriff's Drug Enforcement Committee; Director of the Louisiana Sheriff's Association Strike Force; member of the American Correctional

Association Committee on Accreditation; member of Accreditation for Corrections; and member of the American Correctional Association's Committee on Correctional Standards.

In his four terms as Lafayette Parish Sheriff, Sheriff Breaux spearheaded construction and operation of the Lafayette Parish Sheriff's Training Academy, the opening of the Lafayette Parish Correctional Center, the computerization of the Sheriff's Department and consolidation of many city-parish services for Lafayette Parish residents. He has placed an emphasis on combating drugs in Lafayette Parish through the development of a comprehensive community drug education program. This program, combined with a strong enforcement initiative, equates to roughly 100 drug arrests each month by Metro Narcotics. Sheriff Breaux was also instrumental in bringing the Drug Awareness Resistance Education Program (D.A.R.E.) to school children in Lafayette Parish. Since, DARE has provided over 6,000 Lafayette Parish school children with the knowledge they need to resist and report drugs in their communities.

Sheriff Breaux has made a lasting impact, not only in Lafayette Parish but in Louisiana as a whole. He will long be remembered as a leader who constantly strove to meet the changing and expanding needs of his diverse community. His record of public service exemplifies the heights to which he has brought the Lafayette Parish Sheriff's Department, and is one that will be honored for years to come.

Congratulations Sheriff Breaux on your retirement.

THE BUTTERFLY PAVILION & INSECT CENTER OF WESTMINSTER, COLORADO: BRINGING WONDERS OF THE INSECT WORLD TO THE ROCKIES

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2000

Mr. UDALL of Colorado. Mr. Speaker, I think few people know that the Second Congress-

sional District of Colorado is home to over 1,200 spectacular butterflies from 50 different species, over 100 different species of tropical and sub-tropical plants, and a variety of exotic arthropods that are normally found only in far-away lands. This may seem impossible given our dry climate at the foot of the Rocky Mountains, but thanks to the Butterfly Pavilion & Insect Center located in Westminster, Coloradans have the opportunity to see these fascinating creatures and plants first hand.

The Butterfly Pavilion & Insect Center is an educational facility for study of insects and other invertebrates. The facility exists to foster an appreciation of butterflies and other invertebrates while reminding the public about the need for conservation of threatened habitats in the tropics and around the world.

The Butterfly Pavilion & Insect Center is the only stand-alone nonprofit insect zoo in the nation. Visitors to the facility find themselves surrounded by free-flying butterflies while walking through the lush, tropical conservatory. A chrysalis viewing area allows visitors to watch the amazing process of metamorphosis as adult butterflies emerge from their gemlike chrysalides. In the insect center, visitors can watch, touch or take a closer look at some of the world's most fascinating insects and their relatives. They can discover what it feels like to hold a rose-haired tarantula from Chile, a Madagascar Hissing Cockroach or a giant mealworm.

The Butterfly Pavilion & Insect Center is a publicly supported scientific and educational facility and operates in collaboration with scientific advisors from zoos, universities and museums both locally and nationally. The facility is located at 6252 West 104th Avenue in Westminster, Colorado. It can also be found on the World Wide Web at www.butterflies.org. I encourage everyone to visit and learn more.

I would like to commend this organization for their steadfast commitment in educating the public about these living treasures. I thank them for bringing this source of amazement and beauty to our great state.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 4, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 9

9:30 a.m.
Armed Services
Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2001 for military activities of the Department of Defense. SR-222

Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings to examine the performance management in the District of Columbia. SD-342

10 a.m.
United States Senate Caucus on International Narcotics Control
To hold hearings on the domestic consequences of heroin use. SD-628

Judiciary
Criminal Justice Oversight Subcommittee
To hold hearings to examine Caribbean drug trafficking. SD-226

2 p.m.
Judiciary
To hold hearings on pending nominations. SD-226

2:30 p.m.
Energy and Natural Resources
To hold hearings on S. 1756, to enhance the ability of the National Laboratories to meet Department of Energy missions and for other purposes; and S. 2336, to authorize funding for networking and information technology research and development at the Department of Energy for fiscal years 2001 through 2005. SD-366

MAY 10

9:30 a.m.
Indian Affairs
To hold hearings on proposed legislation authorizing funds for programs of the Indian Health Care Improvement Act. SR-485

Commerce, Science, and Transportation
To hold hearings to examine retransmission consent issues. SR-253

Armed Services
Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2001 for military activities of the Department of Defense. SR-222

Governmental Affairs
To hold hearings on the nomination of Anna Blackburne-Rigsby, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia; the nomination of Thomas J. Motley, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia; and the nomination of John McAdam Mott, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia. SD-342

10:30 a.m.
Foreign Relations
International Operations Subcommittee
To hold hearings to examine the United Nations state of efficacy and reform. SD-419

2 p.m.
Foreign Relations
To hold hearings on pending nominations. SD-419

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the United States Forest Service's proposed revisions to the regulations governing National Forest Planning. SD-366

MAY 11

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine pipeline safety. SR-253

10 a.m.
Foreign Relations
To hold hearings on the nomination of John R. Dinger, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mongolia; the nomination of Edward William Gnehm, Jr., of Georgia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia; the nomination of Douglas Alan Hartwick, of Washington, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Lao People's Democratic Republic; the nomination of Susan S. Jacobs, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Solomon Islands, and as Ambassador Extraordinary and Plenipotentiary of the United States of

America to the Republic of Vanuatu; and the nomination of Michael J. Senko, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Marshall Islands, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kiribati. SD-419

2 p.m.
Environment and Public Works
To hold hearings on the Administration's legislative proposal on the Comprehensive Everglades Restoration Plan. SD-406

2:30 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 1367, to amend the Act which established the Saint-Gaudens Historic Site, in the State of New Hampshire, by modifying the boundary and for other purposes; S. 1617, to promote preservation and public awareness of the history of the Underground Railroad by providing financial assistance, to the Freedom Center in Cincinnati, Ohio; S. 1670, to revise the boundary of Fort Matanzas National Monument; S. 2020, to adjust the boundary of the Natchez Trace Parkway, Mississippi; S. 2478, to require the Secretary of the Interior to conduct a theme study on the peopling of America; and S. 2485, to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine. SD-366

MAY 12

10 a.m.
Governmental Affairs
To hold hearings on the nomination of Amy L. Comstock, of Maryland, to be Director of the Office of Government Ethics. SD-342

MAY 16

9:30 a.m.
Armed Services
To hold hearings on the nomination of The following named officer for appointment as Chief of Naval Operations, United States Navy, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5033: Adm. Vernon E. Clark, to be Admiral. SR-222

3 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the United States Forest Service's proposed transportation policy. SD-366

MAY 17

9:30 a.m.
Indian Affairs
To hold oversight hearings on Indian arts and crafts programs. SR-485

Indian Affairs
To hold hearings on S. 1148, to provide for the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska certain

benefits of the Missouri River Basin Pick-Sloan project; and S. 1658, to authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota.

SR-485

2:30 p.m.

Energy and Natural Resources
Water and Power Subcommittee

To hold oversight hearings on the operation, by the Bureau of Indian Affairs, of the Flathead Irrigation Project in Montana.

SD-366

MAY 23

2:30 p.m.

Energy and Natural Resources
Water and Power Subcommittee

To hold hearings on S. 740, to amend the Federal Power Act to improve the hydroelectric licensing process by granting the Federal Energy Regulatory Commission statutory authority to better coordinate participation by other agencies and entities.

SD-366

MAY 24

9:30 a.m.

Indian Affairs

To hold hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups.

SR-485

2:30 p.m.

Indian Affairs

To hold hearings on S. 2163, to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington; S. 2396, to authorize the

Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; S. 2248, to assist in the development and implementation of projects to provide for the control of drainage water, storm water, flood water, and other water as part of water-related integrated resource management, environmental infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California; S. 2410, to increase the authorization of appropriations for the Reclamation Safety of Dams Act of 1978; and S. 2425, to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon.

SD-366

JUNE 7

9:30 a.m.

Indian Affairs

To hold hearings on S. 2282, to encourage the efficient use of existing resources and assets related to Indian agricultural research, development and exports within the United States Department of Agriculture.

SR-485

JUNE 21

9:30 a.m.

Indian Affairs

To hold hearings on certain Indian Trust Corporation activities.

SR-485

JUNE 28

9:30 a.m.

Indian Affairs

To hold hearings on S. 2283, to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes.

SR-485

JULY 12

9:30 a.m.

Indian Affairs

To hold oversight hearings on risk management and tort liability relating to Indian matters.

SR-485

JULY 19

9:30 a.m.

Indian Affairs

To hold oversight hearings on activities of the National Indian Gaming Commission.

SR-485

JULY 26

9:30 a.m.

Indian Affairs

To hold hearings on authorizing funds for programs of the Indian Health Care Improvement Act.

SR-485

SEPTEMBER 26

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.

345 Cannon Building

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S3275–S3451

Measures Introduced: Four bills and one resolution were introduced, as follows: S. 2499–2502, and S. Res. 302. **Page S3328**

Measures Reported: Reports were made as follows: S. 1509, to amend the Indian Employment, Training, and Related Services Demonstration Act of 1992, to emphasize the need for job creation on Indian reservations, with amendments. (S. Rept. No. 106–277)

S. 2340, to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing substances by athletes, with amendments. (S. Rept. No. 106–278)

Pages S3327–28

Elementary and Secondary Reauthorization: Senate continued consideration of S. 2, to extend programs and activities under the Elementary and Secondary Education Act of 1965, taking action on the following amendments proposed thereto:

Pages S3284–S3322

Adopted:

By a unanimous vote of 98 yeas (Vote No. 89), Gorton Amendment No. 3110, to strengthen the Academic Achievement for All Demonstration Act (Straight A's Act). **Pages S3284–92, S3321–22**

Rejected:

By 45 yeas to 54 nays (Vote No. 90), Daschle Amendment No. 3111, of a perfecting nature.

Pages S3292–S3322

A unanimous-consent agreement was reached providing for further consideration of the bill on Thursday, May 4, 2000. **Page S3450**

Nominations Received: Senate received the following nominations:

Katherine Milner Anderson, of Virginia, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2006. (Reappointment)

General John A. Gordon, United States Air Force, to be Under Secretary for Nuclear Security, Department of Energy. (New Position)

Marc B. Nathanson, of California, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2001. (Reappointment)

Marc B. Nathanson, of California, to be Chairman of the Broadcasting Board of Governors. (New Position)

Barbara J. Sapin, of Maryland, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2007.

Dennis M. Cavanaugh, of New Jersey, to be United States District Judge for the District of New Jersey. **Pages S3450–51**

Messages From the House: Page S3326

Measures Referred: Page S3326

Communications: Pages S3326–27

Statements on Introduced Bills: Pages S3328–31

Additional Cosponsors: Pages S3331–32

Amendments Submitted: Pages S3333–S3449

Notices of Hearings: Page S3449

Authority for Committees: Page S3449

Additional Statements: Pages S3325–26

Privileges of the Floor: Pages S3449–50

Record Votes: Two record votes were taken today. (Total—90) **Pages S3321–22**

Adjournment: Senate convened at 9:34 a.m., and adjourned at 7:03 p.m., until 9:45 a.m., on Thursday, May 4, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S3450.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—DEFENSE

Committee on Appropriations: Subcommittee on Defense concluded hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, after receiving testimony from numerous public witnesses.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Committee met in closed session to mark up proposed legislation authorizing funds for fiscal year 2001 for military activities of the Department of Defense, but did not complete action thereon, and will meet again tomorrow.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Airland approved for full committee consideration those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2001 for military activities of the Department of Defense.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on SeaPower approved for full committee consideration those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2001 for military activities of the Department of Defense.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Strategic approved for full committee consideration those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2001 for military activities of the Department of Defense.

BOSTON CENTRAL ARTERY/TUNNEL PROJECT

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine issues dealing with the Boston Central Artery/Tunnel project, focusing on mismanagement, federal oversight, cost overruns, and outstanding federal financial obligation, after receiving testimony from Rod-

ney E. Slater, Secretary, and Kenneth M. Mead, Inspector General, both of the Department of Transportation; Andrew S. Natsios, Massachusetts Turnpike Authority, Matthew Wiley, Bechtel/Parsons Brinckerhoff Joint Venture, and Richard A. Dimino, Artery Business Committee, all of Boston, Massachusetts; and Richard L. Thomas, American International Group Companies, Inc., New York, New York.

CAMPAIGN FINANCE REFORM

Committee on Rules and Administration: Committee resumed hearings on campaign finance reform issues, focusing on Internet political speech, and S. 1747, to amend the Federal Election Campaign Act of 1971 to exclude certain Internet communications from the definition of expenditure, after receiving testimony from Senators Bennett and Burns; and David M. Mason and Karl J. Sandstrom, both Commissioners, Federal Election Commission.

Hearings resume on Wednesday, May 17.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following bills:

H.R. 2484, to provide that land which is owned by the Lower Sioux Indian Community in the State of Minnesota but which is not held in trust by the United States for the Community may be leased or transferred by the Community without further approval by the United States;

S. 1967, to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band; and

S. 1929, to amend the Native Hawaiian Health Care Improvement Act to revise and extend such Act, with an amendment in the nature of a substitute.

House of Representatives

Chamber Action

Bills Introduced: 11 public bills, H.R. 4365–4375; and 2 resolutions, H. Con. Res. 315–316, were introduced. **Page H2511**

Reports Filed: Reports were filed today as follows:
H.R. 1523, to establish mandatory procedures to be followed by the Forest Service and the Bureau of Land Management in advance of the permanent closure of any forest road so as to ensure local public participation in the decisionmaking process, amended (H. Rept. 106–604, Pt. 1) and

H. Res. 488, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of a certain resolution reported from the Committee on Rules (H. Rept. 106–605). **Page H2511**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Gutknecht to act as Speaker pro tempore for today. **Page H2413**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rabbi Israel Zoberman of Virginia Beach, Virginia. **Page H2413**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Continued Human Rights Violations and Political Oppression in Vietnam: H. Con. Res. 295, amended, relating to continuing human rights violations and political oppression in the Socialist Republic of Vietnam 25 years after the fall of South Vietnam to Communist forces (agreed to by a yeas and nay vote of 415 yeas to 3 nays, Roll No. 133)

Pages H2417–22, H2433–34

International Recognition of Israel's Magen David Adom Society: H. Res. 464, expressing the sense of Congress on international recognition of Israel's Magen David Adom Society and its symbol, the Red Shield of David; **Pages H2422–25**

Human Rights Violations in Belarus: H. Con. Res. 304, expressing the condemnation of the continued egregious violations of human rights in the Republic of Belarus, the lack of progress toward the establishment of democracy and the rule of law in Belarus, calling on President Alyaksandr Lukashenka's regime to engage in negotiations with the representatives of the opposition and to restore the constitutional rights of the Belarusian people, and calling on the Russian Federation to respect the sovereignty of Belarus (agreed to by a yeas and nay vote of 409 yeas to 2 nays with 2 voting "present", Roll No. 134); **Pages H2425–28, H2434–35**

Congratulating the People of Senegal on Their Elections: H. Res. 449, congratulating the people of Senegal on the success of the multi-party electoral process; **Pages H2432–33**

Sierra Leone Peace Support: H.R. 3879, amended, to support the Government of the Republic of Sierra Leone in its peace-building efforts; **Pages H2428–32**

Continued Submission of Endangered Species Reports: Debated on May 2, S. 1744, to amend the Endangered Species Act of 1973 to provide that certain species conservation reports shall continue to be submitted (passed by a yeas and nay vote of 420 yeas with none voting "nay", Roll No. 135)—clearing the measure for the President; **Page H2435**

Memorial Honoring Disabled Veterans: Debated on May 2, H.R. 1509, to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States (passed by a yeas and nay vote of 421 yeas with none voting "nay", Roll No. 136); **Pages H2435–36**

Commending Charter Schools: Debated on May 2, H. Con. Res. 310, supporting a National Charter Schools Week (agreed to by a yeas and nay vote of 397 yeas to 20 nays, Roll No. 137); **Pages H2436–37**

Worker Economic Opportunity: S. 2323, to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act—clearing the measure for the President (passed by a yeas and nay vote of 421 yeas with none voting "nay", Roll No. 139); **Pages H2437–49, H2467**

IDEA Full Funding: H.R. 4055, to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of that Act by 2010 (passed by a yeas and nay vote of 421 yeas to 3 nays, Roll No. 140); **Pages H2449–57, H2467–68**

Designating the Pamela B. Gwin Hall Federal Building: H.R. 1729, to designate the Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, as the "Pamela B. Gwin Hall." **Pages H2457–58**

Designating the Donald J. Pease Federal Building: H.R. 1405, to designate the Federal building located at 143 West Liberty Street, Medina, Ohio, as the "Donald J. Pease Federal Building"; and **Pages H2458–59**

Designating the Kika de la Garza United States Border Station: H.R. 1901, to designate the United States border station located in Pharr, Texas, as the "Kika de la Garza United States Border Station" (passed by a ye and nay vote of 417 yeas to 1 nay, Roll No. 141).

Pages H2459–61, H2468–69

Lake Pontchartrain Basin Restoration Act: The House passed H.R. 2957, to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality restoration projects for Lake Pontchartrain Basin, Louisiana by a ye and nay vote of 418 yeas to 6 nays, Roll No. 138.

Pages H2462–67

Agreed to the Committee amendment in the nature of a substitute made in order by the rule.

Page H2466

Agreed to the Traficant amendment, as modified, that expresses the Sense of the Congress that grant recipients abide by provisions of the Buy American Act and requires the Administrator of the EPA to give notice of the Acts' requirements to grant applicants.

Pages H2465–66

Earlier, the House agreed to H. Res. 484, the rule that provided for consideration of the bill.

Pages H2461–62

Use of Capitol Grounds for Earth Force Youth Bike Summit: H. Con. Res. 314, authorizing the use of the Capitol Grounds for a bike rodeo to be conducted by the Earth Force Youth Bike Summit.

Page H2469

Africa Free Trade: The House disagreed with the Senate amendment to H.R. 434, to authorize a new trade and investment policy for sub-Saharan Africa and agreed to a conference. Subsequently appointed as conferees: From the Committee on International Relations, Chairman Gilman and Representatives Royce and Gejdenson; from the Committee on Ways and Means, Chairman Archer and Representatives Crane and Rangel; and as additional conferees, Representatives Houghton and Hoeffel.

Pages H2469–70

Recess: The House recessed at 8:05 p.m. and reconvened at 10:53 p.m.

Page H2590

Senate Messages: Message received from the Senate appears on page H2413.

Referrals: S. Con. Res. 81 was referred to the Committee on International Relations.

Pages H2510–11

Quorum Calls—Votes: Nine ye and nay votes developed during the proceedings of the House today and appear on pages H2433–34, H2434–35, H2435, H2435–36, H2436–37, H2466–67, H2467, H2467–68, and H2468–69. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 10:54 p.m.

Committee Meetings

LEGISLATIVE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Legislative approved for full Committee action the Legislative Appropriations for fiscal year 2001.

BANK RESERVES MODERNIZATION ACT

Committee on Banking and Financial Services: Held a hearing on H.R. 4209, Bank Reserves Modernization Act of 2000. Testimony was heard from Laurence H. Meyer, member, Board of Governors, Federal Reserve System; Gary Gensler, Under Secretary, Domestic Finance, Department of the Treasury; and public witnesses.

INTERNET MEASURES

Committee on Commerce: Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing on the following bills: H.R. 4202, Internet Services Promotion Act of 2000; and H.R. 1291, Internet Access Charge Prohibition Act of 1999. Testimony was heard from Representative Upton; and public witnesses.

OPEN SHOPS—21ST CENTURY WORKPLACE

Committee on Education and the Workforce: Subcommittee on Oversight and Investigations held a hearing on Open Shops in the 21st Century Workplace. Testimony was heard from Representative Goodlatte; Mark Paschall, Representative, State of Colorado; and public witnesses.

FAIR LABOR STANDARDS ACT—WHITE COLLAR EXEMPTIONS—MODERN WORKPLACE

Committee on Education and the Workplace: Subcommittee on Workforce Protections held a hearing on the Fair Labor Standards Act: White Collar Exemptions in the Modern Workplace. Testimony was heard from Cynthia M. Fagnoni, Director, Education, Workforce, and Income Security Issues, GAO; T. Michael Kerr, Administrator, Wage and Hour Division, Department of Labor; and public witnesses.

"MISSING WHITE HOUSE E-MAILS: MISMANAGEMENT OF SUBPOENAED RECORDS"

Committee on Government Reform: Continued hearings on "White House E-Mails: Mismanagement of Subpoenaed Records, Day Three". Testimony was heard from the following officials of the Office of Administration, Executive Office of the President: Michael

Lyle, Director; and Karl Heissner, Branch Chief, Systems Integration and Development; and Robert Raben, Assistant Attorney, Legislative Affairs, Department of Justice.

Hearings continue tomorrow.

“MINIMAL PROGRESS”—IMPLEMENTING REFORMS TO PROTECT PEOPLE IN MEDICAL RESEARCH

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing on “Why Have Recommended Reforms to Protect People Who Participate in Medical Research Been Ignored?” Testimony was heard from the following officials of the Department of Health and Human Services: George Grob, Deputy Inspector General; William Raub, Deputy Assistant Secretary, Science Policy; Gary Ellis, Acting Director, Office of Protection from Research Risks; and Daniel Michels, Director of Enforcement, Office of Regulatory Affairs, FDA; and public witnesses.

DISCRIMINATION AGAINST WOMEN—INTERNATIONAL EFFORTS TO END

Committee on International Relations: Held a hearing on International Efforts to End Discrimination Against Women. Testimony was heard from Representatives Maloney of New York; Woolsey; and Morella; and Theresa Loar, Director, The President’s Interagency Council on Women, Department of State.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Forests and Forest Health held a hearing on the following bills: S. 439, to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada; S. 1374, Jackson Multi-Agency Campus Act of 1999; H.R. 3657, to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California; H.R. 3817, to redesignate the Big South Trail in the Comanche Park Wilderness Area of Roosevelt National Forest in Colorado as the “Jaryd Atadero Legacy Trail”; and H.R. 4226, Black Hills National Forest and Rocky Mountain Research Station Improvement Act. Testimony was heard from Representatives Bryan, Gibbons, Cubin, Thune, Tancredo and Bono; and James R. Furnish, Deputy Chief, Forest Service, USDA.

WAIVING TWO-THIRDS REQUIREMENT FOR SAME DAY CONSIDERATION OF RESOLUTION REPORTED BY THE COMMITTEE ON RULES

Committee on Rules: Granted, by voice vote, a rule waiving clause 6(a) of rule XIII (requiring a two-

thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to a special rule reported on or before May 4, 2000, providing for consideration or disposition of a conference report to accompany the bill (H.R. 434) to authorize a new trade and investment policy for sub-Saharan Africa, or any amendment reported in disagreement from a conference thereon.

OVERSIGHT—OCEAN SHIPPING REFORM ACT

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held an oversight hearing on the Ocean Shipping Reform Act. Testimony was heard from Harold J. Creel, Jr., Chairman, Federal Maritime Commission; Capt. Jon S. Helmick, U.S. Maritime Service, Director, Logistics and Intermodal Transportation Program, U.S. Merchant Marine Academy, Maritime Administration, Department of Transportation; and public witnesses.

U.S.-CHINA BILATERAL TRADE AGREEMENT—ACCESSION OF CHINA TO THE WTO

Committee on Ways and Means: Concluded hearings on the U.S.-China Bilateral Trade Agreement and the Accession of China to the WTO. Testimony was heard from Representative Wolf; Lawrence H. Summers, Secretary of the Treasury; Dan Glickman, Secretary of Agriculture; William M. Daley, Secretary of Commerce; Ambassador Charlene Barshefsky, U.S. Trade Representative; Elliott Abrams, Commissioner, United States Commission on International Religious Freedom; Robert E. Rubin, former Secretary of the Treasury; and public witnesses.

IRAQ

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Iraq. Testimony was heard from departmental witnesses.

Joint Meetings

IRS REFORM

Joint Committee on Taxation: Committee concluded hearings to examine the strategic plans and fiscal year 2001 budget of the Internal Revenue Service, focusing on the progress and problems in implementing the IRS Restructuring and Reform Act of 1998, after receiving testimony from Charles O. Rossotti, Commissioner, and W. Val Oveson, National Taxpayer Advocate, both of the Internal Revenue Service, and David C. Williams, Inspector General for Tax Administration, all of the Department

of the Treasury; and James R. White, Director, Tax Policy and Administration Issues, General Government Division, General Accounting Office.

COMMITTEE MEETINGS FOR THURSDAY, MAY 4, 2000

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: Subcommittee on Production and Price Competitiveness, to hold hearings to examine carbon cycle research and agriculture's role in mitigating greenhouse gases, 2 p.m., SR-328A.

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies, to hold hearings on proposed budget estimates for fiscal year 2001 for the National Science Foundation and Office of Science and Technology, 9:30 a.m., SD-138.

Full Committee, business meeting to consider subcommittee allocations of budget outlays and new budget authority allocated to the committee in H. Con. Res. 290, establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005, 11 a.m., S-128, Capitol.

Subcommittee on Agriculture, Rural Development, and Related Agencies, business meeting to mark up proposed legislation making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2001, 2:30 p.m., SD-138.

Committee on Armed Services: closed business meeting to mark up proposed legislation authorizing appropriations for fiscal year 2001 for military activities of the Department of Defense, 9:30 a.m., SR-222.

Full Committee, closed business meeting to mark up proposed legislation authorizing appropriations for fiscal year 2001 for military activities of the Department of Defense, 2 p.m., SR-222.

Committee on Commerce, Science, and Transportation: to hold hearings on the nomination of Debbie D. Branson, of Texas, to be a Member of the Federal Aviation Management Advisory Council; the nomination of Edward M. Bolen, of Maryland, to be a Member of the Federal Aviation Management Advisory Council; the nomination of Geoffrey T. Crowley, of Wisconsin, to be a Member of the Federal Aviation Management Advisory Council; the nomination of J. Randolph Babbitt, of Virginia, to be a Member of the Federal Aviation Management Advisory Council; the nomination of Kendall W. Wilson, of the District of Columbia, to be a Member of the Federal Aviation Management Advisory Council; the nomination of Phil Boyer, of Maryland, to be a Member of the Federal Aviation Management Advisory Council; the nomination of Robert A. Davis, of Washington, to be a Member of the Federal Aviation Management Advisory Council;

and the nomination of Robert W. Baker, of Texas, to be a Member of the Federal Aviation Management Advisory Council, 9:30 a.m., SR-253.

Committee on Energy and Natural Resources: Subcommittee on Forests and Public Land Management, to hold oversight hearings on the United States Forest Service's use of current and proposed stewardship contracting procedures, including authorities under section 347 of the FY 1999 omnibus appropriations act, and whether these procedures could be improved to assist forest management activities to meet goals of ecosystem management, restoration, and employment opportunities on public lands, 2:30 p.m., SD-366.

Committee on Finance: to hold hearings to examine the health care financing administration's role and readiness in Medicare reform, 9:30 a.m., SD-215.

Committee on Foreign Relations: Subcommittee on Near Eastern and South Asian Affairs, to hold hearings to examine U.S. foreign policy toward Libya, 10 a.m., SD-419.

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia, to hold hearings to examine the activities of the National Partnership for Reinventing Government for the last seven years, including changes to government management and programs that were proposed and implemented, 10 a.m., SD-342.

Committee on the Judiciary: Subcommittee on Immigration, to hold hearings on the proposed Agricultural Job Opportunity Benefits and Security Act of 1999, 2 p.m., SD-226.

House

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, to mark up fiscal year 2001 appropriations, 10 a.m., 2362 Rayburn.

Committee on Armed Services, Subcommittee on Military Personnel, to mark up H.R. 4205, National Defense Authorization Act for Fiscal Year 2001, 2 p.m., 2118 Rayburn.

Subcommittee on Military Readiness, to mark up H.R. 4205, National Defense Authorization Act for Fiscal Year 2001, 11 a.m., 2212 Rayburn.

Committee on Banking and Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing on the Fair Credit Reporting Act and its application to employers investigating alleged employee misconduct and on H.R. 3408, Fair Credit Reporting Amendments Act of 1999, 10 a.m., 2128 Rayburn.

Committee on Commerce, Subcommittee on Finance and Hazardous Materials, hearing on "Accounting for Business Combinations: Should Pooling Be Eliminated?" 10 a.m., 2123 Rayburn.

Committee on Education and the Workforce, Subcommittee on Early Childhood, Youth, and Families, hearing on Options for the Future of OERI, 9:30 a.m., 2175 Rayburn.

Committee on Government Reform, to continue hearings on "White House E-Mails: Mismanagement of Subpoenaed Records, Day Three and Day Four", 10 a.m., 2154 Rayburn.

Committee on International Relations, to mark up the following: H. Con. Res. 251, commending the Republic of Croatia for the conduct of its parliamentary and presidential elections; H.R. 4249, Cross-Border Cooperation and Environmental Safety in Northern Europe Act of 2000; and H.R. 4118, Russian-American Trust and Cooperation Act of 2000, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, to mark up H.R. 3709, Internet Nondiscrimination Act, 9:30 a.m., 2141 Rayburn.

Subcommittee on Commercial and Administrative Law, hearing on H.R. 3489, Wireless Telecommunications Sourcing and Privacy Act, 1 p.m., 2237 Rayburn.

Committee on Resources, Subcommittee on Energy and Mineral Resources, oversight hearing to examine the laws, policies, practices, and operations of the Department of the Interior, Department of Energy, and other agencies pertaining to payments to their employees, including payments relative to mineral royalty programs and policies from public lands and Indian lands, 10 a.m., 1334 Longworth.

Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on H.R. 2875, to amend the Klamath River Basin Fishery Resources Restoration Act to provide for tribal representation on the Klamath Fishery Manage-

ment Council, to clarify allocation of the annual tribal catch, 2 p.m., 1324 Longworth.

Subcommittee on National Parks and Public Lands, hearing on the following bills: H.R. 1751, Carrizo Plain National Conservation Act of 1999; and H.R. 4115, to authorize appropriations for the United States Holocaust Memorial Museum, 10 a.m., 1324 Longworth.

Committee on Small Business, Subcommittee on Tax, Finance, and Exports, hearing on "Making the Work Opportunity Tax Credit a Success for Small Business," focusing on H.R. 2101, Work Opportunity Tax Credit Reform and Improvement Act of 1999, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Oversight, Investigations, and Emergency Management, hearing on H.R. 4210, Preparedness Against Terrorism Act of 2000, 1:30 p.m., 2167 Rayburn.

Committee on Ways and Means, Subcommittee on Social Security, hearing on Social Security representative payees, 10 a.m., B-318 Rayburn.

Permanent Select Committee on Intelligence, executive, hearing on State Department Security and Counterintelligence Practices, 2 p.m., H-405 Capitol.

Next Meeting of the SENATE

9:45 a.m., Thursday, May 4

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, May 4

Senate Chamber

Program for Thursday: Senate will continue consideration of S. 2, Elementary and Secondary Education Reauthorization.

House Chamber

Program for Thursday: Consideration of the conference report on H.R. 434, African Growth and Opportunity Act (rule waiving point of order);

Consideration of H.R. 673, Florida Keys Water Quality Improvements Act (open rule, one hour of debate); and

Consideration of H.R. 1106, Alternative Water Sources Act. (Open rule, one hour of debate).

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