London and Mystic areas in the summer months. In an effort to provide year-round sailing opportunities, Yankee Sailing LLC also hopes to offer 1–2 week sail training trips along the coast in the fall and winter. The YANKEE is equipped to carry 25–35 daytime passengers and 8–10 overnight passengers, and does not pose any threat to larger U.S. shipping interests.

The YANKEE is a vessel of considerable historical significance having been designed by and built for one of New England's most famous contemporary sailors, the late Irving Johnson. The YANKEE shares a well-established relationship with the Mystic Seaport Museum where the Johnson Collection is housed, and it was also the centerpiece for an Irving Johnson reunion held at the Seaport this past October.

The owners request the waiver because while the vessel was originally documented in the United States with a home port of Mystic, CT, it was built in Holland and is, therefore, excluded from coastal trade by the Jones Act. The owners were aware of the Jones Act's restrictions, however, they were unclear as to its applicability with regard to a vessel's size. Their understanding was that the act only pertained to vessels 65 feet in length or greater carrying over six passengers. Yankee Sailing LLC hoped to operate with six passengers to generate revenue until they could receive full certification allowing for larger sailing trips. Due to this confusion regarding the law, Yankee Sailing LLC is unable to provide these small sailing trips and suffers financially as a consequence.

Yankee Sailing LLC wishes to provide residents of southeastern Connecticut the opportunity to experience the excitement of sailing and did not willfully violate the Jones Act. The presence of its services will help stimulate the local economy and tourism in a region attempting to promote an economic renaissance.

Based upon all of the combined facts, I believe a waiver should be granted for the YANKEE. 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. 1261

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 YANKEE, United States official number 1076210.

By Mr. REED (for himself, Mr. COCHRAN, Mr. SARBANES, Mr. WELLSTONE, Mr. KENNEDY, Mr. DASCHLE, Mr. REID, and Mrs. MURRAY):

S. 1262. A bill to amend the Elementary and Secondary Education Act of 1965 to provide up-to-date school library medial resources and well-trained, professionally certified school library media specialists for elementary schools and secondary schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE ELEMENTARY AND SECONDARY SCHOOL LIBRARY MEDIA RESOURCES, TRAINING, AND ADVANCED TECHNOLOGY ACT

Mr. REED. Mr. President, I rise today to introduce legislation to support and strengthen America's school libraries.

The school library plays a vital role in the education of students. It is where reading skills are reinforced; the laboratory where ideas taught in class are explored and tested; the arena in which children explore new ideas and learn on their own; and a vital bridge to the remarkable and growing resources of the information age.

Research shows that well-equipped and well-staffed school libraries are essential to promoting learning and achievement. Indeed, a 1992 study found that students in schools with well-equipped libraries and professional library media specialists perform better on achievement tests for reading comprehension and basic research skills.

This finding was echoed in a 1994 U.S. Department of Education report on the impact of school library media centers which noted that the highest achieving students tend to come from schools with strong libraries and library programs.

And, a 1993 review of research studies concluded that free voluntary reading is the foundation for good grammar, writing, and reading comprehension abilities. For the average American student, the school library is the single most available source of reading material.

Mr. President, with our ever-changing global economy, access to information and the skills to use it are vital to ensuring that young Americans are competitive and informed citizens of the world. That is why the school library is so important in supplementing what is learned in the classroom; promoting better learning, including reading, research, library use, and electronic database skills; and providing the foundation for independent learning that allows students to achieve throughout their educational careers and their lives.

While the promise of a well-equipped school library is limitless, and its importance greater than ever, the condition of libraries today does not live up to that potential. As Linda Wood, a school library media specialist from South Kingstown High School in Rhode Island, recently noted during a Health, Education, Labor, and Pensions Committee hearing, school library collections are outdated and sparse. Indeed, schools across the nation are dependent on collections purchased in the mid-1960s under the original Elementary and Secondary Education Act.

As a result, many books in our school libraries predate the landing of manned spacecraft on the moon, the breakup of the Soviet Union, the end of Apartheid, the growth of the Internet, and advances in DNA research. In a rapidly changing world, our students are placed at a major disadvantage if the only scientific, historical, and geographical materials they have access to reflect times long gone by.

In sum, school library funding is grossly inadequate to the task of improving and supplementing collections. Library spending per student today is a small fraction of the cost of a new book. Indeed, while the average school library book costs $16, the average spending per student for books is $6.73 in elementary schools; $7.30 in middle schools; and $6.27 in high schools.

Consequently, many outdated books that should be removed from shelves cannot be, since there is no money to replace them. One case in point is California which in response to its fourth-graders being ranked second to last among 39 states on last year's National Assessment of Educational Progress has begun an effort to restock school library shelves in order to weed out old and inaccurate books, including those rife with racial stereotypes and those which proclaim ''one day, man might go to the moon''. For a long time, according to a recent Los Angeles Times article, California school librarians could not afford to take such a step because there would be no books left on the shelves. Too few states, however, are taking similar steps to improve school libraries.

My home state of Rhode Island is working on an innovative effort to ensure that students gain access to materials not available in their own school libraries. RILINK (the Rhode Island Library Information Network for Kids) gives students and teachers 24-hour Internet access to a statewide catalog of school library holdings, complete with information about the book's status on the shelf. RILINK also allows for on-line request of materials via interlibrary loan, with rapid delivery through a statewide courier system, and provides links from book information records to related Internet research sites, allowing a single book request to serve as a point of departure for a galaxy of information sources.

Unfortunately, such innovations, which could benefit schoolchildren across the nation, cannot be expanded without adequate library funding. Indeed, the only federal funding that is currently available to school libraries is the Title VI block grant, which allows expenditure for school library and

instructional materials as one of seven choices for local uses of funds. This program is slated for elimination under the Administration's fiscal year 2000 budget and Elementary and Secondary Education Act reauthorization proposal.

Mr. President, well-trained school library media specialists are also essential to helping students unlock their potential. These individuals are at the heart of guiding students in their work, providing research training, maintaining and developing collections, and ensuring that a library fulfills its potential. In addition, they have the skills to guide students in the use of the broad variety of advanced technological education resources now available.

Unfortunately, only 68% of schools have state certified library media specialists, according to Department of Education figures, and, on average, there is only one specialist for every 591 students. This shortage means that many school libraries are staffed by volunteers and are open only a few days a week.

Mr. President, the bipartisan bill I am introducing today, along with Senators COCHRAN, SARBANES, WELLSTONE, KENNEDY, DASCHLE, REID, and MURRAY, would restore the funding that is critical to improving school libraries. The Elementary And Secondary School Library Media Resources, Training, And Advanced Technology Act directs funding to schools with the greatest need and would ensure that students have access to the informational tools they need to learn and achieve at the highest levels by providing funds to update library media resources, such as books and advanced technology, train school library media specialists, facilitate resource-sharing among school libraries, and improve collaboration between school library media specialists and teachers.

The bill also establishes the School Library Access Program to provide students with access to school libraries during non-school hours, including before and after school, weekends, and summers.

Providing access to the most up-to-date school library collections is an essential part of increasing student achievement, improving literacy skills, fostering a love of reading, and helping students become lifelong learners. The Elementary and Secondary School Library Media Resources, Training, and Advanced Technology Act, which is strongly supported by the American Library Association, will help accomplish these essential goals. I urge my colleagues to cosponsor this important legislation and work for its inclusion in the upcoming reauthorization of the Elementary and Secondary Education Act.

Mr. President, I ask unanimous consent that the text of this legislation and a letter of support written by the American Library Association be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1262

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 ''Elementary and Secondary School Library Media Resources, Training, and Advanced Technology Assistance Act''.

SEC. 2. PURPOSE.

The purposes of this Act 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.

SEC. 3. SCHOOL LIBRARY MEDIA RESOURCES.

Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.) is amended by adding at the end the following:

''PART F—ELEMENTARY AND SECONDARY SCHOOL LIBRARY MEDIA RESOURCES

''Subpart 1—Library Media Resources

''SEC. 3701. 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 3710 and not reserved under section 3709 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. 3702. STATE APPLICATIONS.

''To be eligible to receive an allotment under section 3701 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 3705 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. 3703. STATE RESERVATION.

''A State educational agency that receives an allotment under section 3701 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. 3704. LOCAL ALLOCATIONS.

''(a) IN GENERAL.—A State educational agency that receives an allotment under section 3701 for a fiscal year shall use the funds made available through the allotment and not reserved under section 3703 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 3705; and

''(2) the highest percentages of poverty, as measured in accordance with section 1113(a)(5).

''SEC. 3705. LOCAL APPLICATION.

''To be eligible to receive an allocation under section 3704 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 3706;

''(4) a description of the manner in which the local educational agency will develop and carry out the activities described in section 3706 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 subpart 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 subpart 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 subpart by schools served by the local educational agency.

''SEC. 3706. LOCAL ACTIVITIES.

''A local educational agency that receives a local allocation under section 3704 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. 3707. ACCOUNTABILITY AND CONTINUATION OF FUNDS.

''Each local educational agency that receives funding under this subpart 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 and secondary 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. 3708. SUPPLEMENT NOT SUPPLANT.

''Funds made available under this subpart 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. 3709. NATIONAL ACTIVITIES.

''The Secretary shall reserve not more than 3 percent of the amount appropriated under section 3710 for a fiscal year—

''(1) for an annual, independent, national evaluation of the activities assisted under this subpart, to be conducted not later than 3 years after the date of enactment of this subpart; and

''(2) to broadly disseminate information to help States, local educational agencies, school library media specialists, and elementary and secondary teachers and administrators learn about effective school library media programs.

''SEC. 3710. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subpart $250,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2004.

''Subpart 2—School Library Access Program

''SEC. 3721. 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, weekends, and 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 subpart $25,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2004.''.

AMERICAN LIBRARY ASSOCIATION,
Washington, DC, June 21, 1999.

Hon. Jack Reed,
U.S. Senate,
Washington, DC.

DEAR SENATOR REED: I would like to take this opportunity to thank you and Senator Thad Cochran for your bi-partisan support of school libraries as you introduce the Elementary and Secondary School Library Media Resources, Training, and Advanced Technology Assistance Act of 1999. This bill would provide assistance to the nation's school libraries and school library media specialists at a time when they are laboring mightily to cope with the challenges of increasing school enrollment, new technology and the lack of funding for school library resources.

As a school librarian myself in Juneau, Alaska, I know personally how this legislation will contribute to effective learning by our school children. Many of the nation's school libraries have collections that are old, inaccurate and out of date. How can we encourage children to read and continue to be life-long learners if the material we have available for them is inadequate?

Your legislation proposes to upgrade collections, encourage and train school librarians, effect greater cooperation between school professionals directly involved in teaching children—school library media specialists, teachers and administrators, and encourages the sharing of resources electronically. This critical legislation should be included in the reauthorization process now going forward in the Senate. The school children of today deserve the best resources we have to give them.

On behalf of the 57,000 school, public, academic and special librarians, library trustees, friends of libraries and library supporters, I thank you for your efforts to improve the resources in school libraries. We offer the support of our members in working towards passage of the legislation.

Sincerely,

ANN K. SYMONS,
President.

By Mr. JEFFORDS (for himself, Mr. HATCH, and Mr. GORTON):

S. 1263. A bill to amend the Balanced Budget Act of 1997 to limit the reductions in medicare payments under the prospective payment system for hospital outpatient department services; to the Committee on Finance.

HOSPITAL OUTPATIENT PRESERVATION ACT OF 1999

Mr. JEFFORDS. Mr. President, I am introducing today, with Senators HATCH and GORTON, the Hospital Outpatient Preservation Act of 1999.

The Congress passed landmark legislation in 1997, the Balanced Budget Act. The BBA has played an important role in ensuring the integrity of the Medicare program, but our good intentions to rein in costs went too far, too fast in some areas. In fact, I fear that our zeal may result in decreased access to care and lower quality of care for Medicare beneficiaries if we do not act to soften the impact of BBA implementation on health care providers.

I am particularly concerned about the consequences of payment cuts under BBA for Vermont's hospitals and health systems. Norman Wright, President of the Vermont Hospital and Health Systems Association, has said, ''It is clear that the outpatient prospective payment system being implemented from Washington poses a real threat to the continuation of quality services being provided by Vermont hospital outpatient departments.''

Through the Hospital Outpatient Preservation Act of 1999, we are seeking to address concerns about outpatient reimbursement cuts for hospitals. The BBA requires the implementation of a prospective payment system (PPS) for the reimbursement of Medicare hospital outpatient department services to control rising costs in that area, as the provision of care has shifted from inpatient to less costly outpatient services. Our proposed legislation would amend BBA '97 by temporarily limiting the reduction in payments under the new outpatient PPS for outpatient department services to give hospitals a period to adjust to the reimbursement cuts.

Medicare outpatient margins, already negative in 1999, are estimated to drop to a negative 28.8 percent if costs increase at a historical rate of growth, and to a negative 20.3 percent if costs increase more slowly. The Health Care Financing Administration's analysis of its proposed rule on the implementation of outpatient PPS found that average reductions in outpatient department services reimbursement for all

hospitals would be 4 percent, but that the reimbursement to low-volume hospitals would decline by an average of 17 percent. For example, Southwestern Vermont Medical Center in Bennington, Vermont, is estimated to experience a 16 percent decline in payment. The Chief Executive Officer of Mt. Ascutney Hospital in Ascutney, Vermont, stated, ''The new outpatient prospective payment methodology would cut our reimbursement to the point that our operating margin would be in jeopardy. This coming on the heels of other cuts has an additive negative effect.''

If vulnerable rural hospitals are not provided a gradual transition period to reorganize operations, such a large decline in reimbursement could spell financial disaster. Teaching hospitals are also projected to sustain a greater than average loss under the new methodology. I am concerned that financial cutbacks of this magnitude could impact the access to care and the quality of care provided to Medicare beneficiaries by hospitals that are already ailing under payment cuts for Medicare inpatient services and from managed organization payment cuts.

The ''Hospital Outpatient Preservation Act of 1999'' would limit a hospital's losses for covered outpatient department services furnished prior to and during the first full calendar year of outpatient PPS implementation to 5 percent, so that a hospital would receive no less than 95 percent of what the hospital would have been paid under the current reimbursement mechanism. In the second year, the maximum payment loss would be 10 percent, and in the third year, 15 percent. There would be no limit after the third year.

The BBA went too far, too fast in cutting costs, and now it's time to find the right balance by swinging the pendulum back toward quality. The Hospital Outpatient Preservation Act of 1999 would address one area of concern by providing a phased implementation period of three years to allow hospitals, particularly the hardest hit rural and major teaching hospitals, time to adjust to the cuts in reimbursement. Through such legislation, we can maintain the financial integrity of the Medicare program, while guaranteeing access to high-quality health care services for Medicare beneficiaries.

By Ms. SNOWE (for herself and Mr. KENNEDY):

S. 1264. A bill to amend the Elementary and Secondary Education Act of 1965 and the National Education Statistics Act of 1994 to ensure that elementary and secondary schools prepare girls to compete in the 21st century, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

EDUCATING AMERICA'S GIRLS ACT

Ms. SNOWE. Mr. President, I rise today with my colleague, Senator TED KENNEDY, to introduce legislation that will play a critical role in the advancement of education as we prepare for the demands of the 21st Century. Specifically, the ''Educating America's Girls Act of 1999'' will ensure that our nation's children—and young women in particular—will be prepared for the job market of the coming millenium, while also ensuring that the unique needs of girls are properly addressed in our nation's schools and classrooms.

Given the critical role of education in preparing our children for the future, it is understandable that there is heightened interest in ensuring that the highest academic standards and best practices are incorporated in our nation's schools and classrooms. As Congress undertakes the reauthorization of the Elementary and Secondary Education Act (ESEA) of 1965, the provisions of the ''Educating America's Girls Act'' will ensure that the varying educational needs of all students, and young girls in particular, are recognized and addressed—and ultimately ensure that our efforts to reform and improve education are realized.

Mr. President, due to the changes adopted in 1994, gender equity is a major theme throughout the ESEA. Specifically, the needs of girls are addressed in current law by requiring professional development activities to meet the needs of diverse students, including girls; encouraging professional development and recruitment activities to increase the numbers of women math and science teachers; including sexual harassment and abuse as a focus of the Safe and Drug-Free Schools Act; broadening dropout prevention activities to address the needs of pregnant and parenting teens; and reauthorizing the Women's Educational Equity Act (WEEA), which funds research and programs to achieve educational equity for women.

During the ESEA reauthorization process, we should not only work to maintain the important gender equity provisions that were included in the 1994 law, but also to prepare girls for the future by adding the following provisions: ensure education technology programs are targeted in a manner that addresses the unique needs of all students, including girls; provide schools with resources to combat sexual harassment and abuse; collect data on high school athletic participation by girls; keep pregnant and parenting teens in school; and reauthorize WEEA.

Accordingly, the ''Educating America's Girls Act'' contains provisions that will address all of these needs, so I urge that my colleagues support this legislation and these additions during the upcoming reauthorization of the ESEA.

Mr. President, with the growing demand for technological skills in the workplace—including six out of 10 jobs requiring technological skills—the need to incorporate technology in the classroom cannot be understated. Accordingly, the utilization of education technology in the classroom is an arena in which we must ensure that all students, including girls, are not put at a disadvantage.

Of note, a 1998 report by the American Association of University Women, Gender Gaps: Where Our Schools Still Fail Our Children, found that girls, when compared to boys, are at a significant disadvantage as technology is increasingly incorporated into the classroom. Specifically, girls tend to come to the classroom with less exposure to computers and other technology, and girls believe that they are less adept at using technology than boys. As a result, girls tend to have a more ''circumscribed, limited, and cautious'' interaction with technology than boys, as highlighted in the report.

Schools can assist girls in developing a confident relationship to technology by integrating digital tools into the curriculum so girls can pursue their own interests. Unfortunately, current law lacks assurances that federal education programs will compensate for girls' different learning styles and different exposures to technology.

Accordingly, provisions in the ''Educating America's Girls Act'' will ensure that the different learning styles of girls and other students will be taken into consideration when monies are awarded for a variety of existing K–12 programs. Furthermore, it also includes the ''High Technology for Girls Act'' (High-Tech Girls), legislation I have already introduced that will ensure young girls are encouraged to pursue degrees and demanding careers in math, science, engineering, and technology—fields that are critical in the increasingly technologically-driven workplace.

Mr. President, as we seek to ensure that the unique technological needs of girls are addressed in the classroom, we also cannot ignore that sexual harassment and abuse is another issue of importance as we seek to educate our nation's children.

While comprehensive research should be done on the pervasiveness of sexual harassment in schools—and ''Educating America's Girls Act'' will ensure that such a study is completed—various studies have found that the vast majority of secondary school students experience some form of sexual harassment during their school lives.

For instance, the AAUW Educational Foundation's 1993 survey of 8th through 11th grade students on sexual harassment in schools, Hostile Hallways: The AAUW Survey on Sexual Harassment in America's Schools, found that the vast majority of secondary school students experienced some form of sexual harassment and that girls are disproportionately affected.

While data on the incidence of sexual harassment is scant, Hostile Hallways found that 85 percent of girls experienced some form of sexual harassment; 65 percent of girls who have been harassed were harassed in the classroom;

and 73 percent of girls who have been harassed were harassed in the hallway of their school; a student's first experience of sexual harassment is most likely to occur in the middle school/junior high years of 6th to 9th grade; and 81 percent of girls who have been harassed do not report it to adults.

A 1996 University of Michigan study showed that sexual harassment can result in academic problems such as paying less attention in class and Hostile Hallways found that 32 percent of girls do not want to talk as much in class after experiencing harassment. Furthermore, thirty-three percent of girls do not want to go to school at all due to the stress and anxiety they suffered as a result of the sexual harassment, and nearly one in four girls say that harassment caused them to stay home from school or cut a class.

We know little else about the extent of sexual harassment or even the nature and extent of more serious sexual crimes in schools. The Safe and Drug-Free Schools and Communities Act (SDFSCA) requires the National Center for Education Statistics (NCES) to collect data on violence in elementary and secondary schools in the United States. However, these reports provide only a very limited picture of sexual offenses in schools because they only capture data on rape or sexual battery reported to police. Further, school crime victimization surveys do not include questions on threats or abuse that are sexual in nature.

Sexual harassment in schools is illegal, a form of sexual discrimination banned under Title IX of the Education Amendment of 1972. Unfortunately, on the 25th anniversary of Title IX, a report by the National Coalition for Women and Girls in Education (NCWGE) found that less progress was made in the area of sexual harassment than in any other gender equity issue in education. NCWGE concluded that few schools have sexual harassment policies, or effectively enforce them. Therefore, in addition to calling for more intensified Office of Civil Rights enforcement, NCWGE called on schools to adopt comprehensive policies and programs addressing sexual harassment.

The reauthorization of the ESEA gives us an opportunity to greatly reduce the incidence of sexual harassment by gathering data on these often hidden offenses and providing programs to prevent sexual harassment and abuse. Accordingly, the ''Educating America's Girls Act'' ensures that this data will be compiled and that schools are provided with resources to combat sexual harassment. Of importance, because the definition of sexual harassment in elementary and secondary schools can be contentious, the legislation ensures that local schools will have the sole authority to define the forms of sexual harassment that will be addressed, and the sole authority to determine the types of programs that will be undertaken to address it.

Mr. President, equal access to education for girls also means equal access to opportunities for athletic participation in our schools, particularly our high schools. Unfortunately, nationwide data measuring the participation of girls in physical education and high school athletics programs is very limited.

Participation in high school athletic programs is important for girls because research has shown that it improves girls' physical and mental health. For instance, a study by the President's Council on Physical Fitness and Sports recently found that girls playing sports have better physical and emotional health than those who do not. The study also found that higher rates of athletic participation were associated with lower rates of sexual activity and pregnancy. Other studies link physical activity to lower rates of heart disease, breast cancer, and osteoporosis in later life. Sports build girls' confidence, sense of physical empowerment, and social recognition within the school and community.

In addition, many girls who participate in high school athletics programs receive college scholarships. Therefore, by participating in high school athletics programs, girls increase their chances at receiving a college scholarship—which may be the only way that some young women will be able to pursue a higher education.

Because of the lack of data on girls' participation in physical education and athletics during grades K–12, the ''Educating America's Girls Act'' will ensure that this data is collected and reported. Ultimately, this assembling of information will allow us to determine if girls are fully participating in these activities, and if further steps should be taken to increase their involvement.

Mr. President, education is ultimately the means for all girls, including pregnant and parenting teens, to achieve economic self-sufficiency. Yet despite our strides to make education accessible to girls, dropping out of school remains a serious problem that should be addressed in the reauthorization of the ESEA.

Five out of every 100 young adults enrolled in high school in 1996 left school without successfully completing a high school program. In October of 1997, 3.6 million young adults, or 11 percent of young adults between the ages of 16 and 24 in the United States, were neither enrolled in a high school program nor had they completed high school. Of note, girls who drop out are less likely than boys to return and complete school.

Twenty-five years after the enactment of Title IX, pregnancy and parenting are still the most commonly cited reasons why girls drop out of school, and the United States has the highest teen pregnancy rate of any industrialized nation. In fact, almost one million teenagers become pregnant each year and 80 percent of these pregnancies are unintended.

Pregnancy and parenting account for half the female dropout rate and one fourth of the dropout rate for all students. Two-thirds of girls who give birth before age 18 will not complete high school, and the younger the adolescent is when she becomes pregnant, the more likely it is that she will not complete high school.

The last reauthorization of ESEA broadened the dropout prevention program to address the needs of pregnant and parenting teens. Because this problem remains so pervasive, the ''Educating America's Girls Act'' contains provisions to strengthen the ESEA's support for programs that keep pregnant and parenting teens in school, including the utilization of mentoring programs.

Finally, Mr. President, the Women's Educational Equity Act (WEEA) represents the federal commitment to helping schools eradicate sex discrimination from their programs and practices and to ensuring that girls' future choices and success are determined not by their gender, but by their own interests, aspirations, and abilities. Since the program's inception in 1974, the WEEA has funded research, development, and dissemination of curricular materials; training programs; guidance and testing activities; and other projects to combat inequitable educational practices.

Because of the important role that the WEEA has played in addressing sex discrimination over the past 25 years, the ''Educating America's Girls Act'' reauthorizes the WEEA so that it can continue to address the needs of women for many years to come.

Mr. President, the bottom line is that the reauthorization of the ESEA provides us with a unique opportunity to address the numerous needs of our nation's students as we prepare for the 21st Century. I believe that the provisions of the ''Educating America's Girls Act'' will address a variety of these needs—and the unique needs of girls in particular—and urge that my colleagues support this legislation accordingly during the months ahead.

Mr. KENNEDY. Mr. President, in recent decades, the nation's schools have made great progress in ensuring that young girls receive an equitable education. Gender gaps in math and science performance have narrowed. More girls are taking algebra, geometry, pre-calculus, trigonometry, and calculus than ever before. More girls are taking honors and advanced placement level courses in calculus and chemistry.

Schools are making progress in other areas as well. More and more schools are instituting programs to address the problems of sexual harassment and abuse. Increasing numbers of girls are participating in high school athletics and receiving college athletic scholarships.

While these improvements are commendable, they are not enough. Continued progress is necessary. The Educating America's Girls Act addresses

some of the most pressing issues in educational equity: access to technology, school safety, high school athletics, and dropout rates.

Technology education is particularly important for all students, but girls' needs are particularly acute. While gaps between boys and girls in math and science are narrowing, the gender gap in technology is growing.

Girls tend to come to the classroom with less exposure to computers and other technology than boys. Girls often believe that they are less adept at using technology than boys are. They tend to be more cautious than boys in the ways that they interact with technology.

Girls are also dramatically underrepresented in advanced computer science courses, making them less eligible than boys for high wage, high-tech jobs. The fact that girls are less likely than boys to take advanced computer science courses actually helps perpetuate a cycle of disadvantage in educational technology. Because fewer girls will have the skills to enter high-tech fields, fewer women will be developers of educational software and fewer role models will be available for young girls.

For girls to have equal access to the growing job market in the computer field, immediate steps must be taken to close the technology gap between boys and girls. The Educating America's Girls Act addresses problems with girls' access to technology by providing professional development to assist teachers in dealing more effectively with the technology needs of girls. It gives local and state governments and private and pubic schools and institutions of higher education the opportunity to meet their needs in their applications for federal grants. Finally, the Act states that the Title III provisions authorizing support for development of education technology must give special consideration to programs incorporating the technology learning needs of girls.

School safety is another concern for America's girls. Recent studies reveal that 85 percent of girls have experienced some form of sexual harassment. Sixty-five percent of girls who have been harassed were harassed in the classroom, and 73 percent were harassed in school hallways. Eighty-one percent of girls who have been harassed do not report the harassment to an adult. Thirty-three percent of girls report not wanting to go to school because of anxiety and stress caused by harassment. Nearly one quarter of girls report staying home from school or cutting classes because of harassment.

These numbers are clearly unacceptable. It is imperative that our schools do a better job of recognizing and eradicating sexual harassment in schools. As the recent Supreme Court ruling in Davis v. Monroe County Board of Education makes clear, school districts may now be sued for damages if they fail to respond to student sexual harassment of other students.

The Educating America's Girl's Act provides $10 million for district level programs to train teachers and administrators in identifying and preventing sexual harassment. In addition, the Act makes high rates of sexual harassment in schools a consideration in determining the distribution of state grants for violence prevention programs. It also requires that sexual harassment and abuse prevention be among the activities included in a school's comprehensive drug and violence program. Finally, the Act requires the National Center for Educational Statistics to collect data on sexual harassment and abuse in schools as a means of identifying and addressing the problem more effectively.

The Act supports girls' participation in high school athletics. Since the passage of Title IX over a quarter century ago, increasing numbers of girls are participating in organized sports, although boys continue to participate at higher rates.

Studies show that girls who do so are emotionally and physically healthier than girls who do not. Involvement in sports can also lead to higher self-esteem and confidence, more positive attitudes toward school, an improved sense of physical well-being, social recognition in the school and community, and a reduction in destructive behavior.

In addition, higher rates of athletic participation for girls are associated with lower rates of sexual activity and pregnancy. Girls who participate in sports are also less likely to drop out of school and less likely to smoke cigarettes. Girls who engage in physical activity in high school are less likely to suffer from heart disease, breast cancer, and osteoporosis in late life.

Participation in sports also has a positive effect on students' academic performance. Students involved in sports and other extracurricular activities perform better on assessments in reading and mathematics. In addition, for many girls, high school athletic opportunities translate into college scholarships.

Although there is ample evidence that physical activity and athletics are beneficial to girls, they are less physically active and less involved in high school athletics than boys are. In order to determine in what ways girls are affected by athletic participation, it is vital that accurate data on girls' participation in physical education and high school athletics be collected and made available. Unfortunately, current nationwide data is limited, making it difficult to determine progress toward equity in athletics, as required by Title IX. The Act helps ensure that girls' interests are being met by requiring data collection on the participation of high school students, by gender, in physical education and athletics.

The Act also addresses concerns about the dropout rate among pregnant teenagers. Almost one million girls in America become pregnant each year, and 80 percent of these pregnancies are unintended. Education is the means for all girls, including pregnant and parenting teens, to achieve economic success. Yet girls who become pregnant as teenagers are most likely to drop out of school, jeopardizing not only their own economic security but that of their children as well. The younger a girl is when she becomes pregnant, the more likely she is to drop out. Two-thirds of girls who become pregnant before age 18 will not complete school. Girls who drop out of school are less likely to return than boys. While teenage pregnancy rates have declined in recent years, they are still too high and a reason for grave concern.

The Act focuses on the needs of pregnant and parenting teens by supporting mentoring and support programs that encourage girls who are pregnant or have children to stay in school.

It is also important that the Women's Educational Equity Act be reauthorized. WEEA stands for the federal commitment to help schools eradicate sex discrimination and ensure that girls' futures are not limited by their gender, but are determined by their interests, aspirations, and abilities. Since its enactment in 1974, it has provided critical support in combating inequitable educational practices.

It provides resources for teachers, administrators, and parents seeking proven methods to ensure equity in schools and communities. It provides materials and tools to help schools comply with Title IX. It provides research and model programs to back up Title IX's promise to students of a non-discriminatory education.

It helps girls become confident, educated, and self-sufficient women through projects to prevent teen pregnancy; to keep girls in school; to guide them toward careers in math, science, and technology; and to provide them with mentors. It has funded over 700 programs since 1974, including programs on math and science education and careers, sexual harassment, gender-biased teaching practices, and women's history.

The Educating America's Girls Act will continue all this vital work on behalf of girls and young women by reauthorizing the Women's Educational Equity Act.

Significant strides have been made in securing more equitable education for the nation's young women and girls, but we cannot afford to be complacent. We must keep moving forward to guarantee that girls are full participants in the economic and social development of our country. Measures to assure gender equity in education are a key means of accomplishing this goal. Passage of the Educating America's Girls Act is a vital next step for increasing gender equity in education.

By Mr. GORTON (for himself, Ms. COLLINS, Mr. GREGG, Mr. COVERDELL, Mr. BROWNBACK, Mr. ASHCROFT, Mr. HELMS, and Mr. VOINOVICH):

S. 1266. A bill to allow a State to combine certain funds to improve the academic achievement of all its students; to the Committee on Health, Education, Labor, and Pensions.

THE STRAIGHT A'S ACT

Mr. GORTON. Mr. President, I rise today to introduce the Academic Achievement for All Act. As a parent and grandparent I know that there is no more important issue than our children's education. Education unlocks the door to a lifetime of learning; prepares us to participate in our democracy; helps our children lead productive, independent lives and ensures that our country is economically competitive. Education is a vital issue before the Senate as we consider the reauthorization of the Elementary and Secondary Education Act—the heart of Washington D.C.'s role in K–12 education.

Over the last several years I have talked with countless teachers, principals, parents, and school board members about our educational system. I consistently hear that Washington, D.C. interferes with local efforts to help students achieve high standards. I hear about bureaucratic hurdles, reams of paperwork and one-size-fits-all programs. Based on that input, Congressman GOODLING and I have written a bill that will refocus federal education programs on children and learning instead of process and paperwork. It is based on a fundamental trust that parents, teachers, local educators and states will make the best decisions regarding our children's education, rather than bureaucrats 3,000 miles away in Washington, DC. Its only common sense.

For too long Washington's programs have been driven by an obsession to comply with rules and regulations. In our state, 50 percent of all the paperwork an educator deals with is the result of federal programs. Yet the average school district receives only six percent of its budget from the federal government. On a nationwide basis, federal paperwork eats up 48 million people hours per year. That's 25,000 employees working full time on paper, not on helping our students learn. Is our educators' time spent filling out forms or teaching children how to read?

Former Secretary of Education Bill Bennett put it succinctly in a recent statement: ''. . . our students have fallen further and further behind students in other countries. American 12th graders now rank 19th out of 21 nation in mathematics achievement; 16th of 21 in science; 15th out of 16 in advanced math; and 16th out of 16 nations in advanced physics. And this competition does not include Singapore, Korea, Japan and Hong Kong—which is rather like finishing last in a professional hockey league that does not include Canadians.''

The good news is that we have before us an opportunity to restructure the way the federal government interacts with states and local communities in terms of education policy. We must not continue to support a system that has stifled creativity in states and local communities—the very place real education reform happens.

While freedom and flexibility are important, our schools should also be accountable for results—not to Washington, DC but to the standards each state and community has been working on to ensure its students are prepared for the 21st Century. We can't forget that our schools are ultimately accountable to the voters in each community who elect the local school boards and the parents who send their children to our schools.

My proposal, the Straight A's Act, will give parents, educators, school districts and states more decision-making authority over the way in which federal education funding is used. It means our children's teachers will spend less time filling out paperwork and more time in classrooms. And, equally important, it means that more federal education dollars will find their way into our children's schools, where they belong. Right now, as little as 65 cents of every dollar the nation's taxpayers invest in education makes it into the classroom.

Straight A's relies on a simple formula:

Freedom+Accountability=Results.

States would have the option of submitting a proposal to the Secretary of Education that would set specific, measurable performance goals to be reached in five years. States would be allowed maximum flexibility with the use of most of their Federal K–12 formula program funds for state education priorities and programs in exchange for being held accountable for meeting the goals set in their proposal. This would allow States the freedom to address more effectively the needs of students in their state. Alternatively, states would be free to continue to administer Federal education programs the old way. Straight A's does not eliminate any program—it's the state's choice to chose its approach.

What this means for states and school districts is that they can use federal funds for any initiative that improves performance of students in their state. Those states that choose to participate can focus more funds on disadvantaged students, increase efforts to improve teacher quality, reduce class size or even hook up all their classes to the Internet. The one string is that these efforts must increase the achievement of all students—including the lowest performing students—over the course of five years.

If states do not substantially meet those goals, they would lose their flexibility and revert to the categorical, regulated approach under current law. If states do well and significantly reduce achievement gaps between high and low performing students, they may be rewarded with additional funds.

Finally, it should also be noted that participating states and school districts would not lose any Title I funding. If Title I, Part A is included by a state, each school district in that state would be assured of receiving at least as much money as they received in the fiscal year preceding the year of the agreements enactment.

This proposal will allow educators to do what they do best—teach kids. We should focus on students learning and achieving, not process and paperwork.

My colleagues should also know that I did not develop this concept in a vacuum. As I mentioned earlier over the course of the past few years I have heard from literally hundreds of parents and educators about the challenges they face trying to provide the best possible education for their children. In particular, during the last congressional recess period I traveled to several schools around Washington state and had a chance to talk to many educators about my legislation. They've since responded with enthusiastic support for my proposal—I'd like to share some of their comments with you now:

> We need more control at the local level not more rules and regulations from the federal government.—Dennis Birr, President of the Association of Washington School Principals.

> Senator Gorton's Straight A's proposal is well-conceived with great flexibility for states and districts. It would help to focus federal resources where they are most needed.—Janet Barry, Issaquah Superintendent and 1996 National Superintendent of the Year.

> I believe that the choice is very clear. Would I trade the present government restrictions and stifling paperwork for flexibility and higher accountability? The answer is absolutely yes!—Dr. Richard Semler, Superintendent of the Richland School District.

> The Straight A's Act would release a tremendous amount of badly needed education dollars and give school districts the flexibility they desperately need.—State Senator Don Benton (R–17th) and State Representative Marc Boldt (R–17th).

I believe so strongly in the fundamental principal that local people make the best decisions about our children's education that each week I've come to the Senate floor to recognize individuals, schools, and educational programs in Washington state that demonstrate innovation and excellence in education.

My first award went to the Tukwila School District which had its ethnic diversity grow by more than 1,000 percent in the last seven years. I had the opportunity to visit this district earlier this year, and I found that 20% of the district's students are enrolled in bilingual education, and all told, they speak about 30 different languages. To meet the challenge of integrating this immigrant population into the school system and the community, the Tukwila School District, the City of Tukwila, and the local Rotary Club created ''New Friends & Families''—a program designed to engage these hard-to-reach immigrant and refugee students and their families to make them aware of community services and to encourage

parental involvement in their children's education. It is programs like ''New Friends & Families'' that illustrate the local innovation and local partnerships working to ensure all of their students achieve.

I also had the pleasure over this last break to stop by Chris Luther's 3rd grade class at Beachwood Elementary School. This class did not miss a spelling word on their weekly spelling tests for the entire school year. This is a classroom of average kids, all with different backgrounds and abilities. Yet, Mr. Luther has found a way to encourage and tutor these students so they are all accomplishing equally praiseworthy work. The key has not been some magical formula rather, the success of these students comes from a concerted effort by Mr. Luther to boost their self-esteem, to enhance their memory skills, and to impress upon every child in the classroom that learning is important. Those strategies combined with the individual effort of each of his students has clearly paid off. Those students may not remember how to spell each of the words they learned this year, but they will remember their third grade teacher for the rest of their lives.

Then there's Karen Mikolasy, Washington state's teacher of the year, who has taught for 28 years at Shorecrest High School with passion for her students and for her work. She emphasizes consistency and standards. In Mrs. Mikolasy's class homework is handed in on time and papers are rewritten until each student earns at least a B. That consistency in expectations also carries over to consistent positive reinforcement to her students—she tells them daily that it is a privilege to be their teacher. She says that in 28 years, not one day has gone by which she hasn't wanted to be in the classroom with her students. She was also recently recognized as the Washington State Teacher of the Year. In the few minutes I met with her, I understood why she won this honor. Her passion and commitment to educating and inspiring young people was clear.

I hope these examples clearly illustrate why it is important that we return to our states and local communities the right to set priorities that reflect the unique needs of their students and allow more districts to have the ability to innovate like the Tukwila School District, and more teachers to spend more time with their students and hopefully emulate the examples set by Chris Luther and Karen Mikolasy.

In each of the last two years the Senate has voted to send more money to our classrooms, but the President has threatened a veto. I will try again this year. I'm going to keep fighting for a shift from programs focused on procedures and paperwork to a system that puts student learning and academic achievement first—a system that lets those closest to our children—their parents, teachers, and principals and school board members decide what's best for our children.

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. 1266

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 ''Academic Achievement for All Act (Straight A's Act)''.

SEC. 2. PURPOSE.

The purpose of this Act is to create options for States and communities—

(1) to improve the academic achievement of all students, and to focus the resources of the Federal Government upon such achievement;

(2) to give States and communities maximum freedom in determining how to boost academic achievement and implement education reforms;

(3) to hold States and communities accountable for boosting the academic achievement of all students, especially disadvantaged children; and

(4) to narrow achievement gaps between the lowest and highest performing groups of students so that no child is left behind.

SEC. 3. PERFORMANCE AGREEMENT.

(a) PROGRAM AUTHORIZED.—A State may, at its option, execute a performance agreement with the Secretary under which the provisions of law described in section 4(a) shall not apply to such State except as otherwise provided in this Act.

(b) APPROVAL OF PERFORMANCE AGREEMENT.—A performance agreement submitted to the Secretary under this section shall be approved by the Secretary unless the Secretary makes a written determination, within 60 days after receiving the performance agreement, that the performance agreement is in violation of the provisions of this Act.

(c) TERMS OF PERFORMANCE AGREEMENT.—Each performance agreement executed pursuant to this Act shall include the following provisions:

(1) TERM.—A statement that the term of the performance agreement shall be 5 years.

(2) APPLICATION OF PROGRAM REQUIREMENTS.—A statement that no program requirements of any program included by the State in the performance agreement shall apply, except as otherwise provided in this Act.

(3) LIST.—A list provided by the State of the programs that it wishes to include in the performance agreement.

(4) USE OF FUNDS TO IMPROVE STUDENT ACHIEVEMENT.—Include a 5-year plan describing how the State intends to combine and use the funds from programs included in the performance agreement to advance the education priorities of the State, improve student achievement, and narrow achievement gaps between students.

(5) ACCOUNTABILITY SYSTEM REQUIREMENTS.—If a State includes part A of title I of the Elementary and Secondary Education Act of 1965 in its performance agreement, the State shall include a certification that the State has the following:

(A)(i) developed and implemented the challenging State content standards, challenging State student performance standards, and aligned assessments described in section 1111(b) of the Elementary and Secondary Education Act of 1965, and for which local educational agencies in the State are producing the individual school performance profiles required by section 1116(a)(3) of such Act; or

(ii) developed and implemented a system to measure the degree of change from 1 school year to the next in student performance on such assessments;

(B) established a system under which assessment information is disaggregated by race, ethnicity, sex, English proficiency status, and socioeconomic status for the State, each local educational agency, and each school, except that such disaggregation shall not be required in cases in which the number of students in any such group is insufficient to yield statistically reliable information or would reveal the identity of an individual student;

(C) established specific, measurable, numerical performance objectives for student achievement, including—

(i) a definition of performance considered to be satisfactory by the State on the assessment instruments described under subparagraphs (A) and (B) with performance objectives established for all students and for specific student groups, including groups for which data is disaggregated under subparagraph (B); and

(ii) the objective of improving the performance of all groups and narrowing gaps in performance between those groups; and

(D) developed and implemented a statewide system for holding its local educational agencies and schools accountable for student performance that includes—

(i) a procedure for identifying local educational agencies and schools in need of improvement;

(ii) assisting and building capacity in local educational agencies and schools identified as in need of improvement to improve teaching and learning; and

(iii) implementing corrective actions if the assistance and capacity building under clause (ii) is not effective.

(6) PERFORMANCE GOALS.—

(A) STUDENT ACHIEVEMENT DATA.—Each State shall establish student performance goals for the 5-year term of the performance agreement that, at a minimum—

(i) establish a single high standard of performance for all students;

(ii) take into account the progress of students from every local educational agency and school in the State;

(iii) measure changes in the percentages of students at selected grade levels meeting specified proficiency levels of achievement (established by the State) in the final year of the performance agreement, compared to such percentages in the baseline year (as described in subparagraph (C));

(iv) set numerical goals to attain by the end of the term of the performance agreement to—

(I) improve the performance of the groups specified in paragraph (5)(B); and

(II) reduce achievement gaps between the highest and lowest performing groups of students by raising the achievement levels of the lowest performing students in mathematics and reading, at a minimum; and

(v) require all students in the State to make substantial gains in achievement.

(B) ADDITIONAL INDICATORS OF PERFORMANCE.—A State may identify in the performance agreement any additional indicators of performance such as graduation, dropout, or attendance rates.

(C) BASELINE PERFORMANCE DATA.—To determine student achievement levels for the baseline year, the State shall use its most recent achievement data when executing the performance agreement.

(D) CONSISTENCY OF PERFORMANCE MEASURES.—A State shall maintain, at a minimum, the same challenging State student performance standards and assessments

throughout the term of the performance agreement.

(7) FISCAL RESPONSIBILITIES.— An assurance that the State will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds paid to the State under this Act.

(8) CIVIL RIGHTS.—An assurance that the State will meet the requirements of applicable Federal civil rights laws.

(9) PRIVATE SCHOOL PARTICIPATION.—An assurance that the State will provide for the equitable participation of students and professional staff in private schools in accordance with section 14503 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8893).

(10) STATE FINANCIAL PARTICIPATION.—An assurance that the State will not reduce the level of spending of State funds for education during the term of the performance agreement.

(11) ANNUAL REPORT.—An assurance that not later than 1 year after the execution of the performance agreement, and annually thereafter, each State shall disseminate widely to the general public, submit to the Secretary, distribute to print and broadcast media, and post on the Internet, a report that includes—

(A) student performance data, disaggregated as provided in paragraph (5)(A)(ii); and

(B) a detailed description of how the State has used Federal funds to improve student performance and reduce achievement gaps to meet the terms of the performance agreement.

(d) SPECIAL RULE.—If a State does not include part A of title I of the Elementary and Secondary Education Act of 1965 in its performance agreement, the State shall—

(1) certify that it has developed a system to measure the academic performance of all students; and

(2) establish performance goals in accordance with subsection (c)(6) for such other programs.

(e) AMENDMENT TO PERFORMANCE AGREEMENT.—A State may submit an amendment to the performance agreement to the Secretary under the following circumstances:

(1) REDUCE SCOPE OF PERFORMANCE AGREEMENT.—Not later than 1 year after the execution of the performance agreement, a State may amend the performance agreement through a request to withdraw a program from such agreement. If the Secretary approves the amendment, the requirements of existing law shall apply for any program withdrawn from the performance agreement.

(2) EXPAND SCOPE OF PERFORMANCE AGREEMENT.—Not later than 1 year after the execution of the performance agreement, a State may amend its performance agreement to include additional programs and performance indicators for which it will be held accountable.

SEC. 4. ELIGIBLE PROGRAMS.

(a) ELIGIBLE PROGRAMS.—The provisions of law referred to in section 3(a) except as otherwise provided in subsection (b), are as follows:

(1) Part A of title I of the Elementary and Secondary Education Act of 1965.

(2) Part B of title I of the Elementary and Secondary Education Act of 1965.

(3) Part C of title I of the Elementary and Secondary Education Act of 1965.

(4) Part D of title I of the Elementary and Secondary Education Act of 1965.

(5) Section 1502, part E of title I of the Elementary and Secondary Education Act of 1965.

(6) Part B of title II of the Elementary and Secondary Education Act of 1965.

(7) Section 3132 of title III of the Elementary and Secondary Education Act of 1965.

(8) Title IV of the Elementary and Secondary Education Act of 1965.

(9) Title VI of the Elementary and Secondary Education Act of 1965.

(10) Section 307 of the Department of Education Appropriation Act of 1999.

(11) Comprehensive school reform programs as authorized under section 1502 of the Elementary and Secondary Education Act of 1965 and described on pages 96-99 of the Joint Explanatory Statement of the Committee of Conference included in House Report 105–390 (Conference Report on the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998)''.

(12) Part C of title VII of the Elementary and Secondary Education Act of 1965.

(13) Title III of the Goals 2000: Educate America Act.

(14) Sections 115 and 116, and parts B and C of title I of the Carl D. Perkins Vocational Technical Education Act.

(15) Subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act.

(b) ALLOCATION AMOUNTS.—A State may choose to combine funds from any or all of the programs described in subsection (a) without regard to the program requirements of such provisions, except as otherwise provided in this Act and except that allocation ratios provided under the provisions referred to in subsection (a) shall remain in effect unless otherwise provided.

(c) USES OF FUNDS.—Funds made available under this Act to a State shall be used for any educational purpose permitted by State law of the participating State.

SEC. 5. WITHIN-STATE DISTRIBUTION OF FUNDS.

(a) IN GENERAL.—The distribution of funds from programs included in the performance agreement from a State to a local educational agency within the State shall be determined by the State legislature and the Governor of the State. In a State in which the constitution or State law designates another individual, entity, or agency to be responsible for education, such other individual, entity, or agency shall work in consultation with the Governor and State legislature to determine the local distribution of funds.

(b) LOCAL HOLD HARMLESS OF PART A TITLE 1 FUNDS.—

(1) IN GENERAL.—In the case of a State that includes part A of title I in the performance agreement, the agreement shall provide an assurance that each local educational agency shall receive an amount equal to or greater than the amount such agency received under part A of title I of the Elementary and Secondary Education Act of 1965 in the fiscal year preceding the fiscal year in which the performance agreement is executed.

(2) PROPORTIONATE REDUCTION.—If the amount made available to the State from the Secretary for a fiscal year is insufficient to pay to each local educational agency the amount made available to such agency for the preceding fiscal year, the State shall reduce the amount each local educational agency receives by a uniform percentage.

SEC. 6. LOCAL PARTICIPATION.

(a) NONPARTICIPATING STATE.—

(1) IN GENERAL.—If a State chooses not to submit a performance agreement under this Act, any local educational agency in such State is eligible, at its option, to submit to the Secretary a performance agreement in accordance with this section.

(2) AGREEMENT.—The terms of a performance agreement between an eligible local educational agency and the Secretary shall specify the programs to be included in the performance agreement, as agreed upon by the State and the agency, from the list under section 4(a).

(b) STATE APPROVAL.—When submitting a performance agreement to the Secretary, an eligible local educational agency described in subsection (a) shall provide written documentation from the State in which such agency is located that it has no objection to the agency's proposal for a performance agreement.

(c) APPLICATION.—

(1) IN GENERAL.—Except as provided in this section, and to the extent applicable, the requirements of this Act shall apply to an eligible local educational agency that submits a performance agreement in the same manner as the requirements apply to a State.

(2) EXCEPTIONS.—The following provisions shall not apply to an eligible local educational agency:

(A) WITHIN STATE DISTRIBUTION FORMULA NOT APPLICABLE.—The formula for the allocation of funds under section 5 shall not apply.

(B) STATE SET ASIDE SHALL NOT APPLY.—The State set aside for administrative funds in section 7 shall not apply.

SEC. 7. SET-ASIDE FOR STATE ADMINISTRATIVE EXPENDITURES.

(a) IN GENERAL.—Except as otherwise provided under subsection (b), a State that includes part A of title I of the Elementary and Secondary Education Act of 1965 in the performance agreement may use not more than 1 percent of such total amount of funds allocated to such State under the programs included in the performance agreement for administrative purposes.

(b) EXCEPTION.—A State that does not include part A of title I of the Elementary and Secondary Education of 1965 its performance agreement may use not more than 3 percent of the total amount of funds allocated to such State under the programs included in the performance agreement for administrative purposes.

SEC. 8. PERFORMANCE REVIEW.

(a) FAILURE TO MEET TERMS.—If at the end of the 5-year term of the performance agreement a State has failed to meet at least 80 percent of the performance goals submitted in the performance agreement, the Secretary shall terminate the performance agreement and the State shall be required to comply with the program requirement, in effect at the time of termination, of each program included in the performance agreement.

(b) PENALTY FOR FAILURE TO IMPROVE STUDENT PERFORMANCE.—If a State has made little or no progress toward achieving its performance goals by the end of the term of the agreement, the Secretary shall reduce funds for State administrative costs for each program included in the performance agreement by 50 percent for the 2-year period following the end of the term of the performance agreement.

SEC. 9. RENEWAL OF PERFORMANCE AGREEMENT.

(a) NOTIFICATION.—A State that wishes to renew its performance agreement shall notify the Secretary of its renewal request not less than 6 months prior to the end of the term of the performance agreement.

(b) RENEWAL REQUIREMENTS.—A State that has met at least 80 percent of its performance goals submitted in the performance agreement at the end of the 5-year term may reapply to the Secretary to renew its performance agreement for an additional 5-year period. Upon the completion of the 5-year term of the performance agreement or as soon thereafter as the State submits data required under the agreement, the Secretary shall renew, for an additional 5-year term, the performance agreement of any State that has met at least 80 percent of its performance goals.

SEC. 10. ACHIEVEMENT GAP REDUCTION REWARDS.

(a) CLOSING THE GAP REWARD FUND.—

(1) IN GENERAL.—To reward States that make significant progress in eliminating achievement gaps by raising the achievement levels of the lowest performing students, the Secretary shall annually set aside sufficient funds from the Fund for the Improvement of Education under part A of title X of the Elementary and Secondary Education Act of 1965 to grant a reward to States that meet the conditions set forth in subsection (b) by the end of their 5-year performance agreement.

(2) REWARD AMOUNT.—The amount of the reward referred to in paragraph (1) shall be not less than 5 percent of funds allocated to the State during the first year of the performance agreement for programs included in the agreement.

(b) CONDITIONS OF PERFORMANCE REWARD.—A State is eligible to receive a reward under this section if the State reduces by not less than 25 percent, over the 5-year term of the performance agreement, the difference between the percentage of highest and lowest performing groups of students that meet the State's definition of ''proficient'' as referenced in section 1111(b)(1)(D)(i)(II) of the Elementary and Secondary Education Act of 1965, for the following:

(A) CONTENT AREAS.—The reduction in the achievement gap shall include not less than 2 content areas, one of which shall be mathematics or reading.

(B) GRADES TESTED.—The reduction shall occur in at least 1 grade level.

SEC. 11. STRAIGHT A'S PERFORMANCE REPORT.

The Secretary shall make the annual State reports described in section 3 available to the House Committee on Education and the Workforce and the Senate Committee on Health, Education, Labor and Pensions not later than 60 days after the Secretary receives the report.

SEC. 12. CONSTRUCTION.

To the extent that provisions of title XIV of the Elementary and Secondary Education Act of 1965 are inconsistent with this Act, this Act shall be construed as superseding such provisions.

SEC. 13. DEFINITIONS.

For the purpose of this Act:

(1) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the same meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(3) STATE.—The term ''State'' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and American Samoa.

SEC. 14. EFFECT ON STATE LAW.

Nothing in this Act shall be construed to supersede or modify any provision of a State constitution or State law that prohibits the expenditure of public funds in or by sectarian institutions.

ADDITIONAL COSPONSORS

S. 222

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 222, a bill to amend title 23, United States Code, to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 242

At the request of Mr. JOHNSON, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 242, a bill to amend the Federal Meat Inspection Act to require the labeling of imported meat and meat food products.

S. 288

At the request of Mr. KERRY, his name was added as a cosponsor of S. 288, a bill to amend the Internal Revenue Code of 1986 to exclude from income certain amounts received under the National Health Service Corps Scholarship Program and F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program.

S. 333

At the request of Mr. LEAHY, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 333, a bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to improve the farmland protection program.

S. 341

At the request of Mr. CRAIG, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 341, a bill to amend the Internal Revenue Code of 1986 to increase the amount allowable for qualified adoption expenses, to permanently extend the credit for adoption expenses, and to adjust the limitations on such credit for inflation, and for other purposes.

S. 385

At the request of Mr. ENZI, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 385, a bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes.

S. 391

At the request of Mr. KERREY, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 391, a bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 424

At the request of Mr. COVERDELL, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 424, a bill to preserve and protect the free choice of individuals and employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 517

At the request of Mr. GRAHAM, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 517, a bill to assure access under group health plans and health insurance coverage to covered emergency medical services.

S. 526

At the request of Mr. GRAHAM, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 526, a bill to amend the Internal Revenue Code of 1986 to allow issuance of tax-exempt private activity bonds to finance public-private partnership activities relating to school facilities in public elementary and secondary schools, and for other purposes.

S. 635

At the request of Mr. MACK, the names of the Senator from New Hampshire (Mr. GREGG), and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 635, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment.

S. 662

At the request of Mr. CHAFEE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 693

At the request of Mr. HELMS, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 693, a bill to assist in the enhancement of the security of Taiwan, and for other purposes.

S. 727

At the request of Mr. CAMPBELL, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 727, a bill to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms and to allow States to enter into compacts to recognize other States' concealed weapons permits.

S. 758

At the request of Mr. ASHCROFT, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 758, a bill to establish legal standards and procedures for the fair, prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure, and for other purposes.

S. 796

At the request of Mr. WELLSTONE, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.