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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 26, 2015.

I hereby appoint the Honorable DAN NEWHOUSE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2015, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

PRESIDENT SPEAKS ON IMMIGRATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. GUTIÉRREZ) for 5 minutes.

Mr. GUTIÉRREZ. Mr. Speaker, I am very proud of the President for speaking directly to the American people on immigration last night in a town hall on Telemundo and on MSNBC. He was very clear that he will comply with the dictates of the judicial branch, even as he fights a Federal judge's temporary injunction in the courts and is prepared to appeal those rulings all the way to the Supreme Court if necessary. The President will follow the law—as he has been doing—and comply with the injunction.

But let me be clear to my Republican friends and to the American families impacted—for now—by the court's action. Nothing about the injunction compels the President to deport anyone he has identified as a low priority for enforcement.

No matter how many lawsuits are filed, how many symbolic votes are held in Congress, or how many Federal agencies are shut down, there is nothing the Republican Party can do to force the President of the United States to deport DREAMers or go after the parents of U.S. citizens if they have no criminal record and have lived here for a while. And the Republicans know there is nothing they can do to force the President to deport 5 million people that he has said he is going to protect—nothing.

For years, Congress has only provided enough funding to deport 4 percent of the total undocumented population, or 400,000 people a year. Clearly, we in Congress know that only a small percentage of people will be targeted by our limited enforcement resources because that is the law that we here in Congress made.

For all the talk about a rogue or imperial President, he is actually doing the job we asked him to do—to spend the limited enforcement resources we appropriated on doing what? Protecting the homeland by deporting the worst of the worst, not on DREAMers, not on the parents of U.S. citizens who have strong ties to this country and decades with no criminal background. The DACA program for DREAMers announced in 2012 is still in place and renewals are happening right now, as we speak. It is 640,000 strong.

So, under the enforcement priorities and under the DACA program, it is clear to me—and I want to make it clear to everyone at home—that the President has no plans to deport DREAMers or the parents of U.S. citizens who have never been involved in crime.

Now, I know firsthand about numerous efforts to negotiate across the aisle—that the majority of our country and the majority of the Republican Party would like to have a functioning legal immigration system. But the impression the Republican Party is leaving with the American people—the only solution the Republicans are offering—is that they demand the deportation of DREAMers and the deportation of the parents of 5 million American citizens who would be protected—and continued to be protected—under the President's executive actions.

This is what my colleagues fail to appreciate when they stand alongside the hard-liners and opponents of legal immigration: in their zeal to support noncitizens, Republicans are hurting themselves with citizens.

In my district in Chicago, just like the rest of the country, there is no caste system where people who were born in the U.S. never mix with people who weren't born here. There are no differences between the people who came with a visa, the people who overstayed a visa, the people who never had a visa to begin with, and people who were born U.S. citizens.

When we celebrate the Fourth of July or Thanksgiving, believe it or not, we all sit at the same table. The undocumented are a part of our families, live in our neighborhoods, attend our churches, and are in classrooms with our children.

What the Republican Party fails to see is that when they call for the deportation of DREAMers and long-term residents, they are calling for the deportation of our family members, our neighbors, and my children's classmates.

Don't forget: most Latinos in America are not immigrants but are U.S.

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citizens. So it should come as no surprise that when the 1 million or so Latino U.S. citizens turn 18 this year, they will not think fondly of the Republican Party—the party that is bent on deporting members of their families and their communities.

Another statistic: 93 percent of Latinos under the age of 18 are U.S. citizens. Ninety-three percent of them are U.S. citizens. They will not have a warm and fuzzy feeling about the party that fought tooth and nail to throw out their moms and dads. And the 5 million citizens whose parents are undocumented—who worry every day about whether their families will remain intact—are going to remember which party was cruel to their moms and dads, using them as scapegoats and insinuating they are all criminals bringing diseases to this country.

The Republican Party's goal of forcing the President to deport all the noncitizens they want deported will simply never be achieved until the Republican Party elects one of their own to the White House. And the strategy of the Republican Party—forcing this President to deport all the noncitizens they want deported—pretty much guarantees that one of their own isn't going to get to the White House anytime soon.

REMEMBERING REPRESENTATIVE CASS BALLENGER

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. MCHENRY) for 5 minutes.

Mr. MCHENRY. Mr. Speaker, a week ago yesterday, the Nation lost one of its most selfless and unique public servants with the passing of my predecessor, former North Carolina 10th District Congressman Cass Ballenger.

Up until 2005, Congressman Ballenger represented the 10th District of North Carolina in the United States House of Representatives. During that time, he served as chairman of the House Subcommittee on Workforce Protections, where he authored groundbreaking legislation that improved workplace safety and created the opportunity for employers and regulators to be partners, not adversaries, in protecting the health and safety of workers.

As chairman of the Western Hemisphere Subcommittee on the International Relations Committee, he took on the daunting and often thankless task of fighting to promote democracy and defend human rights in Central and South American nations. He did this not only for the sake of justice in those countries, but also to protect the interests of the United States.

His personal commitment to serving his constituents is a legendary example that I strive every day to follow. I was the beneficiary of his kind and gracious nature when I was elected to represent the 10th District in 2005 after his decision to retire from the House. He personally provided me with guidance and assistance that immeasurably helped me as a new Member of Congress and ensured continuity of our quality constituent services for western North Carolina.

In his personal and professional life, Cass placed others before himself. He was a part of the Greatest Generation. He fought in World War II and returned home to go to college. He started a family and joined his father's business in box manufacturing. He told his father that boxes were a thing of the past and the wave of the future was plastics. It is almost like it was George Bailey coming home to say that.

As a county commissioner in Catawba County, he was one of the first Republicans elected after the Civil War. Now, at this date, Catawba County is one of the most Republican counties in the State of North Carolina.

He led the way to establish the Catawba Valley Community College and Catawba Valley Medical Center. As a legislator in the North Carolina General Assembly, he authored the State's first meaningful open meetings law and was named Most Effective Republican Legislator by the North Carolina Institute of Government.

It would take volumes to talk about all of the philanthropic work of Congressman Ballenger and his wife, Donna, but they are responsible for countless schools, day care centers, hospitals, and disaster responses in the United States and Central and South America as well.

Personally, Cass was the ultimate character. He could tell you a great story, a great joke, and tell you off, and you would laugh at everything he said.

In addition to being one of the most distinguished Members of the House and the North Carolina Republican delegation generally, Congressman Ballenger was also very colorful. There are great moments here on the House floor that we can point to.

Anyone who spent any time with him knew that he was affable, kind, and brutally honest. He would tell you exactly what he was thinking, and generally with a hilarious delivery. He was one of the few people who could hold someone accountable in the most blistering way possible, make you laugh, and also help you out of a tight spot, all in one conversation. He was a rare person, indeed, and he will be missed.

I ask my colleagues to join with me in a moment of silence on the passing of Congressman Cass Ballenger.

ESEA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. QUIGLEY) for 5 minutes.

Mr. QUIGLEY. Mr. Speaker, like many of you, as a kid, I learned about Robin Hood. You know the story: he stole from the rich and gave to the poor.

But today, I come to talk to you about something a little less storybook. In this case, my friends on the other side of the aisle are supporting a bill that robs from poor schools and gives to rich schools.

The so-called Student Success Act that we are debating today takes money from schools with the greatest need and redistributes it to less needy schools in more affluent communities, hurting students and teachers in its wake. That is hardly the definition of success the bill claims to make.

The Student Success Act would reauthorize education funds first signed into law in 1965 by President Lyndon Johnson, who said that ''full educational opportunity should be our first national goal.'' But the Student Success Act completely misses the mark of what LBJ was trying to accomplish.

A former teacher, LBJ believed that equal access to education was the key to success, and that the vital education funding that the Elementary and Secondary Education Act provided would help millions of ''children with poor families overcome the greatest barrier to progress: poverty.''

For 50 years, the ESEA has provided essential funding for school districts that serve low-income students as well as aid to State education agencies to help them improve the quality of elementary and secondary education around the country. But the robust progress that our schools made in the first 40 years after the passage of the ESEA has slowed over the last decade.

Since the passage of No Child Left Behind, we have seen both sides acknowledge the problems that have resulted and commit to fixing them. But rather than fixing those problems and redoubling our commitment to equal access to education, the Student Success Act actually creates more problems, moving even further away from what we know is best for students, is best for teachers, and is best for our country.

In its current form, H.R. 5 undermines the progress our Nation has made in providing a high quality education for all Americans, regardless of their ZIP Code. If we allow H.R. 5 to become law, school districts in Illinois and across the country will see their funding cut exponentially. Nationally, this will cut education funding by over half a billion dollars in 2016 alone.

Chicago public schools, where over 60 percent of students are below the poverty level, will lose over $64 million in title I funding. That is a 23 percent cut in Federal education dollars at a time when Chicago schools need it the most.

But wait, there is more. This bill eliminates qualification requirements for paraprofessionals, teachers' aides, and support staff, who provide vital assistance to classrooms across the country. It eliminates requirements to ensure quality professional development for teachers.

It directs 1 out of every 10 dollars away from public schools and directs it to private companies. It allows students with disabilities to be taught

with separate, lower standards. The bill fails to ensure that students succeed in the classroom or after graduation by gutting accountability standards. These are standards that help ensure that students graduate from high school, which we know is so intimately linked to economic success.

□ 1015

This bill simply fails to provide our teachers and students with the resources they so desperately need to succeed.

It is time to go back to the drawing board. It is time to actually focus on providing students, schools, and teachers the ability to be more successful with an ESEA that puts the focus where it belongs, on investing in education.

We need an ESEA that returns to its original purpose of fighting poverty and ensuring equity, one that holds States and districts accountable for providing equitable resources, one that includes a system of supportive interventions for struggling schools and students, one that deals with the fact that two-thirds of the achievement gap is due to poverty—and does something about it—such as funding community schools, one that provides our teachers with the resources and support they need to help our young people succeed.

We can do better, Mr. Speaker. We must do better. This is simply too important.

I urge my colleagues to vote ''no'' on the so-called Student Success Act.

HONORING THE MEMORY OF HELEN KILROY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. WEBER) for 5 minutes.

Mr. WEBER of Texas. Mr. Speaker, today, I rise to honor the memory of Helen Kilroy of Galveston County. Helen Kilroy was a woman of service who always put community and others first.

In March of 1989, her son, Mark Kilroy—her and Jim's son—disappeared during a spring break in Mexico. Unfortunately, the Kilroy's ultimately learned that their beloved son was murdered by a cult practicing human sacrifice.

Losing a loved one, especially a son or daughter, can be debilitating; instead, Helen and Jim Kilroy decided to channel their grief into action. The memory of their son was honored through their support of causes to help those in need.

In 1995, the Kilroys founded the Mark Kilroy Foundation to support the Safe Communities Coalition. The coalition works to promote drug-free communities, violence prevention, and anger management. It also provides counseling for at-risk children.

Helen Kilroy's selflessness did not stop at the creation of the Mark Kilroy Foundation. Helen was a foster parent to seven children and a district leader for the Bay Area Council Cub Scouts from 1976–1983. She was a Meals on Wheels volunteer. She was a Santa Fe Parks and Recreation Board member, a dedicated church Eucharistic minister, as well as a volunteer EMT and a paramedic for Santa Fe, Texas, EMS.

On December 22, 2014, Helen Kilroy lost her battle with ALS-Lou Gehrig's disease. She died after fighting that long battle. She is survived by her husband, Jim Kilroy; her son, Keith; her daughter-in-law; two grandchildren; three sisters; two brothers-in-law; numerous cousins; nieces; and nephews.

The many individuals helped by the Mark Kilroy Foundation and by her many service roles are a living legacy to her selfless nature. Helen's impact on our community was unparalleled. It takes a strong person to take a family tragedy and turn it into a lasting influence on our community. Helen's servant heart truly changed and even saved lives.

Helen, you are missed.

Jim, your beloved life is a legacy to the both of you.

Helen, may you rest in peace.

Jim and family, you all are in our prayers.

WE ARE ONCE AGAIN ON THE BRINK OF A SHUTDOWN

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Mexico (Mr. BEN RAY LUJÁN) for 5 minutes.

Mr. BEN RAY LUJÁN of New Mexico. Mr. Speaker, we are only days away from a shutdown of the Department of Homeland Security.

When Republicans took control of the House and Senate, they pledged to avoid more government shutdowns. Instead, we have, sadly, learned that Speaker BOEHNER and Leader MITCH MCCONNELL went nearly 2 weeks—2 weeks—without talking, and their failure to govern us has us, once again, on the brink of a shutdown.

I have been shocked and disappointed to hear some of my Republican colleagues say that a shutdown of the Department of Homeland Security would not be a serious issue and try to minimize its impact on people, minimize its impact on workers, and even try to minimize its impact on America.

In my home State of New Mexico, a border State, where we have many men and women who proudly serve our country as employees of the Border Patrol, the TSA, and other agencies, getting furloughed or working without a paycheck is a serious issue.

If Republicans continue down this path, paychecks will stop, but rent and mortgages and utility bills for these workers will not.

Time and again, House Republicans have failed to govern, moving only from one crisis to the next. Sadly, the failure to fund DHS is the latest manufactured crisis that will have a real impact on working families in New Mexico and across America while needlessly putting our national security at risk.

It is time for congressional Republicans to stop putting their political security ahead of national security and pass a clean bill. It is time for House Republicans to stop catering to the extreme anti-immigration wing of their party that is willing to sacrifice our Nation's security in order to attack DREAMers who are going to college and serving our great Nation.

Mr. Speaker, the eyes of the American people are watching this Republican-led Congress, and so far, all they have seen is gridlock and dysfunction.

Mr. Speaker, the United States Senate is moving forward to fund the Department of Homeland Security. House Democrats are ready to support a clean bill. The only ones standing in the way of preventing a Department of Homeland Security shutdown are House Republicans. For our country's sake, let us hope that changes.

Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that will keep the Department open so it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2015, the House is in session solely for the purpose of conducting morning-hour debate. Therefore, that unanimous consent request cannot be entertained.

AN EXAMPLE OF FISCAL RESPONSIBILITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. LOUDERMILK) for 5 minutes.

Mr. LOUDERMILK. Mr. Speaker, during our recess, I had the opportunity to attend Oakland Heights Baptist Church in beautiful Cartersville, Georgia, as they celebrated a very special occasion.

While Oakland Heights is a prominent church in our community, it would not be considered a large church in most metropolitan areas. The congregation consists of mostly average, hardworking Americans who love God and their families and are eager to help a neighbor in times of need.

Throughout the years, the church has been a beacon of hope to those seeking truth and a haven to those seeking help. As a body of Christian believers, Oakland Heights also believes that it has a responsibility to not only serve our community, but to be an example.

Three years ago, the pastor and the congregation of Oakland Heights determined their responsibilities to God and the community included being good stewards; although they were burdened with over $1 million of debt, they had a vision of being debt free.

They were determined to pay off their debt within 3 years without affecting their core ministries to the

congregation or the community. It wasn't easy. It took sacrifice; but, with determination, they stuck to their plan, lived within their means, and—in less than 3 years—made the final payment on their bank note.

During the time they were eliminating the debt, the church gave over a half a million dollars to local ministries, charities, and world missions. In less than 36 months, this relatively small congregation took on a mountain: a mountain of debt. At the end of last week's service, after hearing a sermon about moving mountains, the congregation celebrated as they burned their bank note.

Today, I congratulate Pastor Joe McKaig and the congregation of Oakland Heights Baptist Church for achieving this significant goal and for being an example of fiscal responsibility.

Mr. Speaker, if a church with a modest congregation in an average community can pay off an overwhelming debt, I believe the most powerful and influential Nation on the Earth should be able to pay off its overwhelming debt; but, just as with this church, it starts with a vision, followed by a plan and a determination to achieve the goal.

Mr. Speaker, I have a vision, a vision of a debt-free America. With a goal, a sound fiscal plan that includes living within our means while providing the constitutional services of our government, we can achieve a debt-free Nation.

We owe it to our children to 1 day, 1 day soon, write the final check to our creditors and burn America's bank note to the world.

FILL UP YOUR PLATE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, in 2013, I participated in my first ''Monte's March'' to raise money for the Food Bank of Western Massachusetts. Along with my friend local radio host Monte Bel Monte and several others, we walked 26 miles in 1 day, from Northampton to Greenfield, Massachusetts.

Along the way, we stopped at the Amherst Survival Center where low-income people can go to receive food, clothing, medical advice, and a number of other services to help them through hard times.

The executive director handed me a stack of paper plates. On the plates, people who used the Amherst Survival Center had written how hunger had impacted their lives.

Inspired by this simple yet powerful message, last Thursday, I launched #fillupyourplate on my Web site at mcgovern.house.gov. It is a place where people can tell me what SNAP, or food stamps, means to them or how hunger has impacted their lives. Responses are posted on my Web site to create a wall of virtual paper plates.

Mr. Speaker, yesterday, the House Agriculture Committee, which I am proud to serve on, held the first hearing in its top-to-bottom review of the Supplemental Nutrition Assistance Program, or SNAP.

SNAP is the Nation's preeminent antihunger program that provides critical food assistance to more than 46 million Americans. Last year, 16 million children—or 1 in 5 American children—relied on SNAP. Unfortunately, every indication is that Republicans will try to cut this critical safety net program yet again.

Mr. Speaker, I fully support rigorous oversight of Federal programs, but we shouldn't single SNAP out for aggressive or unnecessary scrutiny. It already has one of the lowest error rates among all Federal programs, and CBO projections show that SNAP caseloads and spending are expected to fall as our economy continues to improve.

One of the reasons why I started the #fillupyourplate campaign was to make sure that the voices of those who use SNAP, who are struggling to make ends meet, are heard in the discussions here in Washington. All too often, the real stories of those who are struggling get drowned out by false rhetoric and partisan talking points.

Mr. Speaker, so far, I have received more than 100 virtual paper plates. I want to read just a few of the messages.

From Michelle, she wrote: ''SNAP means that many junior ranking members' families will not go hungry while their military spouses are away defending this Nation.''

From Patricia: ''I am a single mother of two. I currently work at Dunkin' Donuts. If my SNAP benefits got cut, I would not be able to pay my rent because I would be spending all of my paychecks on food for my children. I lived in a homeless shelter for a year before coming to my apartment in October of 2014.

''If my SNAP benefits are cut, I will be back in a shelter. I do not plan on being on SNAP benefits forever. I would like to finish my degree and get a job that will support my household without any assistance, but for now, I need help.''

From Cherise: ''It means my children won't go to bed hungry and can function better in school because they have food in their bellies. It also lets me buy more healthy and fresh foods I wouldn't have access to if I had to pay out of pocket. I am grateful for this program. There is no joy in watching children struggle over something so easily prevented.''

From Sabine: ''SNAP to my family means I don't have to choose between paying the lights or making sure I feed my son breakfast in the morning. Having my SNAP benefits takes a huge load off my $243 take-home check from work a week. With SNAP, my son is guaranteed food in his tummy.''

From David: ''It meant my family was still able to eat while I was between jobs. My wife had to quit her job to stay home and take care of our special-needs daughter. A month after the birth of our second daughter, I lost my job and went almost a year before finding a job that paid enough to provide for our family.

''At one time, I was holding four part-time jobs at the same time. I never thought I would have to rely on government assistance but, now, don't know how we would have gotten by without it.''

□ 1030

Mr. Speaker, I am committed to making sure the voices of those who rely on SNAP are heard in the conversation here in Washington, and I am committed to end hunger now.

I would remind my colleagues that those who are on SNAP are real people who have real families. They are facing difficult times that they hope will soon pass. Rather than cutting their food benefit or making them jump through more hoops, as some in this Chamber have advocated, we ought to support them. Too often, the focus of this Congress is on ways to help the well-off become even more well-off, but we must not forget those who are struggling. They are our constituents. They are our neighbors. They are our brothers and sisters.

I encourage people to visit my Web site, www.mcgovern.house.gov, to share what SNAP means to them.

IN HONOR OF JOHN EDWARD BUSH

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arkansas (Mr. HILL) for 5 minutes.

Mr. HILL. Mr. Speaker, as we celebrate Black History Month, I rise in honor of an Arkansas son, John Edward Bush, whose entrepreneurial spirit and history of service to his community continue to inspire us to this day.

John Edward Bush was born into slavery on November 14, 1856, orphaned at the age of 7, and freed from slavery at the end of the Civil War. When he had no permanent home or means to support himself, he worked odd jobs until, one day, he was taken to Capital Hill City School in Little Rock and forced to attend. He became a dedicated student, working as a brick molder to pay for his education. In 1876, he graduated with honors from Capital Hill City School in Little Rock, where he then served as principal for 2 years.

Mr. Bush served as the chairman of the Republican Party in Arkansas, but he is best known in Arkansas as the cofounder of the Mosaic Templars of America in 1883.

Together with Chester Keatts, Mr. Bush began the Mosaic Templars to aid African Americans who were being refused insurance coverage for illness, death, and funeral costs by White insurers. The efforts of Mr. Bush and Mr. Keatts, in service to their community, brought economic security and advancement to a group that had been

marginalized and neglected. By 1900, the activities of the Mosaic Templars had broadened to include an insurance company, a publishing company, a nursing school, a building and loan association, a business college, and even a hospital.

What started as a small enterprise to provide services to former slaves seeking a better life evolved into a thriving business. At its height in the 1920s, the positive influence of the Mosaic Templars was felt by its more than 80,000 members belonging to chapters in 26 States and six foreign countries. While this noble institution fell on hard times during the Great Depression, its impact continued.

A pillar in the Little Rock community, Mr. Bush rose to heightened levels of prominence when he was appointed as the Receiver of Public Moneys by President William McKinley. His success in this role and deep-seated sense of integrity brought him to the attention of Booker T. Washington and facilitated his reappointment four times by President Theodore Roosevelt and President Taft.

That relationship with Dr. Washington became one of trusted confidence and close friendship. Mr. Bush was invited to give the commencement address at Tuskegee, and Washington, in turn, was the dedication speaker of the Mosaic Templars' new building in 1913.

Mr. Bush passed away at the age of 60 in 1916.

Today, Mr. Bush's descendants remain pillars of our civic community in Little Rock, and his legacy lives on at the Mosaic Templars Cultural Center, which is an outstanding educational resource for our rich African American traditions in Arkansas.

As we celebrate Black History Month, we remember John Bush's legacy that continues to inspire and that remains a major and important part of Arkansas history.

DHS SHUTDOWN

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. JEFFRIES) for 5 minutes.

Mr. JEFFRIES. Mr. Speaker, in less than 2 days, House Republicans are prepared to shut down the Department of Homeland Security, threatening the safety of the American people.

At home, there is a noted and beloved philosopher by the name of Yogi Berra, who once said, ''It's like déjà vu all over again.''

And once more, House Republicans are taking the American people on another reckless, unnecessary, irresponsible legislative joy ride, guaranteed to crash and burn. You did it first in October of 2013 by shutting down the government for 16 days, crashing and burning parts of the American economy, costing us $24 billion in lost economic productivity. Now you are prepared to crash and burn the safety and the security of the American people.

Why would you contemplate, Mr. Speaker, such a reckless action, particularly at a time when there are terrorists all across the world who want to kill Americans, including, as recently uncovered, three terrorists at home in New York determined, apparently, to bomb parts of the Coney Island district I represent? Why would you contemplate shutting down the Department of Homeland Security at this moment—or at any moment—simply to satisfy the rightwing thirst of the anti-immigration faction of your party?

Let me pause there parenthetically for a moment.

Because they seem to have concluded that this President exceeded his authority when he issued an executive action providing immigration relief, notwithstanding the fact that every President since Dwight Eisenhower has taken executive action to provide some form of immigration relief. It has occurred 39 times since the 1950s. President Eisenhower did it. President Nixon did it. President Ford did it. President Reagan did it. President George Herbert Walker Bush did it. President George W. Bush did it. But when President Obama issues an executive action to provide immigration relief to fit these times, all of a sudden, we have got a constitutional crisis.

Now, perhaps reasonable people can disagree with the lawfulness of his order, but the reasonable approach would be to allow the courts to work it out, not shutting down the Department of Homeland Security.

Many of my friends on the other side of the aisle are so-called strict constructionists. What would the constitution have us do? Well, we have got an article I legislative branch, an article II executive branch, and an article III judicial branch. The Founders have indicated, I believe, that they would have us work out constitutional differences through the court system, not by shutting down the Department of Homeland Security—causing 30,000 employees to have to go home and another 210,000 employees to have to come to work without pay, stressed, suffering from anxiety, uncertain as to how to pay their bills, pay their mortgage, pay their rent, pay their medical expenses. Do we want to subject our Homeland Security employees to that type of anxiety when terrorists only have to be right once and we have to be right 100 percent of the time?

Then I was troubled, Mr. Speaker, to learn that, apparently, you haven't spoken to MITCH MCCONNELL in several weeks. The people back home in the district that I represent and Americans all across the country are shaking their heads. I know you don't like talking to NANCY PELOSI. I know you didn't like talking to HARRY REID. You don't like talking to the President of the United States. But you can't have a conversation with Senate Republican Majority Leader MITCH MCCONNELL? It is not a long commute from this side of the Capitol to the other side of the Capitol. In fact, Mr. Speaker, you can take the train. Is it not reasonable that you have a conversation to try to work this out?

The American people want us to focus on bigger paychecks, better jobs, retirement security, higher education affordability, strengthening the middle class; instead, you are throwing a legislative temper tantrum, jeopardizing the safety and security of the American people? Shame on you. Let's get back to doing America's business.

THE KEYSTONE XL PIPELINE AND COAL

The SPEAKER pro tempore. The Chair recognizes the gentleman from West Virginia (Mr. MOONEY) for 5 minutes.

Mr. MOONEY of West Virginia. Mr. Speaker, with his veto of the Keystone XL pipeline, the President has again decided to stand with radical environmentalists at the expense of the American people. Republicans and Democrats came together in both Houses of Congress to pass this commonsense bill, yet the President has seen fit to deny the American people the new jobs it would create.

The President has a demonstrated record of picking favorites in the energy industry. We all remember how the President steered billions in taxpayer dollars to Solyndra, only to see the flawed solar company collapse.

In 2014 alone, the Department of Energy directed over $1.9 billion in taxpayer dollars to investments in alternative energy. At the same time, the President has waged war on West Virginia energy jobs. This year, the administration is expected to ratchet up that war with new ozone standards and a new stream buffer zone rule. These overreaching regulations are intentionally designed to kill coal, with devastating outcomes for West Virginia and our entire Nation.

Coal supplies over 90 percent of energy consumed in West Virginia. An escalation of the President's war on coal would cause families in West Virginia to see huge increases in their home energy prices. The escalation would also have a terrible impact on jobs in our State. The American Mining Association has projected that the new stream buffer zone regulation would destroy as many as 85,000 jobs in the Appalachian region.

The administration has also held up permitting for natural gas exports and proposed damaging regulations on the exploration of new natural gas deposits. The Keystone veto further confirms the President's commitment to continuing his obstructionist agenda.

With so much at stake for West Virginia families, we must strengthen our resolve like never before to fight for an energy policy which allows the free market and consumers to choose, not government to discriminate.

NATIONAL PAN-HELLENIC COUNCIL

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Illinois (Ms. KELLY) for 5 minutes.

Ms. KELLY of Illinois. Mr. Speaker, as we recognize the achievements of many African Americans this Black History Month, I want to acknowledge the Divine Nine, historically black fraternities and sororities of the National Pan-Hellenic Council, and the role of their members in shaping our Nation.

Divine Nine organizations consist of:

Alpha Phi Alpha fraternity, founded in 1906 at Cornell University, whose brotherhood includes: the Reverend Dr. Martin Luther King, Jr.; my colleagues Congressmen EMANUEL CLEAVER, DANNY DAVIS, CHAKA FATTAH, AL GREEN, GREGORY MEEKS, CHARLES RANGEL, DAVID SCOTT, and BOBBY SCOTT; legendary Olympic Gold Medalist Jesse Owens; National Urban League President Marc Morial; and legal pioneers Charles Hamilton Houston and Thurgood Marshall; and they are led by Grand President Mark S. Tillman.

Kappa Alpha Psi fraternity, founded in 1911 at Indiana University, includes: civil rights leader Reverend Ralph Abernathy; my colleagues Congressmen SANFORD BISHOP, WILLIAM LACY CLAY, dean of the House JOHN CONYERS, ALCEE HASTINGS, BENNIE THOMPSON, and HAKEEM JEFFRIES; General Daniel ''Chappy'' James, the first African American four-star general; attorney Johnnie Cochran; Dr. Bernard Harris, Jr., the first Black astronaut; Hall of Fame Chicago Bear running back Gale Sayers; and a special shout-out to a proud Kappa, Brace Clement of Seattle, Washington. They are led by Grand Polemarch William ''Randy'' Bates.

Alpha Kappa Alpha sorority, founded in 1908 at Howard University, is a sisterhood which proudly boasts of Congresswomen SHEILA JACKSON LEE, EDDIE BERNICE JOHNSON, TERRI SEWELL, FREDERICA WILSON, ALMA ADAMS, and BONNIE WATSON COLEMAN; astronaut Mae Jemison; the late Maya Angelou; the late civil rights leaders Rosa Parks and Coretta Scott King; and their honorable president, Dorothy Buckhanan Wilson.

□ 1045

Omega Psi Phi Fraternity, founded in 1911 at Howard University, men who include in their ranks Assistant House Democratic Leader JAMES CLYBURN of South Carolina, Congressmen HANK JOHNSON, and Kendrick Meek; NASA Administrator Charles Bolden; Hall of Fame Chicago Bulls star Michael Jordan; and Dr. Charles Drew, whose medical research in the field of blood transfusions led to the founding of the Blood Bank. They are led by the Honorable Grand Basileus Antonio F. Knox.

Delta Sigma Theta, founded in 1913 at Howard University, who count as sisters our next Attorney General, Loretta Lynch; Congresswomen MARCIA FUDGE, YVETTE CLARKE, JOYCE BEATTY, and BRENDA LAWRENCE; the first African American woman elected to Congress, Shirley Chisolm, one of my sheroes; former Secretary of Labor Alexis Herman; and their Honorable President Paulette C. Walker. Another special shout-out to my bonus daughter, Michelle Mills, and my mentee, Miki Grace.

Phi Beta Sigma, founded in 1914 at Howard University, the fraternity of my husband, Dr. Nathaniel Horn; civil rights pioneer and leader of the first Black labor union, the Brotherhood of Sleeping Car Porters, A. Philip Randolph; civil rights icon Congressman JOHN LEWIS; Dr. George Washington Carver; James Weldon Johnson, author, politician, and songwriter, whose works include ''Lift Every Voice and Sing,'' the Black national anthem; Alain LeRoy Locke, the first Black Rhodes Scholar; and former President of the United States, William Jefferson Clinton. They are led by President Jonathan A. Mason.

Zeta Phi Beta, founded in 1920 at Howard University, a sisterhood that counts Congresswoman DONNA EDWARDS; the late Congresswoman Julia Carson; author Zora Neale Hurston; Lillian Fishburne, the first African American to hold the rank of Rear Admiral in the U.S. Navy; and their honorable president, Mary Breaux Wright.

Sigma Gamma Rho, my sorority, Congresswoman CORRINE BROWN of Florida, the late Lindy Boggs of Louisiana; Eugenia Charles, first female Prime Minister of Dominica—she was the first woman elected head of government in the Americas; the first African American winner of the Academy Awards, Hattie McDaniel; broadcast trailblazer founder of Radio One, Cathy Hughes; and our esteemed Grand Basileus Bonita Herring.

Last, but certainly not least, Iota Phi Theta, whose brotherhood includes Congressman BOBBY RUSH; Billy Ocasio, former alderman to Chicago's 26th Ward and adviser to former Governor Pat Quinn; and Elvin Hayes, NBA player and NBA Hall of Fame Inductee.

The brothers and sisters of the Divine Nine have saved countless lives, advanced civil rights, and left a lasting legacy across our Nation. I thank the Divine Nine brothers and sisters for their groundbreaking contributions and for their commitment to molding future leaders, improving education, and the advancement of civil rights.

PRESERVING THE AMERICAN REPUBLIC

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. CULBERSON) for 5 minutes.

Mr. CULBERSON. Mr. Speaker, I believe this debate over the funding for the Department of Homeland Security represents a pivotal moment in the history of the United States because it will, I think, determine whether or not we will continue to be a nation of laws and whether or not we will preserve the American Republic left to us by our Founders.

I always remember that as Benjamin Franklin left the Constitutional Convention, a woman asked him: What kind of government have you given us, Dr. Franklin? And he said: A republic—if you can keep it. My hero and mentor, Thomas Jefferson, always said that a government was republican only in proportion to the extent that it embodied the will of the people.

This past November, the people of the United States decisively and overwhelmingly rejected the policies of Barack Obama and the Democrat Party. President Obama said: I am not on the ballot, but my policies are. And the country spoke decisively and with one voice from coast to coast and said:

We are done. We want our elected officials to enforce the law. We want our borders secure. We want to ensure that America maintains its supremacy around the world. We want our American economy to continue to grow. We want the government out of our lives, out of our way, out of our pocket, and off our backs.

We have done this in Texas so successfully over the years. Because of the strength and the diversity of our economy in Texas, the economy in Texas has continued to grow, and the people of Texas have elected a Republican Governor, a Republican Lieutenant Governor, a Republican senate, and a Republican house, and they embody the will of the people of Texas.

The minority party in Texas, the Democrats in the senate, continued to block the will of the people of Texas, and the new Lieutenant Governor, Dan Patrick, changed the rules because the people of Texas insisted they wanted to see a government that reflected their will, that would enforce the law, secure the border, and preserve peace and prosperity because we all understand that without law enforcement you can't have good schools, safe streets, and a strong economy. This is just common sense.

The people who live along the Rio Grande River understand better than anybody in Texas that if you don't have a secure border and if you don't enforce the law, then the streets aren't safe, you can't have good schools, and you can't have a strong economy. Laredo is the largest inland port in the United States. They depend more than anyone else on a secure border, safe streets, and good schools.

So the people of Texas decisively rejected the policies of Barack Obama and the Democratic Party, yet the Democrat minority in the senate continued to block the will of the people so our Lieutenant Governor changed the rules.

Mr. Speaker, I would call on Leader MCCONNELL to reflect the will of the people of America and change the rules of the United States Senate just as we did in Texas. The people of America have spoken decisively. They rejected the policies of Barack Obama and the

Democrat Party. They expect this Congress to see that the law is enforced, that we respect the separation of powers, and that laws are enacted by the people's elected representatives.

Change the rules, Mr. Leader, as we did in Texas, and make sure that no minority can block the will of the people. Make sure that our laws are enforced, that the border is secure, and that no one person can enact laws with the stroke of a pen. Laws are enacted here in the people's House in the Congress of the United States. The people of America voted overwhelmingly to reject the policies of Barack Obama.

Mr. Speaker, it is time for the Congress to embody the will of the American people, enforce the law, and stop the policies of Barack Obama that the people just decisively rejected. Let's follow the lead of Texas. Change the rules in the Senate, Mr. Leader.

By the way, make the Democrat Senators stand up and filibuster. Let's have a real filibuster. Make them stand up there for 18, 24, 34, 48 hours. Make them stand up there as long as it takes. If they are going to have a filibuster, do it as we do in Texas. Enforce the law, follow the will of the American people, and do what we were elected to do—to preserve this great American Republic handed down to us, this precious inheritance handed down to us by the Founding Fathers, and let's honor the hope of Benjamin Franklin that we would preserve this great American Republic.

DHS SHUTDOWN

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Washington (Ms. DELBENE) for 5 minutes.

Ms. DELBENE. Mr. Speaker, in my State of Washington, we are very familiar with the vital role the Department of Homeland Security plays. Nearly 1 year ago, in a matter of seconds, 1 square mile of land slid into the Stillaguamish River near Oso, Washington.

That landslide was a heartbreaking disaster that was unbelievably devastating in the damage and the tragic loss of life that it caused. Forty-three people died in the blink of an eye. But FEMA, which is part of the Department of Homeland Security, was immediately on the scene to coordinate search-and-rescue operations.

Mr. Speaker, Congress needs to do everything possible to ensure that resources are available to respond to disasters because landslides have no season, earthquakes have no season, and terrorist attacks have no season. By failing to fund the Department of Homeland Security, the Congress risks the lives of Americans, and that is simply unacceptable.

Now, some have said that most employees will be deemed essential, meaning they will be asked to do their already high pressure jobs of protecting our communities without pay. That will be the case for more than 6,000 workers in my State. But FEMA Administrator Fugate said a lapse in funding would delay urgent disaster relief services because he would have to call staff back to work while the agency responds to an emergency.

Not only that, emergency responders who have requested Department of Homeland Security grants would be left without much-needed assistance. The Whatcom County Fire District 18, a mostly volunteer force that serves part of my district, applied for a $24,000 firefighters grant to replace vital equipment. This is equipment that protects the lives of these volunteers who are saving the lives of others. But if Congress fails to fund the Department of Homeland Security, those grants are at risk.

If House leadership would simply bring a clean DHS funding bill to the floor, we have the votes to pass it today. But instead, that legislation is being held hostage because some disagree with the President's executive actions.

Mr. Speaker, I helped introduce H.R. 15, a comprehensive immigration reform bill during the last Congress. But we never got a vote. If leadership agrees that this is such an important issue, so important that it is worth defunding an essential federal agency, then Congress should be working right now on comprehensive immigration reform and consider legislation immediately—but after we finish our job of funding the Department of Homeland Security. We need to stop playing politics and fund the Department of Homeland Security now.

DHS SHUTDOWN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. PRICE) for 5 minutes.

Mr. PRICE of North Carolina. Mr. Speaker, I rise today, yet again, in support of a clean Homeland Security funding bill.

First, Mr. Speaker, however, I want to thank my colleague, PATRICK MCHENRY, for the tribute he gave a few moments ago to his predecessor in the 10th Congressional District of North Carolina, Cass Ballenger, who passed away last week. Cass Ballenger was a treasured colleague of mine. He and I came to the House together in the class of 1986. We worked together on a number of matters, including teacher recruitment and disaster relief. Cass used his time here and the work of his foundation to reach out to some of the neediest people in the hemisphere, in Latin America, in addressing their health care needs.

He came here after a successful business career. He was a man of great goodwill, good humor. He was someone who was a great favorite on both sides of the aisle. So I am happy to join PATRICK MCHENRY and other colleagues in remembering Cass Ballenger fondly and paying tribute to his years of good citizenship and service.

Now, at this moment, Mr. Speaker, we are 38 hours away from a Department of Homeland Security shutdown which will undermine many of the agency's critical missions and force its essential employees to go without pay until the politics of all this are worked out.

Front-line personnel at Customs and Border Protection, Immigration and Customs Enforcement, the Coast Guard, the Secret Service, the Transportation Security Administration, and other critical agencies are going to be left wondering how to pay their mortgages and how to feed their families instead of focusing on their critical missions.

In North Carolina alone, Mr. Speaker, over 4,000 Homeland Security employees are going to be furloughed or go without pay.

House Republicans forced this unnecessary stalemate by including poison pill riders in the bill that our Homeland Security Subcommittee negotiated late last year. It was a bipartisan, bicameral negotiated bill. It is ready to be passed right this minute. It should have been passed in December along with the rest of the appropriations bills. Instead, Republicans held back Homeland Security, and they added riders designed to poke the President in the eye and to impose radical anti-immigration policies on our country.

Now, thankfully, Senate Republican leaders understand the potential consequences of a shutdown. They have resisted this Tea Party bait, and they have decided to take up a clean Homeland Security funding bill. So the Senate must quickly pass that bill, and Speaker BOEHNER must let us vote on that bill.

Mr. Speaker, the American people didn't send us to Washington to shut down critical functions of the United States Government on which all of our citizens depend. Pass a clean Homeland Security funding bill.

DHS SHUTDOWN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. KILMER) for 5 minutes.

Mr. KILMER. Mr. Speaker, I rise today to call on the House to fund the Department of Homeland Security and avoid an unnecessary shutdown. Instead of having a real debate about fixing a broken immigration system, Congress is putting at risk government operations that serve the people we represent and is playing politics with the livelihoods of our Federal workers.

□ 1100

Threatening to shut down a Federal agency because you disagree with the President's actions is an irresponsible approach. We have got to move away from this kind of dysfunctional government and get back to legislating.

That is what the American people sent us here to do. This current fight is exhibit number one of why folks don't think Congress works for them. The folks I represent want to see a government that is responsive, that provides needed services, and that supports economic growth.

Mr. Speaker, folks in my region deal in reality. Earlier this year, residents and businesses in the cities of Aberdeen and Hoquiam and Grays Harbor County, Washington, were swamped by heavy rains. Mudslides and flooding put people's lives at risk and took a toll on neighborhoods that they call home.

Local officials were looking for help, and they got it when the Homeland Security Region 3 Incident Management Team came to town. This team worked with locals on the ground to execute the best recovery plan to get people back on their feet.

Are we willing to tell workers like that, who lend a hand at a moment's notice, to go without pay or take a furlough? Are we willing to tell communities in need that when they call for help, there is no one there?

Fourteen percent of the Department's workforce is facing furloughs. This isn't an invisible workforce. These are staffers who administer grants to local governments. They are fire departments and emergency responders after devastating storms.

These are the people who are helping the emergency teams that are on the ground in places like Hoquiam, Washington. That staff won't be able to process emergency requests, won't be able to do their jobs because Congress isn't doing its job.

We should also consider the over 80 percent of Homeland Security employees who will stay on without pay. What kind of message are we sending members of our Coast Guard or our Border Patrol or the Department when we tell them to work without pay? Mortgage payment? Still got to pay it. Utility bills? Still do. Grocery bill? Still got to eat. But paycheck? Sorry.

It is true. If the crew of a ship faced trouble in Washington State's waters, the Coast Guard would still swing into action, but that crew wouldn't get paid for their work, and some of their support staff might not be back at headquarters to help them.

I have already heard from members of the Coast Guard, spouses of Department employees, and everyday citizens worried about how this will impact our communities and our national security because, in my home State of Washington, there are over 6,000 Department workers and we have five Coast Guard stations alone in my region.

Shutdowns like this have ripple effects into our local economies, too. When workers aren't getting pay or their pay is delayed, sacrifices are made. Less money is spent at the grocery store. Friday night dinners out are stopped. Family vacations are canceled or delayed.

It impacts local restaurants, local hotels, and small businesses. We have seen this movie before. Businesses everywhere took a hit when the customers they rely on aren't sure when exactly their next paycheck will come.

Finally, we don't motivate our Federal workforce by engaging in these stunts. We are proud of our Federal workforce in my region. Too often, Congress does not let them know that what they do is important. Too often, they are a bargaining chip in a political fight.

I came to Congress to give people confidence that their government was not broken, that it is staffed with workers dedicated to making a meaningful impact in their lives and in the lives of American citizens.

We will not see qualified and motivated folks join a workforce that faces continuous threats to the job they do every day when the message to our workers and to local businesses is that politics is more important than their paychecks.

I want to end by mentioning, yesterday, former Secretary of Homeland Security Tom Ridge said that this shutdown was ''wrong'' and ''folly.''

He said: ''These are soldiers at DHS. They wear a different uniform, but the goal and objective and mission is the same—keeping America as safe as possible.''

Mr. Speaker, let's keep America safe, and let's reject this shutdown.

STRENGTHENING STUDENT PROTECTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. FITZPATRICK) for 5 minutes.

Mr. FITZPATRICK. Mr. Speaker, last year alone, over 450 teachers or school employees across the Nation were arrested for misconduct with a child. That is more than one per day. What is more, the Department of Education has estimated that nearly 10 percent of students are targets of educator sexual misconduct sometime during their school career.

Those numbers should be disturbing to every lawmaker, to every parent, and every grandparent in this body. In an effort to curb this alarming trend, I am proud that the Student Success Act under debate here today includes language from a bill that I introduced, the Jeremy Bell Act, to strengthen student protection efforts and get serious about who is being hired and transferred within our school system.

The Jeremy Bell Act was named after a young boy from West Virginia who was drugged, sexually assaulted, and murdered by his elementary school principal—a man who had been suspected of sexual misconduct at previous jobs but was allowed to quietly transfer from district to district, avoiding repercussions and without awareness from his new employers, a shameful act known as ''passing the trash.''

Language found within the Student Success Act will end the practice of ''passing the trash'' by blocking educational agencies from receiving Federal funds if they facilitate the transfer of an employee that they know or have probable cause to believe has engaged in sexual misconduct with a student.

Furthermore, it ensures that the hiring of all school employees will be compliant with current, extensive background check requirements.

As the husband of an educator, I know the overwhelming majority of teachers, educators, school administrators, and support staff are amazing, caring individuals committed to the success of their students.

It is as much to protect the good work that they do, as well as the safety for our children, that we must pass this legislation and take real steps to address this issue.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 6 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Reverend Bruce Miroglio, St. Helena Catholic Church, St. Helena, California, offered the following prayer:

Good and gracious God, we ask Your blessing on this day You have provided for us.

As we confront all the challenges that arise from the human condition, we ask Your blessing to allow us to use our intellect and free will to guide our human affairs and to seek the blessings of freedom, personal development, and prosperity for the common good.

In Your goodness, bless the Members of our Nation's House of Representatives. May all their deliberations and discussions be inspired by the vision of Your loving kindness and saving grace.

May the work conducted here today bear rich fruit that nurtures all of the people of this Nation and their dreams for a better world and, thus, be for Your greater honor and glory.

All of this we ask in Your most holy name.

Amen.

THE JOURNAL

The SPEAKER. 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.

Mr. HULTGREN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HULTGREN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Rhode Island (Mr. CICILLINE) come forward and lead the House in the Pledge of Allegiance.

Mr. CICILLINE 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.

WELCOMING REVEREND BRUCE MIROGLIO

The SPEAKER. Without objection, the gentleman from California (Mr. THOMPSON) is recognized for 1 minute.

There was no objection.

Mr. THOMPSON of California. Mr. Speaker, I rise today to pay special recognition to our guest chaplain, Deacon Bruce Miroglio.

Deacon Miroglio serves in The St. Helena Catholic Church, my church in my hometown. It is where I was baptized, received my First Communion, was confirmed, and where Jan and I renewed our wedding vows.

I was born, grew up, and still live in our community, in the community that the deacon serves, so I know personally how deeply he cares for our community and how much he and our church have given back to our town.

Growing up, Bruce didn't know if he wanted to be a priest or a lawyer, so he took the sage advice of ''when you have a choice between two great things, take them both.''

In both careers, he has embodied selflessness, compassion, and quiet generosity. He has guided people through challenging times, comforted them in times of grief, always pursued righteousness, and has never wavered in his devotion to bettering the lives of others.

St. Helena is blessed to have him today; and today, we, in the House, are equally as blessed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. YODER). The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

THE SO-CALLED STUDENT SUCCESS ACT

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

Mr. GIBSON. Mr. Speaker, tomorrow, I will be voting against H.R. 589, the so-called Student Success Act. Although there are some positive reforms regarding empowerment of local schools that my constituents support in the bill, major problems with the bill remain.

For example, sadly, we have done nothing to roll back the onerous high-stakes testing regime that has led to a ''teaching to the test'' culture in our schools, and I want my parents, teachers, administrators, and students to know that I am listening and taking action.

I offered a bipartisan amendment to roll back to pre-No Child Left Behind levels testing requirements. Essentially, it would have cut Federal testing requirements in half that we hope would have been a catalyst for States to cut their tests as well, but for the second straight year, that amendment has been ruled out of order, despite the fact that this is so important to the American people.

The fight continues. As this bill moves to the Senate, we have allies there that are interested in empowerment and properly resourcing schools, and I look forward to working with them to get in the bill that the American people will support and we can enact.

FUNDING FOR THE DEPARTMENT OF HOMELAND SECURITY

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

Mr. CICILLINE. Mr. Speaker, I can't believe we are actually here. In just 48 hours, the Department of Homeland Security will shut down. In this day and age, with so many threats facing Americans and the rest of the civilized world, how can our colleagues even contemplate allowing the Department of Homeland Security to shut down?

In just the past couple of months, we have seen terrorist attacks in Denmark and Paris and, just yesterday, arrests in New York of individuals charged with supporting foreign terrorist organizations.

The failure to fund the Department of Homeland Security will put American lives at risk—and all to try to prove a political point.

Tying legislation against the President's executive order on immigration to the essential funding that pays the hardworking men and women, the extraordinary professionals that keep us safe, is reckless and irresponsible.

Mr. Speaker, take up a clean DHS funding bill that will pass both Chambers and be signed by the President immediately, and let's get back to the work many of us came here to do: strengthening our middle class, growing paychecks, and creating jobs.

Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that will keep the Department open so it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. Under guidelines consistently issued by successive Speakers, as recorded in section 956 of the House Rules and Manual, the Chair is constrained not to entertain the request unless it has been cleared by the bipartisan floor and committee leaderships.

REMEMBERING THE 23RD ANNIVERSARY OF THE KHOJALY TRAGEDY

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

Mr. ZINKE. Mr. Speaker, I rise to remember the 23rd anniversary of the Khojaly tragedy, which took place on February 25–26, 1992.

On this evening, 23 years ago, it was the site of a cowardly massacre of 613 unarmed Azerbaijani citizens, which included 106 women, 63 children, and 70 elderly. Despite the attempts to minimize this tragedy, I stand in memory with the Azerbaijani Caucus to remember the loss.

The United States and Azerbaijan share a bipartisan and a strong relationship. As a former commander in the Navy SEALs, I know firsthand the importance of Azerbaijan's commitment.

Aside from deploying troops and equipment to Afghanistan, over one-third of nonlethal aid that was used by our troops in Afghanistan flowed through Azerbaijan.

President Kennedy once said that America would pay any price and bear any burden in the defense of liberty. I am proud that Azerbaijan and America share the same commitment to freedom and liberty.

It is important today that we take this moment to join our Azerbaijani allies in liberty in recognizing the Khojaly tragedy.

SUMGAIT POGROMS

(Ms. JUDY CHU of California asked and was given permission to address the House for 1 minute.)

Ms. JUDY CHU of California. Mr. Speaker, 27 years ago, as the lines of the Soviet Union were fading, the people of Nagorno-Karabakh were united in a call for a say in their own futures and greater independence from Azerbaijan. This peaceful movement for self-determination and freedom was followed by premeditated and government-sponsored attacks.

Over the next 2 years, the Armenian population in the territory of Artsakh

was repeatedly victim to brutal and racially-motivated pogroms, darkly reminiscent of the days of the Armenian genocide. Hundreds were murdered, thousands were displaced, and the Armenian community, both in Artsakh and in exile, continues to bear the scars from the brutal attacks in Sumgait, Kirovabad, and Baku.

When the people of Nagorno-Karabakh officially declared independence on December 10, 1991, they were met with full-scale war lasting until 1994. Even today, the people of Nagorno-Karabakh are still forced to live under constant cease-fire violations by Azerbaijan.

As we commemorate the somber anniversary marking the struggle of the Nagorno-Karabakh people, we wish for the peaceful resolution of this conflict and hope that its citizens will be free to determine their own future.

REMEMBERING MIDDLE EAST BELIEVERS KILLED FOR THEIR FAITH

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

Mr. HULTGREN. Mr. Speaker, in the past few weeks, the Islamic State has targeted religious minorities throughout the Middle East, including the Yazidis in Iraq and the 21 Coptic Christians executed in Libya.

This week, ISIS has abducted more than 200 Assyrian Christians. We pray earnestly for their release and for comfort for their families.

These murderers want us to tremble at their physical brutality, but an even more sinister violence is at work, a sustained and strategic campaign against religious freedom. This is the God-given freedom to hold any belief—or none at all—without coercion or reprisal.

Global attention is and should be transfixed on those killed for their faith in the Middle East; yet more than three-quarters of the world's population lives under regimes that restrict belief.

Our Nation's first freedom is not and should not be bound by geography or nation. We must defend religious freedom at all times and in all places, or this violent cycle will continue.

FUND THE DEPARTMENT OF HOMELAND SECURITY

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

Mr. SCHIFF. Mr. Speaker, I rise to join my colleagues in urging the GOP leadership to advance legislation that will keep the American people safe by continuing to fund the Department of Homeland Security.

Just yesterday, with the arrest of three suspects in New York City planning to assist terror groups or join ISIS, we see the continuing imperative of a vibrant homeland security effort.

In a matter of hours, funding for the Department will expire, thereby forcing thousands of essential employees to put their lives on the line without pay. State and local law enforcement operations will be among the hardest hit if we allow funding to lapse.

By bringing a clean spending bill to the floor, we have the power to prevent the dangerous partial shutdown of the government. Our Nation's security is at stake here, and another day of inaction by this Congress is unacceptable. Let's vote on a clean spending bill today.

Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out the mission of keeping the American people safe.

The SPEAKER pro tempore (Mr. TROTT). As the Chair previously advised, that request cannot be entertained absent appropriate clearance.

HONORING RENE GAGNON ON THE 70TH ANNIVERSARY OF THE BATTLE OF IWO JIMA

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

Mr. GUINTA. Mr. Speaker, I rise today to honor the courage and sacrifice demonstrated by our marines, specifically Corporal Rene Gagnon, a Granite Stater, during the Battle of Iwo Jima.

Gagnon was selected and participated in what is arguably the most celebrated American flag raising in our Nation's history.

Immortalized by AP photographer Joe Rosenthal, six U.S. Marines, including Corporal Gagnon, raised the colors above Mount Suribachi on the fifth day of the month-long battle for Iwo Jima.

Born to immigrants from Quebec, Gagnon grew up in Manchester, New Hampshire, and left in 1943 after being drafted. He elected to join the United States Marine Corps.

As part of Operation Detachment, a total of 92,000 men, 70,000 Americans, and 22,000 Japanese, fought to secure Iwo Jima, a tiny island controlled by the Japanese that was no larger than one-third the size of Manhattan.

As we commemorate the 70th anniversary of Iwo Jima, let us take a moment to honor Corporal Gagnon and the rest of our Nation's Greatest Generation who fought bravely to secure and preserve our Nation's democracy during World War II.

□ 1215

PULLMAN NATIONAL MONUMENT

(Ms. KELLY of Illinois asked and was given permission to address the House for 1 minute.)

Ms. KELLY of Illinois. Mr. Speaker, I rise today to celebrate the history and legacy of the Pullman community of Chicago.

Last week, President Obama designated Pullman as a national monument, ensuring that Pullman's heritage as an industrial innovator and labor leader lives on.

Pullman played a vital role in our Nation's labor and civil rights movements. It is the birthplace of the Brotherhood of Sleeping Car Porters, our Nation's first Black labor union, and it was a major battleground in the national fight for fair wages and safe working conditions.

I thank the countless dedicated people who worked with me and before me to make this designation possible. Pullman National Monument will preserve Pullman's legacy and ensure that the community will continue to thrive for generations to come.

FCC EXPANDING AUTHORITY OVER INTERNET

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

Mr. YODER. Mr. Speaker, I rise today in opposition to this administration's continued policy of governing from behind closed doors and using the executive branch to take more freedom away from the American people.

Today the Federal Communications Commission will vote for an unprecedented expansion of its authority over the Internet, without providing any public discourse on the details of the proposal.

What we do know about this government invasion into the Internet is deeply troubling. The Internet has been a source of great creativity, investment, and economic growth, an area of freedom, where innovation has flourished and entrepreneurs, startups, and anyone with an idea has opportunity.

What is Washington's answer to this booming marketplace? Government control and regulation.

One of the Commissioners has referred to it as ''a solution that won't work to a problem that doesn't exist.'' This is deeply troubling.

I know of no industry that has become more vibrant, more free, or led to more innovation after a government takeover. Allowing the FCC to designate the Internet a regulated utility will increase taxes and allow government to decide pricing, cost, content, or anything else. This is the camel's nose under the tent.

The FCC should release its proposals and allow the American people back behind its closed doors.

DHS SHUTDOWN

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

Mr. PALLONE. Mr. Speaker, there are just 2 days left until the Department of Homeland Security shuts

down. The Department charged with keeping Americans safe is set to run out of funding tomorrow all because Republicans in Congress insist on manufacturing political crises instead of working to help hardworking Americans get ahead.

A shutdown would mean that those charged every day with protecting our safety would all be expected to report for duty without any promise of a paycheck. In my home State of New Jersey, that would mean that over 4,000 Department of Homeland Security employees, including nearly 1,600 Active Duty Coast Guard members, would go to work without any pay.

Payments to help Sandy victims recover would also not be able to be processed in the event of a shutdown. Those families have already suffered enough. They don't need a Republican shutdown making things even more difficult.

Ensuring the safety of the American people should never be a partisan issue. And now is the time to come together and do what is right to protect all of our families.

Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. As the Chair previously advised, that request cannot be entertained absent appropriate clearance.

THE HELPING FAMILIES IN MENTAL HEALTH CRISIS ACT

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

Mr. MURPHY of Pennsylvania. Mr. Speaker, this morning, Connecticut Senator CHRIS MURPHY and I outlined a vision for real bipartisan mental health reform. Our legislation will have some differences but also many similarities.

Both will fix the shortage of psychiatric beds; get more mental health workers, such as psychiatrists, psychologists, and social workers to help; integrate physical and mental health care; fix the rule which says severely mentally ill patients on Medicaid can't see two doctors on the same day; and better coordinate the staggering 112 Federal agencies that deal with severe mental illness.

My bill, the Helping Families in Mental Health Crisis Act, will also allow treatment before tragedy. During the trial of the former marine who killed Iraq war veteran Chris Kyle, the mother of the defendant begged VA doctors to keep her son in psychiatric treatment just days before he shot and killed the decorated sharpshooter.

The reality is the system doesn't respond until after a crisis has occurred, because the only way to get treatment is if the individual is imminently homicidal or suicidal.

We have to fix those problems. We must correct HIPAA so families can help their loved ones get well. We must act now before another 40,000 die by suicide, before thousands more end up in jail, homeless, or victims of crime, and before more families suffer.

I invite Democrats and Republicans to join me as I reintroduce the Helping Families in Mental Health Crisis Act.

DHS SHUTDOWN

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

Mr. HIMES. Mr. Speaker, I have the privilege of serving on the House Intelligence Committee. And just yesterday, in a hearing entitled ''Worldwide Threats,'' I sat with the Chiefs of our Intelligence Services to learn about those worldwide threats. The meeting was classified, but the summary is this: there are people out there who would count it a smashing success to reap death and destruction on the homeland.

Yet my Republican friends have engineered a situation where, in 2 days, the Department of Homeland Security will shut down. It is not because they don't have an alternative to get in the way of the President's immigration initiative. A judge in Texas ruled with them. Now, I think that judge is going to be overturned, but a judge ruled with them. Yet they are going to shut down the Department of Homeland Security.

I don't understand that, but I have got two questions:

If we shut down DHS and, heaven forbid, there is a natural disaster that destroys a community in Oklahoma or Connecticut, what are we—what are you going to tell the American people?

If, heaven forbid, one of those people who wishes this Nation ill succeeds and the Department of Homeland Security is shut down, what will we—what will you tell the American people?

A TRIBUTE TO CAMILLE JAYNE AND COMMUNITY HOUSE

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

Mr. TROTT. Mr. Speaker, I come to the floor today to pay tribute to Camille Jayne, the chair of the board of The Community House in Birmingham, Michigan. The Community House is a 92-year-old nonprofit organization with a mission to impact the lives of those it serves through education and outreach experiences.

When The Community House was badly in need of a major overhaul, it hired Camille Jayne in 2012. Camille is a strategic business, planning, marketing, and operations expert who brought over 30 years of experience to The Community House. Camille's impact has been tremendous.

In 2011, The Community House had an operating loss, but through Camille's leadership, she was able to turn things around and put The Community House back on a strong fiscal foundation. Her efforts to rebrand, remarket, and retool every business unit were instrumental in the turnaround.

The Community House is a cornerstone of the Birmingham community. Over 210,000 youth, adults, seniors, and business professionals take advantage of The Community House classes, lectures, and programs each year. All this is accomplished with a small staff of less than 40 people, which is augmented by 700 part-time staff, teachers, and volunteers.

Under Camille's leadership, there is no doubt The Community House will continue to survive and serve southeast Michigan, and I believe the best is yet to come. It is my honor to pay tribute today to Camille James' accomplishments and the great work that continues at the Birmingham Community House.

JERSEY CITY, NEW JERSEY: MOST DIVERSE CITY IN AMERICA

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

Mr. SIRES. Mr. Speaker, I rise today to acknowledge Jersey City, New Jersey, on its diversity and economic growth. In the shadows of the Statue of Liberty, Jersey City is the second largest city in New Jersey and was recently named the country's most diverse city.

Jersey City's history as a city of immigrants has contributed to its current economic boom. In the late 19th and early 20th century, an influx of immigrants from Europe flocked to Jersey City to achieve the American Dream. Increasingly, immigrants have now been arriving from South America, Asia, Africa, and the Middle East seeking the same American Dream and finding it in Jersey City.

Immigrants to the city have long contributed to the economy by opening small businesses and joining the job market. Just in the past year, Jersey City has seen an upgrade in its credit rating, a continued decline in unemployment, and an ever-increasing skyline. As further proof of Jersey City's diversity, over half of the residents speak a language other than English at home, and the city council is comprised with a wide array of individuals from different ethnic backgrounds.

Jersey City is a true American melting pot, and I applaud Mayor Steve Fulop and the residents of Jersey City on its continued progress.

ALYSSA FERGUSON'S WELL

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

Mr. OLSON. Mr. Speaker, I rise to share a story with the American people, a story of courage, love, and faith.

It is a story of one of my bosses back home, a young lady, Alyssa Ferguson.

In sixth grade, Alyssa was told that she had cancer and that the cancer would likely take her young life. She was approached by the Sugar Land Make-a-Wish Foundation; but instead of wishing to meet a famous person and turning inward, Alyssa turned outward. Her wish was to have a water well built in rural Africa for people in need.

Last year, Alyssa's wish was granted; the well was dug. And this year, Alyssa's 29 rounds of chemotherapy and 30 days of radiation treatment will pay off as she goes to Africa and sips water out of her well.

I want to thank Alyssa for showing all of us that love and faith overcome all.

May God bless Alyssa Ferguson.

DHS SHUTDOWN

(Ms. MENG asked and was given permission to address the House for 1 minute.)

Ms. MENG. Mr. Speaker, I rise today urge my colleagues to pass a Department of Homeland Security funding bill without political strings attached.

This funding is especially relevant to us New Yorkers who, unfortunately, understand too well the consequences of terrorism. Just yesterday, three ISIS supporters were arrested in Brooklyn for their plans to travel abroad to join the terrorist group. Without adequate Homeland Security funding, we might not have caught these terrorists.

The Department of Homeland Security not only protects our borders and airports in ways we experience daily, but also works inconspicuously to guard our community by providing grants and training for law enforcement, transportation, and even local nonprofits.

Currently, DHS is unable to allocate these hundreds of millions of dollars in grants that directly assist our communities and basic infrastructure. These address the unique planning, training, organization, and exercise needs of high-threat urban areas, like New York City.

It is reckless to use Homeland Security funding as a bargaining chip. A mere political disagreement is no excuse to risk an attack on American lives.

Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean DHS funding bill that would keep the Department open so it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore (Mr. YODER). As the Chair previously advised, that request cannot be entertained absent appropriate clearance.

NATIONAL FAIRYTALE DAY

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

Mr. FARENTHOLD. Mr. Speaker, today is national fairytale day, and my office has been having some fun with it on Twitter. I got together with the staff, and we came up with some hashtag liberal fairytales: ''If you like your health insurance, you can keep it.'' ''Benghazi was caused by a YouTube video.''

But the biggest one seems to be happening right now. It is a liberal fairytale that House Republicans want to shut down the Department of Homeland Security. Weeks ago, we passed a bill fully funding it. It is the Democrats in the Senate who have refused to take up that bill and debate it and vote for closure that are going to close the Department of Homeland Security.

So on national fairytale day, we have got a whopper of a fairytale from the liberals. The fact that the Republicans want to shut down DHS is nothing but a hashtag liberal fairytale.

DHS SHUTDOWN

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

Mr. NORCROSS. Mr. Speaker, I am here today to have a brief conversation. I spent the last 2 hours in the Committee on Armed Services, where General Keane was talking about sending the right message to our enemies, that America has to stand together as one.

So as we talk about the threats in Armed Services, we are 48 hours from shutting down Homeland Security. Let's say that again: 48 hours from shutting down the security at our airports, at our train stations, at our ports.

This is unthinkable.

I am usually not the guy that says ''the sky is falling,'' but unless we do this in 48 hours, we are sending a message to our enemies: it is open season in America.

We can't send that message.

Please, I am asking my colleagues here in the House and certainly on the other side of the aisle to have a full and open debate on this issue. Let's take the vote. Let's get this done. Let's pass the Homeland Security bill.

□ 1230

PENNSYLVANIA'S OIL AND NATURAL GAS PRODUCTION

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, Pennsylvania is the third-largest natural gas producer in the Nation and continues to drive record-breaking oil and natural gas production. According to new data released by the Pennsylvania Department of Environmental Protection, last year shale gas production jumped 30 percent in Pennsylvania's Marcellus shale for a total of 4 trillion cubic feet, which is roughly 16 percent of what the United States consumes on an annual basis.

Mr. Speaker, communities in Pennsylvania's Fifth Congressional District have benefited greatly from the technological and the safety advancements that make natural gas readily available, and these benefits are not just limited to shale-producing areas.

Families and businesses all across the country are seeing the rewards of shale gas energy produced by hydraulic fracturing. American households are enjoying increases in disposable incomes due to lower costs for energy and energy-intensive products. Mr. Speaker, this success has been made possible due to regulations administered at the State level, not by adding the bureaucracy of the Federal Government.

As cochair of the bipartisan Congressional Natural Gas Caucus, I will continue to explore and promote best practices so that we can highlight the safety and positive economic impacts of natural gas.

DHS SHUTDOWN

(Ms. TITUS asked and was given permission to address the House for 1 minute.)

Ms. TITUS. Mr. Speaker, the day after the election, Speaker BOEHNER and Senator MCCONNELL outlined an agenda for the so-called New American Congress, pledging to focus on the people's priorities. Well, they have obviously failed to deliver on this promise, instead allowing anti-immigrant, rightwing radicals to trump the safety of American families.

Mr. Speaker, recent events around the world provide a stark reminder of the threats we face. Yet amid the rising risks of terrorist attack, Republicans are holding critical Homeland Security funding hostage in a misguided attempt to undermine and roll back key protections for immigrant families.

To quote The Washington Post:

> The fervor of Republic partisanship is immune to logic beyond an insistence on victory at any cost.

In this case, the cost is some 1,500 DHS personnel in Nevada who would be furloughed or forced to work without pay and nearly $10 million in grant funding that Nevada counts on to protect the safety of our citizens and the over 40 million visitors who come to Las Vegas every year. Only 2 days remain until DHS shuts down. I call on Republicans: Stop holding it hostage and let's get to work.

FREEDOM RIDERS

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

Mr. ROTHFUS. Mr. Speaker, from time to time in our history, people

have stepped forward to call this Nation to something greater. Today as we continue to celebrate Black History Month, I want to recognize three inspirational women from my district in Pennsylvania: Dorothy James, Ruby Golding, and Mary Wilson. In the 1960s they traveled down South to fight racial injustice and to join the struggle for equal rights.

Ruby Golding recalls what inspired her to join the Freedom Riders. She remembers segregated movie theaters and not being allowed to try on shoes at the local store in town. She remembers the March on Washington and hearing Reverend Dr. Martin Luther King talk about a dream he had, a dream that one day his children would not be judged by the color of their skin but by the content of their character.

Ms. Golding said everyone was shocked by the size of the crowd that day and how peaceful it was. She said it was like being in one big family of all colors joining together to bring a better day to America.

Today let's recognize the legacy of Ms. James, Ms. Golding, and Ms. Wilson, and all those who joined the civil rights movement, for we have a freer nation because they had the courage to take a stand.

DHS SHUTDOWN

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

Mr. COSTA. Mr. Speaker, we have less than 2 days—2 days—to fund the Department of Homeland Security before they run out of money. It is a dangerous world we live in. We know that. The tragic events recently in Paris and Copenhagen and, most recently, the arrests of three alleged terrorists yesterday in New York demonstrate that Americans are at risk from a terrorist attack every day. The Senate finally realized that funding Homeland Security is more important than jeopardizing the safety of our country.

Mr. Speaker, if you need Democratic support to pass a clean—clean—Department of Homeland Security funding bill, you have my vote, and you have the overwhelming votes of the majority of Democrats.

Congress should be focusing on protecting our families. Our constitutional oath that we take when we are sworn into office every 2 years requires us to first ''support and defend the Constitution of the United States against all enemies foreign and domestic.''

Let us not put Americans at risk because of partisan politics. It is not only irresponsible, it is immoral. Let us do the job that we were sent here to do.

MILITARY SEXUAL TRAUMA

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

Mr. RUIZ. Mr. Speaker, I am an original cosponsor of H.R. 642, a bill that would help the men and women in our armed services who are victims of sexual assault get access to the care that they need.

Sexual assault is not acceptable anywhere in our society. It is not something many people like to talk about, but it is a very real problem. According to the Department of Defense, 20,000 servicemembers said they had experienced at least one incident of unwanted sexual contact in 2014.

In my time as an emergency medicine physician, I have seen the deep, longstanding, and brutal psychological trauma that results from sexual assault, and I know how critical it is that victims receive the treatment they need and perpetrators are brought to justice.

Mr. Speaker, this bill takes much-needed steps to ensure that treatment options are more accessible for our veterans who were victims of sexual assault by helping to pay for travel expenses for those who need to seek care outside of the VA system.

Mr. Speaker, this is a medical need and a moral imperative. I urge all my colleagues to support H.R. 642 and ensure servicemembers who are victims of sexual trauma receive the care they need.

DHS SHUTDOWN

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, last week Speaker BOEHNER stated that the Republicans were certainly prepared to shut down the Department of Homeland Security—a shutdown that would force thousands of TSA, Customs, Border Patrol, and Secret Service agents to work without pay.

Now, Mr. Speaker, I am going to tell you, I come back and forth every week from Orange County, California. I usually go up to Los Angeles, to LAX. I was talking to my TSA guys as I went through the line, taking off my shoes. They said: Really, Ms. SANCHEZ, are they really going to do that to us? Are they really going to put our security at stake—America's security at stake? I said: They have done it before, and they are going to do it again.

I believe that it is time to pass a clean Homeland Security bill.

Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out its mission of keeping America and Americans safe.

The SPEAKER pro tempore. As the Chair previously advised, that request cannot be entertained absent appropriate clearance.

RURAL HOSPITALS

(Ms. GRAHAM asked and was given permission to address the House for 1 minute.)

Ms. GRAHAM. Mr. Speaker, today I rise to bring attention to rural hospitals and the important service they provide to communities across north Florida.

Last week I had the honor of touring Doctors Memorial Hospital in Bonifay, Florida. I was so inspired by the hard work of the doctors, nurses, administrators, and volunteers who treat patients who otherwise would have to drive hours for care.

Mr. Speaker, these hospitals are providing outstanding care but face unique new challenges from government regulation. In Congress, we need to make sure rural hospitals are not overburdened by regulation that can cause more harm than good at smaller facilities.

Rural hospitals are vital to north Florida, and I am ready to work with Democrats and Republicans to make sure that we protect them.

LOOMING DHS SHUTDOWN

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

Mr. DOGGETT. Mr. Speaker, with only hours remaining before Department of Homeland Security funding is terminated, and following a 98–2 Senate vote to restore some sanity here and proceed with consideration of that funding, House Republicans are still engaged in what amounts to a family feud among Republicans that threatens all American families. American shopping malls on heightened alert, arrest of ISIS suspects, and growing global crises—all of them are apparently not enough to spur these House Republicans into action.

Mr. Speaker, House inaction is not vigilance. Your fear of immigrants and your disdain for President Obama ought not to come between us and a secure nation. Our enemies are watching. So are the front-line DHS employees and law enforcement operations who could lose. It is long past time to approve the dollars that we need to secure our American families and secure our homeland. It ought to be the top priority. There is no reason why Homeland Security should be the only Department in the entire Federal Government that is not fully funded.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 26, 2015.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of

the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 26, 2015 at 11:35 a.m.:

Appointments:

Senate National Security Working Group for the One Hundred Fourteenth Congress.

Congressional Award Board.

Board of Trustees of the John F. Kennedy Center for the Performing Arts.

Congressional-Executive Commission on the People's Republic of China.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 5, STUDENT SUCCESS ACT

Ms. FOXX. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 125 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 125

Resolved, That at any time after 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 further consideration of the bill (H.R. 5) to support State and local accountability for public education, protect State and local authority, inform parents of the performance of their children's schools, and for other purposes. No further general debate shall be in order. In lieu of the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-8, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. No further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each such further amendment shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, may be withdrawn by its proponent at any time before action thereon, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill, as amended, and any further amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1245

POINT OF ORDER

Mr. POLIS. Mr. Speaker, I make a point of order against consideration of the resolution.

The SPEAKER pro tempore. The gentleman may state his point of order.

Mr. POLIS. Mr. Speaker, I make a point of order against House Resolution 125 because the resolution violates section 426(a) of the Congressional Budget Act. Section 426 of the Budget Act states that the Rules Committee may not waive the point of order prescribed by section 425 of that same act. House Resolution 125 states: ''All points of order against such further amendments are waived.'' The resolution, in waiving all points of order, waives section 425 of the Congressional Budget Act, therefore causing a violation of 426(a).

The SPEAKER pro tempore. The gentleman from Colorado makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden under the rule, and the gentleman from Colorado and a Member opposed each will control 10 minutes of debate on the question of consideration. Following debate, the Chair will put the question of consideration as the statutory means of disposing of the point of order.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Speaker, this point of order revolves around this entire bill being an unfunded mandate for the States; but, frankly, Mr. Speaker, this is about the work of this body and the work of this country.

Rarely in my time in Congress has this body proven itself as detached and reckless as we do today. We are just over 24 hours away from an automatic shutdown of one of our Nation's greatest defense systems to keep the American people safe, and this body—one of only two bodies with the authority to prevent that shutdown—has no plan.

President Obama made a suggestion last year that we treat families humanely, that we retain the best and brightest of each new generation, we welcome those willing to fight for their citizenship, just as we welcomed my great-grandfather and yours. He did that because this body failed to move forward on a profamily, pro-America agenda.

These are not novel concepts. We stand on a Nation settled, built, and grown by immigrants. When the President acted to give immigrants across this country hope, consistent with actions taken by prior Presidents, he acted to uphold not only the law, but one of our greatest American traditions.

Yet, touting a fundamentally antifamily and un-American agenda, Republican House leadership has made endless attempts to prevent the President's lawful action from taking place. With each repeated attempt to override our constitutional checks and balances, House Republicans are playing games with our time and taxpayer money and, right now, frankly, playing games with our national security.

Time has kept this body from focusing on real issues facing our Nation. The security of our Nation should not be sacrificed for a political agenda, nor can the livelihoods of those who put themselves on the line as our first responders and to protect American soil.

A failure to fund DHS would block critical assistance from reaching snowstorms and wildfires. It could mean a delay in FEMA funding to rebuild communities after disasters like the floods that affected my hometown of Boulder and nearby towns of Loveland and Longmont. It could impede air and ground travel safety and mean withholding of pay from already overworked TSA and CBP workers.

Mr. Speaker, the Senate has come to an agreement, by a vote of 98–2, on consideration of a clean DHS funding bill. I am a cosponsor of a similar bill in the House. The bill extracts politics from the conversation about immigration in exchange for the interests of the American people.

It removes the irrelevant policy riders that undermine the lawful authority of the President of the United States and, instead, focuses on keeping the Department of Homeland Security open through the end of the fiscal year.

Mr. Speaker, this House has the opportunity to bring forward a clean DHS funding bill. We can always continue with Republican political stunts after we secure the safety of the American people.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. GUTIÉRREZ).

Mr. GUTIÉRREZ. Mr. Speaker, I would like to, first of all, thank the gentleman for raising the point of order.

Keeping American families safe is the first responsibility of Congress, but Republicans have decided that appeasing the anti-immigrant Tea Party extremists is more important than protecting our homeland.

Just consider one moment—every House Democrat cosponsoring clean legislation to fund DHS. It is clear, therefore, that there are sufficient votes to pass a bill immediately and keep DHS funded and open. However, House Republicans continue to block consideration of a clean bill—a clean bill—DHS bill and sustain their latest manufactured crisis—because this is a manufactured crisis.

Think about it one moment. Three—not one—three former DHS Secretaries—Secretary Ridge, Bush; Secretary Chertoff, Bush; and Secretary Napolitano, Obama—sent a letter to Senators MCCONNELL and REID calling for a clean DHS funding bill. That is Chertoff, Ridge, and Napolitano, all said—former heads of DHS, two Republicans and one Democrat:

> It is imperative that we ensure that DHS is ready, willing, and able to protect the American people. To that end, we urge you not to risk funding for the operations that protect every American and to pass a clean DHS funding bill.

I think it is preposterous that Republicans can even suggest a lapse in DHS

funding, dealing a blow to men and women in charge with protecting our homeland at a time when such vigilance is of the utmost necessity.

Do we need to bring up the three jihadists in New York City and Brooklyn and the continuing threats that the head of the FBI tells us exist in every State of the Union and this is a time when we are discussing that we are not going to fund the men and women on the front line at the Department of Homeland Security protecting our Nation?

This is no time for political trickery and manufactured crisis. This is a time to put America first, the safety of American citizens first, and politics and partisanship should be at the bottom rung of any consideration, but that is not what we are doing.

I think it is disrespectful to those who work at DHS, at TSA, at the Coast Guard, at the Border Patrol, ICE, and other agencies—a complete disregard to American people who trust us to govern responsibly. For what? To attack the President.

Remember what I said this morning. Holding hostage the security of our homeland will not force the President of the United States to deport every noncitizen in our country. Republicans want to make a priority deportation, but that is not going to make our country safer.

I find it a bit ironic that it seems to me that the basic reason we are not going to fund a clean DHS—which we had, we had a clean, agreed to by both sides in the House and the Senate, we were ready to go, until the Republicans woke up one day, all angry because the President went and issued an executive order. They said: We have got to go get those immigrants, so let's put at risk the funding of DHS.

That was in order to stop a program that would allow about 4 million parents of American citizen children—4 million parents of American citizen children—go through a background check, get right with the law and about 1 million DREAMers, that is young people who are in this country and came here as children.

So that is why you are holding it up. Guess what, the only thing that is holding it up is the preposterous decision by a Federal judge, which you went and handpicked—you went shopping: Let's get a judge that is going to agree with us ahead of time, and then let's declare it a victory.

Well, that decision is being appealed. If I were your side of the aisle, I would just declare victory and say, Okay, we have a judicial process that is going on, it is going to be dealt with in the courtroom, and, in the meantime, we are going to protect the American people—because, in the end, when this is all said and done, if you shut down DHS, you do not stop the processing of the documentation for undocumented workers and for DREAMers. You don't stop it.

Why? Because not a cent of DHS funding comes from here. Do you know where it comes from? From the application fee that they pay. So there will be money to pay those workers within the context, but you are not going to pay a Coast Guard member?

Mr. POLIS. Reclaiming my time, I think what you are saying is if the Republicans shut down the Department of Homeland Security, the only thing the Department will be able to do is to process the paperwork for undocumented immigrants, and they won't be able to fulfill their functions keeping our Nation safe.

I yield to the gentleman from Illinois.

Mr. GUTIÉRREZ. Absolutely. In other words, we are going to put at risk the safety of our Nation while, at the same time, the 5 million that they call ''illegal'' are getting legalized because—how is it that you finance that? Through their contributions and the money that they have to spend in the application fee.

So you don't reach the purpose. You have put in jeopardy the safety of our Nation in order to punish a group of people you can't punish. You can't punish them because they are paying for it.

American citizens, while you are waiting for your visa, while you are waiting for your citizenship application, while you are waiting for that, guess what, the Republicans have decided you need to wait while the 5 million that the President said he wants to legalize continue to get processed.

It is absurd what is going on here. We are putting at jeopardy the American people. You don't think the Border Patrol is an essential protection to the Nation? I don't know how you can say that on that side of the aisle because every other word is: Secure the border, secure the border, secure the border.

But when it comes to securing the border, you say: Let's not fund it. We are not going to fund securing the border today. We are simply going to let it lapse and say to those Border Patrol agents, Do you know what? Why don't you show up and secure the border, but we are not going to give you enough money to pay your mortgage, we are not going to give you enough money in order to pay your groceries or pay your heating bill. We are not going to pay you for securing the border because we think we need to punish President Obama and all of those who would think that we might need to reprioritize how it is.

Lastly, I want to say to the gentleman from Colorado, in the end—in the end—there are 5 million American citizens—children—who are going to remember this day, 5 million American citizen children who are going to remember this.

Do you know how they are going to remember it? They are going to remember their moms and their dads who were undocumented—these Americans, 5 million of them—and eventually, they are going to reach 18 years of age, and they are going to vote.

When they go vote, do you know what they are going to remember with their first vote? Who treated their parents so cruelly and so miserably.

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

Ms. FOXX. Mr. Speaker, I claim the time in opposition to the point of order and in favor of consideration of the resolution.

The SPEAKER pro tempore. The gentlewoman from North Carolina is recognized for 10 minutes.

Ms. FOXX. Mr. Speaker, I like my colleagues on the other side of the aisle, but saying that we are politicizing some issues is a little bit just stretching the issue, it seems to me.

The question before the House is: Should the House now consider H. Res. 125? This has nothing to do with UMRA. CBO estimates that H.R. 5 contains no intergovernmental or private sector mandates as defined in the Unfunded Mandates Reform Act, or UMRA. This is a dilatory tactic and, I might add, a bit of a political tactic, which is what we are accused of.

As the gentleman from Colorado is aware, we are currently waiting on a bill from the Senate. We currently have a rule before us that provides for consideration of over 40 amendments, including two from the gentleman from Colorado, to an important education bill. There is no reason to prevent consideration of this rule while we wait for the Senate to do its work.

In order to allow the House to continue its scheduled business for the day, I urge Members to vote ''yes'' on the question of consideration of the resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 167, not voting 41, as follows:

[Roll No. 91]

YEAS—224

Abraham	Buchanan	Curbelo (FL)
Aderholt	Buck	Davis, Rodney
Allen	Bucshon	Denham
Amash	Burgess	Dent
Amodei	Byrne	DeSantis
Babin	Calvert	DesJarlais
Barletta	Carter (GA)	Diaz-Balart
Barr	Carter (TX)	Dold
Barton	Chabot	Duffy
Benishek	Clawson (FL)	Duncan (SC)
Bilirakis	Coffman	Duncan (TN)
Bishop (MI)	Cole	Ellmers (NC)
Black	Collins (GA)	Emmer (MN)
Bost	Collins (NY)	Farenthold
Boustany	Comstock	Fincher
Brady (TX)	Conaway	Fitzpatrick
Brat	Cook	Fleischmann
Bridenstine	Costello (PA)	Fleming
Brooks (AL)	Crawford	Flores
Brooks (IN)	Culberson	Forbes

Foxx
Franks (AZ)
Frelinghuysen
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Loudermilk
Love
Lucas
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meehan
Meng
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Ross
Rouzer
Royce
Russell
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NAYS—167

Adams
Aguilar
Bass
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DelBene
DeSaulnier
Deutch
Dingell
Doyle, Michael F.
Duckworth
Edwards
Engel
Eshoo
Esty
Farr
Fattah
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Honda
Hoyer
Huffman
Israel
Jeffries
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Lawrence
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Matsui
McCollum
McDermott
McGovern
Meeks
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—41

Ashford
Beatty
Bishop (UT)
Blackburn
Blum
Cárdenas
Chaffetz
Cramer
Crenshaw
DeLauro
Doggett
Ellison
Fortenberry
Foster
Garrett
Grayson
Himes
Hinojosa
Hudson
Hurt (VA)
Jackson Lee
Johnson (GA)
Kelly (PA)
Larson (CT)
Lee
Long
Luetkemeyer
Maloney, Sean
McNerney
Meadows
Perry
Peterson
Roe (TN)
Roskam
Rothfus
Sewell (AL)
Speier
Walberg
Waters, Maxine
Young (IN)
Zinke

□ 1320

Mr. VELA changed his vote from ''yea'' to ''nay.''

Messrs. BURGESS, ROKITA, and NUGENT changed their vote from ''nay'' to ''yea.''

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. YOUNG of Indiana. Mr. Speaker, on rollcall No. 91 I was unavoidably detained. Had I been present, I would have voted ''aye.''

Mr. PERRY. Mr. Speaker, on rollcall No. 91 I was unavoidably detained. Had I been present, I would have voted ''aye.''

Mr. ROTHFUS. Mr. Speaker, on rollcall No. 91 I was unavoidably detained. Had I been present, I would have voted ''yes.''

Mr. KELLY of Pennsylvania. Mr. Speaker, on rollcall No. 91 I was unavoidably detained. Had I been present, I would have voted ''yes.''

Mr. HUDSON. Mr. Speaker, on rollcall No. 91 I was unavoidably detained. Had I been present, I would have voted ''yes.''

Mr. HURT of Virginia. Mr. Speaker, I was not present for rollcall vote No. 91, a recorded vote on the question of consideration of H. Res. 125—the rule providing for further consideration of H.R. 5—Student Success Act (unfunded mandates point of order). Had I been present, I would have voted ''yea.''

Mrs. BEATTY. Mr. Speaker, unfortunately on February 26, 2015, I missed rollcall vote No. 91, On Question of Consideration of the Resolution, because I was in a meeting with Administration officials on behalf of my constituents. Had I been present, I would have voted ''nay.''

Mr. HIMES. Mr. Speaker, on February 26, 2015, I was unable to be present for rollcall vote 91, On Question of Consideration of the Resolution, H. Res. 125. Had I been present, I would have voted ''nay.'' I respectfully request that this be noted in today's CONGRESSIONAL RECORD.

Mr. LARSON of Connecticut. Mr. Speaker, on February 26, 2015—I was not present for rollcall vote 91. If I had been present for this vote, I would have voted: ''nay.''

Mr. FOSTER. Mr. Speaker, on February 26th, I missed one recorded vote. I would like to indicate how I would have voted had I been present. On rollcall No. 91, I would have voted ''no.''

Ms. DELAURO. Mr. Speaker, I was unavoidably detained and so I missed rollcall vote No. 91 regarding the ''On Question of Consideration of the Resolution'' (Providing for further consideration of H.R. 5, the Student Success Act, H. Res 125). Had I been present, I would have voted ''no.''

The SPEAKER pro tempore (Mr. COLLINS of New York). The gentlewoman from North Carolina is recognized for 1 hour.

Ms. FOXX. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), 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.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, House Resolution 125 provides for a structured rule providing for the consideration of a number of amendments to H.R. 5, the Student Success Act.

My colleagues on the House Education and the Workforce Committee and I have been working to reauthorize the Elementary and Secondary Education Act. Our efforts in reauthorization have centered on four principles: reducing the Federal footprint in education, empowering parents, supporting effective teachers, and restoring local control.

H.R. 5, the Student Success Act, ensures that local communities have the flexibility needed to meet the needs of their students. This legislation reauthorizes the Elementary and Secondary Education Act, also known as ESEA, for 5 years while making commonsense changes to update the law and address some of the concerns raised following the last reauthorization.

Despite good intentions, there is widespread agreement that the current law is no longer effectively serving students. Instead of working with Congress to reauthorize ESEA, the Obama administration began offering States temporary waivers in 2011 to exempt them from onerous requirements in exchange for new Federal mandates from the Department of Education. These waivers are a short-term fix to a long-term problem and leave States and districts with uncertainty about whether they will again be subject to the failing law and if the administration will change the requirements necessary to receive a waiver.

It is time to give students, parents, teachers, and school districts the certainty to make decisions and the flexibility to make the best decisions for

their communities. H.R. 5 is a step in the right direction and will provide this certainty and flexibility.

Since Republicans returned to the majority in the House in 2011, we have held 20 hearings on the reauthorization of the Elementary and Secondary Education Act. The committee considered five reauthorization bills in four markups in the 112th Congress in addition to a markup and a favorable reporting of H.R. 5 in 2013 and again this month.

I am pleased to work with my colleagues on the Rules Committee to report rules for floor debate and the consideration of legislation that promotes transparency and participation. In this case, I think we will have a terrific opportunity to further improve the bill through the amendment process. Forty-four amendments are made in order by this rule, including over 20 Democratic amendments and nine bipartisan amendments. The House will have the opportunity to work its will. I urge my colleagues to support this rule and the underlying bill.

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

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

If Congress doesn't act, the Department of Homeland Security will shut down in 2 days. Republicans are playing a very dangerous game with our Nation's security. Today, I am giving the House a fourth chance to have a straight up or down vote on a clean DHS funding bill.

If we defeat the previous question, I will offer an amendment to the rule to bring up H.R. 861, which will fund the Department of Homeland Security through the end of fiscal year 2015 without any poison pill provisions. We need to put an end to this stalemate and take immediate action to keep our country safe.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

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

There was no objection.

Mr. POLIS. Mr. Speaker, I yield to the gentleman from California (Mr. AGUILAR) for the purpose of a unanimous consent request.

Mr. AGUILAR. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so that it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. The Chair would advise that all time has been yielded for the purpose of debate only.

Does the gentlewoman from North Carolina yield for the purpose of this unanimous consent request?

Ms. FOXX. I do not.

The SPEAKER pro tempore. The gentlewoman from North Carolina does not yield. Therefore, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentlewoman from California (Mrs. TORRES) for the purpose of a unanimous consent request.

Mrs. TORRES. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so that it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. Does the gentlewoman from North Carolina yield for the purpose of this unanimous consent request?

Ms. FOXX. I do not.

The SPEAKER pro tempore. The gentlewoman from North Carolina does not yield. Therefore, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentlewoman from California (Ms. ROYBAL-ALLARD) for the purpose of a unanimous consent request.

□ 1330

Ms. ROYBAL-ALLARD. Mr. Speaker, I, too, ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. Does the gentlewoman from North Carolina yield for the purpose of this unanimous consent request?

Ms. FOXX. I do not yield.

The SPEAKER pro tempore. The gentlewoman from North Carolina does not yield. Therefore, the unanimous consent request cannot be entertained.

Ms. FOXX. Mr. Speaker, I would like to reiterate my earlier statement that all time yielded is for the purpose of debate only. I do not yield for any other purpose and will not yield for any other purpose.

Mr. POLIS. Mr. Speaker, I yield to the gentlewoman from California (Mrs. CAPPS) for the purpose of a unanimous consent request.

Mrs. CAPPS. Mr. Speaker, I thank my colleague for yielding, and I ask unanimous consent that the House bring up H.R. 681, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. The Chair understands that the gentlewoman from North Carolina has not yielded for that purpose. Therefore, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentlewoman from Florida (Ms. FRANKEL) for the purpose of a unanimous consent request.

Ms. FRANKEL of Florida. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. The Chair understands that the gentlewoman from North Carolina has not yielded for that purpose. Therefore, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, with barely 24 hours remaining, I yield to the gentleman from Colorado (Mr. PERLMUTTER) for the purpose of a unanimous consent request.

Mr. PERLMUTTER. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out its mission of keeping Americans safe.

The SPEAKER pro tempore. The Chair understands that the gentlewoman from North Carolina has not yielded for that purpose. Therefore, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, with barely 24 hours left before the expiration of funding for the Department of Homeland Security, I yield to my colleague from Michigan (Mr. KILDEE) for a very important unanimous consent request.

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. The Chair understands that the gentlewoman from North Carolina has not yielded for that purpose. Therefore, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentleman from Texas (Mr. AL GREEN) for the purpose of a unanimous consent request.

Mr. AL GREEN of Texas. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that will keep the Department open so that it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) for the purpose of a unanimous consent request.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, a clean Department of Homeland Security funding bill that will keep the Department open so that it is able to protect the American people.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, with barely more than 24 hours remaining before

the shutdown of the Department of Homeland Security, I yield to my colleague from New York (Mr. TONKO) for the purpose of a very important unanimous consent request.

Mr. TONKO. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so that it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentlewoman from Florida (Ms. CASTOR) for the purpose of a unanimous consent request.

Ms. CASTOR of Florida. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, my colleague from California (Ms. JUDY CHU) has a solution to the funding impasse at DHS, and I yield to her for the purpose of a unanimous consent request.

Ms. JUDY CHU of California. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out the mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentlewoman from Michigan (Mrs. DINGELL) for the purpose of a unanimous consent request.

Mrs. DINGELL. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out its mission of keeping Americans safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentlewoman from Ohio (Ms. KAPTUR), who is an appropriator herself, for the purpose of a unanimous consent request.

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861. Let's protect the American people. The clean Department of Homeland Security funding bill should be brought before the House so we can keep it open and carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentlewoman from Massachusetts (Ms. CLARK) for the purpose of a unanimous consent request.

Ms. CLARK of Massachusetts. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out its mission of keeping the American people safe and administering disaster relief.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentlewoman from Ohio (Mrs. BEATTY), who has a solution to the funding impasse at DHS, for the purpose of a unanimous consent request.

Mrs. BEATTY. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out not only its mission, but it can also keep the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, with barely more than 24 hours left before the closure of the Department of Homeland Security, I yield to the gentlewoman from Oregon (Ms. BONAMICI) for the purpose of a unanimous consent request.

Ms. BONAMICI. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentleman from California (Mr. HUFFMAN) for the purpose of a unanimous consent request.

Mr. HUFFMAN. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, a clean Department of Homeland Security funding bill that would keep the Department open so it can carry out its important mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentleman from California (Mr. TED LIEU), who has a solution to the funding impasse at the Department of Homeland Security, for the purpose of a unanimous consent request.

Mr. TED LIEU of California. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out its critical mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON LEE) for the purpose of a unanimous consent request.

Ms. JACKSON LEE. Mr. Speaker, I am pleading and asking unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that, in this climate of terrorism, would keep the Department open so that it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, with just over 24 hours remaining before the Department of Homeland Security shuts down, I yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY), who has a solution to this impasse.

Ms. SCHAKOWSKY. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentleman from Illinois (Mr. DANNY K. DAVIS) for the purpose of a unanimous consent request.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentlewoman from California (Mrs. DAVIS) for the purpose of a unanimous consent request.

Mrs. DAVIS of California. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out the mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, with just over 24 hours remaining before the Department of Homeland Security shuts down, I yield to the gentlewoman from New York (Ms. CLARKE) for a unanimous consent request to address this funding impasse.

Ms. CLARKE of New York. I thank the gentleman from Colorado for yielding.

Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, the territories are also affected by a lapse in Homeland Security. Fortunately, Ms. PLASKETT is here with a solution. I yield to the gentlewoman from the U.S. Virgin Islands (Ms. PLASKETT) for the purpose of a unanimous consent request.

Ms. PLASKETT. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that will keep the Department open so it can carry out its critical mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentleman from Georgia (Mr. LEWIS) for the purpose of a unanimous consent request.

Mr. LEWIS. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that will keep the Department open so it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, in just over 24 hours the Department of Homeland Security will run out of funding. Fortunately, I have a colleague who has a solution to this impasse. I yield to the gentlewoman from Florida (Ms. BROWN) for the purpose of a unanimous consent request.

Ms. BROWN of Florida. Mr. Speaker, House of Representatives, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open and carry out its mission—and the number one mission of the United States Congress is to protect the American people.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, I yield to the gentleman from Rhode Island (Mr. LANGEVIN) for the purpose of a unanimous consent request.

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so that it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, with barely more than 24 hours remaining before the Department of Homeland Security shuts down, my colleague has an idea that he would like to propose to address that. I yield to the gentleman from California (Mr. CÁRDENAS) for the purpose of a unanimous consent request.

Mr. CÁRDENAS. Mr. Speaker, I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would keep the Department open so it can carry out its mission of keeping the American people safe.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

Mr. POLIS. Mr. Speaker, a lot of my colleagues have made unanimous consent requests. I, too, would like to make a unanimous consent request, and I yield to myself for that purpose.

I ask unanimous consent that the House bring up H.R. 861, the clean Department of Homeland Security funding bill that would ensure that Border Patrol agents, TSA screeners, Coast Guard members, and Secret Service agents would continue to be paid for protecting the American people.

The SPEAKER pro tempore. As previously announced, the unanimous consent request cannot be entertained.

□ 1345

PARLIAMENTARY INQUIRIES

Mr. POLIS. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. POLIS. How many cosponsors does H.R. 861, the Department of Homeland Security funding bill, currently have?

The SPEAKER pro tempore. The gentleman may consult the records of the House for that information.

Mr. POLIS. Mr. Speaker, upon further parliamentary inquiry, how many of H.R. 861's cosponsors are Republican?

The SPEAKER pro tempore. The gentleman may consult the records of the House for that information.

Mr. POLIS. The records of the House that I have indicate that there are 192 Members of the House that are cosponsors of funding the Department of Homeland Security, and my records further indicate that zero are Republican.

Point of parliamentary inquiry, do your records agree with mine?

The SPEAKER pro tempore. The Chair does not have that information.

Mr. POLIS. Mr. Speaker, further parliamentary inquiry. Since we are 2 days away from the Department of Homeland Security shutting down, compromising the ability of the Border Patrol, the TSA, and the Coast Guard, who does have the authority to call up H.R. 861, the Department of Homeland Security funding bill?

The SPEAKER pro tempore. The Chair will not issue an advisory opinion.

Mr. POLIS. Well, Mr. Speaker, we have seen a number of colleagues try to bring it up. I have tried to bring it up. I hope that the Chair will advise whoever has the ability to bring it up to bring it up.

The SPEAKER pro tempore. Does the gentleman yield to himself for debate?

Mr. POLIS. I yield to myself for the purpose of a unanimous consent request.

I ask unanimous consent to amend H.R. 125 to include language allowing for the House to debate and have an up-or-down vote on H.R. 861, the Homeland Security funding bill.

The SPEAKER pro tempore. Does the gentlewoman from North Carolina yield for the purpose of this unanimous consent request?

Ms. FOXX. I do not.

The SPEAKER pro tempore. The gentlewoman from North Carolina does not yield. Therefore, the unanimous consent request cannot be entertained.

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

Well, it looks like we are going to talk about education. Now, that is a very important topic. I agree with my colleague, Dr. Foxx, and I am glad that none of the time that we have been trying to fund the Department of Homeland Security has in any way detracted from this important debate.

I think the point that has been made is that here we are, barely more than 24 hours from compromising the security of our country. Yes, of course, the education debate is critical; but couldn't we take a moment to approve one of those unanimous consent requests?

Probably in the time it took to hold them all, we probably could have had a vote on the bill which would have passed and actually prevented a shutdown of the Department of Homeland Security.

Again, we are here to talk about the rule under which H.R. 5, the bill that reauthorizes ESEA, will be considered under. Now, this effort and this bill—and ESEA is very near and dear to my heart and my career experience.

Throughout my career, Mr. Speaker, I have had the opportunity and been blessed to have been involved with education policy and on the ground in a number of different ways and levels.

I served as chairman of the Colorado State Board of Education. I launched a network of public charter schools for English language learners. I cofounded a charter school for homeless youth and youth in transitional housing.

I have sat for several years on the House Education and Workforce Committee. My district is home to Colorado's two flagship universities, CU Boulder and CSU in Fort Collins. On a more personal level, my son C.J. is approaching the age where he is going to begin school this fall.

What I am saying, Mr. Speaker, is that, throughout my career, education has always been my top priority because I have personally seen the difference that it can make in people's lives, from early childhood education and quality preschool and kindergarten, all the way through adult education programs to help make sure

that adults have the ability to have good jobs in a changing workforce.

Almost every day, one of my constituents contacts my office about education. Just last week, I met with several principals to talk about the need for good, professional development in schools.

Last week, I heard from a parent that is concerned about the culture of overtesting in her son's school. Just yesterday, a constituent of mine told me about her own upbringing and success in Colorado schools.

Today, we are considering H.R. 5, the Student Success Act. This bill would reauthorize the Elementary and Secondary Education—by the way, Mr. Speaker, if you can't handle the gavel, I will be happy to take it myself.

Put more simply, this bill is about the Federal role in education policy. Now, there are a lot of problems with No Child Left Behind. I think that is something we hear from our colleagues on both sides of the aisle, something that all of us have heard in our constituencies, from families, from teachers, from School board members, pent-up frustrations at the lack of change in almost 15 years of a policy that had several failings that we knew about right away—whether it is the flawed and superficial mechanism of AYP, or Adequate Yearly Progress, whether it is the frustrating paperwork and bureaucracy that it puts sometimes ahead of education.

This is a very important piece of legislation, and it should be treated seriously. Unfortunately, this House hasn't held a single hearing on education before moving forward with this bill. The Chamber and the committee haven't held any hearings on this important legislation. When asked, the chairman, Chairman KLINE, said that: Well, the committee held hearings before in several other years.

But this is a different Congress. There are new Members. Our own committee has new members who have never gotten to witness a single hearing on education before moving through with an incredibly important piece of legislation.

I will be part of this debate in the coming hours if this rule passes regarding the amendments around this bill, the content of the bill itself. As my north star, what I look for in a successful reauthorization of ESEA and replacing No Child Left Behind with the Federal education law that makes sense is really threefold.

Number one, we must get accountability right; number two, we must expand and replicate what works in public education; and, number 3, we must change what doesn't work in public education.

Let's talk about getting accountability right. Unfortunately, this bill falls short in this regard. It has an enormous loophole that threatens to drive underground and remove the accountability for kids with disabilities.

That is why this bill is opposed by a number of groups that represent children with disabilities, special education teachers, and all those who are concerned about how the 12 or 13 percent of children in our schools that receive special education services succeed.

What mechanism is that loophole? Well, here is what it is. There is a number in ESEA, No Child Left Behind, 1 percent. That is a cap on the number of kids that are allowed to be given an alternative assessment.

Now, clearly, there will be some kids that can't have an ordinary assessment, some of the most severe-needs special education kids. It doesn't even matter that much what that number is, as long as it is reasonable, whether it is half a percent or 1½ percent, whether it is three-quarters of a percent or even 2 percent. What is important is that it is uniform and it reasonably approaches the kids that are unable to take the test.

What this bill does is it removes that cap altogether. It says States can administer alternative assessments that are not included in the mainstream accountability program to whomever they want—meaning a State that might not be teaching or serving kids with special needs could simply say: All kids receiving special education services and IDA services, all 12 percent of our district or our State, will take this other assessment that will not be incorporated in the mainstream accountability.

That is what the special-needs community fears, and it is a very reasonable fear because, look, we are elected officials, Mr. Speaker. I think some of our friends and perhaps people who are not our friends have become Governors of other States. Former Members of this body have become Governors.

Guess what, Governors aren't too different than people in this body. They like to look good. They like to look like they are successful. They don't want to create a dataset that shows that they are failing kids.

It is much easier to dumb down the standards and exempt children from the testing, and that is the second part of accountability that this bill gets wrong. It allows for a dumbing down of the standards.

One of the great steps that No Child Left Behind and the President built upon with his Race to the Top initiative is that States need to have college and career-ready standards.

There is a mechanism in place to make sure that those standards are certified by institutions of higher education within a State, meaning that if you graduate a high school with a diploma, you ought to have the academic skills needed to succeed in college. If not, what does a high school diploma even mean?

Unfortunately, what this bill does is it takes out that backstop of college and career-ready standards, as certified by the public institutions of higher education in the State, allowing another glaring loophole for States to define success downward to make themselves look better.

Now, let's talk about replicating and expanding what works. On that account, this bill does somewhat better. Now, I wish it included our innovations in education amendment which we offered in committee and, again, on the floor that, unfortunately, was not allowed. It is a very highly leveraged way to invest in high-promise programs that work.

It does have some excellent language around replicating and expanding successful public charters schools, as well as several amendments that would strengthen and build upon that language as well.

Finally, with regard to what doesn't work in education and changing it, this bill also falls short. We need to invest in real change in schools that aren't working.

One thing that this bill guts are the teeth behind the turnaround models in turning around our low performing schools. There is no guarantee that these investments would be data driven or that they would work to ensure that some of our most persistently low performing schools would improve and allow children a chance to succeed.

Now that this bill might be coming to the floor, Members should at least have the opportunity to amend and improve the bill.

Now, in our Rules Committee meeting yesterday, I supported an open rule for amendment to H.R. 5. Frankly, there was a lot of bad amendments offered to this bill that were blocked. There were also a lot of good amendments that were blocked.

Now, there were 44 amendments that are allowed to be considered under this bill, and I am grateful that two of the five amendments that I offered will be voted on here today as well, as well as the Democratic substitute that our committee ranking member, Mr. SCOTT, put forward as supported by the Democrats on our committee.

Mr. SCOTT's substitute ensures that the spirit of the ESEA, as Federal civil rights legislation, is maintained and built upon.

One of the amendments that I will be talking about later would encourage charter schools to work closely with public schools to collaborate and share best practices, tying into the second principle of ESEA reauthorization: expand and replicate what works in public education.

Another one of my amendments would allow States to use funds for the creation and distribution of open source textbooks, resulting in significant cost savings for the States. It is simply an allowable use and can save many districts and charter schools money.

In addition, I want to highlight another few amendments that were very important that will be allowed under this bill.

Representative SUSAN DAVIS' amendment would amend the definition of

school leader and ensure that principals are receiving the full amount of professional development as the funds are available to them.

Mr. CASTRO's amendment seeks to improve the college and career readiness of homeless youth.

These are just a few of the amendments from my Democratic colleagues that I look forward to supporting today.

Now, although these amendments were in order, there were also several positive suggestions that would have been improvements to the bill but, unfortunately, won't be coming to the floor under this rule.

For instance, an important amendment by Representative LANGEVIN would have required States to have college and career-ready standards, addressing that glaring loophole in the base Republican bill. Unfortunately, that amendment wasn't brought to the floor.

Another example is a colleague of mine presented an idea which is on the tips of many of our tongues—and, frankly, I would have liked to have seen defeated on the floor of the House, but it wasn't even allowed a vote.

Representative SALMON offered an amendment that would completely eliminate Federal testing. Now, I think it would have been great for this Congress, Democrats and Republicans, to defeat that amendment and make a powerful statement that we believe in accountability.

Yes, we believe that where taxpayer money goes, taxpayers deserve transparency and accountability. Unfortunately, we won't have the opportunity to make that statement.

A number of other amendments that would have improved the bill or would have provided an opportunity for Members of this body to do their work have, unfortunately, been prevented under this rule.

I look forward to discussing the merits of the rule and the merits of the bill. I have a number of colleagues who have joined us on the floor to join us in this discussion as well, and I reserve the balance of my time.

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

I was going to remark on the fact that our colleague from Colorado has given us some levity, but it has been so long since the levity occurred, I am not sure anybody would remember it.

However, I do think it is important to point out that our colleagues on the other side of the aisle continually tell us how our legislation falls short of the ideal that they would like to see.

I would like to remind our colleagues that, for 2 years, the Democrats were in control of the House and the Senate. Two years, they had the House and the Senate and the White House.

If they had been so interested in reauthorizing this legislation and lots of other legislation that they criticize us about, they should have brought that ideal legislation forward at that time and passed it.

□ 1400

I would also like to point out, despite what our colleague says about no hearings on this bill, that since we returned to the majority in the House in 2011, we have held 20 hearings on the reauthorization of the Elementary and Secondary Education Act. The committee considered five reauthorization bills in four markups in the 112th Congress, in addition to a markup and the favorably reporting of H.R. 5 in 2013 and again this month.

With that, Mr. Speaker, I yield 2 minutes to my colleague from Georgia (Mr. ALLEN).

Mr. ALLEN. I thank the gentlewoman from North Carolina for yielding me the time.

Mr. Speaker, we all agree that every child deserves the absolute best education, but that is really not what is at issue for those who oppose the Student Success Act. What is at issue is how that should be accomplished: Is the Federal Government better at ensuring that our children receive the proper education or do we do a better job at the local level?

I will tell you my experience with education. My father served on the Board of Education and then served in the administration of one of the fastest growing school districts in my district. My mother was also a schoolteacher. So I learned a lot about what works in education at the kitchen table every night.

Now, I can tell you this. As far as my experience is concerned, the Federal Government does not know what is best for our schools. In fact, I was in our district last week, and what I learned is that the compliance requirements required by the Federal Government for our teachers is actually not allowing our teachers the time to teach what these young people need to learn.

What we need in our school systems is innovation. That is not driven at the Federal level.

When I was in my district last week, I visited three elementary schools and a couple of high schools. What I learned was, at the local level, real innovation. We saw students that were excited, that wanted to be at school. I would like to tell you about another school. And these schools were in the most impoverished areas of our district.

One is a school there in my district that folks attend because they are told in the public school that they won't make it, that they don't have what it takes to make it in the public school. Let me tell you how innovative this school is, and it does not receive one Federal dollar. The graduates of this school and middle school are recruited to some of the best magnet, charter, and private schools in our area when they finish.

The SPEAKER pro tempore (Mr. DUNCAN of Tennessee). The time of the gentleman has expired.

Ms. FOXX. I yield the gentleman an additional minute.

Mr. ALLEN. Thank you.

Like I said, this school produces through innovation and teaching techniques. It changes the cycle.

What would happen to these children in the public school system under the guidance of the Federal Government for the last 50 years? Aren't they worth saving?

Parents, teachers, and local education leaders need control over education, not the Federal Government. They are best suited to nurture student success in our schools. H.R. 5 does just that. It restores local control.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. I thank the gentleman for yielding.

Mr. Speaker, 50 years ago, in the Central Texas one-room schoolhouse where he had studied, President Lyndon B. Johnson first signed this Federal aid to education act into law. Through its first title, this law addresses inequality in educational opportunity. Title I has played a vital role in helping schools so that economically disadvantaged students can work their way into the middle class.

Today, the same reactionary forces that first opposed President Johnson want to undermine this important civil rights law. Today's bill is supported by the same ideologues who have opposed the very concept of any Federal aid to education, who in the past disparaged on this floor public schools as being ''government schools,'' and who have even tried to abolish the Department of Education.

Well, this Student Success Act is really a ''Student Regress Act'' or a ''How Little Can We Do in Washington Act.''

For San Antonio ISD, for Austin, and for so many other schools, this bill means less Federal support at a time when our schools are asked to do even more.

In States like Texas, where school inequality is severe, the State leadership has demonstrated time and time again that Federal education block grants only lead to blockheaded decisions. ''Block grant'' is an apt term because it is designed to block access to achieve educational excellence in our public schools.

Without a firm requirement in Federal law that the States cannot use the Federal dollars to just supplant the deficient funding levels they have, a State like Texas can and has simply used Federal education dollars to fill its budget gaps, with irresponsible officials, like Rick Perry, using the money for corporate tax breaks instead of helping our schoolchildren.

So today we look at this bill and we see that, despite extensive research on brain development, on the importance of early, quality education for our youngest Americans, despite bipartisan support across the country, despite the incredible return that it offers on every dollar of public investment, early

childhood education is nowhere to be found. It is missing in action in this bill.

This bill threatens protections for special education. It fails to address the unique challenges of at-risk students. It ignores the needs of students who need to learn English. It ends the requirement of professional development support that encourages innovative teaching.

It is why I say that a grade of F is entirely too high for this piece of legislation. I think a grade of X, Y, or Z might be more appropriate. Reject it until we have a Congress committed to a meaningful Federal role in advancing individual opportunity and ensuring a globally competitive workforce.

Ms. FOXX. I yield myself such time as I may consume.

Mr. Speaker, over the last five decades, the Federal Government's role in elementary and secondary education has increased dramatically. The Department of Education currently runs more than 80—more than 80—K–12 education programs, many of which are duplicative or ineffective.

As a school board member, I saw that the vast reporting requirements for these Federal programs tie the hands of State and local school leaders to make the best education available to their students. Since 1965, Federal education funding has tripled, yet student achievement remains flat. More money clearly is not going to solve the challenges we face in education.

Unfortunately, the Obama administration has refused to work with Congress to address these challenges and has, instead, taken unprecedented action to further expand its authority over America's schools.

Through the President's waivers scheme and pet programs, such as Race to the Top, the Secretary of Education has granted himself complete discretion to use taxpayer dollars to coerce States into enacting the President's preferred education reforms. Adding insult to injury, President Obama continues to push for more Federal education spending, requesting a staggering $70.7 billion in discretionary funding alone for the Department of Education in his fiscal year 2016 budget.

Our children deserve better. It is time to acknowledge more taxpayer dollars and more Federal intrusion cannot address the challenges facing schools.

H.R. 5, the Student Success Act, will streamline the Nation's education system by eliminating more than 65 duplicative and ineffective Federal education programs, cutting through the bureaucratic red tape that is stifling education in the classroom, and granting States and school districts the authority to use Federal education funds to meet the unique needs of their students.

The bill also requires the Secretary of Education to identify the bureaucrats in Washington who run the programs which will be eliminated in H.R. 5 and to eliminate their positions, ensuring that the bureaucracy shrinks with the programs.

Additionally, this legislation will take definitive steps to limit the Secretary's authority by prohibiting him or her from coercing States into adopting academic standards like the Common Core. It also halts the executive overreach in the waiver process by prohibiting the Secretary from imposing extraneous conditions on States and local districts in exchange for a waiver.

The Student Success Act protects State and local autonomy over decisions in the classroom by removing the Secretary's authority to add new requirements to Federal programs. H.R. 5 recognizes that local communities know their needs better than any bureaucrat in Washington and empowers States and districts to develop accountability and school improvement systems that align with their local priorities. It also repeals Federal funding requirements that arbitrarily restrict State and local policymakers' ability to set their own budget priorities.

Mr. Speaker, Federal policies should not tie the hands of local educators to make the best decisions for their students and communities. H.R. 5 is a step in that direction, and I urge my colleagues to support the rule and the underlying bill.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. KILDEE), a member of the Committee on Financial Services.

Mr. KILDEE. I thank my friend from Colorado for yielding.

Mr. Speaker, unfortunately, the underlying bill eliminates the 21st Century Community Learning Centers that are so critical to providing an outlet, a positive outlet, to young people in communities across this country for all that youthful energy that kids carry around with them. Afterschool programs make a difference. They especially make a difference in the lives of young people who live in communities, like many that I represent, that are facing enormous financial pressures just meeting the requirements of providing daily instruction and can't support, without additional help, the kind of afterschool experiences that this program has supported. Why fix what is not broken? These programs really work.

I know something about this. I come from Flint, Michigan. In fact, I served on the board of education in my hometown in Flint. I was elected 38 years ago. I was 18 years old.

Flint is an important community in discovering the value of afterschool programming because long ago, many decades ago, auto pioneer Charles Stewart Mott and a visionary by the name of Frank Manley developed a community education concept which opened the doors to schools and provided enrichment activities so that young people could have those positive choices.

What do we say to these kids when we tell them stay on the straight and narrow, stay in school, when those few hours after the schoolday they are at risk and are given opportunities every day to make bad choices for themselves, to go down a negative path? What afterschool programming has done is it has given these young folks a chance to explore their creative side. It works. It makes a difference, not just in keeping them out of trouble, but what we have seen is that afterschool programming actually improves academic performance. The ability to engage in arts and music and physical activity improves their schoolday performance.

Mr. Speaker, this is an important piece of legislation. It ought to include this provision.

Ms. FOXX. I yield myself such time as I may consume.

Mr. Speaker, while current Federal policy started with good intentions, burdensome and prescriptive regulations have created confusion for school districts and limited school participation and tutoring services and public school choice. Parents know their children best, and any efforts to provide a high-quality education must include engaged parents. Parental involvement can help drive innovation, competition, and school improvement.

The Student Success Act builds on the importance of parental involvement by ensuring that parents have access to meaningful information about local school quality, and it empowers local communities to hold students accountable.

□ 1415

It also maintains longstanding parental notification and consent provisions in current law.

H.R. 5 continues the charter school, magnet school, and tutoring programs to provide parents with more choices in educating their children. Along with parental involvement, encouraging and supporting effective teachers in the classroom is critical to student success and high quality education. Mr. Speaker, many Americans can regale you with stories of their favorite teachers who made a lasting impact on their lives.

Federal policies should not hinder innovation in the classroom. That is why the underlying bill repeals Federal ''highly qualified teachers'' requirements which restrict State and local school districts' ability to reward and maintain good teachers by rewarding education level over effective teaching.

H.R. 5 also supports the development and implementation of teacher evaluation systems that are designed by States and school districts with input from parents, teachers, school leaders, and other stakeholders. In addition to evaluation systems, the Student Success Act reduces confusion and duplication by consolidating teacher quality programs into a single flexible grant program to be used by States and

school districts to support creative approaches to recruit and retain effective educators.

The recurring theme throughout this legislation is empowering the people closest to students to make decisions for their communities and ensuring that the law is flexible to meet the needs of diverse States, regions, and student populations.

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

Mr. POLIS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I thank the gentleman from Colorado for the time.

Mr. Speaker, I rise today to oppose H.R. 5, the Student Success Act. I think it is a damaging reauthorization of the Elementary and Secondary Education Act.

Why are we here? What is the role of the Congress? It is to protect America and to ensure America's future. The best way to ensure America's future is to educate our children. In 1965, when the ESEA was originally developed, the exact declaration of that policy stated that it was ''in recognition of the special education needs of children of low-income families.''

I know a lot about that. I know because I am a Head Start child, a public school kid who went under ESEA. I know that when America makes the right policies to educate its people, we thrive. I know that people can come to America without an education and because of our public school system can believe that their children can grow up to be successful in America. I know that because my parents came without much education and without any money. Oh, by the way, they are the only parents in the history of these United States to send two daughters to this House of Representatives. Let's do the right thing.

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

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. Mr. Speaker, I would like to thank the gentleman from Colorado for yielding the time.

Mr. Speaker, I rise to oppose this rule and H.R. 5. One of the hallmarks of America is our system of free, local, public schools. America is the envy of the world because a quality K–12 education is key to opportunity and a pathway to success. To build on that fundamental premise, 50 years ago, the Congress adopted the Elementary and Secondary Education Act to ensure that all children, no matter their background, family income, their race or religion, could have equal access to a high quality public education.

This Republican bill, unfortunately, strikes at the heart of this fundamental American principle, and it tips the scales in favor of the well-to-do to the detriment of millions of other students.

While the bill grants important flexibility to States in some areas, Republicans let States off the hook for maintaining their commitment to students in schools that oftentimes do not have the extras. The Republican bill takes away millions of dollars from students in schools in my home school districts of Hillsborough and Pinellas Counties in Florida.

Overall, Republicans in Congress propose to cut Florida schools by $33 million in fiscal year 2016 and by a whopping $437 million through fiscal year 2021. In doing so, they cut at the heart of our ability to give teachers the tools they need to teach and our students the ability to learn.

Now, Mr. Speaker, many amendments will be debated, and some could improve the bill while others will not. But in the end, other than the Democratic substitute, there is no way to fix this Republican bill that would harm so many students and schools across America. So I urge my colleagues to vote ''no'' and send the committee back to the drawing board.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN of Tennessee. Mr. Speaker, I appreciate the gentlewoman from North Carolina yielding me this time.

Mr. Speaker, I rise in very strong support of this rule and the underlying bill. I was one of I think 45 Members who voted against the No Child Left Behind law when it originally came up in the House of Representatives several years ago. This turned out to be one of the most popular votes I ever cast with public school teachers. I have heard from many of them throughout these years that that bill has been in effect. It was a bill written primarily by Senator Kennedy and Congressman MILLER, and it was a very far-to-the-left type of bill. So I am especially pleased that this H.R. 5 today is a major rewriting of that bill.

I especially support the very strong alternative certification provisions in the bill. It has never made any sense to me to say that a person with a Ph.D. and long experience in a field cannot teach and some young person with a degree in education would have to be hired. A Ph.D. in chemistry who worked 30 years at Oak Ridge in our scientific lab couldn't be hired to teach, and some person who had had a few hours of chemistry, some 22-year-old with a bachelor's degree, would have to be hired.

Our boards of education should have the flexibility to hire people who have a great education or long experience in a particular field in those types of situations. I wish that the provisions were even stronger than they are now.

Mr. Speaker, many years ago, I taught at T.C. Williams High School in Alexandria. I taught American government and journalism. I very reluctantly gave up that teaching job so that I could finish law school sooner. I can tell you that my grandmother taught school in Tennessee for over 40 years, and my older sister taught for over 33 years. I have spoken over 1,000 times to schools and school groups, and I can tell you also that the teachers and principals of east Tennessee have enough sense and intelligence to run their own schools. They don't need bureaucrats from Washington dictating every move that they make almost, and we need much more local control. This bill does that.

Mr. POLIS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I thank the gentleman from Colorado and the gentlewoman from North Carolina for their leadership.

Mr. Speaker, I think you can look at me and understand the importance of the Federal Government, for when I went to school, those of us of minority status, African Americans and Hispanics, were not protected by our States. It had to be those in the Federal Government who indicated that no matter what you looked like, what your race was, or what your disability was, you had the right to equal education. That is what the Federal Government can do. That is what this involvement of the Federal Government is. It is to ensure that no child is denied an education.

Yet, Mr. Speaker, we find ourselves today with a decrease in funding to education across America. Parents should understand that, with a 3.2 million student enrollment increase, this bill flatlines any increase in education. It does not support teachers, and it does not support highly qualified teachers in providing for them an incentive to teach.

More importantly, my fellow students who may be called disabled, do you know what they do to them? They raise the numbers of those who can be sent to those classes that in the old days we called slow classes, so that they are not mainstreamed, they are just thrown over to the side. We stopped doing that decades ago, but this bill brings it right back home again.

What the Federal Government does is it raises standards to allow States not to weaken standards, not to weaken the assessment process, and not to institute weak accountability systems. But that is what this bill does now. So my student who needs an opportunity does not have the support, and poor children, money is taken from poor children and recklessly used for something else.

Why, Mr. Speaker, can't we make this a bipartisan bill and do what was done for me by the Federal Government? It gave me the opportunity to stand on the floor of the House today as an African American. With a history of segregation in America, the Federal Government said that I needed an equal education.

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

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. JUDY CHU).

Ms. JUDY CHU of California. Mr. Speaker, our current education system must be fixed. However, H.R. 5 is not the solution.

As chair of the Congressional Asian Pacific American Caucus, I cannot support H.R. 5. This bill hurts the very children that ESEA intended to protect: children of color, children of poverty, and children with disabilities. H.R. 5 fails to hold States and schools accountable and to make students college- and career-ready. Almost 5 million English language learners will suffer with limited funds and block grants. Wraparound services that are so critical for a well-rounded education are eliminated. H.R. 5 hurts our students and makes America less competitive.

By contrast, Mr. Speaker, the Democratic substitute ensures that high-poverty schools and high-needs students get the resources and the support that they need. I urge you to vote ''no'' on H.R. 5 and ''yes'' on the substitute.

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

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS. Mr. Speaker, I thank my friend and colleague from Colorado for yielding.

Mr. Speaker, I rise in strong opposition to this rule and against H.R. 5. Everyone who knows me knows that I believe that if you spend 5 minutes—only 5 minutes—with a young person, you can change a life and shift the course of history. Many years ago, Dr. Martin Luther King, Jr., and Rosa Parks saw a little light, a little hope in me, ''the boy from Troy,'' a young student from rural Alabama. They gave me hope and opened doors.

Their actions taught me how important it is to tear down barriers and invest in the potential of each and every American child.

Mr. Speaker, we have the responsibility to learn from our experiences and provide a quality foundation for the next generation. But this bill turns back the clock on progress. H.R. 5 puts the hardest-hit—those most in need—on the chopping block. We don't want to go back. We want to go forward. It cuts funding, pushes down standards, and rolls back the protections for our future—our youth—our precious children.

I urge each and every one of my colleagues to vote ''no.'' Let us come together and do what is right and what is just to help students realize the American Dream. That is the thing to do, and we must do it.

□ 1430

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

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

Before I get back to education, I want to point out that there is a very unusual component to this rule. There is something called self-executing language, which means that the rule is effectively like a bill, and the language is around a very hot button divisive topic—namely, abortion.

There is actually a provision in this rule that effectively becomes a passed bill—it is self-executing—that would defund school-based health centers if they have any information about referrals or directions or any abortion-related materials.

In fact, the language is so vague, they wouldn't even be able to display, under this, antiabortion-related materials. It says:

> The center will not provide abortion-related materials, referrals, or directions for abortion services to any such student.

It would essentially prevent a school from providing information to a child about alternatives to abortion, like adoption or other options that a young parent might have, to be able to stay in school.

If this rule passes with this self-executing amendment, I believe that the number of abortions will increase in the country as a result. This is an anti-choice, pro-abortion measure that has been inserted into this rule, and it is very restrictive on our school districts.

It is a very unusual procedural tactic. I have never seen, in my 6 years here, a rule used for self-executing language around a divisive topic like abortion.

No debate on the amendment—even these other amendments on education under this bill, they have 10 minutes of debate, and they have 20 minutes of debate. This is a secret attempt to get language into a bill that we were not even shown, I think, 3 minutes before we voted on it in the Rules Committee yesterday—just another example of the problems with this ad hoc lawmaking process without the right thought going into bills.

I don't even think that the sponsor of this, who is Representative NEUGEBAUER, meant to exclude information about alternatives to abortion or other options that people might choose; but, unfortunately, the language of the self-executed amendment would prohibit that as well.

Mr. Speaker, instead of engaging in these partisan fights, I wish that at least one of our unanimous consent requests had been granted to fund the Department of Homeland Security. Unfortunately, that wasn't the case. We are instead discussing a very divisive bill.

Some of my colleagues talked about funding. I want to elaborate a little more about what this so-called portability was. Portability sounds great. Of course, funds should follow the student.

The net effect of this version of portability that is in this bill is that resources are transferred out of schools that serve a lot of at-risk and poor children to schools that serve a lower percentage of poor or at-risk children.

What this means in districts like mine or districts across the country is, on the ground, schools that serve 60, 70, 80 percent low-income families will lose two staff people, three staff people—in some cases, maybe even four staff people. They will lose teachers. They will lose paraprofessionals. They will be taken out of their budget, and they would be added to the budget of some of the wealthier schools in the district.

Now, look, if we all want to add staff to all schools, I mean, my goodness, if we can find funding to add staff to some of the wealthier schools—I know that there are many schools that have a lower socioeconomic risk in my district—parents would love more staff, but the right answer is not to take those staff out of the schools that serve the most at-risk kids.

That is what this bill does, which is why no Democrats on our committee supported it. It is a step in the opposite direction. Honestly, Mr. Speaker, it is hard to even get to the discussion of getting accountability right—expanding and replicating what works and changing what doesn't work and encouraging innovation—when the basic funding parameters of the bill do the opposite of what we need to do: take money out of the schools that serve the most at-risk kids which, under whatever accountability system we use, are likely the schools that need more investment.

I urge my colleagues to oppose this rule with the self-executing abortion language, and I yield back the balance of my time.

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

My colleague has raised the provision in the manager's amendment related to school-based health centers referring children in schools for abortions. Regardless of their position on abortion, most Americans agree that the issue should not be raised at school. The language now in the bill reflects that consensus and would have no impact on adoptions.

Mr. Speaker, my background as an educator, school board member, mother, and grandmother reinforces my belief that students are best served when people at the local level are in control of education decisions. I also believe that education is the most important tool Americans at any age can have.

I was the first person in my family to graduate from high school and went to college where I worked full time and attended school part time. It took me 7 years to earn my bachelor's degree, and I continued to work my way through my master's and doctoral degrees.

From my own experience, I am convinced this is the greatest country in the world for many reasons, not the least of which is that a person like me, who grew up extremely poor in a house with no electricity and no running water, with parents with very little formal education and no prestige at all, could work hard and be elected to the

United States House of Representatives.

No legislation is perfect, and that is why I look forward to working with my colleagues to address their concerns and improve the Student Success Act throughout the amendment process.

We have a significant number of amendments to consider. Forty-four amendments are made in order by this rule, including over 20 Democrat amendments. Among those is Ranking Member SCOTT's substitute amendment for this legislation and nine bipartisan amendments.

I have never been one to let the perfect be the enemy of the good, and H.R. 5 is a step in the right direction of reducing the Federal role in education; empowering parents, teachers, and local school districts; and increasing local control.

That is why I am a proud cosponsor of this legislation, and urge my colleagues to vote in favor of this rule and the underlying bill.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 125 OFFERED BY MR. POLIS OF COLORADO

At the end of the resolution, add the following new sections:

SEC. 2. Immediately upon adoption of this resolution the Speaker shall, 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. 861) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. 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. 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. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 861.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

The Republican majority may say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. FOXX. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of the resolution, if ordered, and agreeing to the Speaker's approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 234, nays 177, not voting 21, as follows:

[Roll No. 92]

YEAS—234

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (PA)
King (IA)
Kinzinger (IL)
Kline
Knight
Labrador
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Ross
Rothfus
Rouzer
Royce
Russell
Ryan (WI)
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin

NAYS—177

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn

Cohen
Connolly
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Himes
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Larsen (WA)
Larson (CT)
Lawrence
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—21

Costa
Dold
Duncan (SC)
Flores
Higgins
Hinojosa
Keating
King (NY)
Langevin
Lee
Long
McNerney
Pompeo
Rice (NY)
Roe (TN)
Roskam
Rush
Schock
Speier
Waters, Maxine
Zinke

□ 1502

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. DOLD. Mr. Speaker, on rollcall No. 92, I was unavoidably detained in a meeting with constituents. Had I been present, I would have voted "yes."

Stated against:

Mr. LANGEVIN. Mr. Speaker, on rollcall No. 92 I was unavoidably detained. Had I been present, I would have voted "no."

Mr. KEATING. Mr. Speaker, I missed recorded vote No. 92 due to a hearing of the Homeland Security Subcommittee on Counterterrorism and Intelligence. I would have voted "no" (Motion on Ordering the Previous Question on the Rule providing for further consideration of H.R. 5, the Student Success Act). Had this motion failed, House Democrats would have had the opportunity to offer an amendment making H.R. 861 in order.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. POLIS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 234, noes 184, not voting 14, as follows:

[Roll No. 93]

AYES—234

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Price, Tom
Ratcliffe
Reed
Renacci
Ribble
Rice (SC)
Rigell
Roby
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Ross
Rothfus
Rouzer
Royce
Russell
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin

NOES—184

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Dold
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—14

Duncan (SC)
Flores
Hinojosa
Lee
Long
McNerney
Pitts
Pompeo
Reichert
Roe (TN)
Roskam
Speier
Waters, Maxine
Zinke

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1510

So the 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. REICHERT. Mr. Speaker, on rollcall No. 93, I was unavoidably detained. Had I been present, I would have voted "yes."

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WOODALL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 246, noes 168, present 1, not voting 17, as follows:

[Roll No. 94]

AYES—246

Abraham
Aderholt
Allen
Amodei
Barletta
Barr
Barton
Beatty
Becerra
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Blum
Blumenauer
Bonamici
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brown (FL)
Buck
Bustos
Butterfield
Byrne
Calvert
Capps
Carney
Carson (IN)
Carter (TX)
Cartwright
Castro (TX)
Chabot
Chaffetz
Chu, Judy
Cicilline
Clay
Cleaver
Cole
Collins (NY)
Comstock
Conaway
Conyers
Cook
Cooper
Courtney
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Curbelo (FL)
Davis (CA)
Davis, Danny
DeGette
DeLauro
DelBene
Dent
DesJarlais
Deutch
Diaz-Balart
Doggett
Doyle, Michael F.
Duckworth
Duncan (TN)
Edwards
Emmer (MN)
Engel
Eshoo
Esty
Farenthold
Farr
Fattah
Fincher
Fleischmann
Fortenberry
Foster
Frankel (FL)
Franks (AZ)
Frelinghuysen
Gabbard
Gallego
Garamendi
Garrett
Goodlatte
Gosar
Graham
Granger
Graves (LA)
Grayson
Griffith
Grothman
Guinta
Guthrie
Hahn
Hardy
Harper
Harris
Heck (WA)
Hensarling
Himes
Huelskamp
Huffman
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jeffries
Johnson (GA)
Johnson, Sam
Jolly
Kaptur
Katko
Kelly (IL)
Kelly (PA)
Kennedy
Kildee
King (IA)
King (NY)
Kline
Knight
Kuster
Labrador
LaMalfa
Lamborn
Larsen (WA)
Larson (CT)
Latta
Levin
Lieu, Ted
Lipinski
Lofgren
Loudermilk
Love
Lowenthal
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Marino
Massie
Matsui
McCarthy
McCaul
McClintock
McCollum
McHenry
McMorris Rodgers
Meadows
Meeks
Meng
Mica
Miller (MI)
Moolenaar
Moore
Moulton
Mullin
Nadler
Napolitano
Neugebauer
Nunes
O'Rourke
Olson
Palmer
Pelosi
Perlmutter
Pingree
Pitts
Pocan
Polis
Posey
Price (NC)
Quigley
Rangel
Ribble
Richmond
Rigell
Roby
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ross
Rothfus
Royce
Ruiz
Ruppersberger
Russell
Ryan (WI)
Salmon
Sanford
Scalise
Schiff
Schrader
Schweikert
Scott (VA)
Scott, Austin
Sensenbrenner
Serrano
Sessions
Sherman
Shimkus
Shuster
Simpson
Sinema
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Stefanik
Stewart
Stutzman
Takai
Takano
Thornberry
Titus
Tonko
Tsongas
Upton
Van Hollen
Velázquez
Wagner
Walden
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Webster (FL)
Welch
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (FL)
Wilson (SC)
Womack
Yarmuth
Yoho
Young (IA)
Young (IN)
Zeldin

NOES—168

Adams
Aguilar
Amash
Ashford
Babin
Bass
Benishek
Bera
Beyer
Bishop (MI)
Bost
Boyle, Brendan F.
Brady (PA)
Brooks (IN)
Brownley (CA)
Buchanan
Bucshon
Burgess
Capuano
Cárdenas
Carter (GA)
Castor (FL)
Clark (MA)
Clarke (NY)
Clawson (FL)
Clyburn
Coffman
Cohen
Collins (GA)
Connolly
Costa
Costello (PA)
Cummings
Davis, Rodney
DeFazio
Delaney
Denham
DeSantis
DeSaulnier
Dingell
Dold
Duffy
Ellmers (NC)
Fitzpatrick
Fleming
Forbes
Foxx
Fudge
Gibbs
Gibson
Gowdy
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Gutiérrez
Hanna
Hartzler
Hastings
Heck (NV)
Herrera Beutler
Hice, Jody B.
Higgins
Hill
Holding
Honda
Hoyer
Hudson
Huizenga (MI)
Israel
Jackson Lee
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, E. B.
Jones
Jordan
Joyce
Keating
Kilmer
Kind
Kinzinger (IL)
Kirkpatrick
Lance
Langevin
Lawrence
Lewis
LoBiondo
Loebsack
Lowey
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marchant
McDermott
McGovern
McKinley
McSally
Meehan
Messer
Miller (FL)
Mooney (WV)
Mulvaney
Murphy (FL)
Neal
Newhouse
Noem
Nolan
Norcross
Nugent
Palazzo
Pallone
Pascrell
Paulsen
Payne
Pearce
Perry
Peters
Peterson
Pittenger
Poe (TX)
Poliquin
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Rice (NY)
Rice (SC)
Rogers (AL)
Ros-Lehtinen
Rouzer
Roybal-Allard
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schock
Scott, David
Sewell (AL)
Sires
Slaughter
Smith (MO)
Stivers
Swalwell (CA)
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tipton
Torres
Trott
Turner
Valadao
Vargas
Veasey
Vela
Visclosky
Walberg
Walker
Watson Coleman
Weber (TX)
Wittman
Woodall
Yoder
Young (AK)

ANSWERED ''PRESENT''—1

Gohmert

NOT VOTING—17

Cramer
Duncan (SC)
Ellison
Flores
Grijalva
Hinojosa
Lee
Long
McNerney
Murphy (PA)
Pompeo
Roe (TN)
Roskam
Sánchez, Linda T.
Speier
Waters, Maxine
Zinke

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1517

Mr. CLAWSON of Florida changed his vote from ''aye'' to ''no.''

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ROE of Tennessee. Mr. Speaker, I was unable to vote because of a serious illness in my family. Had I been present, I would have voted: rollcall No. 91—''aye,'' rollcall No. 92—''aye,'' rollcall No. 93—''aye,'' rollcall No. 94—''aye.''

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON TUESDAY, MARCH 3, 2015, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING HIS EXCELLENCY BINYAMIN NETANYAHU, PRIME MINISTER OF ISRAEL

Mr. KLINE. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Tuesday, March 3, 2015, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in Joint Meeting His Excellency Binyamin Netanyahu, Prime Minister of Israel.

The SPEAKER pro tempore (Mr. RODNEY DAVIS of Illinois). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

PERSONAL EXPLANATION

Ms. JACKSON LEE. Mr. Speaker, I was unavoidably detained by a meeting with law enforcement officers from across the Nation, and I missed rollcall vote No. 91 on the question of consideration of the resolution involving funding of DHS. If I had been present, I would have voted ''no.''

STUDENT SUCCESS ACT

The SPEAKER pro tempore. Pursuant to House Resolution 125 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5.

Will the gentleman from Tennessee (Mr. DUNCAN) kindly take the chair.

□ 1520

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 further consideration of the bill (H.R. 5) to support State and local accountability for public education, protect State and local authority, inform parents of the performance of their children's schools, and for other purposes, with Mr. DUNCAN of Tennessee (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, February 25, 2015, all time for general debate pursuant to House Resolution 121 had expired.

Pursuant to House Resolution 125, no further general debate shall be in order. In lieu of the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce, printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114–8, modified by the amendment printed in part A of House Report 114–29, is adopted. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the 5-minute rule and shall be considered as read.

The text of the bill, as amended, is as follows:

H.R. 5

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 ''Student Success Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. Transition.
Sec. 5. Effective dates.
Sec. 6. Authorization of appropriations.
Sec. 7. Sense of the Congress.

TITLE I—AID TO LOCAL EDUCATIONAL AGENCIES

Subtitle A—In General

Sec. 101. Title heading.
Sec. 102. Statement of purpose.
Sec. 103. Flexibility to use Federal funds.
Sec. 104. School improvement.
Sec. 105. Direct student services.
Sec. 106. State administration.

Subtitle B—Improving the Academic Achievement of the Disadvantaged

Sec. 111. Part A headings.
Sec. 112. State plans.
Sec. 113. Local educational agency plans.
Sec. 114. Eligible school attendance areas.
Sec. 115. Schoolwide programs.
Sec. 116. Targeted assistance schools.
Sec. 117. Academic assessment and local educational agency and school improvement; school support and recognition.
Sec. 118. Parental involvement.
Sec. 119. Qualifications for teachers and paraprofessionals.
Sec. 120. Participation of children enrolled in private schools.
Sec. 121. Fiscal requirements.
Sec. 122. Coordination requirements.
Sec. 123. Grants for the outlying areas and the Secretary of the Interior.
Sec. 124. Allocations to States.
Sec. 125. Basic grants to local educational agencies.
Sec. 126. Targeted grants to local educational agencies.
Sec. 127. Adequacy of funding to local educational agencies in fiscal years after fiscal year 2001.
Sec. 128. Education finance incentive grant program.
Sec. 129. Carryover and waiver.
Sec. 130. Title I portability.

Subtitle C—Additional Aid to States and School Districts

Sec. 131. Additional aid.

Subtitle D—National Assessment

Sec. 141. National assessment of title I.

Subtitle E—Title I General Provisions

Sec. 151. General provisions for title I.

TITLE II—TEACHER PREPARATION AND EFFECTIVENESS

Sec. 201. Teacher preparation and effectiveness.
Sec. 202. Conforming repeals.

TITLE III—PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY

Sec. 301. Parental engagement and local flexibility.

TITLE IV—IMPACT AID

Sec. 401. Purpose.
Sec. 402. Payments relating to Federal acquisition of real property.
Sec. 403. Payments for eligible federally connected children.
Sec. 404. Policies and procedures relating to children residing on Indian lands.
Sec. 405. Application for payments under sections 8002 and 8003.
Sec. 406. Construction.
Sec. 407. Facilities.
Sec. 408. State consideration of payments providing State aid.
Sec. 409. Federal administration.
Sec. 410. Administrative hearings and judicial review.
Sec. 411. Definitions.
Sec. 412. Authorization of appropriations.
Sec. 413. Conforming amendments.

TITLE V—THE FEDERAL GOVERNMENT'S TRUST RESPONSIBILITY TO AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN EDUCATION

Sec. 501. The Federal Government's Trust Responsibility to American Indian, Alaska Native, and Native Hawaiian Education.

TITLE VI—GENERAL PROVISIONS FOR THE ACT

Sec. 601. General provisions for the Act.
Sec. 602. Repeal.
Sec. 603. Other laws.
Sec. 604. Amendment to IDEA.

TITLE VII—HOMELESS EDUCATION

Sec. 701. Statement of policy.
Sec. 702. Grants for State and local activities for the education of homeless children and youths.
Sec. 703. Local educational agency subgrants for the education of homeless children and youths.
Sec. 704. Secretarial responsibilities.
Sec. 705. Definitions.
Sec. 706. Authorization of appropriations.

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Findings; Sense of the Congress.
Sec. 802. Preventing improper use of taxpayer funds.

SEC. 3. 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. 4. TRANSITION.

Unless otherwise provided in this Act, any person or agency that was awarded a grant under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) prior to the date of the enactment of this Act shall continue to receive funds in accordance with the terms of such award, except that funds for such award may not continue more than one year after the date of the enactment of this Act.

SEC. 5. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this Act, this Act, and the amendments made by this Act, shall be effective upon the date of the enactment of this Act.

(b) NONCOMPETITIVE PROGRAMS.—With respect to noncompetitive programs under which any funds are allotted by the Secretary of Education to recipients on the basis of a formula, this Act, and the amendments made by this Act, shall take effect on October 1, 2015.

(c) COMPETITIVE PROGRAMS.—With respect to programs that are conducted by the Secretary on a competitive basis, this Act, and the amendments made by this Act, shall take effect with respect to appropriations for use under those programs for fiscal year 2016.

(d) IMPACT AID.—With respect to title IV of the Act (20 U.S.C. 7701 et seq.) (Impact Aid), this Act, and the amendments made by this Act, shall take effect with respect to appropriations for use under that title for fiscal year 2016.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

The Act (20 U.S.C. 6301 et seq.) is amended by inserting after section 2 the following:

"SEC. 3. AUTHORIZATIONS OF APPROPRIATIONS.

''(a) TITLE I.—

''(1) PART A.—There are authorized to be appropriated to carry out part A of title I $16,245,163,000 for each of fiscal years 2016 through 2021.

''(2) PART B.—There are authorized to be appropriated to carry out part B of title I $710,000 for each of fiscal years 2016 through 2021.

''(b) TITLE II.—There are authorized to be appropriated to carry out title II $2,788,356,000 for each of fiscal years 2016 through 2021.

''(c) TITLE III.—

''(1) PART A.—

''(A) SUBPART 1.—There are authorized to be appropriated to carry out subpart 1 of part A of title III $300,000,000 for each of fiscal years 2016 through 2021.

''(B) SUBPART 2.—There are authorized to be appropriated to carry out subpart 2 of part A of title III $91,647,000 for each of fiscal years 2016 through 2021.

''(C) SUBPART 3.—There are authorized to be appropriated to carry out subpart 3 of part A of title III $25,000,000 for each of fiscal years 2016 through 2021.

''(2) PART B.—There are authorized to be appropriated to carry out part B of title III $2,302,287,000 for each of fiscal years 2016 through 2021.

''(d) TITLE IV.—

''(1) PAYMENTS FOR FEDERAL ACQUISITION OF REAL PROPERTY.—For the purpose of making payments under section 4002, there are authorized to be appropriated $66,813,000 for each of fiscal years 2016 through 2021.

''(2) BASIC PAYMENTS; PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—For the purpose of making payments under section 4003(b), there are authorized to be appropriated $1,151,233,000 for each of fiscal years 2016 through 2021.

''(3) PAYMENTS FOR CHILDREN WITH DISABILITIES.—For the purpose of making payments under section 4003(d), there are authorized to be appropriated $48,316,000 for each of fiscal years 2016 through 2021.

''(4) CONSTRUCTION.—For the purpose of carrying out section 4007, there are authorized to be appropriated $17,406,000 for each of fiscal years 2016 through 2021.

''(5) FACILITIES MAINTENANCE.—For the purpose of carrying out section 4008, there are authorized to be appropriated $4,835,000 for each of fiscal years 2016 through 2021.''.

SEC. 7. SENSE OF THE CONGRESS.

(a) FINDINGS.—The Congress finds as follows:

(1) The Elementary and Secondary Education Act prohibits the Federal Government from mandating, directing, or controlling a State, local educational agency, or school's curriculum, program of instruction, or allocation of State and local resources, and from mandating a State or any subdivision thereof to spend any funds or incur any costs not paid for under such Act.

(2) The Elementary and Secondary Education Act prohibits the Federal Government from funding the development, pilot testing, field testing, implementation, administration, or distribution of any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law.

(3) The Secretary of Education, through 3 separate initiatives, has created a system of waivers and grants that influence, incentivize, and coerce State educational agencies into implementing common national elementary and secondary standards and assessments endorsed by the Secretary.

(4) The Race to the Top Fund encouraged and incentivized States to adopt Common Core State Standards developed by the National Governor's Association Center for Best Practices and the Council of Chief State School Officers.

(5) The Race to the Top Assessment grants awarded to the Partnership for the Assessment

of Readiness for College and Careers (PARCC) and SMARTER Balanced Assessment Consortium (SMARTER Balance) initiated the development of Common Core State Standards aligned assessments that will, in turn, inform and ultimately influence kindergarten through 12th-grade curriculum and instructional materials.

(6) The conditional Elementary and Secondary Education Act flexibility waiver authority employed by the Department of Education coerced States into accepting Common Core State Standards and aligned assessments.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that States and local educational agencies retain the rights and responsibilities of determining educational curriculum, programs of instruction, and assessments for elementary and secondary education.

TITLE I—AID TO LOCAL EDUCATIONAL AGENCIES

Subtitle A—In General

SEC. 101. TITLE HEADING.

The title heading for title I (20 U.S.C. 6301 et seq.) is amended to read as follows:

"TITLE I—AID TO LOCAL EDUCATIONAL AGENCIES".

SEC. 102. STATEMENT OF 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 provide all children the opportunity to graduate high school prepared for postsecondary education or the workforce. This purpose can be accomplished by—

''(1) meeting the educational needs of low-achieving children in our Nation's highest-poverty schools, English learners, migratory children, children with disabilities, Indian children, and neglected or delinquent children;

''(2) closing the achievement gap between high- and low-performing children, especially the achievement gaps between minority and nonminority students, and between disadvantaged children and their more advantaged peers;

''(3) affording parents substantial and meaningful opportunities to participate in the education of their children; and

''(4) challenging States and local educational agencies to embrace meaningful, evidence-based education reform, while encouraging state and local innovation.''.

SEC. 103. FLEXIBILITY TO USE FEDERAL FUNDS.

Section 1002 (20 U.S.C. 6302) is amended to read as follows:

"SEC. 1002. FLEXIBILITY TO USE FEDERAL FUNDS.

''(a) ALTERNATIVE USES OF FEDERAL FUNDS FOR STATE EDUCATIONAL AGENCIES.—

''(1) IN GENERAL.—Subject to subsections (c) and (d) and notwithstanding any other provision of law, a State educational agency may use the applicable funding that the agency receives for a fiscal year to carry out any State activity authorized or required under one or more of the following provisions:

''(A) Section 1003.

''(B) Section 1004.

''(C) Subpart 2 of part A of title I.

''(D) Subpart 3 of part A of title I.

''(E) Subpart 4 of part A of title I.

''(2) NOTIFICATION.—Not later than June 1 of each year, a State educational agency shall notify the Secretary of the State educational agency's intention to use the applicable funding for any of the alternative uses under paragraph (1).

''(3) APPLICABLE FUNDING DEFINED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in this subsection, the term 'applicable funding' means funds provided to carry out State activities under one or more of the following provisions.

''(i) Section 1003.

''(ii) Section 1004.

''(iii) Subpart 2 of part A of title I.

''(iv) Subpart 3 of part A of title I.

''(v) Subpart 4 of part A of title I.

''(B) LIMITATION.—In this subsection, the term 'applicable funding' does not include funds provided under any of the provisions listed in subparagraph (A) that State educational agencies are required by this Act—

''(i) to reserve, allocate, or spend for required activities;

''(ii) to allocate, allot, or award to local educational agencies or other entities eligible to receive such funds; or

''(iii) to use for technical assistance or monitoring.

''(4) DISBURSEMENT.—The Secretary shall disburse the applicable funding to State educational agencies for alternative uses under paragraph (1) for a fiscal year at the same time as the Secretary disburses the applicable funding to State educational agencies that do not intend to use the applicable funding for such alternative uses for the fiscal year.

''(b) ALTERNATIVE USES OF FEDERAL FUNDS FOR LOCAL EDUCATIONAL AGENCIES.—

''(1) IN GENERAL.—Subject to subsections (c) and (d) and notwithstanding any other provision of law, a local educational agency may use the applicable funding that the agency receives for a fiscal year to carry out any local activity authorized or required under one or more of the following provisions:

''(A) Section 1003.

''(B) Subpart 1 of part A of title I.

''(C) Subpart 2 of part A of title I.

''(D) Subpart 3 of part A of title I.

''(E) Subpart 4 of part A of title I.

''(2) NOTIFICATION.—A local educational agency shall notify the State educational agency of the local educational agency's intention to use the applicable funding for any of the alternative uses under paragraph (1) by a date that is established by the State educational agency for the notification.

''(3) APPLICABLE FUNDING DEFINED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in this subsection, the term 'applicable funding' means funds provided to carry out local activities under one or more of the following provisions:

''(i) Subpart 2 of part A of title I.

''(ii) Subpart 3 of part A of title I.

''(iii) Subpart 4 of part A of title I.

''(B) LIMITATION.—In this subsection, the term 'applicable funding' does not include funds provided under any of the provisions listed in subparagraph (A) that local educational agencies are required by this Act—

''(i) to reserve, allocate, or spend for required activities;

''(ii) to allocate, allot, or award to entities eligible to receive such funds; or

''(iii) to use for technical assistance or monitoring.

''(4) DISBURSEMENT.—Each State educational agency that receives applicable funding for a fiscal year shall disburse the applicable funding to local educational agencies for alternative uses under paragraph (1) for the fiscal year at the same time as the State educational agency disburses the applicable funding to local educational agencies that do not intend to use the applicable funding for such alternative uses for the fiscal year.

''(c) RULE FOR ADMINISTRATIVE COSTS.—A State educational agency or a local educational agency shall only use applicable funding (as defined in subsection (a)(3) or (b)(3), respectively) for administrative costs incurred in carrying out a provision listed in subsection (a)(1) or (b)(1), respectively, to the extent that the agency, in the absence of this section, could have used funds for administrative costs with respect to a program listed in subsection (a)(3) or (b)(3), respectively.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to relieve a State educational agency or local educational agency of any requirements relating to—

''(1) use of Federal funds to supplement, not supplant, non-Federal funds;

''(2) comparability of services;

''(3) equitable participation of private school students and teachers;

''(4) applicable civil rights requirements;

''(5) section 1113; or

''(6) section 1111.''.

SEC. 104. SCHOOL IMPROVEMENT.

Section 1003 (20 U.S.C. 6303) is amended—

(1) in subsection (a)—

(A) by striking ''2 percent'' and inserting ''7 percent''; and

(B) by striking ''subpart 2 of part A'' and all that follows through ''sections 1116 and 1117,'' and inserting ''chapter B of subpart 1 of part A for each fiscal year to carry out subsection (b),'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''for schools identified for school improvement, corrective action, and restructuring, for activities under section 1116(b)'' and inserting ''to carry out the State's system of school improvement under section 1111(b)(3)(B)(iii)''; and

(B) in paragraph (2), by striking ''or educational service agencies'' and inserting '', educational service agencies, or non-profit or for-profit external providers with expertise in using evidence-based or other effective strategies to improve student achievement'';

(3) in subsection (c)—

(A) in paragraph (1), by inserting ''and'' at the end;

(B) in paragraph (2), by striking ''need for such funds; and'' and inserting ''commitment to using such funds to improve such schools.''; and

(C) by striking paragraph (3);

(4) in subsection (d)(1), by striking ''subpart 2 of part A;'' and inserting ''chapter B of subpart 1 of part A;'';

(5) in subsection (e)—

(A) by striking ''in any fiscal year'' and inserting ''in fiscal year 2016 and each subsequent fiscal year'';

(B) by striking ''subpart 2'' and inserting ''chapter B of subpart 1 of part A''; and

(C) by striking ''such subpart'' and inserting ''such chapter'';

(6) in subsection (f), by striking ''and the percentage of students from each school from families with incomes below the poverty line''; and

(7) by striking subsection (g).

SEC. 105. DIRECT STUDENT SERVICES.

The Act (20 U.S.C. 6301 et seq.) is amended by inserting after section 1003 the following:

"SEC. 1003A. DIRECT STUDENT SERVICES.

''(a) STATE RESERVATION.—Each State shall reserve 3 percent of the amount the State receives under chapter B of subpart 1 of part A for each fiscal year to carry out this section. Of such reserved funds, the State educational agency may use up to 1 percent to administer direct student services.

''(b) DIRECT STUDENT SERVICES.—From the amount available after the application of subsection (a), each State shall award grants in accordance with this section to local educational agencies to support direct student services.

''(c) AWARDS.—The State educational agency shall award grants to geographically diverse local educational agencies including suburban, rural, and urban local educational agencies. If there are not enough funds to award all applicants in a sufficient size and scope to run an effective direct student services program, the State shall prioritize awards to local educational agencies with the greatest number of students with disabilities, neglected, delinquent, migrant students, English learners, at-risk students, and Native Americans, to increase academic achievement of such students.

''(d) LOCAL USE OF FUNDS.—A local educational agency receiving an award under this section—

''(1) shall use up to 1 percent of each award for outreach and communication to parents about their options and to register students for direct student services;

''(2) may use not more than 2 percent of each award for administrative costs related to direct student services; and

''(3) shall use the remainder of the award to pay the transportation required to provide public school choice or the hourly rate for high-quality academic tutoring services, as determined by a provider on the State-approved list required under subsection (f)(2).

''(e) APPLICATION.—A local educational agency desiring to receive an award under subsection (b) shall submit an application describing how the local educational agency will—

''(1) provide adequate outreach to ensure parents can exercise a meaningful choice of direct student services for their child's education;

''(2) ensure parents have adequate time and information to make a meaningful choice prior to enrolling their child in a direct student service;

''(3) ensure sufficient availability of seats in the public schools the local educational agency will make available for public school choice options;

''(4) determine the requirements or criteria for student eligibility for direct student services;

''(5) select a variety of providers of high-quality academic tutoring from the State-approved list required under subsection (f)(2) and ensure fair negotiations in selecting such providers of high-quality academic tutoring, including online, on campus, and other models of tutoring which provide meaningful choices to parents to find the best service for their child; and

''(6) develop an estimated per pupil expenditure available for eligible students to use toward high-quality academic tutoring which shall allow for an adequate level of services to increase academic achievement from a variety of high-quality academic tutoring providers.

''(f) PROVIDERS AND SCHOOLS.—The State—

''(1) shall ensure that each local educational agency receiving an award to provide public school choice can provide a sufficient number of options to provide a meaningful choice for parents;

''(2) shall compile a list of State-approved high-quality academic tutoring providers that includes online, on campus, and other models of tutoring; and

''(3) shall ensure that each local educational agency receiving an award will provide an adequate number of high-quality academic tutoring options to ensure parents have a meaningful choice of services.''.

SEC. 106. STATE ADMINISTRATION.

Section 1004 (20 U.S.C. 6304) is amended to read as follows:

''SEC. 1004. STATE ADMINISTRATION.

''(a) IN GENERAL.—Except as provided in subsection (b), to carry out administrative duties assigned under subparts 1, 2, and 3 of part A of this title, each State may reserve the greater of—

''(1) 1 percent of the amounts received under such subparts; or

''(2) $400,000 ($50,000 in the case of each outlying area).

''(b) EXCEPTION.—If the sum of the amounts reserved under subparts 1, 2, and 3 of part A of this title is equal to or greater than $14,000,000,000, then the reservation described in subsection (a)(1) shall not exceed 1 percent of the amount the State would receive if $14,000,000,000 were allocated among the States for subparts 1, 2, and 3 of part A of this title.''.

Subtitle B—Improving the Academic Achievement of the Disadvantaged

SEC. 111. PART A HEADINGS.

(a) PART HEADING.—The part heading for part A of title I (20 U.S.C. 6311 et seq.) is amended to read as follows:

''PART A—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED''.

(b) SUBPART 1 HEADING.—The Act is amended by striking the subpart heading for subpart 1 of part A of title I (20 U.S.C. 6311 et seq.) and inserting the following:

''Subpart 1—Improving Basic Programs Operated by Local Educational Agencies

''CHAPTER A—BASIC PROGRAM REQUIREMENTS''.

(c) SUBPART 2 HEADING.—The Act is amended by striking the subpart heading for subpart 2 of part A of title I (20 U.S.C. 6331 et seq.) and inserting the following:

''CHAPTER B—ALLOCATIONS''.

SEC. 112. STATE PLANS.

Section 1111 (20 U.S.C. 6311) is amended to read as follows:

''SEC. 1111. STATE PLANS.

''(a) FILING FOR GRANTS.—

''(1) IN GENERAL.—For any State desiring to receive a grant under this subpart, the State educational agency file with the Secretary a plan, developed by the State educational agency, in consultation with local educational agencies, teachers, school leaders, public charter school representatives, specialized instructional support personnel, other appropriate school personnel, parents, private sector employers, entrepreneurs, and representatives of Indian tribes located in the State, that satisfies the requirements of this section and that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Career and Technical Education Act of 2006, the Head Start Act, the Adult Education and Family Literacy Act, and the McKinney-Vento Homeless Assistance Act.

''(2) CONSOLIDATED PLAN.—A State plan submitted under paragraph (1) may be submitted as part of a consolidated plan under section 6302.

''(b) ACADEMIC STANDARDS, ACADEMIC ASSESSMENTS, AND STATE ACCOUNTABILITY.—

''(1) ACADEMIC STANDARDS.—

''(A) IN GENERAL.—Each State plan shall demonstrate that the State has adopted academic content standards and academic achievement standards aligned with such content standards that comply with the requirements of this paragraph.

''(B) SUBJECTS.—The State shall have such academic standards for mathematics, reading or language arts, and science, and may have such standards for any other subject determined by the State.

''(C) REQUIREMENTS.—The standards described in subparagraph (A) shall—

''(i) apply to all public schools and public school students in the State; and

''(ii) with respect to academic achievement standards, include the same knowledge, skills, and levels of achievement expected of all public school students in the State.

''(D) ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS.—Notwithstanding any other provision of this paragraph, a State retains the right, through a documented and validated standards-setting process, to adopt alternate academic achievement standards for students with the most significant cognitive disabilities, if—

''(i) the determination about whether the achievement of an individual student should be measured against such standards is made separately for each student; and

''(ii) such standards—

''(I) are aligned with the State academic standards required under subparagraph (A);

''(II) promote access to the general curriculum; and

''(III) reflect professional judgment as to the highest possible standards achievable by such students.

''(E) ENGLISH LANGUAGE PROFICIENCY STANDARDS.—Each State plan shall describe how the State educational agency will establish English language proficiency standards that are—

''(i) derived from the four recognized domains of speaking, listening, reading, and writing; and

''(ii) aligned with the State's academic content standards in reading or language arts under subparagraph (A).

''(2) ACADEMIC ASSESSMENTS.—

''(A) IN GENERAL.—Each State plan shall demonstrate that the State educational agency, in consultation with local educational agencies, has implemented a set of high-quality student academic assessments in mathematics, reading or language arts, and science. The State retains the right to implement such assessments in any other subject chosen by the State.

''(B) REQUIREMENTS.—Such assessments shall—

''(i) in the case of mathematics and reading or language arts, be used in determining the performance of each local educational agency and public school in the State in accordance with the State's accountability system under paragraph (3);

''(ii) be the same academic assessments used to measure the academic achievement of all public school students in the State;

''(iii) be aligned with the State's academic standards and provide coherent and timely information about student attainment of such standards;

''(iv) be used for purposes for which such assessments are valid and reliable, be of adequate technical quality for each purpose required under this Act, and be consistent with relevant, nationally recognized professional and technical standards;

''(v)(I) in the case of mathematics and reading or language arts, be administered in each of grades 3 through 8 and at least once in grades 9 through 12;

''(II) in the case of science, be administered not less than one time during—

''(aa) grades 3 through 5;

''(bb) grades 6 through 9; and

''(cc) grades 10 through 12; and

''(III) in the case of any other subject chosen by the State, be administered at the discretion of the State;

''(vi) measure individual student academic proficiency and, at the State's discretion, growth;

''(vii) at the State's discretion—

''(I) be administered through a single annual summative assessment; or

''(II) be administered through multiple assessments during the course of the academic year that result in a single summative score that provides valid, reliable, and transparent information on student achievement;

''(viii) include measures that assess higher-order thinking skills and understanding;

''(ix) provide for—

''(I) the participation in such assessments of all students;

''(II) the reasonable adaptations and accommodations for students with disabilities necessary to measure the academic achievement of such students relative to the State's academic standards; and

''(III) the inclusion of English learners, who shall be assessed in a valid and reliable manner and provided reasonable accommodations, including, to the extent practicable, assessments in the language and form most likely to yield accurate and reliable information on what such students know and can do in academic content areas, until such students have achieved English language proficiency, as assessed by the State under subparagraph (D);

''(x) notwithstanding clause (ix)(III), provide for the assessment of reading or language arts in English for English learners who have attended school in the United States (not including Puerto Rico) for 3 or more consecutive school years, except that a local educational agency may, on a case-by-case basis, provide for the assessment of reading or language arts for each such student in a language other than English for a period not to exceed 2 additional consecutive years if the assessment would be more likely to yield accurate and reliable information on what such student knows and can do, provided that such student has not yet reached a level of English language proficiency

sufficient to yield valid and reliable information on what such student knows and can do on reading or language arts assessments written in English;

''(xi) produce individual student interpretive, descriptive, and diagnostic reports regarding achievement on such assessments that allow parents, teachers, and school leaders to understand and address the specific academic needs of students, and that are provided to parents, teachers, and school leaders, as soon as is practicable after the assessment is given, in an understandable and uniform format, and to the extent practicable, in a language that parents can understand;

''(xii) enable results to be disaggregated within each State, local educational agency, and school by gender, by each major racial and ethnic group, by English language proficiency status, by migrant status, by status as a student with a disability, by status as a student with a parent who is an active duty member of the Armed Forces (as defined in section 101(a)(4) of title 10, United States Code), and by economically disadvantaged status, except that, in the case of a local educational agency or a school, 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 personally identifiable information about an individual student;

''(xiii) be administered to not less than 95 percent of all students, and not less than 95 percent of each subgroup of students described in paragraph (3)(B)(ii)(II); and

''(xiv) where practicable, be developed using the principles of universal design for learning as defined in section 103(24) of the Higher Education Act of 1965 (20 U.S.C. 1003(24)).

''(C) ALTERNATE ASSESSMENTS.—A State may provide for alternate assessments aligned with the alternate academic standards adopted in accordance with paragraph (1)(D), for students with the most significant cognitive disabilities, if the State—

''(i) establishes and monitors implementation of clear and appropriate guidelines for individualized education program teams (as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act) to apply when determining, on an annual and subject-by-subject basis, when a child's significant cognitive disability justifies assessment based on alternate achievement standards;

''(ii) ensures that the parents of such students are clearly informed, as part of the process for developing the Individualized Education Program (as defined in section 614(d)(1)(A) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(1)(A)), that—

''(I) their child's academic achievement will be measured against such alternate standards; and

''(II) whether participation in such assessments precludes the student from completing the requirements for a regular high school diploma as defined in section 6101(36)(A);

''(iii) ensures that students with the most significant cognitive disabilities who take an alternate assessment based on alternate academic achievement standards are not precluded from attempting to complete the requirements for a regular secondary school diploma, as determined by the State;

''(iv) demonstrates that such students are, to the extent practicable, included in the general curriculum and that such alternate assessments are aligned with such curriculum;

''(v) develops, disseminates information about, and promotes the use of appropriate accommodations to increase the number of students with disabilities who are tested against academic achievement standards for the grade in which a student is enrolled; and

''(vi) ensures that regular and special education teachers and other appropriate staff know how to administer the alternate assessments, including making appropriate use of accommodations for students with disabilities.

''(D) ASSESSMENTS OF ENGLISH LANGUAGE PROFICIENCY.—

''(i) IN GENERAL.—Each State plan shall demonstrate that local educational agencies in the State will provide for an annual assessment of English proficiency of all English learners in the schools served by the State educational agency.

''(ii) ALIGNMENT.—The assessments described in clause (i) shall be aligned with the State's English language proficiency standards described in paragraph (1)(E).

''(E) LANGUAGE ASSESSMENTS.—Each State plan shall identify the languages other than English that are present in the participating student population and indicate the languages for which yearly student academic assessments are not available and are needed. The State shall make every effort to develop such assessments and may request assistance from the Secretary if linguistically accessible academic assessment measures are needed. Upon request, the Secretary shall assist with the identification of appropriate academic assessment measures in the needed languages, but shall not mandate a specific academic assessment or mode of instruction.

''(F) ADAPTIVE ASSESSMENTS.—A State retains the right to develop and administer computer adaptive assessments as the assessments required under subparagraph (A). If a State develops and administers a computer adaptive assessment for such purposes, the assessment shall meet the requirements of this paragraph, except as follows:

''(i) Notwithstanding subparagraph (B)(iii), the assessment—

''(I) shall measure, at a minimum, each student's academic proficiency against the State's academic standards for the student's grade level and growth toward such standards; and

''(II) if the State chooses, may be used to measure the student's level of academic proficiency and growth using assessment items above or below the student's grade level, including for use as part of a State's accountability system under paragraph (3).

''(ii) Subparagraph (B)(ii) shall not be interpreted to require that all students taking the computer adaptive assessment be administered the same assessment items.

''(3) STATE ACCOUNTABILITY SYSTEMS.—

''(A) IN GENERAL.—Each State plan shall demonstrate that the State has developed and is implementing a single, statewide accountability system to ensure that all public school students graduate from high school prepared for postsecondary education or the workforce without the need for remediation.

''(B) ELEMENTS.—Each State accountability system described in subparagraph (A) shall at a minimum—

''(i) annually measure the academic achievement of all public school students in the State against the State's mathematics and reading or language arts academic standards adopted under paragraph (1), which may include measures of student growth toward such standards, using the mathematics and reading or language arts assessments described in paragraph (2)(B) and other valid and reliable academic indicators related to student achievement as identified by the State;

''(ii) annually evaluate and identify the academic performance of each public school in the State based on—

''(I) student academic achievement as measured in accordance with clause (i);

''(II) the overall performance, and achievement gaps as compared to all students in the school, for economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and English learners, except that disaggregation of data under this subclause 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 personally identifiable information about an individual student; and

''(III) other measures of school success; and

''(iii) include a system for school improvement for low-performing public schools receiving funds under this subpart that—

''(I) implements interventions in such schools that are designed to address such schools' weaknesses; and

''(II) is implemented by local educational agencies serving such schools.

''(C) PROHIBITION.—Nothing in this section shall be construed to permit the Secretary to establish any criteria that specifies, defines, or prescribes any aspect of a State's accountability system developed and implemented in accordance with this paragraph.

''(D) ACCOUNTABILITY FOR CHARTER SCHOOLS.—The accountability provisions under this Act shall be overseen for charter schools in accordance with State charter school law.

''(E) RECENTLY ARRIVED ENGLISH LEARNERS.—A State may delay inclusion of the academic achievement of English learners for purposes of the evaluation and identification described in subparagraph (B)(ii) if such students have attended schools in the 50 states or the District of Columbia for less than two years (in the case of mathematics) and less than three years (in the case of reading or language arts), except that if the State uses growth calculations as described in clause (i) of such subparagraph in such evaluation and identification, the State shall include such students in such calculations.

''(4) REQUIREMENTS.—Each State plan shall describe—

''(A) how the State educational agency will assist each local educational agency and each public school affected by the State plan to comply with the requirements of this subpart, including how the State educational agency will work with local educational agencies to provide technical assistance; and

''(B) how the State educational agency will ensure that the results of the State assessments described in paragraph (2), the other indicators selected by the State under paragraph (3)(B)(i), and the school evaluations described in paragraph (3)(B)(ii), will be promptly provided to local educational agencies, schools, teachers, and parents in a manner that is clear and easy to understand, but not later than before the beginning of the school year following the school year in which such assessments, other indicators, or evaluations are taken or completed.

''(5) TIMELINE FOR IMPLEMENTATION.—Each State plan shall describe the process by which the State will adopt and implement the State academic standards, assessments, and accountability system required under this section within 2 years of enactment of the Student Success Act.

''(6) EXISTING STANDARDS.—Nothing in this subpart shall prohibit a State from revising, consistent with this section, any standard adopted under this section before or after the date of the enactment of the Student Success Act.

''(7) EXISTING STATE LAW.—Nothing in this section shall be construed to alter any State law or regulation granting parents authority over schools that repeatedly failed to make adequate yearly progress under this section, as in effect on the day before the date of the enactment of the Student Success Act.

''(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall contain assurances that—

''(1) the State will notify local educational agencies, schools, teachers, parents, and the public of the academic standards, academic assessments, and State accountability system developed and implemented under this section;

''(2) the State will participate in biennial State academic assessments of 4th and 8th grade reading and mathematics under the National Assessment of Educational Progress carried out under section 303(b)(2) of the National Assessment of Educational Progress Authorization Act

if the Secretary pays the costs of administering such assessments;

''(3) the State educational agency will notify local educational agencies and the public of the authority to operate schoolwide programs;

''(4) the State educational agency will provide the least restrictive and burdensome regulations for local educational agencies and individual schools participating in a program assisted under this subpart;

''(5) the State educational agency will encourage schools to consolidate funds from other Federal, State, and local sources for schoolwide reform in schoolwide programs under section 1114;

''(6) the State educational agency will modify or eliminate State fiscal and accounting barriers so that schools can easily consolidate funds from other Federal, State, and local sources for schoolwide programs under section 1114; and

''(7) the State educational agency will inform local educational agencies in the State of the local educational agency's authority to transfer funds under section 1002 and to obtain waivers under section 6401.

''(d) PARENTAL INVOLVEMENT.—Each State plan shall describe how the State educational agency will support 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 that meets the highest professional and technical standards on effective parental involvement that fosters achievement to high standards for all children;

''(2) be geared toward lowering barriers to greater participation by parents in school planning, review, and improvement; and

''(3) be coordinated with programs funded under subpart 3 of part A of title III.

''(e) PEER REVIEW AND SECRETARIAL APPROVAL.—

''(1) ESTABLISHMENT.—Notwithstanding section 6543, the Secretary shall—

''(A) establish a peer-review process to assist in the review of State plans; and

''(B) appoint individuals to the peer-review process who are representative of parents, teachers, State educational agencies, local educational agencies, and private sector employers (including representatives of entrepreneurial ventures), and who are familiar with educational standards, assessments, accountability, the needs of low-performing schools, and other educational needs of students, and ensure that 65 percent of such appointees are practitioners and 10 percent are representatives of private sector employers.

''(2) APPROVAL.—The Secretary shall—

''(A) approve a State plan within 120 days of its submission;

''(B) disapprove of the State plan only if the Secretary demonstrates how the State plan fails to meet the requirements of this section and immediately notifies the State of such determination and the reasons for such determination;

''(C) not decline to approve a State's plan before—

''(i) offering the State an opportunity to revise its plan;

''(ii) providing technical assistance in order to assist the State to meet the requirements of this section; and

''(iii) providing a hearing; and

''(D) have the authority to disapprove a State plan for not meeting the requirements of this subpart, but shall not have the authority to require a State, as a condition of approval of the State plan, to include in, or delete from, such plan one or more specific elements of the State's academic standards or State accountability system, or to use specific academic assessments or other indicators.

''(3) STATE REVISIONS.—A State plan shall be revised by the State educational agency if it is necessary to satisfy the requirements of this section.

''(4) PUBLIC REVIEW.—All communications, feedback, and notifications under this subsection shall be conducted in a manner that is immediately made available to the public through the website of the Department, including—

''(A) peer review guidance;

''(B) the names of the peer reviewers;

''(C) State plans submitted or resubmitted by a State, including the current approved plans;

''(D) peer review notes;

''(E) State plan determinations by the Secretary, including approvals or disapprovals, and any deviations from the peer reviewers' recommendations with an explanation of the deviation; and

''(F) hearings.

''(5) PROHIBITION.—The Secretary, and the Secretary's staff, may not attempt to participate in, or influence, the peer review process. No Federal employee may participate in, or attempt to influence the peer review process, except to respond to questions of a technical nature, which shall be publicly reported.

''(6) RULE OF CONSTRUCTION.—A State plan shall be presumed approved upon submission unless the Secretary finds that the plan does not meet one of the required elements, but in no case shall a deficiency be found due to the content of the material submitted.

''(f) DURATION OF THE PLAN.—

''(1) IN GENERAL.—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 as necessary by the State educational agency to reflect changes in the State's strategies and programs under this subpart.

''(2) ADDITIONAL INFORMATION.—If a State makes significant changes to its State plan, such as the adoption of new State academic standards or new academic assessments, or adopts a new State accountability system, such information shall be submitted to the Secretary under subsection (e)(2) for approval.

''(g) FAILURE TO MEET REQUIREMENTS.—If a State fails to meet any of the requirements of this section then the Secretary shall withhold funds for State administration under this subpart until the Secretary determines that the State has fulfilled those requirements.

''(h) REPORTS.—

''(1) ANNUAL STATE REPORT CARD.—

''(A) IN GENERAL.—A State that receives assistance under this subpart shall prepare and disseminate an annual State report card. Such dissemination shall include, at a minimum, publicly posting the report card on the home page of the State educational agency's website.

''(B) IMPLEMENTATION.—The State report card shall be—

''(i) concise; and

''(ii) presented in an understandable and uniform format that is developed in consultation with parents and, to the extent practicable, provided in a language that parents can understand.

''(C) REQUIRED INFORMATION.—The State shall include in its annual State report card information on—

''(i) the performance of students, in the aggregate and disaggregated by the categories of students described in subsection (b)(2)(B)(xii) (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 personally identifiable information about an individual student), on the State academic assessments described in subsection (b)(2);

''(ii) the participation rate on such assessments, in the aggregate and disaggregated in accordance with clause (i);

''(iii) the performance of students, in the aggregate and disaggregated in accordance with clause (i), on other academic indicators described in subsection (b)(3)(B)(i);

''(iv) the number, percentage, and disability category of students with significant cognitive disabilities participating in the alternate assessments described in subsection (b)(2)(C) (except that such reporting shall not be required in a case in which the results would reveal personally identifiable information about an individual student);

''(v) for each public high school in the State, in the aggregate and disaggregated in accordance with clause (i)—

''(I) the four-year adjusted cohort graduation rate, and

''(II) if applicable, the extended-year adjusted cohort graduation rate, reported separately for students graduating in 5 years or less, students graduating in 6 years or less, and students graduating in 7 or more years;

''(vi) each public school's evaluation results as determined in accordance with subsection (b)(3)(B)(ii);

''(vii) the acquisition of English proficiency by English learners;

''(viii) if appropriate, as determined by the State, the number and percentage of teachers in each category established under section 2123(1), except that such information shall not reveal personally identifiable information about an individual teacher; and

''(ix) the results of the assessments described in subsection (c)(2).

''(D) OPTIONAL INFORMATION.—The State may include in its annual State report card such other information as the State believes will best provide parents, students, and other members of the public with information regarding the progress of each of the State's public elementary schools and public secondary schools, such as the number of students enrolled in each public secondary school in the State attaining career and technical proficiencies, as defined in section 113(b)(2)(A) of the Carl D. Perkins Career and Technical Education Act of 2006, and reported by the State in a manner consistent with section 113(c) of such Act.

''(E) DATA.—All personal, private student data shall be prohibited from use beyond assessing student performance as provided for in subparagraph (C). The State's annual report shall only use such data as sufficient to yield statistically reliable information, and does not reveal personally identifiable information about individual students.

''(2) ANNUAL LOCAL EDUCATIONAL AGENCY REPORT CARDS.—

''(A) IN GENERAL.—A local educational agency that receives assistance under this subpart shall prepare and disseminate an annual local educational agency report card.

''(B) MINIMUM REQUIREMENTS.—The State educational agency shall ensure that each local educational agency collects appropriate data and includes in the local educational agency's annual report the information described in paragraph (1)(C) as applied to the local educational agency and each school served by the local educational agency, and—

''(i) in the case of a local educational agency, information that shows how students served by the local educational agency achieved on the statewide academic assessment and other academic indicators adopted in accordance with subsection (b)(3)(B)(i) compared to students in the State as a whole; and

''(ii) in the case of a school, the school's evaluation under subsection (b)(3)(B)(ii).

''(C) OTHER INFORMATION.—A local educational agency may include in its annual local educational agency report card any other appropriate information, whether or not such information is included in the annual State report card.

''(D) DATA.—A local educational agency or school shall only include in its annual local educational agency report card data that are sufficient to yield statistically reliable information, as determined by the State, and that do not reveal personally identifiable information about an individual student.

''(E) PUBLIC DISSEMINATION.—The local educational agency shall publicly disseminate the

information described in this paragraph to all schools served by the local educational agency and to all parents of students attending those schools in an understandable and uniform format, and, to the extent practicable, in a language that parents can understand, and make the information widely available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies, except that if a local educational agency issues a report card for all students, the local educational agency may include the information under this section as part of such report.

''(3) PREEXISTING REPORT CARDS.—A State educational agency or local educational agency may use public report cards on the performance of students, schools, local educational agencies, or the State, that were in effect prior to the enactment of the Student Success Act for the purpose of this subsection, so long as any such report card is modified, as may be needed, to contain the information required by this subsection, and protects the privacy of individual students.

''(4) PARENTS RIGHT-TO-KNOW.—

''(A) ACHIEVEMENT INFORMATION.—At the beginning of each school year, a school that receives funds under this subpart shall provide to each individual parent information on the level of achievement of the parent's child in each of the State academic assessments and other academic indicators adopted in accordance with this subpart.

''(B) FORMAT.—The notice and information provided to parents under this paragraph shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

''(i) PRIVACY.—Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals consistent with section 444 of the General Education Provisions Act and this Act.

''(j) VOLUNTARY PARTNERSHIPS.—A State retains the right to enter into a voluntary partnership with another State to develop and implement the academic standards and assessments required under this section, except that the Secretary shall not, either directly or indirectly, attempt to influence, incentivize, or coerce State—

''(1) adoption of the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a significant number of States, or assessments tied to such standards; or

''(2) participation in any such partnerships.

''(k) CONSTRUCTION.—Nothing in this part shall be construed to prescribe the use of the academic assessments described in this part for student promotion or graduation purposes.

''(l) SPECIAL RULE WITH RESPECT TO BUREAU-FUNDED SCHOOLS.—In determining the assessments to be used by each school operated or funded by the Bureau of Indian Education receiving funds under this subpart, the following shall apply:

''(1) Each such school that is accredited by the State in which it is operating shall use the assessments and other academic indicators the State has developed and implemented to meet the requirements of this section, or such other appropriate assessment and academic indicators as approved by the Secretary of the Interior.

''(2) Each such school that is accredited by a regional accrediting organization shall adopt an appropriate assessment and other academic indicators, in consultation with and with the approval of, the Secretary of the Interior and consistent with assessments and academic indicators adopted by other schools in the same State or region, that meet the requirements of this section.

''(3) Each such school that is accredited by a tribal accrediting agency or tribal division of education shall use an assessment and other academic indicators developed by such agency or division, except that the Secretary of the Interior shall ensure that such assessment and academic indicators meet the requirements of this section.''.

SEC. 113. LOCAL EDUCATIONAL AGENCY PLANS.

Section 1112 (20 U.S.C. 6312) is amended to read as follows:

''SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.

''(a) PLANS REQUIRED.—

''(1) SUBGRANTS.—A local educational agency may receive a subgrant under this subpart for any fiscal year only if such agency has on file with the State educational agency a plan, approved by the State educational agency, that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Career and Technical Education Act of 2006, the McKinney-Vento Homeless Assistance Act, and other Acts, as appropriate.

''(2) CONSOLIDATED APPLICATION.—The plan may be submitted as part of a consolidated application under section 6305.

''(b) PLAN PROVISIONS.—Each local educational agency plan shall describe—

''(1) how the local educational agency will monitor, in addition to the State assessments described in section 1111(b)(2), students' progress in meeting the State's academic standards;

''(2) how the local educational agency will identify quickly and effectively those students who may be at risk of failing to meet the State's academic standards;

''(3) how the local educational agency will provide additional educational assistance to individual students in need of additional help in meeting the State's academic standards;

''(4) how the local educational agency will implement the school improvement system described in section 1111(b)(3)(B)(iii) for any of the agency's schools identified under such section;

''(5) how the local educational agency will coordinate programs under this subpart with other programs under this Act and other Acts, as appropriate;

''(6) the poverty criteria that will be used to select school attendance areas under section 1113;

''(7) how teachers, in consultation with parents, administrators, and specialized instructional support personnel, in targeted assistance schools under section 1115, will identify the eligible children most in need of services under this subpart;

''(8) in general, the nature of the programs to be conducted by the local educational agency's schools under sections 1114 and 1115, and, where appropriate, educational services outside such schools for children living in local institutions for neglected and delinquent children, and for neglected and delinquent children in community day school programs;

''(9) how the local educational agency will ensure that migratory children who are eligible to receive services under this subpart are selected to receive such services on the same basis as other children who are selected to receive services under this subpart;

''(10) the services the local educational agency will provide homeless children, including services provided with funds reserved under section 1113(c)(3)(A);

''(11) the strategy the local educational agency will use to implement effective parental involvement under section 1118;

''(12) if appropriate, how the local educational agency will use funds under this subpart to support preschool programs for children, particularly children participating in a Head Start program, which services may be provided directly by the local educational agency or through a subcontract with the local Head Start agency designated by the Secretary of Health and Human Services under section 641 of the Head Start Act, or another comparable early childhood development program;

''(13) how the local educational agency, through incentives for voluntary transfers, the provision of professional development, recruitment programs, incentive pay, performance pay, or other effective strategies, will address disparities in the rates of low-income and minority students and other students being taught by ineffective teachers;

''(14) if appropriate, how the local educational agency will use funds under this subpart to support programs that coordinate and integrate—

''(A) career and technical education aligned with State technical standards that promote skills attainment important to in-demand occupations or industries in the State and the State's academic standards under section 1111(b)(1); and

''(B) work-based learning opportunities that provide students in-depth interaction with industry professionals; and

''(15) if appropriate, how the local educational agency will use funds under this subpart to support dual enrollment programs, early college high schools, and Advanced Placement or International Baccalaureate programs.

''(c) ASSURANCES.—Each local educational agency plan shall provide assurances that the local educational agency will—

''(1) participate, if selected, in biennial State academic assessments of 4th and 8th grade reading and mathematics under the National Assessment of Educational Progress carried out under section 303(b)(2) of the National Assessment of Educational Progress Authorization Act;

''(2) inform schools of schoolwide program authority and the ability to consolidate funds from Federal, State, and local sources;

''(3) provide technical assistance to schoolwide programs;

''(4) 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 or representatives regarding such services;

''(5) in the case of a local educational agency that chooses to use funds under this subpart to provide early childhood development services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under section 641A(a) of the Head Start Act;

''(6) inform eligible schools of the local educational agency's authority to request waivers on the school's behalf under title VI; and

''(7) ensure that the results of the academic assessments required under section 1111(b)(2) will be provided to parents and teachers as soon as is practicably possible after the test is taken, in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

''(d) SPECIAL RULE.—In carrying out subsection (c)(5), the Secretary shall—

''(1) consult with the Secretary of Health and Human Services and shall establish procedures (taking into consideration existing State and local laws, and local teacher contracts) to assist local educational agencies to comply with such subparagraph; and

''(2) disseminate to local educational agencies the education performance standards in effect under section 641A(a) of the Head Start Act, and such agencies affected by such subsection shall plan for the implementation of such subsection (taking into consideration existing State and local laws, and local teacher contracts).

''(e) PLAN DEVELOPMENT AND DURATION.—

''(1) CONSULTATION.—Each local educational agency plan shall be developed in consultation with teachers, school leaders, public charter school representatives, administrators, and other appropriate school personnel, and with parents of children in schools served under this subpart.

''(2) DURATION.—Each such plan shall be submitted for the first year for which this part is in effect following the date of the enactment of this Act and shall remain in effect for the duration of the agency's participation under this subpart.

''(3) REVIEW.—Each local educational agency shall periodically review and, as necessary, revise its plan.

''(f) STATE APPROVAL.—

''(1) IN GENERAL.—Each local educational agency plan shall be filed according to a schedule established by the State educational agency.

''(2) APPROVAL.—The State educational agency shall approve a local educational agency's plan only if the State educational agency determines that the local educational agency's plan—

''(A) enables schools served under this subpart to substantially help children served under this subpart to meet the State's academic standards described in section 1111(b)(1); and

''(B) meets the requirements of this section.

''(3) REVIEW.—The State educational agency shall review the local educational agency's plan to determine if such agency's activities are in accordance with section 1118.

''(g) PARENTAL NOTIFICATION.—

''(1) IN GENERAL.—Each local educational agency using funds under this subpart and subpart 4 to provide a language instruction educational program shall, not later than 30 days after the beginning of the school year, inform parents of an English learner identified for participation, or participating in, such a program of—

''(A) the reasons for the identification of their child as an English learner and in need of placement in a language instruction educational program;

''(B) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;

''(C) the methods of instruction used in the program in which their child is, or will be participating, and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;

''(D) how the program in which their child is, or will be participating, will meet the educational strengths and needs of their child;

''(E) how such program will specifically help their child learn English, and meet age-appropriate academic achievement standards for grade promotion and graduation;

''(F) the specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for English learners, and the expected rate of graduation from high school for such program if funds under this subpart are used for children in secondary schools;

''(G) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child; and

''(H) information pertaining to parental rights that includes written guidance—

''(i) detailing—

''(I) the right that parents have to have their child immediately removed from such program upon their request; and

''(II) the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and

''(ii) assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the eligible entity.

''(2) NOTICE.—The notice and information provided in paragraph (1) to parents of a child identified for participation in a language instruction educational program for English learners shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

''(3) SPECIAL RULE APPLICABLE DURING THE SCHOOL YEAR.—For those children who have not been identified as English learners prior to the beginning of the school year the local educational agency shall notify parents within the first 2 weeks of the child being placed in a language instruction educational program consistent with paragraphs (1) and (2).

''(4) PARENTAL PARTICIPATION.—Each local educational agency receiving funds under this subpart shall implement an effective means of outreach to parents of English learners to inform the parents regarding how the parents can be involved in the education of their children, and be active participants in assisting their children to attain English proficiency, achieve at high levels in core academic subjects, and meet the State's academic standards expected of all students, including holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents of students assisted under this subpart.

''(5) BASIS FOR ADMISSION OR EXCLUSION.—A student shall not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.''.

SEC. 114. ELIGIBLE SCHOOL ATTENDANCE AREAS.

Section 1113 (20 U.S.C. 6313) is amended—

(1) by striking ''part'' each place it appears and inserting ''subpart''; and

(2) in subsection (c)(4)—

(A) by striking ''subpart 2'' and inserting ''chapter B''; and

(B) by striking ''school improvement, corrective action, and restructuring under section 1116(b)'' and inserting ''school improvement under section 1111(b)(3)(B)(iii)''.

SEC. 115. SCHOOLWIDE PROGRAMS.

Section 1114 (20 U.S.C. 6314) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''part'' and inserting ''subpart''; and

(ii) by striking ''in which'' through ''such families'';

(B) in paragraph (2)—

(i) in subparagraph (A)(i), by striking ''part'' and inserting ''subpart''; and

(ii) in subparagraph (B)—

(I) by striking ''children with limited English proficiency'' and inserting ''English learners''; and

(II) by striking ''part'' and inserting ''subpart'';

(C) in paragraph (3)(B), by striking ''maintenance of effort,'' after ''private school children,''; and

(D) by striking paragraph (4);

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ''(including'' and all that follows through ''1309(2))''; and

(II) by striking ''content standards and the State student academic achievement standards'' and inserting ''standards'';

(ii) in subparagraph (B)—

(I) in clause (i), by striking ''proficient'' and all that follows through ''section 1111(b)(1)(D)'' and inserting ''academic standards described in section 1111(b)(1)'';

(II) in clause (ii), in the matter preceding subclause (I), by striking ''based on scientifically based research'' and inserting ''evidence-based'';

(III) in clause (iii)—

(aa) in subclause (I)—

(AA) by striking ''student academic achievement standards'' and inserting ''academic standards''; and

(BB) by striking ''schoolwide program,'' and all that follows through ''technical education programs; and'' and inserting ''schoolwide programs; and''; and

(bb) in subclause (II), by striking ''and'';

(IV) in clause (iv)—

(aa) by striking ''the State and local improvement plans'' and inserting ''school improvement strategies''; and

(bb) by striking the period and inserting ''; and''; and

(V) by adding at the end the following new clause:

''(v) may be delivered by nonprofit or for-profit external providers with expertise in using evidence-based or other effective strategies to improve student achievement.'';

(iii) in subparagraph (C), by striking ''highly qualified'' and inserting ''effective'';

(iv) in subparagraph (D)—

(I) by striking ''In accordance with section 1119 and subsection (a)(4), high-quality'' and inserting ''High-quality'';

(II) by striking ''pupil services'' and inserting ''specialized instructional support services''; and

(III) by striking ''student academic achievement'' and inserting ''academic'';

(v) in subparagraph (E), by striking ''high-quality highly qualified'' and inserting ''effective'';

(vi) in subparagraph (G), by striking '', such as Head Start, Even Start, Early Reading First, or a State-run preschool program,'';

(vii) in subparagraph (H), by striking ''section 1111(b)(3)'' and inserting ''section 1111(b)(2)'';

(viii) in subparagraph (I), by striking ''proficient or advanced levels of academic achievement standards'' and inserting ''State academic standards''; and

(ix) in subparagraph (J), by striking ''vocational'' and inserting ''career''; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i)—

(aa) by striking ''first develop'' and all that follows through ''2001)'' and inserting ''have in place''; and

(bb) by striking ''and its school support team or other technical assistance provider under section 1117'';

(II) in clause (ii), by striking ''part'' and inserting ''subpart''; and

(III) in clause (iv), by striking ''section 1111(b)(3)'' and inserting ''section 1111(b)(2)''; and

(ii) in subparagraph (B)—

(I) in clause (i)—

(aa) in subclause (I), by striking '', after considering the recommendation of the technical assistance providers under section 1117,''; and

(bb) in subclause (II), by striking ''No Child Left Behind Act of 2001'' and inserting ''Student Success Act'';

(II) in clause (ii)—

(aa) by striking ''(including administrators of programs described in other parts of this title)''; and

(bb) by striking ''pupil services'' and inserting ''specialized instructional support services'';

(III) in clause (iii), by striking ''part'' and inserting ''subpart''; and

(IV) in clause (v), by striking ''Reading First, Early Reading First, Even Start,''; and

(3) in subsection (c)—

(A) by striking ''part'' and inserting ''subpart''; and

(B) by striking ''6,'' and all that follows through the period at the end and inserting ''6.''.

SEC. 116. TARGETED ASSISTANCE SCHOOLS.

Section 1115 (20 U.S.C. 6315) is amended—

(1) in subsection (a)—

(A) by striking ''are ineligible for a schoolwide program under section 1114, or that'';

(B) by striking ''operate such'' and inserting ''operate''; and

(C) by striking ''part'' and inserting ''subpart'';

(2) in subsection (b)—

(A) in paragraph (1)(B), by striking ''challenging student academic achievement'' and inserting ''academic'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''limited English proficient children'' and inserting ''English learners''; and

(II) by striking ''part'' each place it appears and inserting ''subpart'';

(ii) in subparagraph (B)—

(I) in the heading, by striking '', EVEN START, OR EARLY READING FIRST'';

(II) by striking '', Even Start, or Early Reading First''; and

(III) by striking ''part'' and inserting ''subpart'';

(iii) in subparagraph (C)—

(I) by amending the heading to read as follows: ''SUBPART 3 CHILDREN.—'';

(II) by striking ''part C'' and inserting ''subpart 3''; and

(III) by striking ''part'' and inserting ''subpart''; and

(iv) in subparagraphs (D) and (E), by striking ''part'' each place it appears and inserting ''subpart''; and

(C) in paragraph (3), by striking ''part'' and inserting ''subpart'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''part'' and inserting ''subpart''; and

(II) by striking ''challenging student academic achievement'' and inserting ''academic'';

(ii) in subparagraph (A)—

(I) by striking ''part'' and inserting ''subpart''; and

(II) by striking ''challenging student academic achievement'' and inserting ''academic'';

(iii) in subparagraph (B), by striking ''part'' and inserting ''subpart'';

(iv) in subparagraph (C)—

(I) in the matter preceding clause (i), by striking ''based on scientifically based research'' and inserting ''evidence-based''; and

(II) in clause (iii), by striking ''part'' and inserting ''subpart'';

(v) in subparagraph (D), by striking ''such as Head Start, Even Start, Early Reading First or State-run preschool programs'';

(vi) in subparagraph (E), by striking ''highly qualified'' and inserting ''effective'';

(vii) in subparagraph (F)—

(I) by striking ''in accordance with subsection (e)(3) and section 1119,'';

(II) by striking ''part'' and inserting ''subpart''; and

(III) by striking ''pupil services personnel'' and inserting ''specialized instructional support personnel''; and

(viii) in subparagraph (H), by striking ''vocational'' and inserting ''career''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''proficient and advanced levels of achievement'' and inserting ''academic standards'';

(ii) in subparagraph (A), by striking ''part'' and inserting ''subpart''; and

(iii) in subparagraph (B), by striking ''challenging student academic achievement'' and inserting ''academic'';

(4) in subsection (d), in the matter preceding paragraph (1), by striking ''part'' each place it appears and inserting ''subpart'';

(5) in subsection (e)—

(A) in paragraph (2)(B)—

(i) in the matter preceding clause (i), by striking ''part'' and inserting ''subpart''; and

(ii) in clause (iii), by striking ''pupil services'' and inserting ''specialized instructional support services''; and

(B) by striking paragraph (3); and

(6) by adding at the end the following new subsection:

''(f) DELIVERY OF SERVICES.—The elements of a targeted assistance program under this section may be delivered by nonprofit or for-profit external providers with expertise in using evidence-based or other effective strategies to improve student achievement.''.

SEC. 117. ACADEMIC ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT; SCHOOL SUPPORT AND RECOGNITION.

The Act is amended by repealing sections 1116 and 1117 (20 U.S.C. 6316; 6317).

SEC. 118. PARENTAL INVOLVEMENT.

Section 1118 (20 U.S.C. 6318) is amended—

(1) by striking ''part'' each place such term appears and inserting ''subpart'';

(2) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking '', and'' and all that follows through ''1116''; and

(ii) in subparagraph (D), by striking '', such as'' and all that follows through ''preschool programs''; and

(B) in paragraph (3)(A), by striking ''subpart 2 of this part'' each place it appears and inserting ''chapter B of this subpart'';

(3) by amending subsection (c)(4)(B) to read as follows:

''(B) a description and explanation of the curriculum in use at the school and the forms of academic assessment used to measure student progress; and'';

(4) in subsection (d)(1), by striking ''student academic achievement'' and inserting ''academic'';

(5) in subsection (e)—

(A) in paragraph (1), by striking ''State's academic content standards and State student academic achievement standards'' and inserting ''State's academic standards'';

(B) in paragraph (3)—

(i) by striking ''pupil services personnel,'' and inserting ''specialized instructional support personnel,''; and

(ii) by striking ''principals,'' and inserting ''school leaders,''; and

(C) in paragraph (4), by striking ''Head Start, Reading First, Early Reading First, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program, and public preschool and other'' and inserting ''other Federal, State, and local''; and

(6) by amending subsection (g) to read as follows:

''(g) FAMILY ENGAGEMENT IN EDUCATION PROGRAMS.—In a State operating a program under subpart 3 of part A of title III, each local educational agency or school that receives assistance under this subpart shall inform such parents and organizations of the existence of such programs.''.

SEC. 119. QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.

The Act is amended by repealing section 1119 (20 U.S.C. 6319).

SEC. 120. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

Section 1120 (20 U.S.C. 6320) is amended to read as follows:

''SEC. 1120. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

''(a) GENERAL REQUIREMENT.—

''(1) IN GENERAL.—To the extent consistent with the number of eligible children identified under section 1115(b) in the school district served by a local educational agency who are enrolled in private elementary schools and secondary schools, a local educational agency shall—

''(A) after timely and meaningful consultation with appropriate private school officials or representatives, provide such service, on an equitable basis and individually or in combination, as requested by the officials or representatives to best meet the needs of such children, special educational services, instructional services (including evaluations to determine students' progress in their academic needs), counseling, mentoring, one-on-one tutoring, or other benefits under this subpart (such as dual enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment) that address their needs; and

''(B) ensure that teachers and families of the children participate, on an equitable basis, in services and activities developed pursuant to this subpart.

''(2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—Such educational services or other benefits, including materials and equipment, shall be secular, neutral, and nonideological.

''(3) EQUITY.—

''(A) IN GENERAL.—Educational services and other benefits for such private school children shall be equitable in comparison to services and other benefits for public school children participating under this subpart, and shall be provided in a timely manner.

''(B) OMBUDSMAN.—To help ensure such equity for such private school children, teachers, and other educational personnel, the State educational agency involved shall designate an ombudsman to monitor and enforce the requirements of this subpart.

''(4) EXPENDITURES.—

''(A) IN GENERAL.—Expenditures for educational services and other benefits to eligible private school children shall be equal to the expenditures for participating public school children, taking into account the number, and educational needs, of the children to be served. The share of funds shall be determined based on the total allocation received by the local educational agency prior to any allowable expenditures authorized under this title.

''(B) OBLIGATION OF FUNDS.—Funds allocated to a local educational agency for educational services and other benefits to eligible private school children shall—

''(i) be obligated in the fiscal year for which the funds are received by the agency; and

''(ii) with respect to any such funds that cannot be so obligated, be used to serve such children in the following fiscal year.

''(C) NOTICE OF ALLOCATION.—Each State educational agency shall—

''(i) determine, in a timely manner, the proportion of funds to be allocated to each local educational agency in the State for educational services and other benefits under this subpart to eligible private school children; and

''(ii) provide notice, simultaneously, to each such local educational agency and the appropriate private school officials or their representatives in the State of such allocation of funds.

''(5) PROVISION OF SERVICES.—The local educational agency or, in a case described in subsection (b)(6)(C), the State educational agency involved, may provide services under this section directly or through contracts with public or private agencies, organizations, and institutions.

''(b) CONSULTATION.—

''(1) IN GENERAL.—To ensure timely and meaningful consultation, a local educational agency shall consult with appropriate private school officials or representatives during the design and development of such agency's programs under this subpart in order to reach an agreement between the agency and the officials or representatives about equitable and effective programs for eligible private school children, the results of which shall be transmitted to the designated ombudsmen under section 1120(a)(3)(B). Such process shall include consultation on issues such as—

''(A) how the children's needs will be identified;

''(B) what services will be offered;

''(C) how, where, and by whom the services will be provided;

''(D) how the services will be academically assessed and how the results of that assessment will be used to improve those services;

''(E) the size and scope of the equitable services to be provided to the eligible private school children, and the proportion of funds that is allocated under subsection (a)(4)(A) for such services, how that proportion of funds is determined under such subsection, and an itemization of the costs of the services to be provided;

''(F) the method or sources of data that are used under subsection (c) and section 1113(c)(1) to determine the number of children from low-income families in participating school attendance areas who attend private schools;

''(G) how and when the agency will make decisions about the delivery of services to such

children, including a thorough consideration and analysis of the views of the private school officials or representatives on the provision of services through a contract with potential third-party providers;

''(H) how, if the agency disagrees with the views of the private school officials or representatives on the provision of services through a contract, the local educational agency will provide in writing to such private school officials an analysis of the reasons why the local educational agency has chosen not to use a contractor;

''(I) whether the agency will provide services under this section directly or through contracts with public and private agencies, organizations, and institutions;

''(J) whether to provide equitable services to eligible private school children—

''(i) by creating a pool or pools of funds with all of the funds allocated under subsection (a)(4) based on all the children from low-income families who attend private schools in a participating school attendance area of the agency from which the local educational agency will provide such services to all such children; or

''(ii) by providing such services to eligible children in each private school in the agency's participating school attendance area with the proportion of funds allocated under subsection (a)(4) based on the number of children from low-income families who attend such school;

''(K) at what time and where services will be provided; and

''(L) whether to consolidate and use funds under this subpart to provide schoolwide programs for a private school.

''(2) DISAGREEMENT.—If a local educational agency disagrees with the views of private school officials or representatives with respect to an issue described in paragraph (1), 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 adopt the course of action requested by such officials.

''(3) TIMING.—Such consultation shall include meetings of agency and private school officials or representatives and shall occur before the local educational agency makes any decision that affects the opportunities of eligible private school children to participate in programs under this subpart. Such meetings shall continue throughout implementation and assessment of services provided under this section.

''(4) DISCUSSION.—Such consultation shall include a discussion of service delivery mechanisms a local educational agency can use to provide equitable services to eligible private school children.

''(5) DOCUMENTATION.—Each local educational agency shall maintain in the agency's records and provide to the State educational agency involved a written affirmation signed by officials or representatives of each participating private school that the meaningful consultation required by this section has occurred. The written affirmation shall provide the option for private school officials or representatives to indicate that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children. If such officials or representatives do not provide such affirmation within a reasonable period of time, the local educational agency shall forward the documentation that such consultation has, or attempts at such consultation have, taken place to the State educational agency.

''(6) COMPLIANCE.—

''(A) IN GENERAL.—A private school official shall have the right to file a complaint with the State educational agency that the local educational agency did not engage in consultation that was meaningful and timely, did not give due consideration to the views of the private school official, or did not treat the private school or its students equitably as required by this section.

''(B) PROCEDURE.—If the private school official wishes to file a complaint, the official shall provide the basis of the noncompliance with this section by the local educational agency to the State educational agency, and the local educational agency shall forward the appropriate documentation to the State educational agency.

''(C) STATE EDUCATIONAL AGENCIES.—A State educational agency shall provide services under this section directly or through contracts with public or private agencies, organizations, and institutions, if—

''(i) the appropriate private school officials or their representatives have—

''(I) requested that the State educational agency provide such services directly; and

''(II) demonstrated that the local educational agency involved has not met the requirements of this section; or

''(ii) in a case in which—

''(I) a local educational agency has more than 10,000 children from low-income families who attend private elementary schools or secondary schools in a participating school attendance area of the agency that are not being served by the agency's program under this section; or

''(II) 90 percent of the eligible private school students in a participating school attendance area of the agency are not being served by the agency's program under this section.

''(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 children, ages 5 through 17, who are from low-income families and attend private schools 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;

''(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; or

''(D) using an equated measure of low income correlated with the measure of low income used to count public school children.

''(2) COMPLAINT PROCESS.—Any dispute regarding low-income data for private school students shall be subject to the complaint process authorized in section 6503.

''(d) PUBLIC CONTROL OF FUNDS.—

''(1) IN GENERAL.—The control of funds provided under this subpart, and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property.

''(2) PROVISION OF SERVICES.—

''(A) PROVIDER.—The provision of services under this section shall be provided—

''(i) by employees of a public agency; or

''(ii) through a contract by such public agency with an individual, association, agency, or organization.

''(B) REQUIREMENT.—In the provision of such services, such employee, individual, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.

''(e) STANDARDS FOR A BYPASS.—If a local educational agency is prohibited by law from providing for the participation in programs on an equitable basis of eligible children enrolled in private elementary schools and secondary schools, or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for such participation, as required by this section, the Secretary shall—

''(1) waive the requirements of this section for such local educational agency;

''(2) arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section and sections 6503 and 6504; and

''(3) in making the determination under this subsection, consider one or more factors, including the quality, size, scope, and location of the program and the opportunity of eligible children to participate.''.

SEC. 121. FISCAL REQUIREMENTS.

Section 1120A (20 U.S.C. 6321) is amended—

(1) by striking ''part'' each place it appears and inserting ''subpart''; and

(2) by striking subsection (a) and redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

SEC. 122. COORDINATION REQUIREMENTS.

Section 1120B (20 U.S.C. 6322) is amended—

(1) by striking ''part'' each place it appears and inserting ''subpart'';

(2) in subsection (a), by striking ''such as the Early Reading First program''; and

(3) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking '', such as the Early Reading First program,'';

(B) in paragraphs (1) through (3), by striking ''such as the Early Reading First program'' each place it appears;

(C) in paragraph (4), by striking ''Early Reading First program staff,''; and

(D) in paragraph (5), by striking ''and entities carrying out Early Reading First programs''.

SEC. 123. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

Section 1121 (20 U.S.C. 6331) is amended—

(1) in subsection (a), by striking ''appropriated for payments to States for any fiscal year under section 1002(a) and 1125A(f)'' and inserting ''reserved for this chapter under section 1122(a)'';

(2) in subsection (b)—

(A) in paragraph (2), by striking ''the No Child Left Behind Act of 2001'' and inserting ''the Student Success Act''; and

(B) in paragraph (3)—

(i) in subparagraph (B), by striking ''basis,'' and all that follows through the period at the end and inserting ''basis.'';

(ii) in subparagraph (C)(ii), by striking ''challenging State academic content standards'' and inserting ''State academic standards''; and

(iii) by striking subparagraph (D); and

(3) in subsection (d)(2), by striking ''part'' and inserting ''subpart''.

SEC. 124. ALLOCATIONS TO STATES.

Section 1122 (20 U.S.C. 6332) is amended—

(1) by amending subsection (a) to read as follows:

''(a) RESERVATION.—

''(1) IN GENERAL.—From the amounts appropriated under section 3(a)(1), the Secretary shall reserve 91.44 percent of such amounts to carry out this chapter.

''(2) ALLOCATION FORMULA.—Of the amount reserved under paragraph (1) for each of fiscal years 2016 to 2021 (referred to in this subsection as the current fiscal year)—

''(A) an amount equal to the amount made available to carry out section 1124 for fiscal year 2001 shall be used to carry out section 1124;

''(B) an amount equal to the amount made available to carry out section 1124A for fiscal year 2001 shall be used to carry out section 1124A; and

''(C) an amount equal to 100 percent of the amount, if any, by which the total amount made available to carry out this chapter for the fiscal year for which the determination is made exceeds the total amount available to carry out sections 1124 and 1124A for fiscal year 2001 shall be used to carry out sections 1125 and 1125A and such amount shall be divided equally between sections 1125 and 1125A.'';

(2) in subsection (b)(1), by striking ''subpart'' and inserting ''chapter'';

(3) in subsection (c)(3), by striking ''part'' and inserting ''subpart''; and

(4) in subsection (d)(1), by striking ''subpart'' and inserting ''chapter''.

SEC. 125. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.

Section 1124 (20 U.S.C. 6333) is amended—

(1) in subsection (a)—

(A) in paragraph (3)—

(i) in subparagraph (B), by striking ''subpart'' and inserting ''chapter''; and

(ii) in subparagraph (C)(i), by striking ''subpart'' and inserting ''chapter''; and

(B) in paragraph (4)(C), by striking ''subpart'' each place it appears and inserting ''chapter''; and

(2) in subsection (c)—

(A) in paragraph (1)(B), by striking ''subpart 1 of part D'' and inserting ''chapter A of subpart 3''; and

(B) in paragraph (2), by striking ''part'' and inserting ''subpart''.

SEC. 126. TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES.

Section 1125 (20 U.S.C. 6335) is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (B)—

(i) in clause (i), by striking ''15.58'' and inserting ''15.59'';

(ii) in clause (ii)—

(I) by striking ''15.58'' and inserting ''15.59''; and

(II) by striking ''22.11'' and inserting ''22.12'';

(iii) in clause (iii)—

(I) by striking ''22.11'' and inserting ''22.12''; and

(II) by striking ''30.16'' and inserting ''30.17'';

(iv) in clause (iv)—

(I) by striking ''30.16'' and inserting ''30.17''; and

(II) by striking ''38.24'' and inserting ''38.25''; and

(v) in clause (v), by striking ''38.24'' and inserting ''38.25'';

(B) in subparagraph (C)—

(i) in clause (i), by striking ''691'' and inserting ''692'';

(ii) in clause (ii)—

(I) by striking ''692'' and inserting ''693''; and

(II) by striking ''2,262'' and inserting ''2,263'';

(iii) in clause (iii)—

(I) by striking ''2,263'' and inserting ''2,264''; and

(II) by striking ''7,851'' and inserting ''7,852'';

(iv) in clause (iv)—

(I) by striking ''7,852'' and inserting ''7,853''; and

(II) by striking ''35,514'' and inserting ''35,515''; and

(v) in clause (v), by striking ''35,514'' and inserting ''35,515''; and

(2) by adding at the end the following:

''(f) APPLICATION.—

''(1) IN GENERAL.—The percentage and number ranges described in subparagraphs (B) and (C) of subsection (c)(2) shall be applied with respect to fiscal years 2016, 2017, 2018, 2019, 2020, and 2021 as such percentages and numbers were in effect on the day before the date of the enactment of the Student Success Act.

''(2) SECRETARY'S CERTIFICATION.—For fiscal year 2022 and each subsequent fiscal year, the percentage and number ranges described in subparagraphs (B) and (C) of subsection (c)(2) shall be applied as such percentages and numbers were in effect on the day before the date of the enactment of the Student Success Act unless the Secretary certifies that amendments made to such percentages and numbers by the Student Success Act will not result in harm to any school district.''.

SEC. 127. ADEQUACY OF FUNDING TO LOCAL EDUCATIONAL AGENCIES IN FISCAL YEARS AFTER FISCAL YEAR 2001.

Section 1125AA (20 U.S.C. 6336) is amended to read as follows:

''SEC. 1125AA. ADEQUACY OF FUNDING TO LOCAL EDUCATIONAL AGENCIES IN FISCAL YEARS AFTER FISCAL YEAR 2001.

''(a) LIMITATION OF ALLOCATION.—Pursuant to section 1122, the total amount allocated in any fiscal year after fiscal year 2001 for programs and activities under this subpart shall not exceed the amount allocated in fiscal year 2001 for such programs and activities unless the amount available for targeted grants to local educational agencies under section 1125 in the applicable fiscal year meets the requirements of section 1122(a).

''(b) FINDINGS.—Congress makes the following findings:

''(1) The formulas for distributing Targeted and Education Finance Incentive grants use two weighting systems, one based on the percentage of the aged 5-17 population in a local educational agency that is eligible to receive funds under this title (percentage weighting), and another based on the absolute number of such students (number weighting). Whichever of these weighting systems results in the highest total weighted formula student count for a local educational agency is the weighting system used for that agency in the final allocation of Targeted and Education Finance Incentive Grant funds.

''(2) The Congressional Research Service has said the number weighting alternative is generally more favorable to large local educational agencies with much larger counts of eligible children, but not necessarily higher concentrations, weighted at the highest point in the scale than smaller local educational agencies with smaller counts, but higher concentrations, of eligible children.

''(3) The current percentage and number weighting scales are based on the most current data available in 2001 on the distribution of eligible children across local educational agencies.

''(4) Prior to the date of the enactment of the Student Success Act, Congress expects updated data to be available, which will provide Congress an opportunity to update these scales based on such data.

''(5) When these scales are updated, Congress has a further obligation to evaluate the use of percentage and number weighting to ensure the most equitable distribution of Targeted and Education Finance Incentive Grant funds to local educational agencies.''.

SEC. 128. EDUCATION FINANCE INCENTIVE GRANT PROGRAM.

Section 1125A (20 U.S.C. 6337) is amended—

(1) by striking ''part'' each place it appears and inserting ''subpart'';

(2) in subsection (b)(1)—

(A) in subparagraph (A), by striking ''appropriated pursuant to subsection (f)'' and inserting ''made available for any fiscal year to carry out this section''; and

(B) in subparagraph (B)(i), by striking ''total appropriations'' and inserting ''the total amount reserved under section 1122(a) to carry out this section'';

(3) by striking subsections (a), (e), and (f) and redesignating subsections (b), (c), (d), and (g) as subsections (a), (b), (c), and (d), respectively;

(4) in subsection (b), as so redesignated, by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(5) in subsection (c), as so redesignated—

(A) in paragraph (1)(B)—

(i) in clause (ii)—

(I) in subclause (I), by striking ''15.58'' and inserting ''15.59'';

(II) in subclause (II)—

(aa) by striking ''15.58'' and inserting ''15.59''; and

(bb) by striking ''22.11'' and inserting ''22.12'';

(III) in subclause (III)—

(aa) by striking ''22.11'' and inserting ''22.12''; and

(bb) by striking ''30.16'' and inserting ''30.17'';

(IV) in subclause (IV)—

(aa) by striking ''30.16'' and inserting ''30.17''; and

(bb) by striking ''38.24'' and inserting ''38.25''; and

(V) in subclause (V), by striking ''38.24'' and inserting ''38.25''; and

(ii) in clause (iii)—

(I) in subclause (I), by striking ''691'' and inserting ''692'';

(II) in subclause (II)—

(aa) by striking ''692'' and inserting ''693''; and

(bb) by striking ''2,262'' and inserting ''2,263'';

(III) in subclause (III)—

(aa) by striking ''2,263'' and inserting ''2,264''; and

(bb) by striking ''7,851'' and inserting ''7,852'';

(IV) in subclause (IV)—

(aa) by striking ''7,852'' and inserting ''7,853''; and

(bb) by striking ''35,514'' and inserting ''35,515''; and

(V) in subclause (V), by striking ''35,514'' and inserting ''35,515'';

(B) in paragraph (2)(B)—

(i) in clause (ii)—

(I) in subclause (I), by striking ''15.58'' and inserting ''15.59'';

(II) in subclause (II)—

(aa) by striking ''15.58'' and inserting ''15.59''; and

(bb) by striking ''22.11'' and inserting ''22.12'';

(III) in subclause (III)—

(aa) by striking ''22.11'' and inserting ''22.12''; and

(bb) by striking ''30.16'' and inserting ''30.17'';

(IV) in subclause (IV)—

(aa) by striking ''30.16'' and inserting ''30.17''; and

(bb) by striking ''38.24'' and inserting ''38.25''; and

(V) in subclause (V), by striking ''38.24'' and inserting ''38.25''; and

(ii) in clause (iii)—

(I) in subclause (I), by striking ''691'' and inserting ''692'';

(II) in subclause (II)—

(aa) by striking ''692'' and inserting ''693''; and

(bb) by striking ''2,262'' and inserting ''2,263'';

(III) in subclause (III)—

(aa) by striking ''2,263'' and inserting ''2,264''; and

(bb) by striking ''7,851'' and inserting ''7,852'';

(IV) in subclause (IV)—

(aa) by striking ''7,852'' and inserting ''7,853''; and

(bb) by striking ''35,514'' and inserting ''35,515''; and

(V) in subclause (V), by striking ''35,514'' and inserting ''35,515''; and

(C) in paragraph (3)(B)—

(i) in clause (ii)—

(I) in subclause (I), by striking ''15.58'' and inserting ''15.59'';

(II) in subclause (II)—

(aa) by striking ''15.58'' and inserting ''15.59''; and

(bb) by striking ''22.11'' and inserting ''22.12'';

(III) in subclause (III)—

(aa) by striking ''22.11'' and inserting ''22.12''; and

(bb) by striking ''30.16'' and inserting ''30.17'';

(IV) in subclause (IV)—

(aa) by striking ''30.16'' and inserting ''30.17''; and

(bb) by striking ''38.24'' and inserting ''38.25''; and

(V) in subclause (V), by striking ''38.24'' and inserting ''38.25''; and

(ii) in clause (iii)—

(I) in subclause (I), by striking ''691'' and inserting ''692'';

(II) in subclause (II)—

(aa) by striking ''692'' and inserting ''693''; and

(bb) by striking ''2,262'' and inserting ''2,263'';

(III) in subclause (III)—

(aa) by striking ''2,263'' and inserting ''2,264''; and

(bb) by striking ''7,851'' and inserting ''7,852'';

(IV) in subclause (IV)—

(aa) by striking ''7,852'' and inserting ''7,853''; and

(bb) by striking ''35,514'' and inserting ''35,515''; and

(V) in subclause (V), by striking ''35,514'' and inserting ''35,515''; and

(6) by adding at the end the following new subsection:

''(e) APPLICATION.—

''(1) IN GENERAL.—The percentage and number ranges described in clauses (ii) and (iii) of paragraph (1)(B), clauses (ii) and (iii) of paragraph (2)(B), and clauses (ii) and (iii) of paragraph (3)(B) shall be applied with respect to fiscal years 2016, 2017, 2018, 2019, 2020, and 2021 as such percentages and numbers were in effect on the day before the date of the enactment of the Student Success Act.

''(2) SECRETARY'S CERTIFICATION.—For fiscal year 2022 and each subsequent fiscal year, the percentage and number ranges described in clauses (ii) and (iii) of paragraph (1)(B), clauses (ii) and (iii) of paragraph (2)(B), and clauses (ii) and (iii) of paragraph (3)(B) shall be applied as such percentages and numbers were in effect on the day before the date of the enactment of the Student Success Act unless the Secretary certifies that amendments made to such percentages and numbers by the Student Success Act will not result in harm to any school district.''.

SEC. 129. CARRYOVER AND WAIVER.

Section 1127 (20 U.S.C. 6339) is amended by striking ''subpart'' each place it appears and inserting ''chapter''.

SEC. 130. TITLE I PORTABILITY.

Chapter B of subpart 1 of part A of title I (20 U.S.C. 6331 et seq.) is amended by adding at the end the following new section:

''SEC. 1128. TITLE I FUNDS FOLLOW THE LOW-INCOME CHILD STATE OPTION.

''(a) IN GENERAL.—Notwithstanding any other provision of law and to the extent permitted under State law, a State educational agency may allocate grant funds under this chapter among the local educational agencies in the State based on the number of eligible children enrolled in the public schools served by each local educational agency.

''(b) ELIGIBLE CHILD.—

''(1) DEFINITION.—In this section, the term 'eligible child' means a child aged 5 to 17, inclusive, from a family with an income below the poverty level on the basis of the most recent satisfactory data published by the Department of Commerce.

''(2) CRITERIA OF POVERTY.—In determining the families with incomes below the poverty level for the purposes of this section, a State educational agency shall use the criteria of poverty used by the Census Bureau in compiling the most recent decennial census, as the criteria have been updated by increases in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics.

''(c) STUDENT ENROLLMENT IN PUBLIC SCHOOLS.—

''(1) IDENTIFICATION OF ELIGIBLE CHILDREN.—On an annual basis, on a date to be determined by the State educational agency, each local educational agency that receives grant funding in accordance with subsection (a) shall inform the State educational agency of the number of eligible children enrolled in public schools served by the local educational agency.

''(2) ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.—Based on the identification of eligible children in paragraph (1), the State educational agency shall provide to a local educational agency an amount equal to the sum of the amount available for each eligible child in the State multiplied by the number of eligible children identified by the local educational agency under paragraph (1).

''(3) DISTRIBUTION TO SCHOOLS.—Each local educational agency that receives funds under paragraph (2) shall distribute such funds to the public schools served by the local educational agency—

''(A) based on the number of eligible children enrolled in such schools; and

''(B) in a manner that would, in the absence of such Federal funds, supplement the funds made available from non-Federal resources for the education of pupils participating in programs under this subpart, and not to supplant such funds.''.

Subtitle C—Additional Aid to States and School Districts

SEC. 131. ADDITIONAL AID.

(a) IN GENERAL.—Title I (20 U.S.C. 6301 et seq.), as amended by the preceding provisions of this Act, is further amended—

(1) by striking parts B through D and F through H; and

(2) by inserting after subpart 1 of part A the following:

''Subpart 2—Education of Migratory Children

''SEC. 1131. PROGRAM PURPOSES.

''The purposes of this subpart are as follows:

''(1) To assist States in supporting high-quality and comprehensive educational programs and services during the school year, and as applicable, during summer or intercession periods, that address the unique educational needs of migratory children.

''(2) To ensure that migratory children who move among the States, not be penalized in any manner by disparities among the States in curriculum, graduation requirements, and State academic standards.

''(3) To help such children succeed in school, meet the State academic standards that all children are expected to meet, and graduate from high school prepared for postsecondary education and the workforce without the need for remediation.

''(4) To help such children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to succeed in school.

''(5) To help such children benefit from State and local systemic reforms.

''SEC. 1132. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—From the amounts appropriated under section 3(a)(1), the Secretary shall reserve 2.45 percent to carry out this subpart.

''(b) GRANTS AWARDED.—From the amounts reserved under subsection (a) and not reserved under section 1138(c), the Secretary shall make allotments for the fiscal year to State educational agencies, or consortia of such agencies, to establish or improve, directly or through local operating agencies, programs of education for migratory children in accordance with this subpart.

''SEC. 1133. STATE ALLOCATIONS.

''(a) STATE ALLOCATIONS.—Except as provided in subsection (c), each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this subpart an amount equal to the product of—

''(1) the sum of—

''(A) the average number of identified eligible full-time equivalent migratory children aged 3 through 21 residing in the State, based on data for the preceding 3 years; and

''(B) the number of identified eligible migratory children, aged 3 through 21, who received services under this subpart in summer or intersession programs provided by the State during the previous year; multiplied by

''(2) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, nor more than 48 percent, of the average per-pupil expenditure in the United States.

''(b) HOLD HARMLESS.—Notwithstanding subsection (a), for each of fiscal years 2016 through 2018, no State shall receive less than 90 percent of the State's allocation under this section for the previous year.

''(c) ALLOCATION TO PUERTO RICO.—For each fiscal year, the grant which the Commonwealth of Puerto Rico shall be eligible to receive under this subpart shall be the amount determined by multiplying the number of children who would be counted under subsection (a)(1) if such subsection applied to the Commonwealth of Puerto Rico by the product of—

''(1) 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, except that the percentage calculated under this subparagraph shall not be less than 85 percent; and

''(2) 32 percent of the average per-pupil expenditure in the United States.

''(d) RATABLE REDUCTIONS; REALLOCATIONS.—

''(1) IN GENERAL.—

''(A) RATABLE REDUCTIONS.—If, after the Secretary reserves funds under section 1138(c), the amount appropriated to carry out this subpart for any fiscal year is insufficient to pay in full the amounts for which all States are eligible, the Secretary shall ratably reduce each such amount.

''(B) REALLOCATION.—If additional funds become available for making such payments for any fiscal year, the Secretary shall allocate such funds to States in amounts that the Secretary determines will best carry out the purpose of this subpart.

''(2) SPECIAL RULE.—

''(A) FURTHER REDUCTIONS.—The Secretary shall further reduce the amount of any grant to a State under this subpart for any fiscal year if the Secretary determines, based on available information on the numbers and needs of migratory children in the State and the program proposed by the State to address such needs, that such amount exceeds the amount required under section 1134.

''(B) REALLOCATION.—The Secretary shall reallocate such excess funds to other States whose grants under this subpart would otherwise be insufficient to provide an appropriate level of services to migratory children, in such amounts as the Secretary determines are appropriate.

''(e) CONSORTIUM ARRANGEMENTS.—

''(1) IN GENERAL.—In the case of a State that receives a grant of $1,000,000 or less under this section, the Secretary shall consult with the State educational agency to determine whether consortium arrangements with another State or other appropriate entity would result in delivery of services in a more effective and efficient manner.

''(2) PROPOSALS.—Any State, regardless of the amount of such State's allocation, may submit a consortium arrangement to the Secretary for approval.

''(3) APPROVAL.—The Secretary shall approve a consortium arrangement under paragraph (1) or (2) if the proposal demonstrates that the arrangement will—

''(A) reduce administrative costs or program function costs for State programs; and

''(B) make more funds available for direct services to add substantially to the educational achievement of children to be served under this subpart.

''(f) DETERMINING NUMBERS OF ELIGIBLE CHILDREN.—In order to determine the identified number of migratory children residing in each State for purposes of this section, the Secretary shall—

''(1) use the most recent information that most accurately reflects the actual number of migratory children;

''(2) develop and implement a procedure for monitoring the accuracy of such information;

''(3) develop and implement a procedure for more accurately reflecting cost factors for different types of summer and intersession program designs;

''(4) adjust the full-time equivalent number of migratory children who reside in each State to take into account—

''(A) the unique needs of those children participating in evidence-based or other effective special programs provided under this subpart that operate during the summer and intersession periods; and

''(B) the additional costs of operating such programs; and

''(5) conduct an analysis of the options for adjusting the formula so as to better direct services to migratory children, including the most at-risk migratory children.

''(g) NONPARTICIPATING STATES.—In the case of a State desiring to receive an allocation under this subpart for a fiscal year that did not receive an allocation for the previous fiscal year or that has been participating for less than 3 consecutive years, the Secretary shall calculate the State's number of identified migratory children aged 3 through 21 for purposes of subsection (a)(1)(A) by using the most recent data available that identifies the migratory children residing in the State until data is available to calculate the 3-year average number of such children in accordance with such subsection.

''SEC. 1134. STATE APPLICATIONS; SERVICES.

''(a) APPLICATION REQUIRED.—Any State desiring to receive a grant under this subpart for any fiscal year shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

''(b) PROGRAM INFORMATION.—Each such application shall include—

''(1) a description of how, in planning, implementing, and evaluating programs and projects assisted under this subpart, the State and its local operating agencies will ensure that the unique educational needs of migratory children, including preschool migratory children, are identified and addressed through—

''(A) the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;

''(B) joint planning among local, State, and Federal educational programs serving migratory children, including language instruction educational programs under chapter A of subpart 4; and

''(C) the integration of services available under this subpart with services provided by those other programs;

''(2) a description of the steps the State is taking to provide all migratory students with the opportunity to meet the same State academic standards that all children are expected to meet;

''(3) a description of how the State will use funds received under this subpart to promote interstate and intrastate coordination of services for migratory children, including how the State will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when children move from one school to another, whether or not such a move occurs during the regular school year;

''(4) a description of the State's priorities for the use of funds received under this subpart, and how such priorities relate to the State's assessment of needs for services in the State;

''(5) a description of how the State will determine the amount of any subgrants the State will award to local operating agencies, taking into account the numbers and needs of migratory children, the requirements of subsection (d), and the availability of funds from other Federal, State, and local programs; and

''(6) a description of how the State will encourage programs and projects assisted under this subpart to offer family literacy services if the programs and projects serve a substantial number of migratory children whose parents do not have a regular high school diploma or its recognized equivalent or who have low levels of literacy.

''(c) ASSURANCES.—Each such application shall also include assurances that—

''(1) funds received under this subpart will be used only—

''(A) for programs and projects, including the acquisition of equipment, in accordance with section 1136; and

''(B) to coordinate such programs and projects with similar programs and projects within the State and in other States, as well as with other Federal programs that can benefit migratory children and their families;

''(2) such programs and projects will be carried out in a manner consistent with the objectives of section 1114, subsections (b) and (d) of section 1115, subsections (b) and (c) of section 1120A, and part C;

''(3) in the planning and operation of programs and projects at both the State and local agency operating level, there is consultation with parents of migratory children for programs of not less than one school year in duration, and that all such programs and projects are carried out—

''(A) in a manner that provides for the same parental involvement as is required for programs and projects under section 1118, unless extraordinary circumstances make such provision impractical; and

''(B) in a format and language understandable to the parents;

''(4) in planning and carrying out such programs and projects, there has been, and will be, adequate provision for addressing the unmet education needs of preschool migratory children;

''(5) the effectiveness of such programs and projects will be determined, where feasible, using the same approaches and standards that will be used to assess the performance of students, schools, and local educational agencies under subpart 1;

''(6) to the extent feasible, such programs and projects will provide for—

''(A) advocacy and outreach activities for migratory children and their families, including informing such children and families of, or helping such children and families gain access to, other education, health, nutrition, and social services;

''(B) professional development programs, including mentoring, for teachers and other program personnel;

''(C) high-quality, evidence-based family literacy programs;

''(D) the integration of information technology into educational and related programs; and

''(E) programs to facilitate the transition of secondary school students to postsecondary education or employment without the need for remediation; and

''(7) the State will assist the Secretary in determining the number of migratory children under paragraph (1) of section 1133(a).

''(d) PRIORITY FOR SERVICES.—In providing services with funds received under this subpart, each recipient of such funds shall give priority to migratory children who are failing, or most at risk of failing, to meet the State's academic standards under section 1111(b)(1).

''(e) CONTINUATION OF SERVICES.—Notwithstanding any other provision of this subpart—

''(1) a child who ceases to be a migratory child during a school term shall be eligible for services until the end of such term;

''(2) a child who is no longer a migratory child may continue to receive services for one additional school year, but only if comparable services are not available through other programs; and

''(3) secondary school students who were eligible for services in secondary school may continue to be served through credit accrual programs until graduation.

''SEC. 1135. SECRETARIAL APPROVAL; PEER REVIEW.

''The Secretary shall approve each State application that meets the requirements of this subpart, and may review any such application using a peer review process.

''SEC. 1136. COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES.

''(a) COMPREHENSIVE PLAN.—

''(1) IN GENERAL.—Each State that receives assistance under this subpart shall ensure that the State and its local operating agencies identify and address the unique educational needs of migratory children in accordance with a comprehensive State plan that—

''(A) is integrated with other programs under this Act or other Acts, as appropriate;

''(B) may be submitted as a part of a consolidated application under section 6302, if—

''(i) the unique 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 plan is not used to supplant State efforts regarding, or administrative funding for, this subpart;

''(C) provides that migratory children will have an opportunity to meet the same State academic standards under section 1111(b)(1) that all children are expected to meet;

''(D) specifies measurable program goals and outcomes;

''(E) encompasses the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;

''(F) is the product of joint planning among such local, State, and Federal programs, including programs under subpart 1, early childhood programs, and language instruction educational programs under chapter A of subpart 4; and

''(G) provides for the integration of services available under this subpart with services provided by such other programs.

''(2) DURATION OF THE PLAN.—Each such comprehensive 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) AUTHORIZED ACTIVITIES.—

''(1) FLEXIBILITY.—In implementing the comprehensive plan described in subsection (a), each State educational agency, where applicable through its local educational agencies, retains the flexibility to determine the activities to be provided with funds made available under this subpart, except that such funds first shall be used to meet the identified needs of migratory children that result from their migratory lifestyle, and to permit these children to participate effectively in school.

''(2) UNADDRESSED NEEDS.—Funds provided under this subpart shall be used to address the needs of migratory children that are not addressed by services available from other Federal or non-Federal programs, except that migratory children who are eligible to receive services under subpart 1 may receive those services through funds provided under that subpart, or through funds under this subpart that remain after the agency addresses the needs described in paragraph (1).

''(3) CONSTRUCTION.—Nothing in this subpart shall be construed to prohibit a local educational agency from serving migratory children simultaneously with students with similar educational needs in the same educational settings, where appropriate.

''SEC. 1137. BYPASS.

''The Secretary may use all or part of any State's allocation under this subpart to make arrangements with any public or private agency to carry out the purpose of this subpart in such State if the Secretary determines that—

''(1) the State is unable or unwilling to conduct educational programs for migratory children;

''(2) such arrangements would result in more efficient and economic administration of such programs; or

''(3) such arrangements would add substantially to the educational achievement of such children.

"SEC. 1138. COORDINATION OF MIGRATORY EDUCATION ACTIVITIES.

"(a) IMPROVEMENT OF COORDINATION.—

"(1) IN GENERAL.—The Secretary, in consultation with the States, may make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, and other public and private entities to improve the interstate and intrastate coordination among such agencies' educational programs, including through the establishment or improvement of programs for credit accrual and exchange, available to migratory students.

"(2) DURATION.—Grants or contracts under this subsection may be awarded for not more than 5 years.

"(b) STUDENT RECORDS.—

"(1) ASSISTANCE.—The Secretary shall assist States in developing and maintaining an effective system for the electronic transfer of student records and in determining the number of migratory children in each State.

"(2) INFORMATION SYSTEM.—

"(A) IN GENERAL.—The Secretary, in consultation with the States, shall ensure the linkage of migratory student record systems for the purpose of electronically exchanging, among the States, health and educational information regarding all migratory students. The Secretary shall ensure such linkage occurs in a cost-effective manner, utilizing systems used by the States prior to, or developed after, the date of the enactment of this Act. The Secretary shall determine the minimum data elements that each State receiving funds under this subpart shall collect and maintain. Such minimum data elements may 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 section 1111(b)(2);

"(iii) other academic information essential to ensuring that migratory children achieve to the States's academic standards; and

"(iv) eligibility for services under the Individuals with Disabilities Education Act.

"(B) The Secretary shall consult with States before updating the data elements that each State receiving funds under this subpart shall be required to collect for purposes of electronic transfer of migratory student information and the requirements that States shall meet for immediate electronic access to such information.

"(3) NO COST FOR CERTAIN TRANSFERS.—A State educational agency or local educational agency receiving assistance under this subpart shall make student records available to another State educational agency or local educational agency that requests the records at no cost to the requesting agency, if the request is made in order to meet the needs of a migratory child.

"(4) REPORT TO CONGRESS.—

"(A) IN GENERAL.—Not later than April 30, 2016, 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 the maintenance and transfer of health and educational information for migratory students by the States.

"(B) REQUIRED CONTENTS.—The Secretary shall include in such report—

"(i) a review of the progress of States in developing and linking electronic records transfer systems;

"(ii) recommendations for maintaining such systems; and

"(iii) recommendations for improving the continuity of services provided for migratory students.

"(c) AVAILABILITY OF FUNDS.—The Secretary shall reserve not more than $10,000,000 of the amount reserved under section 1132 to carry out this section for each fiscal year.

"(d) DATA COLLECTION.—The Secretary shall direct the National Center for Education Statistics to collect data on migratory children.

"SEC. 1139. DEFINITIONS.

"As used in this subpart:

"(1) LOCAL OPERATING AGENCY.—The term 'local operating agency' means—

"(A) a local educational agency to which a State educational agency makes a subgrant under this subpart;

"(B) a public or private agency with which a State educational agency or the Secretary makes an arrangement to carry out a project under this subpart; or

"(C) a State educational agency, if the State educational agency operates the State's migratory education program or projects directly.

"(2) MIGRATORY CHILD.—The term 'migratory child' means a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany such parent or spouse, in order to obtain, temporary or seasonal employment in agricultural or fishing work—

"(A) has moved from one school district to another;

"(B) in a State that is comprised of a single school district, has moved from one administrative area to another within such district; or

"(C) resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity.

"Subpart 3—Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk

"SEC. 1141. PURPOSE AND PROGRAM AUTHORIZATION.

"(a) PURPOSE.—It is the purpose of this subpart—

"(1) to improve educational services for children and youth 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 State academic 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 children and youth returning from correctional facilities or institutions for neglected or delinquent children and youth, with a support system to ensure their continued education.

"(b) PROGRAM AUTHORIZED.—From amounts appropriated under section 3(a)(1), the Secretary shall reserve 0.31 of one percent to carry out this subpart.

"(c) GRANTS AWARDED.—From the amounts reserved under subsection (b) and not reserved under section 1004 and section 1159, the Secretary shall make grants to State educational agencies that have plans submitted under section 1154 approved to enable such agencies to award subgrants to State agencies and local educational agencies to establish or improve programs of education for neglected, delinquent, or at-risk children and youth.

"SEC. 1142. PAYMENTS FOR PROGRAMS UNDER THIS SUBPART.

"(a) AGENCY SUBGRANTS.—Based on the allocation amount computed under section 1152, the Secretary shall allocate to each State educational agency an amount necessary to make subgrants to State agencies under chapter A.

"(b) LOCAL SUBGRANTS.—Each State shall retain, for the purpose of carrying out chapter B, funds generated throughout the State under subpart 1 of this part based on children and youth residing in local correctional facilities, or attending community day programs for delinquent children and youth.

"CHAPTER A—STATE AGENCY PROGRAMS

"SEC. 1151. ELIGIBILITY.

"A State agency is eligible for assistance under this chapter if such State agency is responsible for providing free public education for children and youth—

"(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. 1152. ALLOCATION OF FUNDS.

"(a) SUBGRANTS TO STATE AGENCIES.—

"(1) IN GENERAL.—Each State agency described in section 1151 (other than an agency in the Commonwealth of Puerto Rico) is eligible to receive a subgrant under this chapter, for each fiscal year, in an amount equal to the product of—

"(A) the number of neglected or delinquent children and youth described in section 1151 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.—

"(1) IN GENERAL.—For each fiscal year, the amount of the subgrant which a State agency in the Commonwealth of Puerto Rico shall be eligible to receive under this chapter shall be the amount determined by multiplying the number of children counted under subsection (a)(1)(A) for the Commonwealth of Puerto Rico by the product of—

"(A) 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; and

"(B) 32 percent of the average per-pupil expenditure in the United States.

"(2) MINIMUM PERCENTAGE.—The percentage in paragraph (1)(A) shall not be less than 85 percent.

"(c) RATABLE REDUCTIONS IN CASE OF INSUFFICIENT APPROPRIATIONS.—If the amount reserved 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. 1153. 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 chapter 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 chapter, in such amounts as the State educational agency shall determine.

"SEC. 1154. STATE PLAN AND STATE AGENCY APPLICATIONS.

"(a) STATE PLAN.—

''(1) IN GENERAL.—Each State educational agency that desires to receive a grant under this chapter shall submit, for approval by the Secretary, a plan—

''(A) for meeting the educational needs of neglected, delinquent, and at-risk children and youth;

''(B) for assisting in the transition of children and youth from correctional facilities to locally operated programs; and

''(C) that is integrated with other programs under this Act or other Acts, as appropriate.

''(2) CONTENTS.—Each such State plan shall—

''(A) describe how the State will assess the effectiveness of the program in improving the academic, career, and technical skills of children in the program;

''(B) provide that, to the extent feasible, such children will have the same opportunities to achieve as such children would have if such children were in the schools of local educational agencies in the State;

''(C) describe how the State will place a priority for such children to obtain a regular high school diploma, to the extent feasible; and

''(D) contain an assurance that the State educational agency will—

''(i) ensure that programs assisted under this chapter will be carried out in accordance with the State plan described in this subsection;

''(ii) carry out the evaluation requirements of section 1171; and

''(iii) ensure that the State agencies receiving subgrants under this chapter comply with all applicable statutory and regulatory requirements.

''(3) DURATION OF THE PLAN.—Each such State plan shall—

''(A) remain in effect for the duration of the State's participation under this chapter; and

''(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this chapter.

''(b) SECRETARIAL APPROVAL AND PEER REVIEW.—

''(1) SECRETARIAL APPROVAL.—The Secretary shall approve each State plan that meets the requirements of this chapter.

''(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 under this chapter;

''(2) provide an assurance that in making services available to children and youth in adult correctional institutions, priority will be given to such children and 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 1156 are of high quality;

''(6) describes how the programs will be coordinated with other appropriate State and Federal programs, such as programs under title I of Public Law 105–220, career and technical education programs, State and local dropout prevention programs, and special education programs;

''(7) describes how the State agency will encourage correctional facilities receiving funds under this chapter to coordinate with local educational agencies or alternative education programs attended by incarcerated children and youth prior to and after their incarceration to ensure that student assessments and appropriate academic records are shared jointly between the correctional facility and the local educational agency or alternative education program;

''(8) describes how appropriate professional development will be provided to teachers and other staff;

''(9) designates an individual in each affected correctional facility or institution for neglected or delinquent children and youth to be responsible for issues relating to the transition of such children and youth from such facility or institution to locally operated programs;

''(10) describes how the State agency will endeavor to coordinate with businesses for training and mentoring for participating children and youth;

''(11) provides an assurance that the State agency will assist in locating alternative programs through which students can continue their education if the students are not returning to school after leaving the correctional facility or institution for neglected or delinquent children and youth;

''(12) provides assurances that the State agency will work with parents to secure parents' assistance in improving the educational achievement of their children and youth, and preventing their children's and youth's further involvement in delinquent activities;

''(13) provides an assurance that the State agency will work with children and youth with disabilities in order to meet an existing individualized education program and an assurance that the agency will notify the child's or youth's local school if the child or youth—

''(A) is identified as in need of special education services while the child or youth is in the correctional facility or institution for neglected or delinquent children and youth; and

''(B) intends to return to the local school;

''(14) provides an assurance that the State agency will work with children and youth who dropped out of school before entering the correctional facility or institution for neglected or delinquent children and youth to encourage the children and youth to reenter school and obtain a regular high school diploma once the term of the incarceration is completed, or provide the child or youth with the skills necessary to gain employment, continue the education of the child or youth, or obtain a regular high school diploma or its recognized equivalent if the child or youth does not intend to return to school;

''(15) provides an assurance that effective teachers and other qualified staff are trained to work with children and youth with disabilities and other students with special needs taking into consideration the unique needs of such students;

''(16) describes any additional services to be provided to children and youth, such as career counseling, distance education, and assistance in securing student loans and grants; and

''(17) provides an assurance that the program under this chapter will be coordinated with any programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) or other comparable programs, if applicable.

"SEC. 1155. 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 1154(a); and

''(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to secondary school completion, career and technical education, further education, or employment without the need for remediation.

''(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 1156, are provided to children and youth identified by the State agency as failing, or most at-risk of failing, to meet the State's academic 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 meet State academic standards; and

''(C) shall be carried out in a manner consistent with section 1120A and part C (as applied to programs and projects under this chapter).

''(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 (as applied to this chapter) without regard to the subject areas in which instruction is given during those hours.

"SEC. 1156. 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 and youth may use funds received under this chapter 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 children and 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 2-year period;

''(3) describes the steps the State agency has taken, or will take, to provide all children and youth under age 21 with the opportunity to meet State academic standards in order to improve the likelihood that the children and youth will complete secondary school, obtain a regular high school diploma or its recognized equivalent, or find employment after leaving the institution;

''(4) describes the instructional program, specialized instructional support 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 the children and youth described in paragraph (1);

''(5) specifically describes how such funds will be used;

''(6) describes the measures and procedures that will be used to assess and improve student achievement;

''(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 youth, and with 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. 1157. THREE-YEAR PROGRAMS OR PROJECTS.

''If a State agency operates a program or project under this chapter in which individual children or youth 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 chapter for a period of not more than 3 years.

"SEC. 1158. TRANSITION SERVICES.

''(a) TRANSITION SERVICES.—Each State agency shall reserve not less than 15 percent and not more than 30 percent of the amount such agency receives under this chapter for any fiscal year to support—

''(1) projects that facilitate the transition of children and youth from State-operated institutions to schools served by local educational agencies; or

''(2) the successful re-entry of youth offenders, who are age 20 or younger and have received a regular high school diploma or its recognized equivalent, into postsecondary education, or career and technical training programs, through strategies designed to expose the youth to, and prepare the youth for, postsecondary education, or career and technical training programs, such as—

''(A) preplacement programs that allow adjudicated or incarcerated youth to audit or attend courses on college, university, or community college campuses, or through programs provided in institutional settings;

''(B) worksite schools, in which institutions of higher education and private or public employers partner to create programs to help students make a successful transition to postsecondary education and employment; and

''(C) essential support services to ensure the success of the youth, such as—

''(i) personal, career and technical, and academic counseling;

''(ii) placement services designed to place the youth in a university, college, or junior college program;

''(iii) information concerning, and assistance in obtaining, available student financial aid;

''(iv) counseling services; and

''(v) job placement services.

''(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 organizations.

''(c) RULE OF 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.

"SEC. 1159. TECHNICAL ASSISTANCE.

''The Secretary shall reserve not more than 1 percent of the amount reserved under section 1141 to provide technical assistance to and support State agency programs assisted under this chapter.

"CHAPTER B—LOCAL AGENCY PROGRAMS

"SEC. 1161. PURPOSE.

''The purpose of this chapter is to support the operation of local educational agency programs that involve collaboration with locally operated correctional facilities—

''(1) to carry out high quality education programs to prepare children and youth for secondary school completion, training, employment, or further education;

''(2) to provide activities to facilitate the transition of such children and youth from the correctional program to further education or employment; and

''(3) to operate programs in local schools for children and youth returning from correctional facilities, and programs which may serve at-risk children and youth.

"SEC. 1162. PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.

''(a) LOCAL SUBGRANTS.—With funds made available under section 1142(b), the State educational agency shall award subgrants to local educational agencies with high numbers or percentages of children and youth residing in locally operated (including county operated) correctional facilities for children and youth (including facilities involved in community day programs).

''(b) SPECIAL RULE.—A local educational agency that serves a school operated by a correctional facility is not required to operate a program of support for children and youth returning from such school to a school that is not operated by a correctional agency but served by such local educational agency, if more than 30 percent of the children and youth attending the school operated by the correctional facility will reside outside the boundaries served by the local educational agency after 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.

''(d) TRANSITIONAL AND ACADEMIC SERVICES.—Transitional and supportive programs operated in local educational agencies under this chapter shall be designed primarily to meet the transitional and academic needs of students returning to local educational agencies or alternative education programs from correctional facilities. Services to students at-risk of dropping out of school shall not have a negative impact on meeting the transitional and academic needs of the students returning from correctional facilities.

"SEC. 1163. LOCAL EDUCATIONAL AGENCY APPLICATIONS.

''Each local educational agency desiring assistance under this chapter shall submit an application to the State educational agency that contains 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, regarding the program to be assisted, between—

''(A) the local educational agency; and

''(B) correctional facilities and alternative school programs serving children and youth involved with the juvenile justice system;

''(3) as appropriate, a description of how participating schools will coordinate with facilities working with delinquent children and youth to ensure that such children and youth are participating in an education program comparable to one operating in the local school such youth would attend;

''(4) a description of the program operated by participating schools for children and youth returning from correctional facilities and, as appropriate, the types of services that such schools will provide such children and youth and other at-risk children and youth;

''(5) a description of the characteristics (including learning difficulties, substance abuse problems, and other needs) of the children and youth who will be returning from correctional facilities and, as appropriate, other at-risk children and youth expected to be served by the program, and a description of how the school will coordinate existing educational programs to meet the unique educational needs of such children and youth;

''(6) as appropriate, a description of how schools will coordinate with existing social, health, and other services to meet the needs of students returning from correctional facilities and at-risk children or youth, including prenatal health care and nutrition services related to the health of the parent and the child or youth, parenting and child development classes, child care, targeted reentry and outreach programs, referrals to community resources, and scheduling flexibility;

''(7) as appropriate, a description of any partnerships with local businesses to develop training, curriculum-based youth entrepreneurship education, 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 Public Law 105–220 and career and technical education programs serving at-risk children and 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 children and youth returning from correctional facilities;

''(12) a description of the efforts participating schools will make to ensure correctional facilities working with children and youth are aware of a child's or youth's existing individualized education program; and

''(13) as appropriate, a description of the steps participating schools will take to find alternative placements for children and youth interested in continuing their education but unable to participate in a traditional public school program.

"SEC. 1164. USES OF FUNDS.

''(a) IN GENERAL.—Funds provided to local educational agencies under this chapter may be used, as appropriate, for—

''(1) programs that serve children and youth returning to local schools from correctional facilities, to assist in the transition of such children and youth to the school environment and help them remain in school in order to complete their education;

''(2) dropout prevention programs which serve at-risk children and youth;

''(3) the coordination of health and social services for such individuals if there is a likelihood that the provision of such services, including day care, drug and alcohol counseling, and mental health services, will improve the likelihood such individuals will complete their education;

''(4) special programs to meet the unique academic needs of participating children and youth, including career and technical education, special education, career counseling, curriculum-based youth entrepreneurship education, and assistance in securing student loans or grants for postsecondary education; and

''(5) programs providing mentoring and peer mediation.

''(b) CONTRACTS AND GRANTS.—A local educational agency may use a grant received under this chapter to carry out the activities described under paragraphs (1) through (5) of subsection (a) directly or through grants, contracts, or cooperative agreements.

"SEC. 1165. PROGRAM REQUIREMENTS FOR CORRECTIONAL FACILITIES RECEIVING FUNDS UNDER THIS SECTION.

''Each correctional facility entering into an agreement with a local educational agency under section 1163(2) to provide services to children and youth under this chapter shall—

''(1) where feasible, ensure that educational programs in the correctional facility are coordinated with the student's home school, particularly with respect to a student with an individualized education program under part B of the Individuals with Disabilities Education Act;

''(2) if the child or youth is identified as in need of special education services while in the correctional facility, notify the local school of the child or youth of such need;

''(3) where feasible, provide transition assistance to help the child or 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 that encourage children and youth who have dropped out of

school to re-enter school and obtain a regular high school diploma once their term at the correctional facility has been completed, or provide such children and youth with the skills necessary to gain employment or seek a regular high school diploma or its recognized equivalent;

''(5) work to ensure that the correctional facility is staffed with effective teachers and other qualified staff who are trained to work with children and youth with disabilities taking into consideration the unique needs of such children and youth;

''(6) ensure that educational programs in the correctional facility are related to assisting students to meet the States's academic standards;

''(7) to the extent possible, use technology to assist in coordinating educational programs between the correctional 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 chapter with other local, State, and Federal funds available to provide services to participating children and youth, such as funds made available under title I of Public Law 105–220, and career and technical 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;

''(11) if appropriate, work with local businesses to develop training, curriculum-based youth entrepreneurship education, and mentoring programs for children and youth; and

''(12) consult with the local educational agency for a period jointly determined necessary by the correctional facility and local educational agency upon discharge from that facility to coordinate educational services so as to minimize disruption to the child's or youth's achievement.

"SEC. 1166. ACCOUNTABILITY.

''The State educational agency—

''(1) may require correctional facilities or institutions for neglected or delinquent children and youth to demonstrate, after receiving assistance under this chapter for 3 years, that there has been an increase in the number of children and youth returning to school, obtaining a regular high school diploma or its recognized equivalent, or obtaining employment after such children and youth are released; and

''(2) may reduce or terminate funding for projects under this chapter if a local educational agency does not show progress in the number of children and youth obtaining a regular high school diploma or its recognized equivalent.

"CHAPTER C—GENERAL PROVISIONS

"SEC. 1171. PROGRAM EVALUATIONS.

''(a) SCOPE OF EVALUATION.—Each State agency or local educational agency that conducts a program under chapter A or B shall evaluate the program, disaggregating data on participation by gender, race, ethnicity, and age, while protecting individual student privacy, not less than once every 3 years, to determine the program's impact on the ability of participants—

''(1) to maintain and improve educational achievement;

''(2) to accrue school credits that meet State requirements for grade promotion and high school graduation;

''(3) to make the transition to a regular program or other education program operated by a local educational agency;

''(4) to complete high school (or high school equivalency requirements) and obtain employment after leaving the correctional facility or institution for neglected or delinquent children and youth; and

''(5) as appropriate, to participate in postsecondary education and job training programs.

''(b) EXCEPTION.—The disaggregation required under subsection (a) 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 personally identifiable information about an individual student.

''(c) 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.

''(d) EVALUATION RESULTS.—Each State agency and local educational agency shall—

''(1) submit evaluation results to the State educational agency and the Secretary; and

''(2) use the results of evaluations under this section to plan and improve subsequent programs for participating children and youth.

"SEC. 1172. DEFINITIONS.

''In this subpart:

''(1) ADULT CORRECTIONAL INSTITUTION.—The term 'adult correctional institution' means a facility in which persons (including persons under 21 years of age) are confined as a result of a conviction for a criminal offense.

''(2) AT-RISK.—The term 'at-risk', when used with respect to a child, youth, or student, means a school-aged individual who—

''(A) is at-risk of academic failure; and

''(B) has a drug or alcohol problem, is pregnant or is a parent, has come into contact with the juvenile justice system in the past, is at least 1 year behind the expected grade level for the age of the individual, is an English learner, is a gang member, has dropped out of school in the past, or has a high absenteeism rate 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.

"Subpart 4—English Language Acquisition, Language Enhancement, and Academic Achievement

"SEC. 1181. PURPOSES.

''The purposes of this subpart are—

''(1) to help ensure that English learners, including immigrant children and youth, attain English proficiency and develop high levels of academic achievement in English;

''(2) to assist all English learners, including immigrant children and youth, to achieve at high levels so that those children can meet the same State academic standards that all children are expected to meet, consistent with section 1111(b)(1);

''(3) to assist State educational agencies, local educational agencies, and schools in establishing, implementing, and sustaining high-quality, flexible, evidence-based language instruction educational programs designed to assist in teaching English learners, including immigrant children and youth;

''(4) to assist State educational agencies and local educational agencies to develop and enhance their capacity to provide high-quality, evidence-based instructional programs designed to prepare English learners, including immigrant children and youth, to enter all-English instruction settings; and

''(5) to promote parental and community participation in language instruction educational programs for the parents and communities of English learners.

"CHAPTER A—GRANTS AND SUBGRANTS FOR ENGLISH LANGUAGE ACQUISITION AND LANGUAGE ENHANCEMENT

"SEC. 1191. FORMULA GRANTS TO STATES.

''(a) IN GENERAL.—In the case of each State educational agency having a plan approved by the Secretary for a fiscal year under section 1192, the Secretary shall reserve 4.6 percent of funds appropriated under section 3(a)(1) to make a grant for the year to the agency for the purposes specified in subsection (b). The grant shall consist of the allotment determined for the State educational agency under subsection (c).

''(b) USE OF FUNDS.—

''(1) SUBGRANTS TO ELIGIBLE ENTITIES.—The Secretary may make a grant under subsection (a) only if the State educational agency involved agrees to expend at least 95 percent of the State educational agency's allotment under subsection (c) for a fiscal year—

''(A) to award subgrants, from allocations under section 1193, to eligible entities to carry out the activities described in section 1194 (other than subsection (e)); and

''(B) to award subgrants under section 1193(d)(1) to eligible entities that are described in that section to carry out the activities described in section 1194(e).

''(2) STATE ACTIVITIES.—Subject to paragraph (3), each State educational agency receiving a grant under subsection (a) may reserve not more than 5 percent of the agency's allotment under subsection (c) to carry out the following activities:

''(A) Professional development activities, and other activities, which may include assisting personnel in—

''(i) meeting State and local certification and licensing requirements for teaching English learners; and

''(ii) improving teacher skills in meeting the diverse needs of English learners, including in how to implement evidence-based programs and curricula on teaching English learners.

''(B) Planning, evaluation, administration, and interagency coordination related to the subgrants referred to in paragraph (1).

''(C) Providing technical assistance and other forms of assistance to eligible entities that are receiving subgrants from a State educational agency under this chapter, including assistance in—

''(i) identifying and implementing evidence-based language instruction educational programs and curricula for teaching English learners;

''(ii) helping English learners meet the same State academic standards that all children are expected to meet;

''(iii) identifying or developing, and implementing, measures of English proficiency; and

''(iv) strengthening and increasing parent, family, and community engagement.

''(D) Providing recognition, which may include providing financial awards, to subgrantees that have significantly improved the achievement and progress of English learners in—

''(i) reaching English language proficiency, based on the State's English language proficiency assessment under section 1111(b)(2)(D); and

''(ii) meeting the State academic standards under section 1111(b)(1).

''(3) ADMINISTRATIVE EXPENSES.—From the amount reserved under paragraph (2), a State educational agency may use not more than 40 percent of such amount or $175,000, whichever is greater, for the planning and administrative costs of carrying out paragraphs (1) and (2).

''(c) RESERVATIONS AND ALLOTMENTS.—

''(1) RESERVATIONS.—From the amount reserved under section 1191(a) for each fiscal year, the Secretary shall reserve—

''(A) 0.5 percent of such amount for payments to outlying areas, to be allotted in accordance

with their respective needs for assistance under this chapter, as determined by the Secretary, for activities, approved by the Secretary, consistent with this chapter; and

''(B) 6.5 percent of such amount for national activities under sections 1211 and 1222, except that not more than $2,000,000 of such amount may be reserved for the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs described in section 1222.

''(2) STATE ALLOTMENTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), from the amount reserved under section 1191(a) for each fiscal year that remains after making the reservations under paragraph (1), the Secretary shall allot to each State educational agency having a plan approved under section 1192(c)—

''(i) an amount that bears the same relationship to 80 percent of the remainder as the number of English learners in the State bears to the number of such children in all States, as determined by data available from the American Community Survey conducted by the Department of Commerce or State-reported data; and

''(ii) an amount that bears the same relationship to 20 percent of the remainder as the number of immigrant children and youth in the State bears to the number of such children and youth in all States, as determined based only on data available from the American Community Survey conducted by the Department of Commerce.

''(B) MINIMUM ALLOTMENTS.—No State educational agency shall receive an allotment under this paragraph that is less than $500,000.

''(C) REALLOTMENT.—If any State educational agency described in subparagraph (A) does not submit a plan to the Secretary for a fiscal year, or submits a plan (or any amendment to a plan) that the Secretary, after reasonable notice and opportunity for a hearing, determines does not satisfy the requirements of this chapter, the Secretary shall reallot any portion of such allotment to the remaining State educational agencies in accordance with subparagraph (A).

''(D) SPECIAL RULE FOR PUERTO RICO.—The total amount allotted to Puerto Rico for any fiscal year under subparagraph (A) shall not exceed 0.5 percent of the total amount allotted to all States for that fiscal year.

''(3) USE OF DATA FOR DETERMINATIONS.—In making State allotments under paragraph (2) for each fiscal year, the Secretary shall determine the number of English learners in a State and in all States, using the most accurate, up-to-date data, which shall be—

''(A) data from the American Community Survey conducted by the Department of Commerce, which may be multiyear estimates;

''(B) the number of students being assessed for English language proficiency, based on the State's English language proficiency assessment under section 1111(b)(2)(D), which may be multiyear estimates; or

''(C) a combination of data available under subparagraphs (A) and (B).

"SEC. 1192. STATE EDUCATIONAL AGENCY PLANS.

''(a) FILING FOR SUBGRANTS.—Each State educational agency desiring a grant under this chapter shall submit a plan to the Secretary at such time and in such manner as the Secretary may require.

''(b) CONTENTS.—Each plan submitted under subsection (a) shall—

''(1) describe the process that the agency will use in awarding subgrants to eligible entities under section 1193(d)(1);

''(2) provide an assurance that—

''(A) the agency will ensure that eligible entities receiving a subgrant under this chapter comply with the requirement in section 1111(b)(2)(B)(x) to annually assess in English learners who have been in the United States for 3 or more consecutive years;

''(B) the agency will ensure that eligible entities receiving a subgrant under this chapter annually assess the English proficiency of all English learners participating in a program funded under this chapter, consistent with section 1111(b)(2)(D);

''(C) in awarding subgrants under section 1193, the agency will address the needs of school systems of all sizes and in all geographic areas, including school systems with rural and urban schools;

''(D) subgrants to eligible entities under section 1193(d)(1) will be of sufficient size and scope to allow such entities to carry out high-quality, evidence-based language instruction educational programs for English learners;

''(E) the agency will require an eligible entity receiving a subgrant under this chapter to use the subgrant in ways that will build such recipient's capacity to continue to offer high-quality evidence-based language instruction educational programs that assist English learners in meeting State academic standards;

''(F) the agency will monitor the eligible entity receiving a subgrant under this chapter for compliance with applicable Federal fiscal requirements; and

''(G) the plan has been developed in consultation with local educational agencies, teachers, administrators of programs implemented under this chapter, parents, and other relevant stakeholders;

''(3) describe how the agency will coordinate its programs and activities under this chapter with other programs and activities under this Act and other Acts, as appropriate;

''(4) describe how eligible entities in the State will be given the flexibility to teach English learners—

''(A) using a high-quality, evidence-based language instruction curriculum for teaching English learners; and

''(B) in the manner the eligible entities determine to be the most effective; and

''(5) describe how the agency will assist eligible entities in increasing the number of English learners who acquire English proficiency.

''(c) APPROVAL.—The Secretary, after using a peer review process, shall approve a plan submitted under subsection (a) if the plan meets the requirements of this section.

''(d) DURATION OF PLAN.—

''(1) IN GENERAL.—Each plan submitted by a State educational agency and approved under subsection (c) shall—

''(A) remain in effect for the duration of the agency's participation under this chapter; and

''(B) be periodically reviewed and revised by the agency, as necessary, to reflect changes to the agency's strategies and programs carried out under this subpart.

''(2) ADDITIONAL INFORMATION.—

''(A) AMENDMENTS.—If the State educational agency amends the plan, the agency shall submit such amendment to the Secretary.

''(B) APPROVAL.—The Secretary shall approve such amendment to an approved plan, unless the Secretary determines that the amendment will result in the agency not meeting the requirements, or fulfilling the purposes, of this subpart.

''(e) CONSOLIDATED PLAN.—A plan submitted under subsection (a) may be submitted as part of a consolidated plan under section 6302.

''(f) SECRETARY ASSISTANCE.—The Secretary shall provide technical assistance, if requested by the State, in the development of English proficiency standards and assessments.

"SEC. 1193. WITHIN-STATE ALLOCATIONS.

''(a) IN GENERAL.—After making the reservation required under subsection (d)(1), each State educational agency receiving a grant under section 1191(c)(2) shall award subgrants for a fiscal year by allocating in a timely manner to each eligible entity in the State having a plan approved under section 1195 an amount that bears the same relationship to the amount received under the grant and remaining after making such reservation as the population of English learners in schools served by the eligible entity bears to the population of English learners in schools served by all eligible entities in the State.

''(b) LIMITATION.—A State educational agency shall not award a subgrant from an allocation made under subsection (a) if the amount of such subgrant would be less than $10,000.

''(c) REALLOCATION.—Whenever a State educational agency determines that an amount from an allocation made to an eligible entity under subsection (a) for a fiscal year will not be used by the entity for the purpose for which the allocation was made, the agency shall, in accordance with such rules as it determines to be appropriate, reallocate such amount, consistent with such subsection, to other eligible entities in the State that the agency determines will use the amount to carry out that purpose.

''(d) REQUIRED RESERVATION.—A State educational agency receiving a grant under this chapter for a fiscal year—

''(1) shall reserve not more than 15 percent of the agency's allotment under section 1191(c)(2) to award subgrants to eligible entities in the State that have experienced a significant increase, as compared to the average of the 2 preceding fiscal years, in the percentage or number of immigrant children and youth, who have enrolled, during the fiscal year preceding the fiscal year for which the subgrant is made, in public and nonpublic elementary schools and secondary schools in the geographic areas under the jurisdiction of, or served by, such entities; and

''(2) in awarding subgrants under paragraph (1)—

''(A) shall equally consider eligible entities that satisfy the requirement of such paragraph but have limited or no experience in serving immigrant children and youth; and

''(B) shall consider the quality of each local plan under section 1195 and ensure that each subgrant is of sufficient size and scope to meet the purposes of this subpart.

"SEC. 1194. SUBGRANTS TO ELIGIBLE ENTITIES.

''(a) PURPOSES OF SUBGRANTS.—A State educational agency may make a subgrant to an eligible entity from funds received by the agency under this chapter only if the entity agrees to expend the funds to improve the education of English learners, by assisting the children to learn English and meet State academic standards. In carrying out activities with such funds, the eligible entity shall use evidence-based approaches and methodologies for teaching English learners and immigrant children and youth for the following purposes:

''(1) Developing and implementing new language instruction educational programs and academic content instruction programs for English learners and immigrant children and youth, including programs of early childhood education, elementary school programs, and secondary school programs.

''(2) Carrying out highly focused, innovative, locally designed, evidence-based activities to expand or enhance existing language instruction educational programs and academic content instruction programs for English learners and immigrant children and youth.

''(3) Implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for English learners and immigrant children and youth.

''(4) Implementing, within the entire jurisdiction of a local educational agency, agencywide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for English learners and immigrant children and youth.

''(b) ADMINISTRATIVE EXPENSES.—Each eligible entity receiving funds under section 1193(a)

for a fiscal year shall use not more than 2 percent of such funds for the cost of administering this chapter.

''(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligible entity receiving funds under section 1193(a) shall use the funds—

''(1) to increase the English language proficiency of English learners by providing high-quality, evidence-based language instruction educational programs that meet the needs of English learners and have demonstrated success in increasing—

''(A) English language proficiency; and

''(B) student academic achievement;

''(2) to provide high-quality, evidence-based professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), school leaders, administrators, and other school or community-based organization personnel, that is—

''(A) designed to improve the instruction and assessment of English learners;

''(B) designed to enhance the ability of teachers and school leaders to understand and implement curricula, assessment practices and measures, and instruction strategies for English learners;

''(C) evidence-based in increasing children's English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of teachers; and

''(D) of sufficient intensity and duration (which shall not include activities such as one-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers' performance in the classroom, except that this subparagraph shall not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher's supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and any local educational agency employing the teacher, as appropriate; and

''(3) to provide and implement other evidence-based activities and strategies that enhance or supplement language instruction educational programs for English learners, including parental and community engagement activities and strategies that serve to coordinate and align related programs.

''(d) AUTHORIZED SUBGRANTEE ACTIVITIES.—Subject to subsection (c), an eligible entity receiving funds under section 1193(a) may use the funds to achieve one of the purposes described in subsection (a) by undertaking one or more of the following activities:

''(1) Upgrading program objectives and effective instruction strategies.

''(2) Improving the instruction program for English learners by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures.

''(3) Providing to English learners—

''(A) tutorials and academic or career education for English learners; and

''(B) intensified instruction.

''(4) Developing and implementing elementary school or secondary school language instruction educational programs that are coordinated with other relevant programs and services.

''(5) Improving the English language proficiency and academic achievement of English learners.

''(6) Providing community participation programs, family literacy services, and parent outreach and training activities to English learners and their families—

''(A) to improve the English language skills of English learners; and

''(B) to assist parents in helping their children to improve their academic achievement and becoming active participants in the education of their children.

''(7) Improving the instruction of English learners by providing for—

''(A) the acquisition or development of educational technology or instructional materials;

''(B) access to, and participation in, electronic networks for materials, training, and communication; and

''(C) incorporation of the resources described in subparagraphs (A) and (B) into curricula and programs, such as those funded under this chapter.

''(8) Carrying out other activities that are consistent with the purposes of this section.

''(e) ACTIVITIES BY AGENCIES EXPERIENCING SUBSTANTIAL INCREASES IN IMMIGRANT CHILDREN AND YOUTH.—

''(1) IN GENERAL.—An eligible entity receiving funds under section 1193(d)(1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include—

''(A) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

''(B) support for personnel, including paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

''(C) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;

''(D) identification, development, and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with awarded funds;

''(E) basic instruction services that are directly attributable to the presence in the local educational agency involved of immigrant children and youth, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services;

''(F) other instruction services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and

''(G) activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents of immigrant children and youth by offering comprehensive community services.

''(2) DURATION OF SUBGRANTS.—The duration of a subgrant made by a State educational agency under section 1193(d)(1) shall be determined by the agency in its discretion.

''(f) SELECTION OF METHOD OF INSTRUCTION.—

''(1) IN GENERAL.—To receive a subgrant from a State educational agency under this chapter, an eligible entity shall select one or more methods or forms of instruction to be used in the programs and activities undertaken by the entity to assist English learners to attain English language proficiency and meet State academic standards.

''(2) CONSISTENCY.—Such selection shall be consistent with sections 1204 through 1206.

''(g) SUPPLEMENT, NOT SUPPLANT.—Federal funds made available under this chapter shall be used so as to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for English learners and immigrant children and youth and in no case to supplant such Federal, State, and local public funds.

"SEC. 1195. LOCAL PLANS.

''(a) FILING FOR SUBGRANTS.—Each eligible entity desiring a subgrant from the State educational agency under section 1193 shall submit a plan to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

''(b) CONTENTS.—Each plan submitted under subsection (a) shall—

''(1) describe the evidence-based programs and activities proposed to be developed, implemented, and administered under the subgrant that will help English learners increase their English language proficiency and meet the State academic standards;

''(2) describe how the eligible entity will hold elementary schools and secondary schools receiving funds under this chapter accountable for annually assessing the English language proficiency of all children participating under this subpart, consistent with section 1111(b);

''(3) describe how the eligible entity will promote parent and community engagement in the education of English learners;

''(4) contain an assurance that the eligible entity consulted with teachers, researchers, school administrators, parents and community members, public or private organizations, and institutions of higher education, in developing and implementing such plan;

''(5) describe how language instruction educational programs carried out under the subgrant will ensure that English learners being served by the programs develop English language proficiency; and

''(6) contain assurances that—

''(A) each local educational agency that is included in the eligible entity is complying with section 1112(g) prior to, and throughout, each school year; and

''(B) the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of English learners, consistent with sections 1205 and 1206.

''(c) TEACHER ENGLISH FLUENCY.—Each eligible entity receiving a subgrant under section 1193 shall include in its plan a certification that all teachers in any language instruction educational program for English learners that is, or will be, funded under this subpart are fluent in English and any other language used for instruction, including having written and oral communications skills.

"CHAPTER B—ADMINISTRATION

"SEC. 1201. REPORTING.

''(a) IN GENERAL.—Each eligible entity that receives a subgrant from a State educational agency under chapter A shall provide such agency, at the conclusion of every second fiscal year during which the subgrant is received, with a report, in a form prescribed by the agency, on the activities conducted and students served under this subpart that includes—

''(1) a description of the programs and activities conducted by the entity with funds received under chapter A during the two immediately preceding fiscal years, including how such programs and activities supplemented programs funded primarily with State or local funds;

''(2) a description of the progress made by English learners in learning the English language and in meeting State academic standards;

''(3) the number and percentage of English learners in the programs and activities attaining English language proficiency based on the State English language proficiency standards established under section 1111(b)(1)(E) by the end of each school year, as determined by the State's English language proficiency assessment under section 1111(b)(2)(D);

''(4) the number of English learners who exit the language instruction educational programs based on their attainment of English language proficiency and transitioned to classrooms not tailored for English learners;

''(5) a description of the progress made by English learners in meeting the State academic standards for each of the 2 years after such children are no longer receiving services under this subpart;

''(6) the number and percentage of English learners who have not attained English language proficiency within five years of initial classification as an English learner and first enrollment in the local educational agency; and

''(7) any such other information as the State educational agency may require.

''(b) USE OF REPORT.—A report provided by an eligible entity under subsection (a) shall be used by the entity and the State educational agency—

''(1) to determine the effectiveness of programs and activities in assisting children who are English learners—

''(A) to attain English language proficiency; and

''(B) to make progress in meeting State academic standards under section 1111(b)(1); and

''(2) upon determining the effectiveness of programs and activities based on the criteria in paragraph (1), to decide how to improve programs.

''SEC. 1202. ANNUAL REPORT.

''(a) STATES.—Based upon the reports provided to a State educational agency under section 1201, each such agency that receives a grant under this subpart shall prepare and submit annually to the Secretary a report on programs and activities carried out by the State educational agency under this subpart and the effectiveness of such programs and activities in improving the education provided to English learners.

''(b) SECRETARY.—Annually, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report—

''(1) on programs and activities carried out to serve English learners under this subpart, and the effectiveness of such programs and activities in improving the academic achievement and English language proficiency of English learners;

''(2) on the types of language instruction educational programs used by local educational agencies or eligible entities receiving funding under this subpart to teach English learners;

''(3) containing a critical synthesis of data reported by eligible entities to States under section 1201(a);

''(4) containing a description of technical assistance and other assistance provided by State educational agencies under section 1191(b)(2)(C);

''(5) containing an estimate of the number of effective teachers working in language instruction educational programs and educating English learners, and an estimate of the number of such teachers that will be needed for the succeeding 5 fiscal years;

''(6) containing the number of programs or activities, if any, that were terminated because the entities carrying out the programs or activities were not able to reach program goals;

''(7) containing the number of English learners served by eligible entities receiving funding under this subpart who were transitioned out of language instruction educational programs funded under this subpart into classrooms where instruction is not tailored for English learners; and

''(8) containing other information gathered from other reports submitted to the Secretary under this subpart when applicable.

''SEC. 1203. COORDINATION WITH RELATED PROGRAMS.

''In order to maximize Federal efforts aimed at serving the educational needs of English learners, the Secretary shall coordinate and ensure close cooperation with other entities carrying out programs serving language-minority and English learners that are administered by the Department and other agencies. The Secretary shall report to the Congress on parallel Federal programs in other agencies and departments.

''SEC. 1204. RULES OF CONSTRUCTION.

''Nothing in this subpart shall be construed—

''(1) to prohibit a local educational agency from serving English learners simultaneously with children with similar educational needs, in the same educational settings where appropriate;

''(2) to require a State or a local educational agency to establish, continue, or eliminate any particular type of instructional program for English learners; or

''(3) to limit the preservation or use of Native American languages.

''SEC. 1205. LEGAL AUTHORITY UNDER STATE LAW.

''Nothing in this subpart shall be construed to negate or supersede State law, or the legal authority under State law of any State agency, State entity, or State public official, over programs that are under the jurisdiction of the State agency, entity, or official.

''SEC. 1206. CIVIL RIGHTS.

''Nothing in this subpart shall be construed in a manner inconsistent with any Federal law guaranteeing a civil right.

''SEC. 1207. PROHIBITION.

''In carrying out this subpart, the Secretary shall neither mandate nor preclude the use of a particular curricular or pedagogical approach to educating English learners.

''SEC. 1208. PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.

''Notwithstanding any other provision of this subpart, programs authorized under this subpart that serve Native American (including Native American Pacific Islander) children and children in the Commonwealth of Puerto Rico may include programs of instruction, teacher training, curriculum development, evaluation, and assessment designed for Native American children learning and studying Native American languages and children of limited Spanish proficiency, except that an outcome of programs serving such children shall be increased English proficiency among such children.

''CHAPTER C—NATIONAL ACTIVITIES

''SEC. 1211. NATIONAL PROFESSIONAL DEVELOPMENT PROJECT.

''The Secretary shall use funds made available under section 1191(c)(1)(B) to award grants on a competitive basis, for a period of not more than 5 years, to institutions of higher education or public or private organizations with relevant experience and capacity (in consortia with State educational agencies or local educational agencies) to provide for professional development activities that will improve classroom instruction for English learners and assist educational personnel working with such children to meet high professional standards, including standards for certification and licensure as teachers who work in language instruction educational programs or serve English learners. Grants awarded under this subsection may be used—

''(1) for preservice, evidence-based professional development programs that will assist local schools and institutions of higher education to upgrade the qualifications and skills of educational personnel who are not certified or licensed, especially educational paraprofessionals;

''(2) for the development of curricula or other instructional strategies appropriate to the needs of the consortia participants involved;

''(3) to support strategies that strengthen and increase parent and community member engagement in the education of English learners; and

''(4) to share and disseminate evidence-based practices in the instruction of English learners and in increasing their student achievement.

''CHAPTER D—GENERAL PROVISIONS

''SEC. 1221. DEFINITIONS.

''Except as otherwise provided, in this subpart:

''(1) CHILD.—The term 'child' means any individual aged 3 through 21.

''(2) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a private nonprofit organization of demonstrated effectiveness, Indian tribe, or tribally sanctioned educational authority, that is representative of a community or significant segments of a community and that provides educational or related services to individuals in the community. Such term includes a Native Hawaiian or Native American Pacific Islander native language educational organization.

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) one or more local educational agencies; or

''(B) one or more local educational agencies, in consortia (or collaboration) with an institution of higher education, community-based organization, or State educational agency.

''(4) IMMIGRANT CHILDREN AND YOUTH.—The term 'immigrant children and youth' means individuals who—

''(A) are age 3 through 21;

''(B) were not born in any State; and

''(C) have not been attending one or more schools in any one or more States for more than 3 full academic years.

''(5) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Native village or 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.

''(6) LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM.—The term 'language instruction educational program' means an instruction course—

''(A) in which an English learner is placed for the purpose of developing and attaining English language proficiency, while meeting State academic standards, as required by section 1111(b)(1); and

''(B) that may make instructional use of both English and a child's native language to enable the child to develop and attain English language proficiency, and may include the participation of English language proficient children if such course is designed to enable all participating children to become proficient in English and a second language.

''(7) NATIVE LANGUAGE.—The term 'native language', when used with reference to English learner, means—

''(A) the language normally used by such individual; or

''(B) in the case of a child or youth, the language normally used by the parents of the child or youth.

''(8) PARAPROFESSIONAL.—The term 'paraprofessional' means an individual who is employed in a preschool, elementary school, or secondary school under the supervision of a certified or licensed teacher, including individuals employed in language instruction educational programs, special education, and migratory education.

''(9) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

''SEC. 1222. NATIONAL CLEARINGHOUSE.

''(a) IN GENERAL.—The Secretary shall establish and support the operation of a National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs, which shall collect, analyze, synthesize, and disseminate information about language instruction educational programs for English learners, and related programs. The National Clearinghouse shall—

''(1) be administered as an adjunct clearinghouse of the Educational Resources Information Center Clearinghouses system supported by the Institute of Education Sciences;

''(2) coordinate activities with Federal data and information clearinghouses and entities operating Federal dissemination networks and systems;

''(3) develop a system for improving the operation and effectiveness of federally funded language instruction educational programs;

''(4) collect and disseminate information on—

''(A) educational research and processes related to the education of English learners; and

''(B) accountability systems that monitor the academic progress of English learners in language instruction educational programs, including information on academic content and English language proficiency assessments for language instruction educational programs; and

''(5) publish, on an annual basis, a list of grant recipients under this subpart.

''(b) CONSTRUCTION.—Nothing in this section shall authorize the Secretary to hire new personnel to execute subsection (a).

''SEC. 1223. REGULATIONS.

''In developing regulations under this subpart, the Secretary shall consult with State educational agencies and local educational agencies, organizations representing English learners, and organizations representing teachers and other personnel involved in the education of English learners.

''Subpart 5—Rural Education Achievement Program

''SEC. 1230. PURPOSE.

''It is the purpose of this subpart to address the unique needs of rural school districts that frequently—

''(1) lack the personnel and resources needed to compete effectively for Federal competitive grants; and

''(2) receive formula grant allocations in amounts too small to be effective in meeting their intended purposes.

''CHAPTER A—SMALL, RURAL SCHOOL ACHIEVEMENT PROGRAM

''SEC. 1231. GRANT PROGRAM AUTHORIZED.

''(a) IN GENERAL.—From amounts appropriated under section 3(a)(1) for a fiscal year, the Secretary shall reserve 0.6 of one percent to award grants to eligible local educational agencies to enable the local educational agencies to carry out activities authorized under any of the following provisions:

''(1) Part A of title I.

''(2) Title II.

''(3) Title III.

''(b) ALLOCATION.—

''(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall award a grant under subsection (a) to a local educational agency eligible under subsection (d) for a fiscal year in an amount equal to the initial amount determined under paragraph (2) for the fiscal year minus the total amount received by the agency in subpart 2 of part A of title II for the preceding fiscal year.

''(2) DETERMINATION OF INITIAL AMOUNT.—The initial amount referred to in paragraph (1) is equal to $100 multiplied by the total number of students in excess of 50 students, in average daily attendance at the schools served by the local educational agency, plus $20,000, except that the initial amount may not exceed $60,000.

''(3) RATABLE ADJUSTMENT.—

''(A) IN GENERAL.—If the amount made available to carry out this section for any fiscal year is not sufficient to pay in full the amounts that local educational agencies are eligible to receive under paragraph (1) for such year, the Secretary shall ratably reduce such amounts for such year.

''(B) ADDITIONAL AMOUNTS.—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.

''(c) DISBURSEMENT.—The Secretary shall disburse the funds awarded to a local educational agency under this section for a fiscal year not later than July 1 of that fiscal year.

''(d) ELIGIBILITY.—

''(1) IN GENERAL.—A local educational agency shall be eligible to use the applicable funding in accordance with subsection (a) if—

''(A)(i)(I) the total number of students in average daily attendance at all of the schools served by the local educational agency is fewer than 600; or

''(II) each county in which a school served by the local educational agency is located has a total population density of fewer than 10 persons per square mile; and

''(ii) all of the schools served by the local educational agency are designated with a school locale code of 41, 42, or 43, as determined by the Secretary; or

''(B) the agency meets the criteria established in subparagraph (A)(i) and the Secretary, in accordance with paragraph (2), grants the local educational agency's request to waive the criteria described in subparagraph (A)(ii).

''(2) CERTIFICATION.—The Secretary shall determine whether to waive the criteria described in paragraph (1)(A)(ii) based on a demonstration by the local educational agency, and concurrence by the State educational agency, that the local educational agency is located in an area defined as rural by a governmental agency of the State.

''(3) HOLD HARMLESS.—For a local educational agency that is not eligible under this chapter but met the eligibility requirements under this subsection as it was in effect prior to the date of the enactment of the Student Success Act, the agency shall receive—

''(A) for fiscal year 2016, 75 percent of the amount such agency received for fiscal year 2013;

''(B) for fiscal year 2017, 50 percent of the amount such agency received for fiscal year 2013; and

''(C) for fiscal year 2018, 25 percent of the amount such agency received for fiscal year 2013.

''(e) SPECIAL ELIGIBILITY RULE.—A local educational agency that receives a grant under this chapter for a fiscal year is not eligible to receive funds for such fiscal year under chapter B.

''CHAPTER B—RURAL AND LOW-INCOME SCHOOL PROGRAM

''SEC. 1235. PROGRAM AUTHORIZED.

''(a) GRANTS TO STATES.—

''(1) IN GENERAL.—From amounts appropriated under section 3(a)(1) for a fiscal year, the Secretary shall reserve 0.6 of one percent for this chapter for a fiscal year that are not reserved under subsection (c) to award grants (from allotments made under paragraph (2)) for the fiscal year to State educational agencies that have applications submitted under section 1237 approved to enable the State educational agencies to award grants to eligible local educational agencies for local authorized activities described in section 1236(a).

''(2) ALLOTMENT.—From amounts described in paragraph (1) for a fiscal year, the Secretary shall allot to each State educational agency for that fiscal year an amount that bears the same ratio to those amounts as the number of students in average daily attendance served by eligible local educational agencies in the State for that fiscal year bears to the number of all such students served by eligible local educational agencies in all States for that fiscal year.

''(3) SPECIALLY QUALIFIED AGENCIES.—

''(A) ELIGIBILITY AND APPLICATION.—If a State educational agency elects not to participate in the program under this subpart or does not have an application submitted under section 1237 approved, a specially qualified agency in such State desiring a grant under this subpart may submit an application under such section directly to the Secretary to receive an award under this subpart.

''(B) DIRECT AWARDS.—The Secretary may award, on a competitive basis or by formula, the amount the State educational agency is eligible to receive under paragraph (2) directly to a specially qualified agency in the State that has submitted an application in accordance with subparagraph (A) and obtained approval of the application.

''(C) SPECIALLY QUALIFIED AGENCY DEFINED.—In this subpart, the term 'specially qualified agency' means an eligible local educational agency served by a State educational agency that does not participate in a program under this subpart in a fiscal year, that may apply directly to the Secretary for a grant in such year under this subsection.

''(b) LOCAL AWARDS.—

''(1) ELIGIBILITY.—A local educational agency shall be eligible to receive a grant under this subpart if—

''(A) 20 percent or more of the children ages 5 through 17 years served by the local educational agency are from families with incomes below the poverty line; and

''(B) all of the schools served by the agency are designated with a school locale code of 32, 33, 41, 42, 43, as determined by the Secretary.

''(2) AWARD BASIS.—A State educational agency shall award grants to eligible local educational agencies—

''(A) on a competitive basis;

''(B) according to a formula based on the number of students in average daily attendance served by the eligible local educational agencies or schools in the State; or

''(C) according to an alternative formula, if, prior to awarding the grants, the State educational agency demonstrates, to the satisfaction of the Secretary, that the alternative formula enables the State educational agency to allot the grant funds in a manner that serves equal or greater concentrations of children from families with incomes below the poverty line, relative to the concentrations that would be served if the State educational agency used the formula described in subparagraph (B).

''(c) RESERVATIONS.—From amounts reserved under section 1235(a)(1) for this chapter for a fiscal year, the Secretary shall reserve—

''(1) one-half of 1 percent to make awards to elementary schools or secondary schools operated or supported by the Bureau of Indian Education, to carry out the activities authorized under this chapter; and

''(2) one-half of 1 percent to make awards to the outlying areas in accordance with their respective needs, to carry out the activities authorized under this chapter.

''SEC. 1236. USES OF FUNDS.

''(a) LOCAL AWARDS.—Grant funds awarded to local educational agencies under this chapter shall be used for activities authorized under any of the following:

''(1) Part A of title I.

''(2) Title II.

''(3) Title III.

''(b) ADMINISTRATIVE COSTS.—A State educational agency receiving a grant under this chapter may not use more than 5 percent of the amount of the grant for State administrative costs and to provide technical assistance to eligible local educational agencies.

''SEC. 1237. APPLICATIONS.

''(a) IN GENERAL.—Each State educational agency or specially qualified agency desiring to receive a grant under this chapter shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

''(b) CONTENTS.—Each application submitted under subsection (a) shall include—

''(1) a description of how the State educational agency or specially qualified agency will ensure eligible local educational agencies receiving a grant under this chapter will use such funds to help students meet the State academic standards under section 1111(b)(1);

''(2) if the State educational agency or specially qualified agency will competitively award grants to eligible local educational agencies, as described in section 1235(b)(2)(A), the application under the section shall include—

''(A) the methods and criteria the State educational agency or specially qualified agency will use for reviewing applications and awarding funds to local educational agencies on a competitive basis; and

''(B) how the State educational agency or specially qualified agency will notify eligible local

educational agencies of the grant competition; and

''(3) a description of how the State educational agency or specially qualified agency will provide technical assistance to eligible local educational agencies to help such agencies implement the activities described in section 1236(a).

"SEC. 1238. ACCOUNTABILITY.

''Each State educational agency or specially qualified agency that receives a grant under this chapter shall prepare and submit an annual report to the Secretary. The report shall describe—

''(1) the methods and criteria the State educational agency or specially qualified agency used to award grants to eligible local educational agencies, and to provide assistance to schools, under this chapter;

''(2) how local educational agencies and schools used funds provided under this chapter; and

''(3) the degree to which progress has been made toward having all students meet the State academic standards under section 1111(b)(1).

"SEC. 1239. CHOICE OF PARTICIPATION.

''(a) IN GENERAL.—If a local educational agency is eligible for funding under chapters A and B of this subpart, such local educational agency may receive funds under either chapter A or chapter B for a fiscal year, but may not receive funds under both chapters.

''(b) NOTIFICATION.—A local educational agency eligible for both chapters A and B of this subpart shall notify the Secretary and the State educational agency under which of such chapters such local educational agency intends to receive funds for a fiscal year by a date that is established by the Secretary for the notification.

"CHAPTER C—GENERAL PROVISIONS

"SEC. 1241. ANNUAL AVERAGE DAILY ATTENDANCE DETERMINATION.

''(a) CENSUS DETERMINATION.—Each local educational agency desiring a grant under section 1231 and each local educational agency or specially qualified agency desiring a grant under chapter B shall—

''(1) not later than December 1 of each year, conduct a census to determine the number of students in average daily attendance in kindergarten through grade 12 at the schools served by the agency; and

''(2) not later than March 1 of each year, submit the number described in paragraph (1) to the Secretary (and to the State educational agency, in the case of a local educational agency seeking a grant under subpart 2).

''(b) PENALTY.—If the Secretary determines that a local educational agency or specially qualified agency has knowingly submitted false information under subsection (a) for the purpose of gaining additional funds under section 1231 or chapter B, then the agency shall be fined an amount equal to twice the difference between the amount the agency received under this section and the correct amount the agency would have received under section 1231 or chapter B if the agency had submitted accurate information under subsection (a).

"SEC. 1242. SUPPLEMENT, NOT SUPPLANT.

''Funds made available under chapter A or chapter B shall be used to supplement, and not supplant, any other Federal, State, or local education funds.

"SEC. 1243. RULE OF CONSTRUCTION.

''Nothing in this subpart shall be construed to prohibit a 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.''.

(b) STRIKE.—The Act is amended by striking title VII (20 U.S.C. 7401 et seq.).

Subtitle D—National Assessment

SEC. 141. NATIONAL ASSESSMENT OF TITLE I.

(a) IN GENERAL.—Part E of title I (20 U.S.C. 6491 et seq.) is redesignated as part B of title I.

(b) REPEALS.—Sections 1502 and 1504 (20 U.S.C. 6492; 6494) are repealed.

(c) REDESIGNATIONS.—Sections 1501 and 1503 (20 U.S.C. 6491; 6493) are redesignated as sections 1301 and 1302, respectively.

(d) AMENDMENTS TO SECTION 1301.—Section 1301 (20 U.S.C. 6491), as so redesignated, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting '', acting through the Director of the Institute of Education Sciences (in this section and section 1302 referred to as the 'Director'),'' after ''The Secretary'';

(B) in paragraph (2)—

(i) by striking ''Secretary'' and inserting ''Director'';

(ii) in subparagraph (A), by striking ''reaching the proficient level'' and all that follows and inserting ''graduating high school prepared for postsecondary education or the workforce.'';

(iii) in subparagraph (B), by striking ''reach the proficient'' and all that follows and inserting ''meet State academic standards.'';

(iv) by striking subparagraphs (D) and (G) and redesignating subparagraphs (E), (F), and (H) through (O) as subparagraphs (D) through (M), respectively;

(v) in subparagraph (D)(v) (as so redesignated), by striking ''help schools in which'' and all that follows and inserting ''address disparities in the percentages of effective teachers teaching in low-income schools.'';

(vi) in subparagraph (G) (as so redesignated)—

(I) by striking ''section 1116'' and inserting ''section 1111(b)(3)(B)(iii)''; and

(II) by striking '', including the following'' and all that follows and inserting a period;

(vii) in subparagraph (I) (as so redesignated), by striking ''qualifications'' and inserting ''effectiveness'';

(viii) in subparagraph (J) (as so redesignated), by striking '', including funds under section 1002,'';

(ix) in subparagraph (L) (as so redesignated), by striking ''section 1111(b)(2)(C)(v)(II)'' and inserting ''section 1111(b)(3)(B)(ii)(II)''; and

(x) in subparagraph (M) (as so redesignated), by striking ''Secretary'' and inserting ''Director'';

(C) in paragraph (3), by striking ''Secretary'' and inserting ''Director'';

(D) in paragraph (4), by striking ''Secretary'' and inserting ''Director'';

(E) in paragraph (5), by striking ''Secretary'' and inserting ''Director''; and

(F) in paragraph (6)—

(i) by striking ''No Child Left Behind Act of 2001'' each place it appears and inserting ''Student Success Act''; and

(ii) by striking ''Secretary'' each place it appears and inserting ''Director'';

(2) in subsection (b), by striking ''Secretary'' each place it appears and inserting ''Director'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''Secretary'' and inserting ''Director''; and

(ii) by striking ''part A'' and inserting ''subpart 1 of part A'';

(B) in paragraph (2)—

(i) by striking ''Secretary'' and inserting ''Director'';

(ii) in subparagraph (B), by striking ''challenging academic achievement standards'' and inserting ''State academic standards'';

(iii) in subparagraph (E), by striking ''effects of the availability'' and all that follows and inserting ''extent to which actions authorized under section 1111(b)(3)(B)(iii) improve the academic achievement of disadvantaged students and low-performing schools.''; and

(iv) in subparagraph (F), by striking ''Secretary'' and inserting ''Director''; and

(C) in paragraph (3)—

(i) by striking ''Secretary'' and inserting ''Director''; and

(ii) by striking subparagraph (C) and inserting the following:

''(C) analyzes varying models or strategies for delivering school services, including schoolwide and targeted services.''; and

(4) in subsection (d), by striking ''Secretary'' each place it appears and inserting ''Director''.

(e) AMENDMENTS TO SECTION 1302.—Section 1302 (20 U.S.C. 6493), as so redesignated, is amended—

(1) in subsection (a)—

(A) by striking ''Secretary'' and inserting ''Director''; and

(B) by striking ''and for making decisions about the promotion and graduation of students'';

(2) in subsection (b)—

(A) by striking ''Secretary'' the first place it appears and inserting ''Director'';

(B) by striking ''process,'' and inserting ''process consistent with section 1111(e)(1),''; and

(C) by striking ''Assistant Secretary of Educational Research and Improvement'' and inserting ''Director'';

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''to the State-defined level of proficiency'' and inserting ''toward meeting the State academic standards''; and

(ii) in subparagraph (C), by striking ''pupil-services'' and inserting ''specialized instructional support services'';

(B) in paragraph (3), by striking ''limited and nonlimited English proficient students'' and inserting ''English learners and non-English learners''; and

(C) in paragraph (6), by striking ''Secretary'' and inserting ''Director''; and

(4) in subsection (f)—

(A) by striking ''Secretary'' and inserting ''Director''; and

(B) by striking ''authorized to be appropriated for this part'' and inserting ''appropriated under section 3(a)(2)''.

Subtitle E—Title I General Provisions

SEC. 151. GENERAL PROVISIONS FOR TITLE I.

Part I of title I (20 U.S.C. 6571 et seq.)—

(1) is transferred to appear after part B (as redesignated); and

(2) is amended to read as follows:

"PART C—GENERAL PROVISIONS

"SEC. 1401. FEDERAL REGULATIONS.

''(a) IN GENERAL.—The Secretary may, in accordance with subsections (b) through (d), issue such regulations as are necessary to reasonably ensure there is compliance with this title.

''(b) NEGOTIATED RULEMAKING PROCESS.—

''(1) IN GENERAL.—Before publishing in the Federal Register proposed regulations to carry out this title, the Secretary shall obtain the advice and recommendations of representatives of Federal, State, and local administrators, parents, teachers, and members of local school boards and other organizations involved with the implementation and operation of programs under this title, including those representatives and members nominated by local and national stakeholder representatives.

''(2) MEETINGS AND ELECTRONIC EXCHANGE.—Such advice and recommendations may be obtained through such mechanisms as regional meetings and electronic exchanges of information. Such regional meetings and electronic exchanges of information shall be public and notice of such meetings and exchanges shall be provided to interested stakeholders.

''(3) PROPOSED REGULATIONS.—After obtaining such advice and recommendations, and before publishing proposed regulations, the Secretary shall—

''(A) establish a negotiated rulemaking process;

''(B) select individuals to participate in such process from among individuals or groups that provided advice and recommendations, including representation from all geographic regions of the United States, in such numbers as will provide an equitable balance between representatives of parents and students and representatives of educators and education officials; and

''(C) prepare a draft of proposed policy options that shall be provided to the individuals selected by the Secretary under subparagraph (B) not less than 15 days before the first meeting under such process.

''(c) PROPOSED RULEMAKING.—If the Secretary determines that a negotiated rulemaking process is unnecessary or the individuals selected to participate in the process under paragraph (3)(B) fail to reach unanimous agreement, the Secretary may propose regulations under the following procedure:

''(1) Not less than 30 days prior to beginning a rulemaking process, the Secretary shall provide to Congress, including the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, notice that shall include—

''(A) a copy of the proposed regulations;

''(B) the need to issue regulations;

''(C) the anticipated burden, including the time, cost, and paperwork burden, the regulations will have on State educational agencies, local educational agencies, schools, and other entities that may be impacted by the regulations; and

''(D) any regulations that will be repealed when the new regulations are issued.

''(2) 30 days after giving notice of the proposed rule to Congress, the Secretary may proceed with the rulemaking process after all comments received from the Congress have been addressed and publishing how such comments are addressed with the proposed rule.

''(3) The comment and review period for any proposed regulation shall be 90 days unless an emergency requires a shorter period, in which case such period shall be not less than 45 days and the Secretary shall—

''(A) designate the proposed regulation as an emergency with an explanation of the emergency in the notice and report to Congress under paragraph (1); and

''(B) publish the length of the comment and review period in such notice and in the Federal Register.

''(4) No regulation shall be made final after the comment and review period until the Secretary has published in the Federal Register an independent assessment (which shall include a representative sampling of local educational agencies based on local educational agency enrollment, urban, suburban, or rural character, and other factors impacted by the proposed regulation) of—

''(A) the burden, including the time, cost, and paperwork burden, the regulation will impose on State educational agencies, local educational agencies, schools and other entities that may be impacted by the regulation;

''(B) an explanation of how the entities described in subparagraph (A) may cover the cost of the burden assessed under subparagraph (A); and

''(C) the proposed regulation, which thoroughly addresses, based on the comments received during the comment and review period under paragraph (3), whether the rule is financially, operationally, and educationally viable at the local level.

''(d) LIMITATION.—Regulations to carry out this title may not require local programs to follow a particular instructional model, such as the provision of services outside the regular classroom or school program.

"SEC. 1402. AGREEMENTS AND RECORDS.

''(a) AGREEMENTS.—In the case in which a negotiated rule making process is established under subsection (b) of section 1401, all published proposed regulations shall conform to agreements that result from the rulemaking described in section 1401 unless the Secretary reopens the negotiated rulemaking process.

''(b) RECORDS.—The Secretary shall ensure that an accurate and reliable record of agreements reached during the negotiations process is maintained.

"SEC. 1403. STATE ADMINISTRATION.

''(a) RULEMAKING.—

''(1) IN GENERAL.—Each State that receives funds under this title shall—

''(A) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title and provide any such proposed rules, regulations, and policies to the committee of practitioners created under subsection (b) for review and comment;

''(B) minimize such rules, regulations, and policies to which the State's local educational agencies and schools are subject;

''(C) eliminate or modify State and local fiscal accounting requirements in order to facilitate the ability of schools to consolidate funds under schoolwide programs;

''(D) identify any such rule, regulation, or policy as a State-imposed requirement; and

''(E)(i) identify any duplicative or contrasting requirements between the State and Federal rules or regulations;

''(ii) eliminate the rules and regulations that are duplicative of Federal requirements; and

''(iii) report any conflicting requirements to the Secretary and determine which Federal or State rule or regulation shall be followed.

''(2) SUPPORT AND FACILITATION.—State rules, regulations, and policies under this title shall support and facilitate local educational agency and school-level systemic reform designed to enable all children to meet the State academic standards.

''(b) COMMITTEE OF PRACTITIONERS.—

''(1) IN GENERAL.—Each State educational agency that receives funds under this title shall create a State committee of practitioners to advise the State in carrying out its responsibilities under this title.

''(2) MEMBERSHIP.—Each such committee shall include—

''(A) as a majority of its members, representatives from local educational agencies;

''(B) administrators, including the administrators of programs described in other parts of this title;

''(C) teachers from public charter schools, traditional public schools, and career and technical educators;

''(D) parents;

''(E) members of local school boards;

''(F) representatives of public charter school authorizers;

''(G) public charter school leaders;

''(H) representatives of private school children; and

''(I) specialized instructional support personnel.

''(3) DUTIES.—The duties of such committee shall include a review, before publication, of any proposed or final State rule or regulation pursuant to this title. In an emergency situation where such rule or regulation must be issued within a very limited time to assist local educational agencies with the operation of the program under this title, the State educational agency may issue a regulation without prior consultation, but shall immediately thereafter convene the State committee of practitioners to review the emergency regulation before issuance in final form.

"SEC. 1404. RULE OF CONSTRUCTION ON EQUALIZED SPENDING.

''Nothing in this title shall be construed to mandate or prohibit equalized spending per pupil for a State, local educational agency, or school.''.

TITLE II—TEACHER PREPARATION AND EFFECTIVENESS

SEC. 201. TEACHER PREPARATION AND EFFECTIVENESS.

(a) HEADING.—The title heading for title II (20 U.S.C. 6601 et seq.) is amended to read as follows:

"TITLE II—TEACHER PREPARATION AND EFFECTIVENESS".

(b) PART A.—Part A of title II (20 U.S.C. 6601 et seq.) is amended to read as follows:

"PART A—SUPPORTING EFFECTIVE INSTRUCTION

"SEC. 2101. PURPOSE.

''The purpose of this part is to provide grants to State educational agencies and subgrants to local educational agencies to—

''(1) increase student achievement consistent with State academic standards under section 1111(b)(1);

''(2) improve teacher and school leader effectiveness in classrooms and schools, respectively;

''(3) provide evidence-based, job-embedded, continuous professional development; and

''(4) if a State educational agency or local educational agency so chooses, develop and implement teacher evaluation systems that use, in part, student achievement data to determine teacher effectiveness.

"Subpart 1—Grants to States

"SEC. 2111. ALLOTMENTS TO STATES.

''(a) IN GENERAL.—Of the amounts appropriated under section 3(b), the Secretary shall reserve 75 percent to make grants to States with applications approved under section 2112 to pay for the Federal share of the cost of carrying out the activities specified in section 2113. Each grant shall consist of the allotment determined for a State under subsection (b).

''(b) DETERMINATION OF ALLOTMENTS.—

''(1) RESERVATION OF FUNDS.—Of the amount reserved under subsection (a) for a fiscal year, the Secretary shall reserve—

''(A) not more than 1 percent to carry out national activities under section 2132;

''(B) one-half of 1 percent for allotments to outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this part; and

''(C) one-half of 1 percent for the Secretary of the Interior for programs under this part in schools operated or funded by the Bureau of Indian Education.

''(2) STATE ALLOTMENTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), from the funds reserved under subsection (a) for any fiscal year and not reserved under paragraph (1), the Secretary shall allot to each State the sum of—

''(i) an amount that bears the same relationship to 50 percent of the funds 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 50 percent of the funds 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.

''(B) SMALL STATE MINIMUM.—No State receiving an allotment under subparagraph (A) may receive less than one-half of 1 percent of the total amount of funds allotted under such subparagraph for a fiscal year.

''(C) APPLICABILITY.—

''(i) IN GENERAL.—Subparagraph (A) shall not apply with respect to a fiscal year unless the Secretary certifies in writing to Congress for that fiscal year that the amount of funds allotted under subparagraph (A) to local educational agencies that serve a high percentage of students from families with incomes below the poverty line is not less than the amount allotted to

such local educational agencies for fiscal year 2015.

''(ii) SPECIAL RULE.—For a fiscal year for which subparagraph (A) does not apply, the Secretary shall allocate to each State the funds described in subparagraph (A) according to the formula set forth in subsection (b)(2)(B)(i) of this section as in effect on the day before the date of the enactment of the Student Success Act.

''(c) REALLOTMENT.—If a State does not apply for an allotment under this section for any fiscal year or only a portion of the State's allotment is allotted under subsection (b)(2), the Secretary shall reallot the State's entire allotment or the remaining portion of its allotment, as the case may be, to the remaining States in accordance with subsection (b).

"SEC. 2112. STATE APPLICATION.

''(a) IN GENERAL.—For a State to be eligible to receive a grant under this subpart, the State educational agency shall submit an application to the Secretary at such time and in such a manner as the Secretary may reasonably require, which shall include the following:

''(1) A description of how the State educational agency will meet the requirements of this subpart.

''(2) A description of how the State educational agency will use a grant received under section 2111, including the grant funds the State will reserve for State-level activities under section 2113(a)(2).

''(3) A description of how the State educational agency will facilitate the sharing of evidence-based and other effective strategies among local educational agencies.

''(4) A description of how, and under what timeline, the State educational agency will allocate subgrants under subpart 2 to local educational agencies.

''(5) If applicable, a description of how the State educational agency will work with local educational agencies in the State to develop or implement a teacher or school leader evaluation system.

''(6) An assurance that the State educational agency will comply with section 6501 (regarding participation by private school children and teachers).

''(7) A description of how the State will establish, implement, or improve policies and procedures on background checks for school employees and contractors who have direct unsupervised access to students, which may be conducted and administered by the State or local educational agencies, including by—

(A) expanding the registries or repositories searched when conducting background checks, including—

''(i) the State criminal registry or repository of the State in which the school employee resides;

''(ii) the State-based child abuse and neglect registries and databases of the State in which the school employee resides;

''(iii) the Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System;

''(iv) the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); and

''(v) the National Crime Information Center;

''(B) establishing, implementing, or improving policies and procedures that prohibit employing as a school employee an individual who—

''(i) refuses to consent to a background check;

''(ii) makes false statements in connection with a background check;

''(iii) has been convicted of a felony, consisting of—

''(I) homicide;

''(II) child abuse or neglect;

''(III) a crime against children, including child pornography;

''(IV) domestic violence;

''(V) a crime involving rape or sexual assault;

''(VI) kidnapping;

''(VII) arson; or

''(VIII) physical assault, battery, or a drug-related offense, committed on or after the date that is 5 years before the date of the individual's criminal background check;

''(iv) has been convicted of any other crimes, as determined by the State; or

''(v) is registered or required to be registered on a State sex offender registry or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.);

''(C) establishing, implementing, or improving policies and procedures for States, local educational agencies, or schools to provide the results of background checks to—

''(i) individuals subject to the background checks in a statement that indicates whether the individual is ineligible for such employment due to the background check and includes information regulated to each disqualifying crime;

''(ii) the employer in a statement that indicates whether a school employee is eligible or ineligible for employment, without revealing any disqualifying crime or other related information regarding the individual;

''(iii) another employer in the same State or another State, as permitted under State law, without revealing any disqualifying crime or other related information regarding the individual; and

''(iv) another local educational agency in the same State or another State that is considering such school employee for employment, as permitted under State law, without revealing any disqualifying crime or other related information regarding the individual; and

''(D) developing, implementing, or improving mechanisms to assist local educational agencies and schools in effectively recognizing and quickly responding to incidents of child abuse by school employees.

''(b) DEEMED APPROVAL.—An application submitted by a State educational agency under subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this subpart.

''(c) DISAPPROVAL.—The Secretary shall not finally disapprove an application, except after giving the State educational agency notice and an opportunity for a hearing.

''(d) NOTIFICATION.—If the Secretary finds that an application is not in compliance, in whole or in part, with this subpart, the Secretary shall—

''(1) give the State educational agency notice and an opportunity for a hearing; and

''(2) notify the State educational agency of the finding of noncompliance and, in such notification, shall—

''(A) cite the specific provisions in the application that are not in compliance; and

''(B) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

''(e) RESPONSE.—If a State educational agency responds to a notification from the Secretary under subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (d)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

''(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

''(2) the expiration of the 120-day period described in subsection (b).

''(f) FAILURE TO RESPOND.—If a State educational agency does not respond to a notification from the Secretary under subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

"SEC. 2113. STATE USE OF FUNDS.

''(a) IN GENERAL.—A State educational agency that receives a grant under section 2111 shall—

''(1) reserve 95 percent of the grant funds to make subgrants to local educational agencies under subpart 2; and

''(2) use the remainder of the funds, after reserving funds under paragraph (1), for the State activities described in subsection (b), except that the State may reserve not more than 1 percent of the grant funds for planning and administration related to carrying out activities described in subsection (b).

''(b) STATE-LEVEL ACTIVITIES.—A State educational agency that receives a grant under section 2111—

''(1) shall use the amount described in subsection (a)(2) to fulfill the State educational agency's responsibilities with respect to the proper and efficient administration of the subgrant program carried out under this part; and

''(2) may use the amount described in subsection (a)(2) to—

''(A) provide training and technical assistance to local educational agencies on—

''(i) in the case of a State educational agency not implementing a statewide teacher evaluation system—

''(I) the development and implementation of a teacher evaluation system; and

''(II) training school leaders in using such evaluation system; or

''(ii) in the case of a State educational agency implementing a statewide teacher evaluation system, implementing such evaluation system;

''(B) disseminate and share evidence-based and other effective practices, including practices consistent with the principles of effectiveness described in section 2222(b), related to teacher and school leader effectiveness and professional development;

''(C) provide professional development for teachers, school leaders, and if appropriate, specialized instructional support personnel in the State consistent with section 2123(6);

''(D) provide training and technical assistance to local educational agencies on—

''(i) in the case of a State educational agency not implementing a statewide school leader evaluation system, the development and implementation of a school leader evaluation system; and

''(ii) in the case of a State educational agency implementing a statewide school leader evaluation system, implementing such evaluation system; and

''(E) develop and implement policies in the State to address any teacher workforce shortages in high-need subjects, including in science, technology, engineering, math, computer science, and foreign languages.

"Subpart 2—Subgrants to Local Educational Agencies

"SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.

''(a) IN GENERAL.—Each State receiving a grant under section 2111 shall use the funds reserved under section 2113(a)(1) to award subgrants to local educational agencies under this section.

''(b) ALLOCATION OF FUNDS.—From the funds reserved by a State under section 2113(a)(1), the State educational agency shall allocate to each local educational agency in the State the sum of—

''(1) an amount that bears the same relationship to 50 percent of the funds as the number of individuals age 5 through 17 in the geographic area served by the local educational agency, as determined by the State 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; and

''(2) an amount that bears the same relationship to 50 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 local educational agency, as determined by the State 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.

''SEC. 2122. LOCAL APPLICATIONS.

''To be eligible to receive a subgrant under this subpart, a local educational agency shall submit an application to the State educational agency involved at such time, in such a manner, and containing such information as the State educational agency may reasonably require that, at a minimum, shall include the following:

''(1) A description of—

''(A) how the local educational agency will meet the requirements of this subpart;

''(B) how the activities to be carried out by the local educational agency under this subpart will be evidence-based, improve student academic achievement, and improve teacher and school leader effectiveness; and

''(C) if applicable, how, the local educational agency will work with parents, teachers, school leaders, and other staff of the schools served by the local educational agency in developing and implementing a teacher evaluation system.

''(2) If applicable, a description of how the local educational agency will develop and implement a teacher or school leader evaluation system.

''(3) An assurance that the local educational agency will comply with section 6501 (regarding participation by private school children and teachers).

''SEC. 2123. LOCAL USE OF FUNDS.

''A local educational agency receiving a subgrant under this subpart may use such funds for—

''(1) the development and implementation of a teacher evaluation system, administered through school leaders based on input from stakeholders listed in subparagraph (E), that may—

''(A) use student achievement data derived from a variety of sources as a significant factor in determining a teacher's evaluation, with the weight given to such data defined by the local educational agency;

''(B) use multiple measures of evaluation for evaluating teachers;

''(C) have more than 2 categories for rating the performance of teachers;

''(D) be used to make personnel decisions, as determined by the local educational agency; and

''(E) be based on input from parents, school leaders, teachers, and other staff of schools served by the local educational agency;

''(2) in the case of a local educational agency located in a State implementing a statewide teacher evaluation system, implementing such evaluation system;

''(3) the training of school leaders or other individuals for the purpose of evaluating teachers or school leaders under a teacher or school leader evaluation system, as appropriate;

''(4) in the case of a local educational agency located in a State implementing a statewide school leader evaluation system, to implement such evaluation system;

''(5) in the case of a local educational agency located in a State not implementing a statewide school leader evaluation system, the development and implementation of a school leader evaluation system;

''(6) professional development for teachers, school leaders, and if appropriate, specialized instructional support personnel that is evidence-based, job-embedded, and continuous, such as—

''(A) subject-based professional development for teachers, including for teachers of civic education, arts education, and computer science and other science, technology, engineering, and mathematics subjects;

''(B) professional development aligned with the State's academic standards;

''(C) professional development to assist teachers in meeting the needs of students with different learning styles, particularly students with disabilities, English learners, and gifted and talented students;

''(D) professional development for teachers or school leaders identified as in need of additional support through data provided by a teacher or school leader evaluation system, as appropriate;

''(E) professional development based on the current science of learning, which includes research on positive brain change and cognitive skill development;

''(F) professional development for school leaders, including evidence-based mentorship programs for such leaders;

''(G) professional development on integrated, interdisciplinary, and project-based teaching strategies, including for career and technical education teachers and teachers of computer science and other science, technology, engineering, and mathematics subjects; or

''(H) professional development on teaching dual credit, dual enrollment, Advanced Placement, or International Baccalaureate postsecondary-level courses to secondary school students;

''(7) partnering with a public or private organization or a consortium of such organizations to develop and implement a teacher evaluation system described in subparagraph (A) or (B) of paragraph (1), or to administer professional development, as appropriate;

''(8) any activities authorized under section 2222(a); or

''(9) class size reduction, except that the local educational agency may use not more than 10 percent of such funds for this purpose.

''Subpart 3—General Provisions

''SEC. 2131. REPORTING REQUIREMENTS.

''(a) LOCAL EDUCATIONAL AGENCIES.—Each local educational agency receiving a subgrant under subpart 2 shall submit to the State educational agency involved, on an annual basis until the last year in which the local educational agency receives such subgrant funds, a report on—

''(1) how the local educational agency is meeting the purposes of this part described in section 2101;

''(2) how the local educational agency is using such subgrant funds;

''(3) in the case of a local educational agency implementing a teacher or school leader evaluation system, the results of such evaluation system, except that such report shall not reveal personally identifiable information about an individual teacher or school leader; and

''(4) any such other information as the State educational agency may require, as long as student and teacher privacy is maintained.

''(b) STATE EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under subpart 1 shall submit to the Secretary a report, on an annual basis until the last year in which the State educational agency receives such grant funds, on—

''(1) how the State educational agency is meeting the purposes of this part described in section 2101; and

''(2) how the State educational agency is using such grant funds.

''SEC. 2132. NATIONAL ACTIVITIES.

''From the funds reserved by the Secretary under section 2111(b)(1)(A), the Secretary shall, directly or through grants and contracts—

''(1) provide technical assistance to States and local educational agencies in carrying out activities under this part; and

''(2) acting through the Institute of Education Sciences, conduct national evaluations of activities carried out by State educational agencies and local educational agencies under this part.

''SEC. 2133. STATE DEFINED.

''In this part, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

''SEC. 2134. EMPLOYEE TRANSFERS.

''A local educational agency or State educational agency shall be ineligible for funds under this Act if such agency knowingly facilitates the transfer of any employee if the agency knows, or has probable cause to believe, that the employee engaged in sexual misconduct with a student.''.

(c) PART B.—Part B of title II (20 U.S.C. 6661 et seq.) is amended to read as follows:

''PART B—TEACHER AND SCHOOL LEADER FLEXIBLE GRANT

''SEC. 2201. PURPOSE.

''The purpose of this part is to improve student academic achievement by—

''(1) supporting all State educational agencies, local educational agencies, schools, teachers, and school leaders to pursue innovative and evidence-based practices to help all students meet the State's academic standards; and

''(2) increasing the number of teachers and school leaders who are effective in increasing student academic achievement.

''Subpart 1—Formula Grants to States

''SEC. 2211. STATE ALLOTMENTS.

''(a) RESERVATIONS.—From the amount appropriated under section 3(b) for any fiscal year, the Secretary—

''(1) shall reserve 25 percent to award grants to States under this subpart; and

''(2) of the amount reserved under paragraph (1), shall reserve—

''(A) not more than 1 percent for national activities described in section 2233;

''(B) one-half of 1 percent for allotments to outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this part; and

''(C) one-half of 1 percent for the Secretary of the Interior for programs under this part in schools operated or funded by the Bureau of Indian Education.

''(b) STATE ALLOTMENTS.—

''(1) IN GENERAL.—From the total amount reserved under subsection (a)(1) for each fiscal year and not reserved under subparagraphs (A) through (C) of subsection (a)(2), the Secretary shall allot, and make available in accordance with this section, to each State an amount that bears the same ratio to such sums as the school-age population of the State bears to the school-age population of all States.

''(2) SMALL STATE MINIMUM.—No State receiving an allotment under paragraph (1) may receive less than one-half of 1 percent of the total amount allotted under such paragraph.

''(3) REALLOTMENT.—If a State does not receive an allotment under this subpart for a fiscal year, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this section.

''(c) STATE APPLICATION.—In order to receive an allotment under this section for any fiscal year, a State shall submit an application to the Secretary, at such time and in such manner as the Secretary may reasonably require. Such application shall—

''(1) designate the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

''(2) describe how the State educational agency will use funds received under this section for State level activities described in subsection (d)(3);

''(3) describe the procedures and criteria the State educational agency will use for reviewing applications and awarding subgrants in a timely manner to eligible entities under section 2221 on a competitive basis;

''(4) describe how the State educational agency will ensure that subgrants made under section 2221 are of sufficient size and scope to support effective programs that will help increase academic achievement in the classroom and are consistent with the purposes of this part;

''(5) describe the steps the State educational agency will take to ensure that eligible entities use subgrants received under section 2221 to carry out programs that implement effective strategies, including by providing ongoing technical assistance and training, and disseminating evidence-based and other effective strategies to such eligible entities;

''(6) describe how programs under this part will be coordinated with other programs under this Act; and

''(7) include an assurance that, other than providing technical and advisory assistance and monitoring compliance with this part, the State educational agency has not exercised, and will not exercise, any influence in the decision-making processes of eligible entities as to the expenditure of funds made pursuant to an application submitted under section 2221(b).

''(d) STATE USE OF FUNDS.—

''(1) IN GENERAL.—Each State that receives an allotment under this section shall reserve not less than 92 percent of the amount allotted to such State under subsection (b), for each fiscal year, for subgrants to eligible entities under subpart 2.

''(2) STATE ADMINISTRATION.—A State educational agency may reserve not more than 1 percent of the amount made available to the State under subsection (b) for the administrative costs of carrying out such State educational agency's responsibilities under this subpart.

''(3) STATE-LEVEL ACTIVITIES.—

''(A) INNOVATIVE TEACHER AND SCHOOL LEADER ACTIVITIES.—A State educational agency shall reserve not more than 4 percent of the amount made available to the State under subsection (b) to carry out, solely, or in partnership with State agencies of higher education, 1 or more of the following activities:

''(i) Reforming teacher and school leader certification, recertification, licensing, and tenure systems to ensure that such systems are rigorous and that—

''(I) each teacher has the subject matter knowledge and teaching skills necessary to help students meet the State's academic standards; and

''(II) school leaders have the instructional leadership skills to help teachers instruct and students learn.

''(ii) Improving the quality of teacher preparation programs within the State, including through the use of appropriate student achievement data and other factors to evaluate the quality of teacher preparation programs within the State.

''(iii) Carrying out programs that establish, expand, or improve alternative routes for State certification or licensure of teachers and school leaders, including such programs for—

''(I) mid-career professionals from other occupations, including computer science and other science, technology, engineering, and math fields;

''(II) former military personnel; and

''(III) recent graduates of an institution of higher education, with a record of academic distinction, who demonstrate the potential to become effective teachers or school leaders.

''(iv) Developing, or assisting eligible entities in developing—

''(I) performance-based pay systems for teachers and school leaders;

''(II) strategies that provide differential, incentive, or bonus pay for teachers and school leaders; or

''(III) teacher and school leader advancement initiatives that promote professional growth and emphasize multiple career paths and pay differentiation.

''(v) Developing, or assisting eligible entities in developing, new, evidence-based teacher and school leader induction and mentoring programs that are designed to—

''(I) improve instruction and student academic achievement; and

''(II) increase the retention of effective teachers and school leaders.

''(vi) Providing professional development for teachers and school leaders that is focused on improving teaching and student academic achievement, including for students with different learning styles, particularly students with disabilities, English learners, gifted and talented students, and other special populations.

''(vii) Providing training and technical assistance to eligible entities that receive a subgrant under section 2221.

''(viii) Other activities identified by the State educational agency that meet the purposes of this part, including those activities authorized under subparagraph (B).

''(B) TEACHER OR SCHOOL LEADER PREPARATION ACADEMIES.—

''(i) IN GENERAL.—In the case of a State in which teacher or school leader preparation academies are allowable under State law, a State educational agency may reserve not more than 3 percent of the amount made available to the State under subsection (b) to support the establishment or expansion of one or more teacher or school leader preparation academies and, subject to the limitation under clause (iii), to support State authorizers for such academies.

''(ii) MATCHING REQUIREMENT.—A State educational agency shall not provide funds under this subparagraph to support the establishment or expansion of a teacher or school leader preparation academy unless the academy agrees to provide, either directly or through private contributions, non-Federal matching funds equal to not less than 10 percent of the amount of the funds the academy will receive under this subparagraph.

''(iii) FUNDING FOR STATE AUTHORIZERS.—Not more than 5 percent of funds provided to a teacher or school leader preparation academy under this subparagraph may be used to support activities of State authorizers for such academy.

"SEC. 2212. APPROVAL AND DISAPPROVAL OF STATE APPLICATIONS.

''(a) DEEMED APPROVAL.—An application submitted by a State pursuant to section 2211(c) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with section 2211(c).

''(b) DISAPPROVAL PROCESS.—

''(1) IN GENERAL.—The Secretary shall not finally disapprove an application submitted under section 2211(c), except after giving the State educational agency notice and an opportunity for a hearing.

''(2) NOTIFICATION.—If the Secretary finds that an application is not in compliance, in whole or in part, with section 2211(c) the Secretary shall—

''(A) give the State educational agency notice and an opportunity for a hearing; and

''(B) notify the State educational agency of the finding of noncompliance and, in such notification, shall—

''(i) cite the specific provisions in the application that are not in compliance; and

''(ii) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

''(3) RESPONSE.—If a State educational agency responds to a notification from the Secretary under paragraph (2)(B) during the 45-day period beginning on the date on which the State educational agency received the notification, and resubmits the application with the requested information described in paragraph (2)(B)(ii), the Secretary shall approve or disapprove such application prior to the later of—

''(A) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

''(B) the expiration of the 120-day period described in subsection (a).

''(4) FAILURE TO RESPOND.—If the State educational agency does not respond to a notification from the Secretary under paragraph (2)(B) during the 45-day period beginning on the date on which the State educational agency received the notification, such application shall be deemed to be disapproved.

"Subpart 2—Local Competitive Grant Program

"SEC. 2221. LOCAL COMPETITIVE GRANT PROGRAM.

''(a) IN GENERAL.—A State that receives an allotment under section 2211(b) for a fiscal year shall use the amount reserved under section 2211(d)(1) to award subgrants, on a competitive basis, to eligible entities in accordance with this section to enable such entities to carry out the programs and activities described in section 2222.

''(b) APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive a subgrant under this section, an eligible entity shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

''(A) a description of the programs and activities to be funded and how they are consistent with the purposes of this part; and

''(B) an assurance that the eligible entity will comply with section 6501 (regarding participation by private school children and teachers).

''(c) PEER REVIEW.—In reviewing applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications but the review shall only judge the likelihood of the activity to increase student academic achievement. The reviewers shall not make a determination based on the policy of the proposed activity.

''(d) GEOGRAPHIC DIVERSITY.—A State educational agency shall distribute funds under this section equitably among geographic areas within the State, including rural, suburban, and urban communities.

''(e) DURATION OF AWARDS.—A State educational agency may award subgrants under this section for a period of not more than 5 years.

''(f) MATCHING.—An eligible entity receiving a subgrant under this section shall provide, either directly or through private contributions, non-Federal matching funds equal to not less than 10 percent of the amount of the subgrant.

"SEC. 2222. LOCAL AUTHORIZED ACTIVITIES.

''(a) IN GENERAL.—Each eligible entity receiving a subgrant under section 2221 shall use such subgrant funds to develop, implement, and evaluate comprehensive programs and activities, that are in accordance with the purpose of this part and—

''(1) are consistent with the principles of effectiveness described in subsection (b); and

''(2) may include, among other programs and activities—

''(A) developing and implementing initiatives to assist in recruiting, hiring, and retaining highly effective teachers and school leaders, including initiatives that provide—

''(i) differential, incentive, or bonus pay for teachers and school leaders;

''(ii) performance-based pay systems for teachers and school leaders;

''(iii) teacher and school leader advancement initiatives that promote professional growth and emphasize multiple career paths and pay differentiation;

''(iv) new teacher and school leader induction and mentoring programs that are designed to improve instruction, student academic achievement, and to increase teacher and school leader retention; and

''(v) teacher residency programs, and school leader residency programs, designed to develop and support new teachers or new school leaders, respectively;

''(B) supporting the establishment or expansion of teacher or school leader preparation academies under section 2211(d)(3)(B);

''(C) recruiting qualified individuals from other fields, including individuals from computer science and other science, technology, engineering, and math fields, mid-career professionals from other occupations, and former military personnel;

''(D) establishing, improving, or expanding model instructional programs to ensure that all children meet the State's academic standards;

''(E) providing evidence-based, job embedded, continuous professional development for teachers and school leaders focused on improving teaching and student academic achievement;

''(F) implementing programs based on the current science of learning, which includes research on positive brain change and cognitive skill development;

''(G) recruiting and training teachers to teach dual credit, dual enrollment, Advanced Placement, or International Baccalaureate postsecondary-level courses to secondary school students; and

''(H) other activities and programs identified as necessary by the local educational agency that meet the purpose of this part.

''(b) PRINCIPLES OF EFFECTIVENESS.—For a program or activity developed pursuant to this section to meet the principles of effectiveness, such program or activity shall—

''(1) be based upon an assessment of objective data regarding the need for programs and activities in the elementary schools and secondary schools served to increase the number of teachers and school leaders who are effective in improving student academic achievement;

''(2) reflect evidence-based research, or in the absence of a strong research base, reflect effective strategies in the field, that provide evidence that the program or activity will improve student academic achievement; and

''(3) include meaningful and ongoing consultation with, and input from, teachers, school leaders, and parents, in the development of the application and administration of the program or activity.

"Subpart 3—General Provisions

"SEC. 2231. PERIODIC EVALUATION.

''(a) IN GENERAL.—Each eligible entity and each teacher or school leader preparation academy that receives funds under this part shall undergo a periodic evaluation by the State educational agency involved to assess such entity's or such academy's progress toward achieving the purposes of this part.

''(b) USE OF RESULTS.—The results of an evaluation described in subsection (a) of an eligible entity or academy shall be—

''(1) used to refine, improve, and strengthen such eligible entity or such academy, respectively; and

''(2) made available to the public upon request, with public notice of such availability provided.

"SEC. 2232. REPORTING REQUIREMENTS.

''(a) ELIGIBLE ENTITIES AND ACADEMIES.—Each eligible entity and each teacher or school leader preparation academy that receives funds from a State educational agency under this part shall prepare and submit annually to such State educational agency a report that includes—

''(1) a description of the progress of the eligible entity or teacher or school leader preparation academy, respectively, in meeting the purposes of this part;

''(2) a description of the programs and activities conducted by the eligible entity or teacher or school leader preparation academy, respectively, with funds received under this part;

''(3) how the eligible entity or teacher or school leader preparation academy, respectively, is using such funds; and

''(4) any such other information as the State educational agency may reasonably require.

''(b) STATE EDUCATIONAL AGENCIES.—Each State educational agency that receives a grant under this part shall prepare and submit, annually, to the Secretary a report that includes—

''(1) a description of the programs and activities conducted by the State educational agency with grant funds received under this part;

''(2) a description of the progress of the State educational agency in meeting the purposes of this part described in section 2201;

''(3) how the State educational agency is using grant funds received under this part;

''(4) the methods and criteria the State educational agency used to award subgrants in a timely manner to eligible entities under section 2221 and, if applicable, funds in a timely manner to teacher or school leader academies under section 2211(d)(3)(B); and

''(5) the results of the periodic evaluations conducted under section 2231.

"SEC. 2233. NATIONAL ACTIVITIES.

''From the funds reserved by the Secretary under section 2211(a)(2)(A), the Secretary shall, directly or through grants and contracts—

''(1) provide technical assistance to States and eligible entities in carrying out activities under this part; and

''(2) acting through the Institute of Education Sciences, conduct national evaluations of activities carried out by States and eligible entities under this part.

"SEC. 2234. DEFINITIONS.

''In this part:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a local educational agency or consortium of local educational agencies;

''(B) an institution of higher education or consortium of such institutions in partnership with a local educational agency or consortium of local educational agencies;

''(C) a for-profit organization, a nonprofit organization, or a consortium of for-profit or nonprofit organizations in partnership with a local educational agency or consortium of local educational agencies; or

''(D) a consortium of the entities described in subparagraphs (B) and (C).

''(2) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(3) STATE AUTHORIZER.—The term 'State authorizer' means an entity designated by the Governor of a State to authorize teacher or school leader preparation academies within the State that—

''(A) enters into an agreement with a teacher or school leader preparation academy that—

''(i) specifies the goals expected of the academy, which, at a minimum, include the goals described in paragraph (4); and

''(ii) does not reauthorize the academy if such goals are not met;

''(B) may be a nonprofit organization, a State educational agency, or other public entity, or consortium of such entities (including a consortium of State educational agencies); and

''(C) has a timely and efficient approval process to approve or disapprove a teacher or school leader preparation academy.

''(4) TEACHER OR SCHOOL LEADER PREPARATION ACADEMY.—The term 'teacher or school leader preparation academy' means a public or private entity, or a nonprofit or for-profit organization, which may be an institution of higher education or an organization affiliated with an institution of higher education, that will prepare teachers or school leaders to serve in schools, and that—

''(A) enters into an agreement with a State authorizer that specifies the goals expected of the academy, including—

''(i) a requirement that prospective teachers or school leaders who are enrolled in a teacher or school leader preparation academy receive a significant part of their training through clinical preparation that partners the prospective candidate with an effective teacher or school leader, respectively, with a demonstrated record of increasing or producing high student achievement, while also receiving concurrent instruction from the academy in the content area (or areas) in which the prospective teacher or school leader will become certified or licensed;

''(ii) the number of effective teachers or school leaders, respectively, who will demonstrate success in increasing or producing high student achievement that the academy will produce; and

''(iii) a requirement that a teacher or school leader preparation academy will only award a certificate of completion after the graduate demonstrates that the graduate is an effective teacher or school leader, respectively, with a demonstrated record of increasing or producing high student achievement, except that an academy may award a provisional certificate for the period necessary to allow the graduate to demonstrate such effectiveness;

''(B) does not have restrictions on the methods the academy will use to train prospective teacher or school leader candidates, including—

''(i) obligating (or prohibiting) the academy's faculty to hold advanced degrees or conduct academic research;

''(ii) restrictions related to the academy's physical infrastructure;

''(iii) restrictions related to the number of course credits required as part of the program of study;

''(iv) restrictions related to the undergraduate coursework completed by teachers teaching or working on alternative certificates, licenses, or credentials, as long as such teachers have successfully passed all relevant State-approved content area examinations; or

''(v) restrictions related to obtaining accreditation from an accrediting body for purposes of becoming an academy;

''(C) limits admission to its program to prospective teacher or school leader candidates who demonstrate strong potential to improve student achievement, based on a rigorous selection process that reviews a candidate's prior academic achievement or record of professional accomplishment; and

''(D) results in a certificate of completion that the State may recognize as at least the equivalent of a master's degree in education for the purposes of hiring, retention, compensation, and promotion in the State.

''(5) TEACHER RESIDENCY PROGRAM.—The term 'teacher residency program' means a school-based teacher preparation program in which a prospective teacher—

''(A) for one academic year, teaches alongside an effective teacher, as determined by a teacher evaluation system implemented under part A, who is the teacher of record;

''(B) receives concurrent instruction during the year described in subparagraph (A) from the partner institution (as defined in section 200 of the Higher Education Act of 1965 (20 U.S.C. 1021)), which courses may be taught by local educational agency personnel or residency program faculty, in the teaching of the content area in which the teacher will become certified or licensed; and

''(C) acquires effective teaching skills.''.

(d) PART C.—Part C of title II (20 U.S.C. 6671 et seq.) is amended—

(1) by striking subparts 1 through 4;

(2) by striking the heading relating to subpart 5;

(3) by striking sections 2361 and 2368;

(4) in section 2362, by striking ''principals'' and inserting ''school leaders'';

(5) in section 2363(6)(A), by striking ''principal'' and inserting ''school leader'';

(6) in section 2366(b), by striking ''ate law'' and inserting ''(3) A State law'';

(7) by redesignating section 2362 as section 2361;

(8) by redesignating sections 2364 through 2367 as sections 2362 through 2365, respectively; and

(9) by redesignating section 2363 as section 2366 and transferring such section to appear after section 2365 (as so redesignated).

(e) PART D.—Part D of title II (20 U.S.C. 6751 et seq.) is amended to read as follows:

"PART D—GENERAL PROVISIONS

"SEC. 2401. INCLUSION OF CHARTER SCHOOLS.

''In this title, the term 'local educational agency' includes a charter school (as defined in section 6101) that, in the absence of this section, would not have received funds under this title.

"SEC. 2402. PARENTS' RIGHT TO KNOW.

''At the beginning of each school year, a local educational agency that receives funds under this title shall notify the parents of each student attending any school receiving funds under this title that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers.

"SEC. 2403. SUPPLEMENT, NOT SUPPLANT.

''Funds received under this title shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this title.''.

SEC. 202. CONFORMING REPEALS.

(a) CONFORMING REPEALS.—Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended by repealing sections 201 through 204.

(b) EFFECTIVE DATE.—The repeals made by subsection (a) shall take effect October 1, 2015.

TITLE III—PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY

SEC. 301. PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY.

Title III (20 U.S.C. 6801 et seq.) is amended to read as follows:

"TITLE III—PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY

"PART A—PARENTAL ENGAGEMENT

"Subpart 1—Charter School Program

"SEC. 3101. PURPOSE.

''It is the purpose of this subpart to—

''(1) improve the United States education system and education opportunities for all Americans by supporting innovation in public education in public school settings that prepare students to compete and contribute to the global economy and a stronger America;

''(2) provide financial assistance for the planning, program design, and initial implementation of charter schools;

''(3) expand the number of high-quality charter schools available to students across the Nation;

''(4) evaluate the impact of such schools on student achievement, families, and communities, and share best practices between charter schools and other public schools;

''(5) encourage States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the States have typically provided for traditional public schools;

''(6) improve student services to increase opportunities for students with disabilities, English learners, and other traditionally underserved students to attend charter schools and meet challenging State academic achievement standards;

''(7) support efforts to strengthen the charter school authorizing process to improve performance management, including transparency, oversight, monitoring, and evaluation of such schools; and

''(8) support quality accountability and transparency in the operational performance of all authorized public chartering agencies, which include State educational agencies, local educational agencies, and other authorizing entities.

"SEC. 3102. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—This subpart authorizes the Secretary to carry out a charter school program that supports charter schools that serve elementary school and secondary school students by—

''(1) supporting the startup of charter schools, and the replication and expansion of high-quality charter schools;

''(2) assisting charter schools in accessing credit to acquire and renovate facilities for school use; and

''(3) carrying out national activities to support—

''(A) charter school development;

''(B) the dissemination of best practices of charter schools for all schools;

''(C) the evaluation of the impact of the program on schools participating in the program; and

''(D) stronger charter school authorizing.

''(b) FUNDING ALLOTMENT.—From the amount made available under section 3(c)(1)(A) for a fiscal year, the Secretary shall—

''(1) reserve 12.5 percent to support charter school facilities assistance under section 3104;

''(2) reserve not more than 10 percent to carry out national activities under section 3105; and

''(3) use the remaining amount after the Secretary reserves funds under paragraphs (1) and (2) to carry out section 3103.

''(c) PRIOR GRANTS AND SUBGRANTS.—The recipient of a grant or subgrant under this subpart or subpart 2, as such subpart was in effect on the day before the date of the enactment of the Student Success Act, shall continue to receive funds in accordance with the terms and conditions of such grant or subgrant.

''(d) GAO REPORT.—Not later than 3 years after the date of the enactment of the Student Success Act, the Comptroller General of the United States shall submit a report to the Secretary and Congress that—

''(1) examines whether the funds authorized to be reserved by State entities for administrative costs under section 3103(b)(1)(C) is appropriate; and

''(2) if such reservation of funds is determined not to be appropriate, makes recommendations on the appropriate reservation of funding for such administrative costs.

"SEC. 3103. GRANTS TO SUPPORT HIGH-QUALITY CHARTER SCHOOLS.

''(a) IN GENERAL.—From the amount reserved under section 3102(b)(3), the Secretary shall award grants to State entities having applications approved pursuant to subsection (f) to enable such entities to—

''(1) award subgrants to eligible applicants for opening and preparing to operate—

''(A) new charter schools;

''(B) replicated, high-quality charter school models; or

''(C) expanded, high-quality charter schools; and

''(2) provide technical assistance to eligible applicants and authorized public chartering agencies in carrying out the activities described in paragraph (1) and work with authorized public chartering agencies in the State to improve authorizing quality.

''(b) STATE USES OF FUNDS.—

''(1) IN GENERAL.—A State entity receiving a grant under this section shall—

''(A) use not less than 90 percent of the grant funds to award subgrants to eligible applicants, in accordance with the quality charter school program described in the State entity's application approved pursuant to subsection (f), for the purposes described in subparagraphs (A) through (C) of subsection (a)(1);

''(B) reserve not less than 7 percent of such funds to carry out the activities described in subsection (a)(2); and

''(C) reserve not more than 3 percent of such funds for administrative costs which may include technical assistance.

''(2) CONTRACTS AND GRANTS.—A State entity may use a grant received under this section to carry out the activities described in subparagraphs (A) and (B) of paragraph (1) directly or through grants, contracts, or cooperative agreements.

''(3) RULE OF CONSTRUCTION.—Nothing in this Act shall prohibit the Secretary from awarding grants to States that use a weighted lottery to give slightly better chances for admission to all, or a subset of, educationally disadvantaged students if—

''(A) the use of weighted lotteries in favor of such students is not prohibited by State law, and such State law is consistent with laws described in section 6101(3)(G); and

''(B) such weighted lotteries are not used for the purpose of creating schools exclusively to serve a particular subset of students.

''(c) PROGRAM PERIODS; PEER REVIEW; GRANT NUMBER AND AMOUNT; DIVERSITY OF PROJECTS; WAIVERS.—

''(1) PROGRAM PERIODS.—

''(A) GRANTS.—A grant awarded by the Secretary to a State entity under this section shall be for a period of not more than 5 years.

''(B) SUBGRANTS.—A subgrant awarded by a State entity under this section shall be for a period of not more than 5 years, of which an eligible applicant may use not more than 18 months for planning and program design.

''(2) PEER REVIEW.—The Secretary, and each State entity receiving a grant under this section, shall use a peer review process to review applications for assistance under this section.

''(3) GRANT AWARDS.—The Secretary shall—

''(A) for each fiscal year for which funds are appropriated under section 3(c)(1)(A)—

''(i) award not less than 3 grants under this section;

''(ii) wholly fund each grant awarded under this section, without making continuation awards; and

''(iii) fully obligate the funds appropriated for the purpose of awarding grants under this section in the fiscal year for which such grants are awarded; and

''(B) prior to the start of the final year of the grant period of each grant awarded under this section to a State entity, review whether the State entity is using the grant funds for the agreed upon uses of funds and whether the full amount of the grant will be needed for the remainder of the grant period and may, as determined necessary based on that review, terminate or reduce the amount of the grant and reallocate the remaining grant funds to other State entities during the succeeding grant competition under this section.

''(4) DIVERSITY OF PROJECTS.—Each State entity receiving a grant under this section shall award subgrants under this section in a manner that, to the extent possible, ensures that such subgrants—

''(A) are distributed throughout different areas, including urban, suburban, and rural areas; and

''(B) will assist charter schools representing a variety of educational approaches.

''(5) WAIVERS.—The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority, except for any such requirement relating to the elements of a charter school described in section 6101(3), if—

''(A) the waiver is requested in an approved application under this section; and

''(B) the Secretary determines that granting such a waiver will promote the purposes of this subpart.

''(d) LIMITATIONS.—

''(1) GRANTS.—The Secretary shall not award a grant to a State entity under this section in a case in which such award would result in more than 1 grant awarded under this section being carried out in a State at the same time.

''(2) SUBGRANTS.—An eligible applicant may not receive more than 1 subgrant under this section per individual charter school for a 5-year period, unless the eligible applicant demonstrates to the State entity not less than 3 years of improved educational results in the areas described in subparagraphs (A) and (D) of section 3110(7) for students enrolled in such charter school.

''(e) APPLICATIONS.—A State entity desiring 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. The application shall include the following:

''(1) DESCRIPTION OF PROGRAM.—A description of the State entity's objectives under this section and how the objectives of the State entity's quality charter school program will be carried out, including a description—

''(A) of how the State entity—

''(i) will support the opening of new charter schools, replicated, high-quality charter school models, or expanded, high-quality charter schools, and a description of the proposed number of each type of charter school or model, if applicable, to be opened under the State entity's program;

''(ii) will inform eligible charter schools, developers, and authorized public chartering agencies of the availability of funds under the program;

''(iii) will work with eligible applicants to ensure that the eligible applicants access all Federal funds that they are eligible to receive, and help the charter schools supported by the applicants and the students attending the charter schools—

''(I) participate in the Federal programs in which the schools and students are eligible to participate;

''(II) receive the commensurate share of Federal funds the schools and students are eligible to receive under such programs; and

''(III) meet the needs of students served under such programs, including students with disabilities and English learners;

''(iv) will have clear plans and procedures to assist students enrolled in a charter school that closes or loses its charter to attend other high-quality schools;

''(v) in the case in which the State entity is not a State educational agency—

''(I) will work with the State educational agency and the charter schools in the State to maximize charter school participation in Federal and State programs for charter schools; and

''(II) will work with the State educational agency to adequately operate the State entity's program under this section, where applicable;

''(vi) will ensure each eligible applicant that receives a subgrant under the State entity's program to open and prepare to operate a new charter school, a replicated, high-quality charter school model, or an expanded, high-quality charter school—

''(I) will ensure such school or model meets the requirements under section 6101(3); and

''(II) is prepared to continue to operate such school or model, in a manner consistent with the eligible applicant's application, after the subgrant funds have expired;

''(vii) will support charter schools in local educational agencies with large numbers of schools identified by the State for improvement, including supporting the use of charter schools to improve, or in turning around, struggling schools;

''(viii) will work with charter schools to promote inclusion of all students, including eliminating any barriers to enrollment for foster youth or unaccompanied homeless youth, and support all students once they are enrolled to promote retention including through the use of fair disciplinary practice;

''(ix) will work with charter schools on recruitment practices, including efforts to engage groups that may otherwise have limited opportunities to participate in charter schools, and to ensure such schools do not have in effect policies or procedures that may create barriers to enrollment of students, including educationally disadvantaged students, and are in compliance with all Federal and State laws on enrollment practices;

''(x) will share best and promising practices between charter schools and other public schools, including, where appropriate, instruction and professional development in science, technology, engineering, and math education, including computer science, and other subjects;

''(xi) will ensure the charter schools receiving funds under the State entity's program meet the educational needs of their students, including students with disabilities and English learners;

''(xii) will support efforts to increase quality initiatives, including meeting the quality authorizing elements described in paragraph (2)(E);

''(xiii) in the case of a State entity not described in clause (xiv), will provide oversight of authorizing activity, including how the State will help ensure better authorizing, such as by establishing authorizing standards that may include approving, actively monitoring, and re-approving or revoking the authority of an authorized public chartering agency based on the performance of the charter schools authorized by such agency in the areas of student achievement, student safety, financial and operational management, and compliance with all applicable statutes and regulations;

''(xiv) in the case of a State entity defined in subsection (i)(4), will work with the State to support the State's system of assistance and oversight of authorized public chartering agencies for authorizing activity described in clause (xiii); and

''(xv) will work with eligible applicants receiving a subgrant under the State entity's program to support the opening of charter schools or charter school models described in clause (i) that are secondary schools;

''(B) of the extent to which the State entity—

''(i) is able to meet and carry out the priorities listed in subsection (f)(2); and

''(ii) is working to develop or strengthen a cohesive statewide system to support the opening of new charter schools, replicated, high-quality charter school models, or expanded, high-quality charter schools;

''(C) of how the State entity will carry out the subgrant competition, including—

''(i) a description of the application each eligible applicant desiring to receive a subgrant will submit, including—

''(I) a description of the roles and responsibilities of the eligible applicant, partner organizations, and management organizations, including the administrative and contractual roles and responsibilities;

''(II) a description of the quality controls agreed to between the eligible applicant and the authorized public chartering agency involved, such as a contract or performance agreement, how a school's performance in the State's academic accountability system will be one of the most important factors for renewal or revocation of the school's charter, and how the State entity and the authorized public chartering agency involved will reserve the right to revoke or not renew a school's charter based on financial, structural, or operational factors involving the management of the school;

''(III) a description of how the eligible applicant will solicit and consider input from parents and other members of the community on the implementation and operation of each charter school that will receive funds under the State entity's program; and

''(IV) a description of the planned activities and expenditures for the subgrant funds for purposes of opening and preparing to operate a new charter school, a replicated, high-quality charter school model, or an expanded, high-quality charter school, and how the school or model will maintain financial sustainability after the end of the subgrant period; and

''(ii) a description of how the State entity will review applications;

''(D) in the case of a State entity that partners with an outside organization to carry out the State entity's quality charter school program, in whole or in part, of the roles and responsibilities of this partner;

''(E) of how the State entity will help the charter schools receiving funds under the State entity's program consider the transportation needs of the schools' students; and

''(F) of how the State entity will support diverse charter school models, including models that serve rural communities.

''(2) ASSURANCES.—Assurances, including a description of how the assurances will be met, that—

''(A) each charter school receiving funds under the State entity's program will have a high degree of autonomy over budget and operations;

''(B) the State entity will support charter schools in meeting the educational needs of their students as described in paragraph (1)(A)(xi);

''(C) the State entity will ensure that the authorized public chartering agency of any charter school that receives funds under the State entity's program—

''(i) adequately monitors each such charter school in recruiting, enrolling, and meeting the needs of all students, including students with disabilities and English learners; and

''(ii) ensures that each such charter school solicits and considers input from parents and other members of the community on the implementation and operation of the school;

''(D) the State entity will provide adequate technical assistance to eligible applicants to—

''(i) meet the objectives described in clauses (viii) and (ix) of paragraph (1)(A) and subparagraph (B) of this paragraph; and

''(ii) recruit, enroll, and retain traditionally underserved students, including students with disabilities and English learners, at rates similar to traditional public schools;

''(E) the State entity will promote quality authorizing, such as through providing technical assistance and supporting all authorized public chartering agencies in the State to improve the oversight of their charter schools, including by—

''(i) assessing annual performance data of the schools, including, as appropriate, graduation rates, student academic growth, and rates of student attrition;

''(ii) reviewing the schools' independent, annual audits of financial statements conducted in accordance with generally accepted accounting principles, and ensuring any such audits are publically reported; and

''(iii) holding charter schools accountable to the academic, financial, and operational quality controls agreed to between the charter school and the authorized public chartering agency involved, such as through renewal, non-renewal, or revocation of the school's charter;

''(F) the State entity will work to ensure that charter schools are included with the traditional public schools in decisionmaking about the public school system in the State; and

''(G) The State entity will ensure that each charter school receiving funds under the State entity's program makes publicly available, consistent with the dissemination requirements of the annual State report card, information to help parents make informed decisions about the education options available to their children, including information for each school on—

''(i) the educational program;

''(ii) student support services;

''(iii) annual performance and enrollment data, disaggregated by the groups of students described in section 1111(b)(3)(B)(ii)(II), except that such disaggregation shall not be required in a case in which the number of students in a group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student; and

''(iv) any other information the State requires all other public schools to report for purposes of section 1111(h)(1)(D).

''(3) REQUESTS FOR WAIVERS.—A request and justification for waivers of any Federal statutory or regulatory provisions that the State entity believes are necessary for the successful operation of the charter schools that will receive

funds under the State entity's program under this section or, in the case of a State entity defined in subsection (i)(4), a description of how the State entity will work with the State to request such necessary waivers, where applicable, and a description of any State or local rules, generally applicable to public schools, that will be waived, or otherwise not apply to such schools.

''(f) SELECTION CRITERIA; PRIORITY.—

''(1) SELECTION CRITERIA.—The Secretary shall award grants to State entities under this section on the basis of the quality of the applications submitted under subsection (e), after taking into consideration—

''(A) the degree of flexibility afforded by the State's public charter school law and how the State entity will work to maximize the flexibility provided to charter schools under the law;

''(B) the ambitiousness of the State entity's objectives for the quality charter school program carried out under this section;

''(C) the quality of the strategy for assessing achievement of those objectives;

''(D) the likelihood that the eligible applicants receiving subgrants under the program will meet those objectives and improve educational results for students;

''(E) the State entity's plan to—

''(i) adequately monitor the eligible applicants receiving subgrants under the State entity's program;

''(ii) work with the authorized public chartering agencies involved to avoid duplication of work for the charter schools and authorized public chartering agencies; and

''(iii) provide adequate technical assistance and support for—

''(I) the charter schools receiving funds under the State entity's program; and

''(II) quality authorizing efforts in the State; and

''(F) the State entity's plan to solicit and consider input from parents and other members of the community on the implementation and operation of the charter schools in the State.

''(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to State entities to the extent that they meet the following criteria:

''(A) The State entity is located in a State—

''(i) that allows at least one entity that is not a local educational agency to be an authorized public chartering agency for developers seeking to open a charter school in the State; or

''(ii) in which local educational agencies are the only authorized public chartering agencies and that has an appeals process for the denial of an application for a charter school;

''(B) The State entity is located in a State that does not impose any limitation on the number or percentage of charter schools that may exist or the number or percentage of students that may attend charter schools in the State.

''(C) The State entity is located in a State that ensures equitable financing, as compared to traditional public schools, for charter schools and students in a prompt manner.

''(D) The State entity is located in a State that uses best practices from charter schools to help improve struggling schools and local educational agencies.

''(E) The State entity partners with an organization that has a demonstrated record of success in developing management organizations to support the development of charter schools in the State.

''(F) The State entity supports charter schools that support at-risk students through activities such as dropout prevention, dropout recovery, or comprehensive career counseling practices.

''(G) The State entity authorizes all charter schools in the State to serve as school food authorities.

''(H) The State entity has taken steps to ensure that all authorizing public chartering agencies implement best practices for charter school authorizing.

''(I) The State entity is able to demonstrate that its State provides charter schools one or more of the following:

''(i) Funding for facilities.

''(ii) Assistance with the acquisition of facilities.

''(iii) Access to public facilities.

''(iv) The right of first refusal to purchase public school buildings.

''(v) Low or no cost leasing privileges.

''(g) LOCAL USES OF FUNDS.—An eligible applicant receiving a subgrant under this section shall use such funds to carry out activities related to opening and preparing to operate a new charter school, a replicated, high-quality charter school model, or an expanded, high-quality charter school, such as—

''(1) preparing teachers and school leaders, including through professional development;

''(2) acquiring equipment, educational materials, and supplies; and

''(3) carrying out necessary renovations and minor facilities repairs (excluding construction).

''(h) REPORTING REQUIREMENTS.—Each State entity receiving a grant under this section shall submit to the Secretary, at the end of the third year of the 5-year grant period and at the end of such grant period, a report on—

''(1) the number of students served by each subgrant awarded under this section and, if applicable, how many new students were served during each year of the subgrant period;

''(2) the progress the State entity made toward meeting the priorities described in subsection (f)(2), as applicable;

''(3) how the State entity met the objectives of the quality charter school program described in the State entity's application under subsection (e), including how the State entity met the objective of sharing best and promising practices described in subsection (e)(1)(A)(x) in areas such as instruction, professional development, curricula development, and operations between charter schools and other public schools, and the extent to which, if known, such practices were adopted and implemented by such other public schools;

''(4) how the State entity complied with, and ensured that eligible applicants complied with, the assurances described in the State entity's application;

''(5) how the State entity worked with authorized public chartering agencies, including how the agencies worked with the management company or leadership of the schools that received subgrants under this section;

''(6) the number of subgrants awarded under this section to carry out each of the following:

''(A) the opening of new charter schools;

''(B) the opening of replicated, high-quality charter school models; and

''(C) the opening of expanded, high-quality charter schools; and

''(7) how the State entity has worked with charter schools receiving funds under the State entity's program to foster community involvement in the planning for and opening of such schools.

''(i) STATE ENTITY DEFINED.—For purposes of this section, the term 'State entity' means—

''(1) a State educational agency;

''(2) a State charter school board;

''(3) a Governor of a State; or

''(4) a charter school support organization.

"SEC. 3104. FACILITIES FINANCING ASSISTANCE.

''(a) GRANTS TO ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—From the amount reserved under section 3102(b)(1), the Secretary shall not use less than 50 percent to award grants to eligible entities that have the highest-quality applications approved under subsection (d), after considering the diversity of such applications, to demonstrate innovative methods of assisting charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

''(2) ELIGIBLE ENTITY DEFINED.—For purposes of this section, the term 'eligible entity' means—

''(A) a public entity, such as a State or local governmental entity;

''(B) a private nonprofit entity; or

''(C) a consortium of entities described in subparagraphs (A) and (B).

''(b) GRANTEE SELECTION.—The Secretary shall evaluate each application submitted under subsection (d), and shall determine whether the application is sufficient to merit approval.

''(c) GRANT CHARACTERISTICS.—Grants under subsection (a) shall be of a sufficient size, scope, and quality so as to ensure an effective demonstration of an innovative means of enhancing credit for the financing of charter school acquisition, construction, or renovation.

''(d) APPLICATIONS.—

''(1) IN GENERAL.—To receive a grant under subsection (a), an eligible entity shall submit to the Secretary an application in such form as the Secretary may reasonably require.

''(2) CONTENTS.—An application submitted under paragraph (1) shall contain—

''(A) a statement identifying the activities proposed to be undertaken with funds received under subsection (a), including how the eligible entity will determine which charter schools will receive assistance, and how much and what types of assistance charter schools will receive;

''(B) a description of the involvement of charter schools in the application's development and the design of the proposed activities;

''(C) a description of the eligible entity's expertise in capital market financing;

''(D) a description of how the proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of public funding used and otherwise enhance credit available to charter schools, including how the eligible entity will offer a combination of rates and terms more favorable than the rates and terms that a charter school could receive without assistance from the eligible entity under subsection (a);

''(E) a description of how the eligible entity possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought; and

''(F) in the case of an application submitted by a State governmental entity, a description of the actions that the entity has taken, or will take, to ensure that charter schools within the State receive the funding the charter schools need to have adequate facilities.

''(e) CHARTER SCHOOL OBJECTIVES.—An eligible entity receiving a grant under subsection (a) shall use the funds deposited in the reserve account established under subsection (f) to assist one or more charter schools to access private sector capital to accomplish one or more of the following objectives:

''(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

''(2) The construction of new facilities, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

''(3) The predevelopment costs required to assess sites for purposes of paragraph (1) or (2) and which are necessary to commence or continue the operation of a charter school.

''(f) RESERVE ACCOUNT.—

''(1) USE OF FUNDS.—To assist charter schools to accomplish the objectives described in subsection (e), an eligible entity receiving a grant under subsection (a) shall, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the funds received under subsection (a) (other than funds used for administrative costs in accordance with subsection (g)) in a reserve account established and maintained by the eligible entity

for this purpose. Amounts deposited in such account shall be used by the eligible entity for one or more of the following purposes:

''(A) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in subsection (e).

''(B) Guaranteeing and insuring leases of personal and real property for an objective described in subsection (e).

''(C) Facilitating financing by identifying potential lending sources, encouraging private lending, and other similar activities that directly promote lending to, or for the benefit of, charter schools.

''(D) Facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, by providing technical, administrative, and other appropriate assistance (including the recruitment of bond counsel, underwriters, and potential investors and the consolidation of multiple charter school projects within a single bond issue).

''(2) INVESTMENT.—Funds received under subsection (a) and deposited in the reserve account established under paragraph (1) shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

''(3) REINVESTMENT OF EARNINGS.—Any earnings on funds received under subsection (a) shall be deposited in the reserve account established under paragraph (1) and used in accordance with such paragraph.

''(g) LIMITATION ON ADMINISTRATIVE COSTS.—An eligible entity may use not more than 2.5 percent of the funds received under subsection (a) for the administrative costs of carrying out its responsibilities under this section (excluding subsection (k)).

''(h) AUDITS AND REPORTS.—

''(1) FINANCIAL RECORD MAINTENANCE AND AUDIT.—The financial records of each eligible entity receiving a grant under subsection (a) shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

''(2) REPORTS.—

''(A) GRANTEE ANNUAL REPORTS.—Each eligible entity receiving a grant under subsection (a) annually shall submit to the Secretary a report of its operations and activities under this section (excluding subsection (k)).

''(B) CONTENTS.—Each annual report submitted under subparagraph (A) shall include—

''(i) a copy of the most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant reviewing the financial records of the eligible entity;

''(ii) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under paragraph (1) during the reporting period;

''(iii) an evaluation by the eligible entity of the effectiveness of its use of the Federal funds provided under subsection (a) in leveraging private funds;

''(iv) a listing and description of the charter schools served during the reporting period, including the amount of funds used by each school, the type of project facilitated by the grant, and the type of assistance provided to the charter schools;

''(v) a description of the activities carried out by the eligible entity to assist charter schools in meeting the objectives set forth in subsection (e); and

''(vi) a description of the characteristics of lenders and other financial institutions participating in the activities undertaken by the eligible entity under this section (excluding subsection (k)) during the reporting period.

''(C) SECRETARIAL REPORT.—The Secretary shall review the reports submitted under subparagraph (A) and shall provide a comprehensive annual report to Congress on the activities conducted under this section (excluding subsection (k)).

''(i) NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATION.—No financial obligation of an eligible entity entered into pursuant to this section (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds which may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this section.

''(j) RECOVERY OF FUNDS.—

''(1) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

''(A) all of the funds in a reserve account established by an eligible entity under subsection (f)(1) if the Secretary determines, not earlier than 2 years after the date on which the eligible entity first received funds under subsection (a), that the eligible entity has failed to make substantial progress in carrying out the purposes described in subsection (f)(1); or

''(B) all or a portion of the funds in a reserve account established by an eligible entity under subsection (f)(1) if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in subsection (f)(1).

''(2) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided in paragraph (1) to collect from any eligible entity any funds that are being properly used to achieve one or more of the purposes described in subsection (f)(1).

''(3) PROCEDURES.—The provisions of sections 451, 452, and 458 of the General Education Provisions Act (20 U.S.C. 124, 1234a, 1234g) shall apply to the recovery of funds under paragraph (1).

''(4) CONSTRUCTION.—This subsection shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act (20 U.S.C. 1234 et seq.).

''(k) PER-PUPIL FACILITIES AID PROGRAM.—

''(1) DEFINITION OF PER-PUPIL FACILITIES AID PROGRAM.—In this subsection, the term 'per-pupil facilities aid program' means a program in which a State makes payments, on a per-pupil basis, to charter schools to provide the schools with financing—

''(A) that is dedicated solely for funding charter school facilities; or

''(B) a portion of which is dedicated for funding charter school facilities.

''(2) GRANTS.—

''(A) IN GENERAL.—From the amount under section 3102(b)(1) remaining after the Secretary makes grants under subsection (a), the Secretary shall make grants, on a competitive basis, to States to pay for the Federal share of the cost of establishing or enhancing, and administering per-pupil facilities aid programs.

''(B) PERIOD.—The Secretary shall award grants under this subsection for periods of not more than 5 years.

''(C) FEDERAL SHARE.—The Federal share of the cost described in subparagraph (A) for a per-pupil facilities aid program shall be not more than—

''(i) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subsection;

''(ii) 80 percent in the second such year;

''(iii) 60 percent in the third such year;

''(iv) 40 percent in the fourth such year; and

''(v) 20 percent in the fifth such year.

''(D) STATE SHARE.—A State receiving a grant under this subsection may partner with 1 or more organizations to provide up to 50 percent of the State share of the cost of establishing or enhancing, and administering the per-pupil facilities aid program.

''(E) MULTIPLE GRANTS.—A State may receive more than 1 grant under this subsection, so long as the amount of such funds provided to charter schools increases with each successive grant.

''(3) USE OF FUNDS.—

''(A) IN GENERAL.—A State that receives a grant under this subsection shall use the funds made available through the grant to establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State of the applicant.

''(B) EVALUATIONS; TECHNICAL ASSISTANCE; DISSEMINATION.—From the amount made available to a State through a grant under this subsection for a fiscal year, the State may reserve not more than 5 percent to carry out evaluations, to provide technical assistance, and to disseminate information.

''(C) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this subsection shall be used to supplement, and not supplant, State and local public funds expended to provide per pupil facilities aid programs, operations financing programs, or other programs, for charter schools.

''(4) REQUIREMENTS.—

''(A) VOLUNTARY PARTICIPATION.—No State may be required to participate in a program carried out under this subsection.

''(B) STATE LAW.—

''(i) IN GENERAL.—Except as provided in clause (ii), to be eligible to receive a grant under this subsection, a State shall establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State, that—

''(I) is specified in State law; and

''(II) provides annual financing, on a per-pupil basis, for charter school facilities.

''(ii) SPECIAL RULE.—Notwithstanding clause (i), a State that is required under State law to provide its charter schools with access to adequate facility space, but which does not have a per-pupil facilities aid program for charter schools specified in State law, may be eligible to receive a grant under this subsection if the State agrees to use the funds to develop a per-pupil facilities aid program consistent with the requirements of this subsection.

''(5) APPLICATIONS.—To be eligible to receive a grant under this subsection, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"SEC. 3105. NATIONAL ACTIVITIES.

''(a) IN GENERAL.—Of the amount reserved under section 3102(b)(2), the Secretary shall—

''(1) use not less than 75 percent of such amount to award grants in accordance with subsection (b); and

''(2) use not more than 25 percent of such amount to—

''(A) provide technical assistance to State entities in awarding subgrants under section 3103, and eligible entities and States receiving grants under section 3104;

''(B) disseminate best practices; and

''(C) evaluate the impact of the charter school program, including the impact on student achievement, carried out under this subpart.

''(b) GRANTS.—

''(1) IN GENERAL.—The Secretary shall make grants, on a competitive basis, to eligible applicants for the purpose of carrying out the activities described in section 3102(a)(1), subparagraphs (A) through (C) of section 3103(a)(1), and section 3103(g).

''(2) TERMS AND CONDITIONS.—Except as otherwise provided in this subsection, grants awarded under this subsection shall have the same terms and conditions as grants awarded to State entities under section 3103.

''(3) CHARTER MANAGEMENT ORGANIZATIONS.—The Secretary shall—

''(A) of the amount described in subsection (a)(1), use not less than 75 percent to make grants, on a competitive basis, to eligible applicants described in paragraph (4)(B); and

''(B) notwithstanding paragraphs (1)(A) and (2) of section 3103(f)—

''(i) award grants to eligible applicants on the basis of the quality of the applications submitted under this subsection; and

''(ii) in awarding grants to eligible applicants described in paragraph (4)(B) of this subsection, take into consideration whether such an eligible applicant—

''(I) demonstrates a high proportion of high-quality charter schools within the network of the eligible applicant;

''(II) demonstrates success in serving students who are educationally disadvantaged;

''(III) does not have a significant proportion of charter schools that have been closed, had their charter revoked for compliance issues, or had their affiliation with such eligible applicant revoked;

''(IV) has sufficient procedures in effect to ensure timely closure of low-performing or financially mismanaged charter schools and clear plans and procedures in effect for the students in such schools to attend other high-quality schools; and

''(V) demonstrates success in working with schools identified for improvement by the State.

''(4) ELIGIBLE APPLICANT DEFINED.—For purposes of this subsection, the term 'eligible applicant' means an eligible applicant (as defined in section 3110) that—

''(A) desires to open a charter school in—

''(i) a State that did not apply for a grant under section 3103; or

''(ii) a State that did not receive a grant under section 3103; or

''(B) is a charter management organization.

''(c) CONTRACTS AND GRANTS.—The Secretary may carry out any of the activities described in this section directly or through grants, contracts, or cooperative agreements.

"SEC. 3106. FEDERAL FORMULA ALLOCATION DURING FIRST YEAR AND FOR SUCCESSIVE ENROLLMENT EXPANSIONS.

''(a) IN GENERAL.—For purposes of the allocation to schools by the States or their agencies of funds under part A of title I, and any other Federal funds which the Secretary allocates to States on a formula basis, the Secretary and each State educational agency shall take such measures as are necessary to ensure that every charter school receives the Federal funding for which the charter school is eligible not later than 5 months after the charter school first opens, notwithstanding the fact that the identity and characteristics of the students enrolling in that charter school are not fully and completely determined until that charter school actually opens. The measures similarly shall ensure that every charter school expanding its enrollment in any subsequent year of operation receives the Federal funding for which the charter school is eligible not later than 5 months after such expansion.

''(b) ADJUSTMENT AND LATE OPENINGS.—

''(1) IN GENERAL.—The measures described in subsection (a) shall include provision for appropriate adjustments, through recovery of funds or reduction of payments for the succeeding year, in cases where payments made to a charter school on the basis of estimated or projected enrollment data exceed the amounts that the school is eligible to receive on the basis of actual or final enrollment data.

''(2) RULE.—For charter schools that first open after November 1 of any academic year, the State, in accordance with guidance provided by the Secretary and applicable Federal statutes and regulations, shall ensure that such charter schools that are eligible for the funds described in subsection (a) for such academic year have a full and fair opportunity to receive those funds during the charter schools' first year of operation.

"SEC. 3107. SOLICITATION OF INPUT FROM CHARTER SCHOOL OPERATORS.

''To the extent practicable, the Secretary shall ensure that administrators, teachers, and other individuals directly involved in the operation of charter schools are consulted in the development of any rules or regulations required to implement this subpart, as well as in the development of any rules or regulations relevant to charter schools that are required to implement part A of title I, the Individuals with Disabilities Education Act, or any other program administered by the Secretary that provides education funds to charter schools or regulates the activities of charter schools.

"SEC. 3108. RECORDS TRANSFER.

''State educational agencies and local educational agencies, as quickly as possible and to the extent practicable, shall ensure that a student's records and, if applicable, a student's individualized education program as defined in section 602(14) of the Individuals with Disabilities Education Act, are transferred to a charter school upon the transfer of the student to the charter school, and to another public school upon the transfer of the student from a charter school to another public school, in accordance with applicable State law.

"SEC. 3109. PAPERWORK REDUCTION.

''To the extent practicable, the Secretary and each authorized public chartering agency shall ensure that implementation of this subpart results in a minimum of paperwork for any eligible applicant or charter school.

"SEC. 3110. DEFINITIONS.

''In this subpart:

''(1) CHARTER MANAGEMENT ORGANIZATION.—The term 'charter management organization' means a nonprofit organization that manages a network of charter schools linked by centralized support, operations, and oversight.

''(2) CHARTER SCHOOL SUPPORT ORGANIZATION.—The term 'charter school support organization' means a nonprofit, nongovernmental entity that is not an authorized public chartering agency, which provides on a statewide basis—

''(A) assistance to developers during the planning, program design, and initial implementation of a charter school; and

''(B) technical assistance to charter schools to operate such schools.

''(3) DEVELOPER.—The term 'developer' means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

''(4) ELIGIBLE APPLICANT.—The term 'eligible applicant' means a developer that has—

''(A) applied to an authorized public chartering authority to operate a charter school; and

''(B) provided adequate and timely notice to that authority.

''(5) AUTHORIZED PUBLIC CHARTERING AGENCY.—The term 'authorized public chartering agency' means a State educational agency, local educational agency, or other public entity that has the authority pursuant to State law and approved by the Secretary to authorize or approve a charter school.

''(6) EXPANDED, HIGH-QUALITY CHARTER SCHOOL.—The term 'expanded, high-quality charter school' means a high-quality charter school that has either significantly increased its enrollment or added one or more grades to its school.

''(7) HIGH-QUALITY CHARTER SCHOOL.—The term 'high-quality charter school' means a charter school that—

''(A) shows evidence of strong academic results, which may include strong academic growth as determined by a State;

''(B) has no significant issues in the areas of student safety, operational and financial management, or statutory or regulatory compliance;

''(C) has demonstrated success in significantly increasing student academic achievement, including graduation rates where applicable, consistent with the requirements under title I, for all students served by the charter school; and

''(D) has demonstrated success in increasing student academic achievement, including graduation rates where applicable, for the groups of students described in section 1111(b)(3)(B)(ii)(II), except that such demonstration is not required in a case in which the number of students in a group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

''(8) REPLICATED, HIGH-QUALITY CHARTER SCHOOL MODEL.—The term 'replicated, high-quality charter school model' means a high-quality charter school that has opened a new campus under an existing charter or an additional charter if required or permitted by State law.

"Subpart 2—Magnet School Assistance

"SEC. 3121. PURPOSE.

''The purpose of this subpart 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 include assisting in the efforts of the United States to achieve voluntary desegregation in public schools;

''(2) the development and implementation of magnet school programs that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet State academic standards;

''(3) the development and design of innovative educational methods and practices that promote diversity and increase choices in public elementary schools and public secondary schools and public educational programs;

''(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the attainment of tangible and marketable career, technical, and professional skills of students attending such schools;

''(5) improving the ability of local educational agencies, including through professional development, to continue operating magnet schools at a high performance level after Federal funding for the magnet schools is terminated; and

''(6) ensuring that students enrolled in the magnet school programs have equitable access to a quality education that will enable the students to succeed academically and continue with postsecondary education or employment.

"SEC. 3122. DEFINITION.

''For the purpose of this subpart, the term 'magnet school' means a public elementary school, public secondary school, public elementary education center, or public secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

"SEC. 3123. PROGRAM AUTHORIZED.

''From the amount appropriated under section 3(c)(1)(B), the Secretary, in accordance with this subpart, is authorized to award grants to eligible local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this subpart 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. 3124. ELIGIBILITY.

''A local educational agency, or consortium of such agencies where appropriate, is eligible to receive a grant under this subpart to carry out the purpose of this subpart 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 a grant is awarded to such local educational agency, or consortium of such agencies, under this subpart, 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. 3125. APPLICATIONS AND REQUIREMENTS.

''(a) APPLICATIONS.—An eligible local educational agency, or consortium of such agencies, desiring to receive a grant under this subpart shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

''(b) INFORMATION AND ASSURANCES.—Each application submitted under subsection (a) shall include—

''(1) a description of—

''(A) how a grant awarded under this subpart will be used to promote desegregation, including how the proposed magnet school programs will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

''(B) the manner and extent to which the magnet school program will increase student academic achievement in the instructional area or areas offered by the school;

''(C) how the applicant will continue the magnet school program after assistance under this subpart is no longer available, and, if applicable, an explanation of why magnet schools established or supported by the applicant with grant funds under this subpart cannot be continued without the use of grant funds under this subpart;

''(D) how grant funds under this subpart will be used—

''(i) to improve student academic achievement for all students attending the magnet school programs; and

''(ii) to implement services and activities that are consistent with other programs under this Act, and other Acts, as appropriate; and

''(E) the criteria to be used in selecting students to attend the proposed magnet school program; and

''(2) assurances that the applicant will—

''(A) use grant funds under this subpart for the purposes specified in section 3121;

''(B) employ effective teachers in the courses of instruction assisted under this subpart;

''(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 applicant or other personnel for whom the applicant has any administrative responsibility;

''(ii) the assignment of students to schools, or to courses of instruction within the schools, of such applicant, except to carry out the approved plan; and

''(iii) designing or operating extracurricular activities for students;

''(D) carry out a quality education program that will encourage greater parental decision-making and involvement; and

''(E) give students residing in the local attendance area of the proposed magnet school program equitable consideration for placement in the program, consistent with desegregation guidelines and the capacity of the applicant to accommodate the students.

''(c) SPECIAL RULE.—No grant shall be awarded under this subpart unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

''SEC. 3126. PRIORITY.

''In awarding grants under this subpart, 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 approved desegregation plans and the magnet school program for which the grant is sought;

''(2) propose to carry out new magnet school programs, or significantly revise existing magnet school programs;

''(3) propose to select students to attend magnet school programs by methods such as lottery, rather than through academic examination; and

''(4) propose to serve the entire student population of a school.

''SEC. 3127. USE OF FUNDS.

''(a) IN GENERAL.—Grant funds made available under this subpart 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 of materials, equipment, and computers, necessary to conduct programs in magnet schools;

''(3) for the compensation, or subsidization of the compensation, of elementary school and secondary school teachers, and instructional staff where applicable, who are necessary to conduct 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 program to students who are enrolled in the school but who are not enrolled in the magnet school program; and

''(B) further the purpose of this subpart;

''(5) for activities, which may include professional development, that will build the recipient's capacity to operate magnet school programs once the grant period has ended;

''(6) to enable the local educational agency, or consortium of such agencies, 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 of such agencies, to have flexibility in designing magnet schools for students in all grades.

''(b) SPECIAL RULE.—Grant funds under this subpart may be used for activities described in paragraphs (2) and (3) of subsection (a) only if the activities are directly related to improving student academic achievement based on the State's academic standards or directly related to improving student reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving career, technical, and professional skills.

''SEC. 3128. LIMITATIONS.

''(a) DURATION OF AWARDS.—A grant under this subpart shall be awarded for a period that shall not exceed 3 fiscal years.

''(b) LIMITATION ON PLANNING FUNDS.—A local educational agency, or consortium of such agencies, may expend for planning (professional development shall not be considered to be planning for purposes of this subsection) not more than 50 percent of the grant funds received under this subpart for the first year of the program and not more than 15 percent of such funds for each of the second and third such years.

''(c) AMOUNT.—No local educational agency, or consortium of such agencies, awarded a grant under this subpart shall receive more than $4,000,000 under this subpart for any 1 fiscal year.

''(d) TIMING.—To the extent practicable, the Secretary shall award grants for any fiscal year under this subpart not later than July 1 of the applicable fiscal year.

''SEC. 3129. EVALUATIONS.

''(a) RESERVATION.—The Secretary may reserve not more than 2 percent of the funds appropriated under section 3(c)(1)(B) for any fiscal year to carry out evaluations, provide technical assistance, and carry out dissemination projects with respect to magnet school programs assisted under this subpart.

''(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 academic improvement;

''(2) the extent to which magnet school programs enhance student access to a 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; and

''(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.

''(c) DISSEMINATION.—The Secretary shall collect and disseminate to the general public information on successful magnet school programs.

''SEC. 3130. RESERVATION.

''In any fiscal year for which the amount appropriated under section 3(c)(1)(B) exceeds $75,000,000, the Secretary shall give priority in using such amounts in excess of $75,000,000 to awarding grants to local educational agencies or consortia of such agencies that did not receive a grant under this subpart in the preceding fiscal year.

''Subpart 3—Family Engagement in Education Programs

''SEC. 3141. PURPOSES.

''The purposes of this subpart are the following:

''(1) To provide financial support to organizations to provide technical assistance and training to State and local educational agencies in the implementation and enhancement of systemic and effective family engagement policies, programs, and activities that lead to improvements in student development and academic achievement.

''(2) To assist State educational agencies, local educational agencies, community-based organizations, schools, and educators in strengthening partnerships among parents, teachers, school leaders, administrators, and other school personnel in meeting the educational needs of children and fostering greater parental engagement.

''(3) To support State educational agencies, local educational agencies, schools, educators, and parents in developing and strengthening the relationship between parents and their children's school in order to further the developmental progress of children.

''(4) To coordinate activities funded under this subpart with parent involvement initiatives funded under section 1118 and other provisions of this Act.

''(5) To assist the Secretary, State educational agencies, and local educational agencies in the coordination and integration of Federal, State, and local services and programs to engage families in education.

''SEC. 3142. GRANTS AUTHORIZED.

''(a) STATEWIDE FAMILY ENGAGEMENT CENTERS.—From the amount appropriated under section 3(c)(1)(C), the Secretary is authorized to award grants for each fiscal year to statewide organizations (or consortia of such organizations), to establish Statewide Family Engagement Centers that provide comprehensive training and technical assistance to State educational agencies, local educational agencies, schools identified by State educational agencies and local educational agencies, organizations that support family-school partnerships, and

other organizations that carry out, or carry out directly, parent education and family engagement in education programs.

''(b) MINIMUM AWARD.—In awarding grants under this section, the Secretary shall, to the extent practicable, ensure that a grant is awarded for a Statewide Family Engagement Center in an amount not less than $500,000.

"SEC. 3143. APPLICATIONS.

''(a) SUBMISSIONS.—Each statewide organization, or a consortium of such organizations, that desires a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and including the information described in subsection (b).

''(b) CONTENTS.—Each application submitted under subsection (a) shall include, at a minimum, the following:

''(1) A description of the applicant's approach to family engagement in education.

''(2) A description of the support that the Statewide Family Engagement Center that will be operated by the applicant will have from the State educational agency and any partner organization outlining the commitment to work with the center.

''(3) A description of the applicant's plan for building a statewide infrastructure for family engagement in education, that includes—

''(A) management and governance;

''(B) statewide leadership; or

''(C) systemic services for family engagement in education.

''(4) A description of the applicant's demonstrated experience in providing training, information, and support to State educational agencies, local educational agencies, schools, educators, parents, and organizations on family engagement in education policies and practices that are effective for parents (including low-income parents) and families, English learners, minorities, parents of students with disabilities, parents of homeless students, foster parents and students, and parents of migratory students, including evaluation results, reporting, or other data exhibiting such demonstrated experience.

''(5) A description of the steps the applicant will take to target services to low-income students and parents.

''(6) An assurance that the applicant will—

''(A) establish a special advisory committee, the membership of which includes—

''(i) parents, who shall constitute a majority of the members of the special advisory committee;

''(ii) representatives of education professionals with expertise in improving services for disadvantaged children;

''(iii) representatives of local elementary schools and secondary schools, including students;

''(iv) representatives of the business community; and

''(v) representatives of State educational agencies and local educational agencies;

''(B) use not less than 65 percent of the funds received under this subpart in each fiscal year to serve local educational agencies, schools, and community-based organizations that serve high concentrations of disadvantaged students, including English learners, minorities, parents of students with disabilities, parents of homeless students, foster parents and students, and parents of migratory students;

''(C) operate a Statewide Family Engagement Center of sufficient size, scope, and quality to ensure that the Center is adequate to serve the State educational agency, local educational agencies, and community-based organizations;

''(D) ensure that the Center will retain staff with the requisite training and experience to serve parents in the State;

''(E) serve urban, suburban, and rural local educational agencies and schools;

''(F) work with—

''(i) other Statewide Family Engagement Centers assisted under this subpart; and

''(ii) parent training and information centers and community parent resource centers assisted under sections 671 and 672 of the Individuals with Disabilities Education Act;

''(G) use not less than 30 percent of the funds received under this subpart for each fiscal year to establish or expand technical assistance for evidence-based parent education programs;

''(H) provide assistance to State educational agencies and local educational agencies and community-based organizations that support family members in supporting student academic achievement;

''(I) work with State educational agencies, local educational agencies, schools, educators, and parents to determine parental needs and the best means for delivery of services to address such needs;

''(J) conduct sufficient outreach to assist parents, including parents who the applicant may have a difficult time engaging with a school or local educational agency; and

''(K) conduct outreach to low-income students and parents, including low-income students and parents who are not proficient in English.

"SEC. 3144. USES OF FUNDS.

''(a) IN GENERAL.—Grantees shall use grant funds received under this subpart, based on the needs determined under section 3143(b)(6)(I), to provide training and technical assistance to State educational agencies, local educational agencies, and organizations that support family-school partnerships, and activities, services, and training for local educational agencies, school leaders, educators, and parents—

''(1) to assist parents in participating effectively in their children's education and to help their children meet State standards, such as assisting parents—

''(A) to engage in activities that will improve student academic achievement, including understanding how they can support learning in the classroom with activities at home and in after-school and extracurricular programs;

''(B) to communicate effectively with their children, teachers, school leaders, counselors, administrators, and other school personnel;

''(C) to become active participants in the development, implementation, and review of school-parent compacts, family engagement in education policies, and school planning and improvement;

''(D) to participate in the design and provision of assistance to students who are not making academic progress;

''(E) to participate in State and local decision-making;

''(F) to train other parents; and

''(G) to help the parents learn and use technology applied in their children's education;

''(2) to develop and implement, in partnership with the State educational agency, statewide family engagement in education policy and systemic initiatives that will provide for a continuum of services to remove barriers for family engagement in education and support school reform efforts; and

''(3) to develop and implement parental involvement policies under this Act.

''(b) MATCHING FUNDS FOR GRANT RENEWAL.—For each fiscal year after the first fiscal year for which an organization or consortium receives assistance under this section, the organization or consortium shall demonstrate in the application that a portion of the services provided by the organization or consortium is supported through non-Federal contributions, which may be in cash or in-kind.

''(c) TECHNICAL ASSISTANCE.—The Secretary shall reserve not more than 2 percent of the funds appropriated under section 3(c)(1)(C) to carry out this subpart to provide technical assistance, by competitive grant or contract, for the establishment, development, and coordination of Statewide Family Engagement Centers.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a Statewide Family Engagement Center from—

''(1) having its employees or agents meet with a parent at a site that is not on school grounds; or

''(2) working with another agency that serves children.

''(e) PARENTAL RIGHTS.—Notwithstanding any other provision of this section—

''(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 under this section; and

''(2) no program or center 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.

"SEC. 3145. FAMILY ENGAGEMENT IN INDIAN SCHOOLS.

''The Secretary of the Interior, in consultation with the Secretary of Education, shall establish, or enter into contracts and cooperative agreements with local Indian nonprofit parent organizations to establish and operate Family Engagement Centers.

"PART B—LOCAL ACADEMIC FLEXIBLE GRANT

"SEC. 3201. PURPOSE.

''The purpose of this part is to—

''(1) provide local educational agencies with the opportunity to access funds to support the initiatives important to their schools and students to improve academic achievement and student engagement, including protecting student safety; and

''(2) provide nonprofit and for-profit entities the opportunity to work with students to improve academic achievement and student engagement, including student safety.

"SEC. 3202. ALLOTMENTS TO STATES.

''(a) RESERVATIONS.—From the funds appropriated under section 3(c)(2) for any fiscal year, the Secretary shall reserve—

''(1) not more than one-half of 1 percent for national activities to provide technical assistance to eligible entities in carrying out programs under this part; and

''(2) not more than one-half of 1 percent for payments to the outlying areas and the Bureau of Indian Education, to be allotted in accordance with their respective needs for assistance under this part, as determined by the Secretary, to enable the outlying areas and the Bureau to carry out the purpose of this part.

''(b) STATE ALLOTMENTS.—

''(1) DETERMINATION.—From the funds appropriated under section 3(c)(2) for any fiscal year and remaining after the Secretary makes reservations under subsection (a), the Secretary shall allot to each State for the fiscal year an amount that bears the same relationship to the remainder as the amount the State received under chapter B of subpart 1 of part A of title I for the preceding fiscal year bears to the amount all States received under that chapter for the preceding fiscal year, except that no State shall receive less than an amount equal to one-half of 1 percent of the total amount made available to all States under this subsection.

''(2) REALLOTMENT OF UNUSED FUNDS.—If a State does not receive an allotment under this part for a fiscal year, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this section.

''(c) STATE USE OF FUNDS.—

''(1) IN GENERAL.—Each State that receives an allotment under this part shall reserve not less than 75 percent of the amount allotted to the State under subsection (b) for each fiscal year for awards to eligible entities under section 3204.

''(2) AWARDS TO NONGOVERNMENTAL ENTITIES TO IMPROVE STUDENT ACADEMIC ACHIEVEMENT.—Each State that receives an allotment under subsection (b) for each fiscal year shall reserve not less than 8 percent of the amount allotted to the State for awards to nongovernmental entities under section 3205.

''(3) STATE ACTIVITIES AND STATE ADMINISTRATION.—A State educational agency may reserve

not more than 17 percent of the amount allotted to the State under subsection (b) for each fiscal year for one or more of the following:

''(A) Enabling the State educational agency—

''(i) to pay the costs of developing the State assessments and standards required under section 1111(b), which may include the costs of working, at the sole discretion of the State, in voluntary partnerships with other States to develop such assessments and standards; or

''(ii) if the State has developed the assessments and standards required under section 1111(b), to administer those assessments or carry out other activities related to ensuring that the State's schools and local educational agencies are helping students meet the State's academic standards under such section.

''(B) The administrative costs of carrying out its responsibilities under this part, except that not more than 5 percent of the reserved amount may be used for this purpose.

''(C) Monitoring and evaluation of programs and activities assisted under this part.

''(D) Providing training and technical assistance under this part.

''(E) Statewide academic focused programs.

''(F) Sharing evidence-based and other effective strategies with eligible entities.

''(G) Awarding grants for blended learning projects under paragraph (4).

''(4) BLENDED LEARNING PROJECTS.—

''(A) IN GENERAL.—From the amount of funds a State educational agency reserves under subsection (c)(3) for each fiscal year to carry out this paragraph, the State educational agency shall award grants on a competitive basis to eligible entities in the State to carry out blended learning projects described in this paragraph.

''(B) GEOGRAPHIC DIVERSITY.— In awarding grants under this paragraph, a State educational agency shall distribute funds equitably among geographic areas of the State, including rural and urban communities.

''(C) APPLICATION.—An eligible entity desiring to receive a grant under this paragraph shall submit an application to the State educational agency at such time and in such manner as the agency may require, and which describes—

''(i) the blended learning project to be carried out by the eligible entity, including the design of the instructional model to be carried out by the eligible entity and how such eligible entity will use funds provided under this paragraph to carry out the project;

''(ii) in the case of an eligible entity described in subclause (I), (II), or (IV) of subparagraph (F)(ii), the schools that will participate in the project;

''(iii) the expected impact on student academic achievement;

''(iv) how the eligible entity will ensure sufficient information technology is available to carry out the project;

''(v) how the eligible entity will ensure sufficient digital instructional resources are available to students participating in the project;

''(vi) the ongoing professional development to be provided for teachers, school leaders, and other personnel carrying out the project;

''(vii) the State policies and procedures for which the eligible entity requests waivers from the State to carry out the project, which may include requests for the waivers described in section 3203(a)(11)(B);

''(viii) as appropriate, how the eligible entity will use the blended learning project to improve instruction and access to the curriculum for diverse groups of students, including students with disabilities and students who are limited English proficient;

''(ix) how the eligible entity will evaluate the project in terms of student academic achievement and publicly report the results of such evaluation; and

''(x) how the eligible entity will sustain the project beyond the grant period.

''(D) USES OF FUNDS.—An eligible entity receiving a grant under this paragraph shall use such grant to carry out a blended learning project, which shall include at least 1 of the following activities:

''(i) Planning activities, which may include development of new instructional models (including blended learning technology software and platforms), the purchase of digital instructional resources, initial professional development activities, and one-time information technology purchases, except that such expenditures may not include expenditures related to significant construction or renovation of facilities.

''(ii) Ongoing professional development for teachers, school leaders, or other personnel involved in the project that is designed to support the implementation and academic success of the project.

''(E) NON-FEDERAL MATCH.—A State educational agency that carries out a grant program under this paragraph shall provide non-Federal matching funds equal to not less than 10 percent of the grant funds awarded by the State educational agency to eligible entities under this paragraph.

''(F) DEFINITIONS.—In this paragraph:

''(i) BLENDED LEARNING PROJECT.—The term 'blended learning project' means a formal education program—

''(I) that includes an element of online learning, and instructional time in a supervised location away from home;

''(II) that includes an element of student control over time, path, or pace; and

''(III) in which the elements are connected to provide an integrated learning experience.

''(ii) ELIGIBLE ENTITY.—The term 'eligible entity' means a—

''(I) local educational agency;

''(II) educational service agency;

''(III) charter school; or

''(IV) consortium of the entities described in subclause (I), (II), or (III), which may be in partnership with a for-profit or nonprofit entity.

"SEC. 3203. STATE APPLICATION.

''(a) IN GENERAL.—In order to receive an allotment under section 3202 for any fiscal year, a State educational agency shall submit to the Secretary, at such time as the Secretary may require, an application that—

''(1) describes how the State educational agency will use funds reserved for State-level activities, including how, if any, of the funds will be used to support student safety;

''(2) describes the procedures and criteria the State educational agency will use for reviewing applications and awarding funds to eligible entities on a competitive basis, which shall include reviewing how the proposed project will help increase student academic achievement and student engagement;

''(3) describes how the State educational agency will ensure that awards made under this part are—

''(A) of sufficient size and scope to support high-quality, effective programs that are consistent with the purpose of this part; and

''(B) in amounts that are consistent with section 3204(f);

''(4) describes the steps the State educational agency will take to ensure that programs implement effective strategies, including providing ongoing technical assistance and training, and dissemination of evidence-based and other effective strategies;

''(5) describes how the State educational agency will consider students across all grades when making these awards;

''(6) an assurance that, other than providing technical and advisory assistance and monitoring compliance with this part, the State educational agency has not exercised and will not exercise any influence in the decisionmaking process of eligible entities as to the expenditure of funds received by the eligible entities under this part;

''(7) describes how programs under this part will be coordinated with programs under this Act, and other programs as appropriate;

''(8) contains an assurance that the State educational agency—

''(A) will make awards for programs for a period of not more than 5 years; and

''(B) will require each eligible entity seeking such an award to submit a plan describing how the project to be funded through the award will continue after funding under this part ends, if applicable;

''(9) contains an assurance that funds appropriated to carry out this part will be used to supplement, and not supplant, State and local public funds expended to provide programs and activities authorized under this part and other similar programs;

''(10) an assurance that the State will support projects from each of the categories listed in section 3204(b)(1)(D) in awarding subgrants to local educational agencies; and

''(11) in the case of a State that will carry out a program to award grants under section 3202(c)(4), a description of the program, which shall include—

''(A) the criteria the State will use to award grants under such section to eligible entities to carry out blended learning projects;

''(B) the State policies and procedures to be waived by the State, consistent with Federal law, for such eligible entities to carry out such projects, which may include waivers with respect to—

''(i) restrictions on class sizes;

''(ii) restrictions on licensing or credentialing of personnel supervising student work in such projects;

''(iii) restrictions on the use of State funding for instructional materials for the purchase of digital instructional resources;

''(iv) restrictions on advancing students based on demonstrated mastery of learning outcomes, rather than seat-time requirements; and

''(v) restrictions on secondary school students in the State enrolling in online coursework;

''(C) how the State will inform eligible entities of the availability of the waivers described in subparagraph (B); and

''(D) how the State will provide the non-Federal match required under section 3202(c)(4)(E).

''(b) DEEMED APPROVAL.—An application submitted by a State educational agency pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this part.

''(c) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and an opportunity for a hearing.

''(d) NOTIFICATION.—If the Secretary finds that the application is not in compliance, in whole or in part, with this part, the Secretary shall—

''(1) give the State educational agency notice and an opportunity for a hearing; and

''(2) notify the State educational agency of the finding of noncompliance, and, in such notification, shall—

''(A) cite the specific provisions in the application that are not in compliance; and

''(B) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

''(e) RESPONSE.—If the State educational agency responds to the Secretary's notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (d)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

''(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

''(2) the expiration of the 120-day period described in subsection (b).

''(f) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary's notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

''(g) RULE OF CONSTRUCTION.—An application submitted by a State educational agency pursuant to subsection (a) shall not be approved or disapproved based upon the activities for which the agency may make funds available to eligible entities under section 3204 if the agency's use of funds is consistent with section 3204(b).

"SEC. 3204. LOCAL COMPETITIVE GRANT PROGRAM.

''(a) IN GENERAL.—A State that receives funds under this part for a fiscal year shall provide the amount made available under section 3202(c)(1) to eligible entities in accordance with this section.

''(b) USE OF FUNDS.—

''(1) IN GENERAL.—An eligible entity that receives an award under this part shall use the funds for activities that—

''(A) are evidence-based;

''(B) will improve student academic achievement and student engagement;

''(C) are allowable under State law; and

''(D) focus on one or more projects from the following two categories:

''(i) Supplemental student support activities such as before, after, or summer school activities, tutoring, and expanded learning time, but not including athletics or in-school learning activities.

''(ii) Activities designed to support students, such as academic subject specific programs including computer science and other science, technology, engineering, and mathematics programs, arts education, civic education, and adjunct teacher, extended-learning-time, and dual enrollment programs, and parent engagement, but not including activities to—

''(I) support smaller class sizes or construction; or

''(II) provide compensation or benefits to teachers, school leaders, other school officials, or local educational agency staff.

''(2) PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.—An eligible entity that receives an award under this part shall ensure compliance with section 6501 (relating to participation of children enrolled in private schools).

''(c) APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive an award under this part, an eligible entity shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require, including the contents required by paragraph (2).

''(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

''(A) a description of the activities to be funded and how they are consistent with subsection (b), including any activities that will increase student safety;

''(B) an assurance that funds under this part will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this part, be made available for programs and activities authorized under this part, and in no case supplant State, local, or non-Federal funds;

''(C) an assurance that the community will be given notice of an intent to submit an application with an opportunity for comment, and that the application will be available for public review after submission of the application; and

''(D) an assurance that students who benefit from any activity funded under this part shall continue to maintain enrollment in a public elementary or secondary school.

''(d) REVIEW.—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 but the review shall be limited to the likelihood that the project will increase student academic achievement and student engagement.

''(e) GEOGRAPHIC DIVERSITY.—A State educational agency shall distribute funds under this part equitably among geographic areas within the State, including rural, suburban, and urban communities.

''(f) AWARD.—A grant shall be awarded to all eligible entities that submit an application that meets the requirements of this section in an amount that is not less than $10,000, but there shall be only one annual award granted to any one local educational agency, but such award may be for multiple projects or programs with the local educational agency.

''(g) DURATION OF AWARDS.—Grants under this part may be awarded for a period of not more than 5 years.

''(h) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means—

''(1) a local educational agency in partnership with a community-based organization, institution of higher education, business entity, or nongovernmental entity;

''(2) a consortium of local educational agencies working in partnership with a community-based organization, institution of higher education, business entity, or nongovernmental entity;

''(3) a community-based organization or institution of higher education in partnership with a local educational agency and, if applicable, a business entity or nongovernmental entity; or

''(4) a business entity in partnership with a local educational agency and, if applicable, a community-based organization, institution of higher education, or nongovernmental entity.

"SEC. 3205. AWARDS TO NONGOVERNMENTAL ENTITIES TO IMPROVE ACADEMIC ACHIEVEMENT.

''(a) IN GENERAL.—From the amount reserved under section 3202(c)(2), a State educational agency shall award grants to nongovernmental entities, including public or private organizations, community-based or faith-based organizations, institutions of higher education, and business entities for a program or project to increase the academic achievement and student engagement of public school students attending public elementary or secondary schools (or both) in compliance with the requirements in this section. Subject to the availability of funds, the State educational agency shall award a grant to each eligible applicant that meets the requirements in a sufficient size and scope to support the program.

''(b) APPLICATION.—The State educational agency shall require an application that includes the following information:

''(1) A description of the program or project the applicant will use the funds to support.

''(2) A description of how the applicant is using or will use other State, local, or private funding to support the program or project.

''(3) A description of how the program or project will help increase student academic achievement and student engagement, including the evidence to support this claim.

''(4) A description of the student population the program or project is targeting to impact, and if the program will prioritize students in high-need local educational agencies.

''(5) A description of how the applicant will conduct sufficient outreach to ensure students can participate in the program or project.

''(6) A description of any partnerships the applicant has entered into with local educational agencies or other entities the applicant will work with, if applicable.

''(7) A description of how the applicant will work to share evidence-based and other effective strategies from the program or project with local educational agencies and other entities working with students to increase academic achievement.

''(8) An assurance that students who benefit from any program or project funded under this section shall continue to maintain enrollment in a public elementary or secondary school.

''(c) MATCHING CONTRIBUTION.—An eligible applicant receiving a grant under this section 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.

''(d) REVIEW.—The State educational agency shall review the application to ensure that—

''(1) the applicant is an eligible applicant;

''(2) the application clearly describes the required elements in subsection (b);

''(3) the entity meets the matching requirement described in subsection (c); and

''(4) the program is allowable and complies with Federal, State, and local laws.

''(e) DISTRIBUTION OF FUNDS.—If the application requests exceed the funds available, the State educational agency shall prioritize projects that support students in high-need local educational agencies and ensure geographic diversity, including serving rural, suburban, and urban areas.

''(f) ADMINISTRATIVE COSTS.—Not more than 1 percent of a grant awarded under this section may be used for administrative costs.

"SEC. 3206. REPORT.

''Each recipient of a grant under section 3204 or 3205 shall report to the State educational agency on—

''(1) the success of the program in reaching the goals of the program;

''(2) a description of the students served by the program and how the students' academic achievement improved; and

''(3) the results of any evaluation conducted on the success of the program.''.

TITLE IV—IMPACT AID

SEC. 401. PURPOSE.

Section 8001 (20 U.S.C. 7701) is amended by striking ''challenging State standards'' and inserting ''State academic standards''.

SEC. 402. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

Section 8002 (20 U.S.C. 7702) is amended—

(1) in subsection (a)(1)(C), by amending the matter preceding clause (i) to read as follows:

''(C) had an assessed value according to original records (including facsimiles or other reproductions of those records) documenting the assessed value of such property (determined as of the time or times when so acquired) prepared by the local officials referred to in subsection (b)(3) or, when such original records are not available due to unintentional destruction (such as natural disaster, fire, flooding, pest infestation, or deterioration due to age), other records, including Federal agency records, local historical records, or other records that the Secretary determines to be appropriate and reliable, aggregating 10 percent or more of the assessed value of—'';

(2) in subsection (b)(1)(B), by striking ''section 8014(a)'' and inserting ''section 3(d)(1)'';

(3) by amending subsection (f) to read as follows:

''(f) SPECIAL RULE.—Beginning with fiscal year 2014, a local educational agency shall be deemed to meet the requirements of subsection (a)(1)(C) if records to determine eligibility under such subsection were destroyed prior to fiscal year 2000 and the agency received funds under subsection (b) in the previous year.'';

(4) by amending subsection (g) to read as follows:

''(g) FORMER DISTRICTS.—

''(1) CONSOLIDATIONS.—For fiscal year 2006 and each succeeding fiscal year, if a local educational agency described in subsection (b) is formed at any time after 1938 by the consolidation of 2 or more former school districts, the local educational agency may elect to have the Secretary determine its eligibility for any fiscal year on the basis of 1 or more of those former districts, as designated by the local educational agency.

''(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency referred to in subsection (a) is—

''(A) any local educational agency that, for fiscal year 1994 or any preceding fiscal year, applied, and was determined to be eligible under, section 2(c) of the Act of September 30, 1950 (Public Law 874, 81st Congress) as that section was in effect for that fiscal year; or

''(B) a local educational agency formed by the consolidation of 2 or more districts, at least 1 of which was eligible for assistance under this section for the fiscal year preceding the year of the consolidation, if—

''(i) for fiscal years 2006 through 2015 the local educational agency notified the Secretary not later than 30 days after the date of the enactment of this Act; and

''(ii) for fiscal year 2016 the local educational agency includes the designation in its application under section 8005 or any timely amendment to such application.

''(3) AMOUNT.—A local educational agency eligible under subsection (b) shall receive a foundation payment as provided for under subparagraphs (A) and (B) of subsection (h)(1), except that the foundation payment shall be calculated based on the most recent payment received by the local educational based on its former common status.'';

(5) in subsection (h)—

(A) in paragraph (2)—

(i) in subparagraph (C)(ii), by striking ''section 8014(a)'' and inserting ''section 3(d)(1)''; and

(ii) in subparagraph (D), by striking ''section 8014(a)'' and inserting ''section 3(d)(1)''; and

(B) in paragraph (4), by striking ''Impact Aid Improvement Act of 2012'' and inserting ''Student Success Act'';

(6) by repealing subsections (k) and (m);

(7) by redesignating subsection (l) as subsection (j);

(8) by amending subsection (j) (as so redesignated) by striking ''(h)(4)(B)'' and inserting ''(h)(2)''; and

(9) by redesignating subsection (n) as subsection (k).

SEC. 403. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.

(a) COMPUTATION OF PAYMENT.—Section 8003(a) (20 U.S.C. 7703(a)) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1), by inserting after ''schools of such agency'' the following: ''(including those children enrolled in such agency as a result of the open enrollment policy of the State in which the agency is located, but not including children who are enrolled in a distance education program at such agency and who are not residing within the geographic boundaries of such agency)''; and

(2) in paragraph (5)(A), by striking ''1984'' and all that follows through ''situated'' and inserting ''1984, or under lease of off-base property under subchapter IV of chapter 169 of title 10, United States Code, to be children described under paragraph (1)(B) if the property described is within the fenced security perimeter of the military facility or attached to and under any type of force protection agreement with the military installation upon which such housing is situated''.

(b) BASIC SUPPORT PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—Section 8003(b) (20 U.S.C. 7703(b)) is amended—

(1) by striking ''section 8014(b)'' each place it appears and inserting ''section 3(d)(2)'';

(2) in paragraph (1), by repealing subparagraph (E);

(3) in paragraph (2)—

(A) in subparagraph (B)—

(i) by striking ''CONTINUING'' in the heading;

(ii) by amending clause (i) to read as follows:

''(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) is a local educational agency—

''(aa) whose boundaries are the same as a Federal military installation or an island property designated by the Secretary of the Interior to be property that is held in trust by the Federal Government; and

''(bb) that has no taxing authority;

''(II) is a local educational agency that—

''(aa) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 45 percent;

''(bb) has a per-pupil expenditure that is less than—

''(AA) for an agency that has a total student enrollment of 500 or more students, 125 percent of the average per-pupil expenditure of the State in which the agency is located; or

''(BB) for any agency that has a total student enrollment less than 500, 150 percent of the average per-pupil expenditure of the State in which the agency is located or the average per-pupil expenditure of 3 or more comparable local educational agencies in the State in which the agency is located; and

''(cc) is an agency that 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 comparable local educational agencies in the State;

''(III) is a local educational agency that—

''(aa) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 20 percent;

''(bb) for the 3 fiscal years preceding the fiscal year for which the determination is made, the average enrollment of children who are not described in subsection (a)(1) and who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act constitutes a percentage of the total student enrollment of the agency that is not less than 65 percent; and

''(cc) 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 comparable local educational agencies in the State;

''(IV) is a local educational agency that has a total student enrollment of not less than 25,000 students, of which—

''(aa) not less than 50 percent are children described in subsection (a)(1); and

''(bb) not less than 5,500 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or

''(V) is a local educational agency that—

''(aa) has an enrollment of children described in subsection (a)(1) including, for purposes of determining eligibility, those children described in subparagraphs (F) and (G) of such subsection, that is not less than 35 percent of the total student enrollment of the agency; and

''(bb) was eligible to receive assistance under subparagraph (A) for fiscal year 2001.''; and

(iii) in clause (ii)—

(I) by striking ''A heavily'' and inserting the following:

''(I) IN GENERAL.—Subject to subclause (II), a heavily''; and

(II) by adding at the end the following:

''(II) LOSS OF ELIGIBILITY DUE TO FALLING BELOW 95 PERCENT OF THE AVERAGE TAX RATE FOR GENERAL FUND PURPOSES.—In a case of a heavily impacted local educational agency that is eligible to receive a basic support payment under subparagraph (A), but that has had, for 2 consecutive fiscal years, a tax rate for general fund purposes that falls below 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State, such agency shall be determined to be ineligible under clause (i) and ineligible to receive a basic support payment under subparagraph (A) for each fiscal year succeeding such 2 consecutive fiscal years for which the agency has such a tax rate for general fund purposes, and until the fiscal year for which the agency resumes such eligibility in accordance with clause (iii).'';

(B) by striking subparagraph (C);

(C) by redesignating subparagraphs (D) through (H) as subparagraphs (C) through (G), respectively;

(D) in subparagraph (C) (as so redesignated)—

(i) in the heading, by striking ''REGULAR'';

(ii) by striking ''Except as provided in subparagraph (E)'' and inserting ''Except as provided in subparagraph (D)'';

(iii) by amending subclause (I) of clause (ii) to read as follows: '' (I)(aa) 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), and that has an enrollment of children described in subparagraph (A), (B), or (C) of such subsection equal to at least 10 percent of the agency's total enrollment, the Secretary shall calculate the weighted student units of those children described in subparagraph (D) or (E) of such subsection by multiplying the number of such children by a factor of 0.55.

''(bb) Notwithstanding subitem (aa), a local educational agency that received a payment under this paragraph for fiscal year 2013 shall not be required to have an enrollment of children described in subparagraph (A), (B), or (C) of subsection (a)(1) equal to at least 10 percent of the agency's total enrollment.''; and

(iv) by amending subclause (III) of clause (ii) by striking ''(B)(i)(II)(aa)'' and inserting ''subparagraph (B)(i)(I)'';

(E) in subparagraph (D)(i)(II) (as so redesignated), by striking ''6,000'' and inserting ''5,500'';

(F) in subparagraph (E) (as so redesignated)—

(i) by striking ''Secretary'' and all that follows through ''shall use'' and inserting ''Secretary shall use'';

(ii) by striking ''; and'' and inserting a period; and

(iii) by striking clause (ii);

(G) in subparagraph (F) (as so redesignated), by striking ''subparagraph (C)(i)(II)(bb)'' and inserting ''subparagraph (B)(i)(II)(bb)(BB)''; and

(H) in subparagraph (G) (as so redesignated)—

(i) in clause (i)—

(I) by striking ''subparagraph (B), (C), (D), or (E)'' and inserting ''subparagraph (B), (C), or (D)'';

(II) by striking ''by reason of'' and inserting ''due to'';

(III) by inserting after ''clause (iii)'' the following '', or as the direct result of base realignment and closure or modularization as determined by the Secretary of Defense and force structure change or force relocation''; and

(IV) by inserting before the period, the following: ''or during such time as activities associated with base closure and realignment, modularization, force structure change, or force relocation are ongoing''; and

(ii) in clause (ii), by striking ''(D) or (E)'' each place it appears and inserting ''(C) or (D)'';

(4) in paragraph (3)—

(A) in subparagraph (B)—

(i) by amending clause (iii) to read as follows:

''(iii) In the case of a local educational agency providing a free public education to students enrolled in kindergarten through grade 12, but which enrolls students described in subparagraphs (A), (B), and (D) of subsection (a)(1) only in grades 9 through 12, and which received a final payment in fiscal year 2009 calculated under this paragraph (as this paragraph was in effect on the day before the date of the enactment of the Student Success Act) for students in grades 9 through 12, the Secretary shall, in calculating the agency's payment, consider only that portion of such agency's total enrollment of students in grades 9 through 12 when calculating the percentage under clause (i)(I) and only that portion of the total current expenditures attributed to the operation of grades 9

through 12 in such agency when calculating the percentage under clause (i)(II).''; and

(ii) by adding at the end the following:

''(v) In the case of a local educational agency that is providing a program of distance education to children not residing within the geographic boundaries of the agency, the Secretary shall—

''(I) for purposes of the calculation under clause (i)(I), disregard such children from the total number of children in average daily attendance at the schools served by such agency; and

''(II) for purposes of the calculation under clause (i)(II), disregard any funds received for such children from the total current expenditures for such agency.'';

(B) in subparagraph (C), by striking ''subparagraph (D) or (E) of paragraph (2), as the case may be'' and inserting ''paragraph (2)(D)'';

(C) by amending subparagraph (D) to read as follows:

''(D) RATABLE DISTRIBUTION.—For any fiscal year described in subparagraph (A) for which the sums available exceed the amount required to pay each local educational agency 100 percent of its threshold payment, the Secretary shall distribute the excess sums to each eligible local educational agency that has not received its full amount computed under paragraph (1) or (2) (as the case may be) by multiplying—

''(i) a percentage, the denominator of which is the difference between the full amount computed under paragraph (1) or (2) (as the case may be) for all local educational agencies and the amount of the threshold payment (as calculated under subparagraphs (B) and (C)) of all local educational agencies, and the numerator of which is the aggregate of the excess sums, by

''(ii) the difference between the full amount computed under paragraph (1) or (2) (as the case may be) for the agency and the amount of the threshold payment as calculated under subparagraphs (B) and (C) of the agency.''; and

(D) by inserting at the end the following new subparagraphs:

''(E) INSUFFICIENT PAYMENTS.—For each fiscal year described in subparagraph (A) for which the sums appropriated under section 3(d)(2) are insufficient to pay each local educational agency all of the local educational agency's threshold payment described in subparagraph (D), the Secretary shall ratably reduce the payment to each local educational agency under this paragraph.

''(F) INCREASES.—If the sums appropriated under section 3(d)(2) are sufficient to increase the threshold payment above the 100 percent threshold payment described in subparagraph (D), then the Secretary shall increase payments on the same basis as such payments were reduced, except no local educational agency may receive a payment amount greater than 100 percent of the maximum payment calculated under this subsection.''; and

(5) in paragraph (4)—

(A) in subparagraph (A), by striking ''through (D)'' and inserting ''and (C)''; and

(B) in subparagraph (B), by striking ''subparagraph (D) or (E)'' and inserting ''subparagraph (C) or (D)''.

(c) PRIOR YEAR DATA.—Paragraph (2) of section 8003(c) (20 U.S.C. 7703(c)) is amended to read as follows:

''(2) EXCEPTION.—Calculation of payments for a local educational agency shall be based on data from the fiscal year for which the agency is making an application for payment if such agency—

''(A) is newly established by a State, for the first year of operation of such agency only;

''(B) was eligible to receive a payment under this section for the previous fiscal year and has had an overall increase in enrollment (as determined by the Secretary in consultation with the Secretary of Defense, the Secretary of the Interior, or the heads of other Federal agencies)—

''(i) of not less than 10 percent, or 100 students, of children described in—

''(I) subparagraph (A), (B), (C), or (D) of subsection (a)(1); or

''(II) subparagraphs (F) and (G) of subsection (a)(1), but only to the extent such children are civilian dependents of employees of the Department of Defense or the Department of the Interior; and

''(ii) that is the direct result of closure or realignment of military installations under the base closure process or the relocation of members of the Armed Forces and civilian employees of the Department of Defense as part of the force structure changes or movements of units or personnel between military installations or because of actions initiated by the Secretary of the Interior or the head of another Federal agency; or

''(C) was eligible to receive a payment under this section for the previous fiscal year and has had an increase in enrollment (as determined by the Secretary)—

''(i) of not less than 10 percent of children described in subsection (a)(1) or not less than 100 of such children; and

''(ii) that is the direct result of the closure of a local educational agency that received a payment under subsection (b)(1) or (b)(2) in the previous fiscal year.''.

(d) CHILDREN WITH DISABILITIES.—Section 8003(d)(1) (20 U.S.C. 7703(d)) is amended by striking ''section 8014(c)'' and inserting ''section 3(d)(3)''.

(e) HOLD HARMLESS.—Section 8003(e) (20 U.S.C. 7703(e)) is amended to read as follows:

''(e) HOLD HARMLESS.—The maximum amount that a local educational agency is eligible to receive, as calculated under paragraph (1)(C), (2)(C), or (2)(D) of subsection (b), shall not be less than 90 percent of the calculated maximum amount that was used to determine the local educational agency's payment for subsection (b)(1) or (b)(2) in the previous fiscal year for a period not to exceed 3 consecutive fiscal years, if such agency meets the eligibility requirements of paragraph (1)(B) or (2)(B) of subsection (b).''.

(f) MAINTENANCE OF EFFORT.—Section 8003 (20 U.S.C. 7703) is amended by striking subsection (g).

SEC. 404. POLICIES AND PROCEDURES RELATING TO CHILDREN RESIDING ON INDIAN LANDS.

Section 8004(e)(9) is amended by striking ''Bureau of Indian Affairs'' both places such term appears and inserting ''Bureau of Indian Education''.

SEC. 405. APPLICATION FOR PAYMENTS UNDER SECTIONS 8002 AND 8003.

Section 8005(b) (20 U.S.C. 7705(b)) is amended in the matter preceding paragraph (1) by striking ''and shall contain such information,''.

SEC. 406. CONSTRUCTION.

Section 8007 (20 U.S.C. 7707) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''section 8014(e)'' and inserting ''section 3(d)(4)'';

(B) in paragraph (2), by adding at the end the following:

''(C) The agency is eligible under section 4003(b)(2) or is receiving basic support payments under circumstances described in section 4003(b)(2)(B)(ii).''; and

(C) in paragraph (3), by striking ''section 8014(e)'' each place it appears and inserting ''section 3(d)(4)''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''section 8014(e)'' and inserting ''section 3(d)(4)'';

(B) in paragraph (3)—

(i) in subparagraph (C)(i)(I), by adding at the end the following:

''(cc) At least 10 percent of the property in the agency is exempt from State and local taxation under Federal law.''; and

(ii) by adding at the end the following:

''(F) LIMITATIONS ON ELIGIBILITY REQUIREMENTS.—The Secretary shall not limit eligibility—

''(i) under subparagraph (C)(i)(I)(aa), to those local educational agencies in which the number of children determined under section 4003(a)(1)(C) for each such agency for the preceding school year constituted more than 40 percent of the total student enrollment in the schools of each such agency during the preceding school year; and

''(ii) under subparagraph (C)(i)(I)(cc), to those local educational agencies in which more than 10 percent of the property in each such agency is exempt from State and local taxation under Federal law.''; and

(C) in paragraph (6)—

(i) in the matter preceding subparagraph (A), by striking ''in such manner, and accompanied by such information'' and inserting ''and in such manner''; and

(ii) by striking subparagraph (F).

SEC. 407. FACILITIES.

Section 8008 (20 U.S.C. 7708) is amended in subsection (a), by striking ''section 8014(f)'' and inserting ''section 3(d)(5)''.

SEC. 408. STATE CONSIDERATION OF PAYMENTS PROVIDING STATE AID.

Section 8009(c)(1)(B) (20 U.S.C. 7709(c)(1)(B)) is amended by striking ''and contain the information''.

SEC. 409. FEDERAL ADMINISTRATION.

Section 8010(d)(2) (20 U.S.C. 7710(d)(2)) is amended, by striking ''section 8014'' and inserting ''section 3(d)''.

SEC. 410. ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW.

Section 8011(a) (20 U.S.C. 7711(a)) is amended by striking ''or under the Act'' and all that follows through ''1994)''.

SEC. 411. DEFINITIONS.

Section 8013 (20 U.S.C. 7713) is amended—

(1) in paragraph (1), by striking ''and Marine Corps'' and inserting ''Marine Corps, and Coast Guard'';

(2) in paragraph (4), by striking ''and title VI'';

(3) in paragraph (5)(A)(iii)—

(A) in subclause (II), by striking ''Stewart B. McKinney Homeless Assistance Act'' and inserting ''McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411)''; and

(B) in subclause (III), by inserting before the semicolon ''(25 U.S.C. 4101 et seq.)''; and

(4) in paragraph (8)(A), by striking ''and verified by'' and inserting '', and verified by,''.

SEC. 412. AUTHORIZATION OF APPROPRIATIONS.

Section 8014 (20 U.S.C. 7801) is repealed.

SEC. 413. CONFORMING AMENDMENTS.

(a) IMPACT AID IMPROVEMENT ACT OF 2012.—Section 563(c) of National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1748; 20 U.S.C. 6301 note) (also known as the ''Impact Aid Improvement Act of 2012''), as amended by section 563 of division A of Public Law 113–291, is amended—

(1) by striking paragraphs (1) and (4); and

(2) by redesignating paragraphs (2) and (3), as paragraphs (1) and (2), respectively.

(b) REPEALS.—

(1) TITLE IV.—Title IV (20 U.S.C. 7101 et seq.), as amended by section 601(b)(2) of this Act, is repealed.

(2) PL 113–76.—Section 309 of division H of the Consolidated Appropriations Act, 2014 (Public Law 113–76; 20 U.S.C. 7702 note) is repealed.

(c) TRANSFER AND REDESIGNATION.—Title VIII (20 U.S.C. 7701 et seq.), as amended by this title, is redesignated as title IV (20 U.S.C. 7101 et seq.), and transferred and inserted after title III (as amended by this Act).

(d) TITLE VIII REFERENCES.—The Act (20 U.S.C. 6301 et seq.), as amended by this Act, is amended—

(1) by redesignating sections 8001 through 8005 as sections 4001 through 4005, respectively;

(2) by redesignating sections 8007 through 8013 as sections 4007 through 4013, respectively;

(3) by striking ''section 8002'' each place it appears and inserting ''section 4002'';

(4) by striking ''section 8002(b)'' each place it appears and inserting ''section 4002(b)'';

(5) by striking ''section 8003'' each place it appears and inserting ''section 4003'', respectively;

(6) by striking ''section 8003(a)'' each place it appears and inserting ''section 4003(a)'';

(7) by striking ''section 8003(a)(1)'' each place it appears and inserting ''section 4003(a)(1)'';

(8) by striking ''section 8003(a)(1)(C)'' each place it appears and inserting ''section 4003(a)(1)(C)'';

(9) by striking ''section 8002(a)(2)'' each place it appears and inserting ''section 4002(a)(2)'';

(10) by striking ''section 8003(b)'' each place it appears and inserting ''section 4003(b)'';

(11) by striking ''section 8003(b)(1)'' each place it appears and inserting ''section 4003(b)(1)'';

(12) in section 4002(b)(1)(C) (as so redesignated), by striking ''section 8003(b)(1)(C)'' and inserting ''section 4003(b)(1)(C)'';

(13) in section 4002(k)(1) (as so redesignated), by striking ''section 8013(5)(C)(iii)'' and inserting ''section 4013(5)(C)(iii)'';

(14) in section 4005 (as so redesignated)—

*(A) in the section heading, by striking ''**8002 AND 8003**'' and inserting ''**4002 AND 4003**'';*

(B) by striking ''or 8003'' each place it appears and inserting ''or 4003'';

(C) in subsection (b)(2), by striking ''section 8004'' and inserting ''section 4004''; and

(D) in subsection (d)(2), by striking ''section 8003(e)'' and inserting ''section 4003(e)'';

(15) in the second subclause (II) of section 4007(a)(3)(A)(i) (as so redesignated), by striking ''section 8008(a)'' and inserting ''section 4008(a)'';

(16) in section 4007(a)(4) (as so redesignated), by striking ''section 8013(3)'' and inserting ''section 4013(3)'';

(17) in section 4009 (as so redesignated)—

(A) in subsection (b)(1)—

(i) by striking ''or 8003(b)'' and inserting ''or 4003(b)'';

(ii) by striking ''section 8003(a)(2)(B)'' and inserting ''section 4003(a)(2)(B)''; and

(iii) by striking ''section 8003(b)(2)'' each place it appears and inserting ''section 4003(b)(2)''; and

(B) by striking ''section 8011(a)'' each place it appears and inserting ''section 4011(a)''; and

(18) in section 4010(c)(2)(D) (as so redesignated) by striking ''section 8009(b)'' and inserting ''section 4009(b)''.

TITLE V—THE FEDERAL GOVERNMENT'S TRUST RESPONSIBILITY TO AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN EDUCATION

SEC. 501. THE FEDERAL GOVERNMENT'S TRUST RESPONSIBILITY TO AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN EDUCATION.

Title V of the Act (20 U.S.C. 7201 et seq.) is amended to read as follows:

''TITLE V—THE FEDERAL GOVERNMENT'S TRUST RESPONSIBILITY TO AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN EDUCATION

''PART A—INDIAN EDUCATION

''SEC. 5101. STATEMENT OF POLICY.

''It is the policy of the United States to fulfill the Federal Government's unique and continuing trust relationship with, and responsibility to, the Indian people for the education of Indian children. The Federal Government will continue to work with local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities toward the goal of ensuring that programs that serve Indian children are of the highest quality and provide for not only the basic elementary and secondary educational needs, but also the unique educational and culturally related academic needs of these children.

''SEC. 5102. PURPOSE.

''It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities—

''(1) to meet the unique educational and culturally related academic needs of American Indian and Alaska Native students, so that such students can meet State student academic achievement standards;

''(2) to ensure that Indian and Alaskan Native students gain knowledge and understanding of Native communities, languages, tribal histories, traditions, and cultures; and

''(3) to ensure that school leaders, teachers, and other staff who serve Indian and Alaska Native students have the ability to provide culturally appropriate and effective instruction to such students.

''Subpart 1—Formula Grants to Local Educational Agencies

''SEC. 5111. PURPOSE.

''It is the purpose of this subpart to support the efforts of local educational agencies, Indian tribes and organizations, and other entities to improve the academic achievement of American Indian and Alaska Native students by providing for their unique cultural, language, and educational needs and ensuring that they are prepared to meet State academic standards.

''SEC. 5112. GRANTS TO LOCAL EDUCATIONAL AGENCIES AND TRIBES.

''(a) IN GENERAL.—In accordance with this section and section 5113, the Secretary may make grants from allocations made under section 5113, to—

''(1) local educational agencies;

''(2) Indian tribes;

''(3) Indian organizations; and

''(4) Alaska Native Organizations.

''(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 eligible under section 5117 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, an Indian reservation.

''(c) INDIAN TRIBES, INDIAN ORGANIZATIONS, ALASKA NATIVE ORGANIZATIONS, AND CONSORTIA.—

''(1) IN GENERAL.—If a local educational agency that is otherwise eligible for a grant under this subpart does not establish a committee under section 5114(c)(5) for such grant, an Indian tribe, Indian organization, Alaska Native Organization, or consortium of such entities that represents not less than one-third of the eligible Indian or Alaska Native children who are served by such local educational agency may apply for such grant.

''(2) SPECIAL RULE.—

''(A) IN GENERAL.—The Secretary shall treat each Indian tribe, Indian organization, Alaska Native Organization, or consortium of such entities applying for a grant pursuant to paragraph (1) as if such applicant were a local educational agency for purposes of this subpart.

''(B) EXCEPTIONS.—Notwithstanding subparagraph (A), such Indian tribe, Indian organization, Alaska Native Organization, or consortium of such entities shall not be subject to the requirements of section 5114(c)(5) or 5119.

''(3) ELIGIBILITY.—If more than 1 applicant qualifies to apply for a grant under paragraph (1), the entity that represents the most eligible Indian and Alaska Native children who are served by the local educational agency shall be eligible to receive the grant or the applicants may apply in consortium and jointly operate a program.

''(d) INDIAN AND ALASKA NATIVE COMMUNITY-BASED ORGANIZATIONS.—

''(1) IN GENERAL.—If no local educational agency pursuant to subsection (b), and no Indian tribe, tribal organization, Alaska Native Organization, or consortium pursuant to subsection (c), applies for a grant under this subpart, Indian and Alaska Native community-based organizations serving the community of the local educational agency may apply for the grant.

''(2) APPLICABILITY OF SPECIAL RULE.—The Secretary shall apply the special rule in subsection (c)(2) to a community-based organization applying or receiving a grant under paragraph (1) in the same manner as such rule applies to an Indian tribe, Indian organization, Alaska Native Organization, or consortium.

''(3) DEFINITION OF INDIAN AND ALASKA NATIVE COMMUNITY-BASED ORGANIZATIONS.—In this subsection, the term 'Indian and Alaska Native community-based organizations' means any organizations that—

''(A) are composed primarily of the family members of Indian or Alaska Native students, Indian or Alaska Native community members, tribal government education officials, and tribal members from a specific community;

''(B) assist in the social, cultural, and educational development of Indians or Alaska Natives in such community;

''(C) meet the unique cultural, language, and academic needs of Indian or Alaska Native students; and

''(D) demonstrate organizational and administrative capacity to effectively manage the grant.

''SEC. 5113. AMOUNT OF GRANTS.

''(a) AMOUNT OF GRANT AWARDS.—

''(1) IN GENERAL.—Except as provided in subsection (b) and paragraph (2), 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 5117 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 otherwise determined under this section in accordance with subsection (e).

''(b) MINIMUM GRANT.—

''(1) IN GENERAL.—Notwithstanding subsection (e), an entity that is eligible for a grant under section 5112, and a school that is operated or supported by the Bureau of Indian Education that is eligible for a grant under subsection (d), 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 grantees if the Secretary determines such increase is necessary to ensure the quality of the programs provided.

''(c) DEFINITION.—For the purpose of this section, the term 'average per pupil expenditure', used with respect to 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 for whom such agencies provided free public education during such preceding fiscal year.

''(d) SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN EDUCATION.—

''(1) IN GENERAL.—Subject to subsection (e), in addition to the grants awarded under subsection (a), 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 Education; or

''(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of that 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)(A) that wishes to receive an allocation under this subpart shall submit an application in accordance with section 5114, and shall otherwise be treated as a local educational agency for the purpose of this subpart, except that such school shall not be subject to section 5114(c)(5) or section 5119.

''(e) RATABLE REDUCTIONS.—If the sums appropriated for any fiscal year to carry out this subpart are insufficient to pay in full the amounts determined for local educational agencies under subsection (a)(1) and for the Secretary of the Interior under subsection (d), each of those amounts shall be ratably reduced.

''SEC. 5114. 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 and Alaska Native 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, tribal, and local plans submitted under other provisions of this Act; and

''(B) includes academic content and student academic achievement goals for such children, and benchmarks for attaining such goals, that are based on State academic content and student academic achievement standards adopted under title I for all children;

''(3) explains how the local educational agency will use the funds made available under this subpart to supplement other Federal, State, and local programs that serve such students;

''(4) demonstrates how funds made available under this subpart will be used for activities described in section 5115;

''(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 or Alaska Native community are prepared to work with Indian and Alaska Native children;

''(B) all teachers who will be involved in programs assisted under this subpart have been properly trained to carry out such programs; and

''(C) those family members of Indian and Alaska Native children and representatives of tribes who are on the committee described in (c)(5) will participate in the planning of professional development materials;

''(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 described in subsection (c)(5);

''(ii) the community served by the local educational agency; and

''(iii) the tribes whose children are 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); and

''(7) explicitly delineates—

''(A) a formal, collaborative process that the local educational agency used to directly involve tribes, Indian organizations, or Alaska Native Organizations in the development of the comprehensive programs and the results of such process; and

''(B) how the local educational agency plans to ensure that tribes, Indian organizations, or Alaska Native Organizations will play an active, meaningful, and ongoing role in the functioning of the comprehensive programs.

''(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 services described in this subsection, and not to supplant such funds;

''(2) the local educational agency will use funds received under this subpart only for activities described and authorized under this subpart;

''(3) 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;

''(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 and Alaska Native students served by such agency; and

''(C) determine the extent to which such activities address the unique cultural, language, and educational needs of Indian students;

''(4) 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 or Alaska Native community; and

''(C) was developed by such agency in open consultation with the families of Indian or Alaska Native children, Indian or Alaska Native teachers, Indian or Alaska Native students from secondary schools, and representatives of tribes, Indian organizations, or Alaska Native Organizations in the community 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;

''(5) 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) family members of Indian and Alaska Native children that are attending the local educational agency's schools;

''(ii) teachers in the schools; and

''(iii) Indian and Alaska Native students attending secondary schools of the agency;

''(B) a majority of whose members are family members of Indian and Alaska Native children that are attending the local educational agency's schools;

''(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 in accordance with section 5115(c), that has—

''(i) reviewed in a timely fashion the program;

''(ii) determined that the program will not diminish the availability of culturally related activities for American Indian and Alaska Native students; and

''(iii) will directly enhance the educational experience of 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; and

''(6) the local educational agency conducted adequate outreach to family members to meet the requirements under subsection (c)(5).

''SEC. 5115. 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 5111, 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 5114(a) solely for the services and activities described in such application;

''(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 ACTIVITIES.—The services and activities referred to in subsection (a) may include—

''(1) activities that support Native American language immersion programs and Native American language restoration programs, which may be taught by traditional leaders;

''(2) culturally related activities that support the program described in the application submitted by the local educational agency;

''(3) early childhood and family programs that emphasize school readiness;

''(4) enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of challenging State academic content and student academic achievement standards;

''(5) integrated educational services in combination with other programs including programs that enhance student achievement by promoting increased involvement of parents and families in school activities;

''(6) career preparation activities to enable Indian students to participate in programs such as the programs supported by the Carl D. Perkins Career and Technical Education Improvement Act of 2006, including programs for tech-prep education, mentoring, and apprenticeship;

''(7) activities to educate individuals so as to prevent violence, suicide, and substance abuse;

''(8) the acquisition of equipment, but only if the acquisition of the equipment is essential to achieve the purpose described in section 5111;

''(9) activities that promote the incorporation of culturally responsive teaching and learning strategies into the educational program of the local educational agency;

''(10) activities that incorporate culturally and linguistically relevant curriculum content into classroom instruction that is responsive to the unique learning styles of Indian and Alaska Native children and ensures that children are better able to meet State standards;

''(11) family literacy services;

''(12) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors;

''(13) dropout prevention strategies for Indian and Alaska Native students; and

''(14) strategies to meet the educational needs of at-risk Indian students in correctional facilities, including such strategies that support Indian and Alaska Native students who are transitioning from such facilities to schools served by local educational agencies.

''(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 established pursuant to section 5114(c)(5) approves the use of the funds for the schoolwide program;

''(2) the schoolwide program is consistent with the purpose described in section 5111; and

''(3) the local educational agency identifies in its application how the use of such funds in a schoolwide program will produce benefits to the American Indian and Alaska Native students that would not be achieved if the funds were not used in a schoolwide program.

''(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grantee under this subpart for any fiscal year may be used for administrative purposes.

''(e) LIMITATION ON THE USE OF FUNDS.—Funds provided to a grantee under this subpart may not be used for long-distance travel expenses for training activities available locally or regionally.

''SEC. 5116. INTEGRATION OF SERVICES AUTHORIZED.

''(a) PLAN.—An entity receiving funds under this subpart may submit a plan to the Secretary 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 entity, shall authorize the entity to consolidate, in accordance with such plan, the federally funded education and related services programs of the entity and the Federal programs, 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 (a) shall include funds for any Federal program exclusively serving Indian children, or the funds reserved under any Federal program to exclusively serve Indian children, under which the entity is eligible for receipt of funds under a statutory or administrative formula for the purposes of providing education and related services that would be used to serve 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 concerning authorizing the 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 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 agency or 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 entity believes need to be waived in order to implement the plan;

''(8) set forth measures for academic content and student academic achievement goals designed to be met within a specific period of time; and

''(9) be approved by a committee formed in accordance with section 5114(c)(5), if such a committee exists.

''(e) PLAN REVIEW.—Upon receipt of the plan from an eligible entity, the Secretary shall consult with the Secretary of each Federal department 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 departmental regulations, policies, or procedures necessary to enable the entity to implement the plan. Notwithstanding any other provision of law, the Secretary of the affected department shall have the authority to waive any regulation, policy, or procedure promulgated by that department that has been so identified by the entity or department, unless the Secretary of the affected department determines that such a waiver is inconsistent with the objectives of this subpart or those 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 entity's plan by the Secretary, the Secretary shall inform the entity, in writing, of the Secretary's approval or disapproval of the plan. If the plan is disapproved, the entity 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 the enactment of the Student Success Act, the Secretary of Education, the Secretary of the Interior, the Secretary of the Department of Health and Human Services, and the head of any other Federal department or agency identified by the Secretary of Education, shall enter into an interdepartmental memorandum of agreement providing for the implementation and coordination of the demonstration projects authorized under this section. The lead agency head for a demonstration project under this section shall be—

''(1) the Secretary of the Interior, in the case of an entity meeting the definition of a contract or grant school under title XI of the Education Amendments of 1978; or

''(2) the Secretary of Education, in the case of any other entity.

''(h) RESPONSIBILITIES OF LEAD AGENCY.—The responsibilities of the lead agency 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.—A single report format shall be developed by the Secretary, consistent with the requirements of this section. Such report format shall require that reports described in subsection (h), together with records maintained on the consolidated program at the local level, shall contain such information as will allow a determination that the eligible entity has complied with the requirements incorporated in its approved plan, including making a demonstration of student academic achievement, and will provide assurances to each Secretary that the eligible entity has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements that have not been waived.

''(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.—Program funds for the consolidated programs shall be administered 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 granted 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 the responsibilities for the safeguarding of 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 the enactment of the Student Success Act, the Secretary of Education shall submit a preliminary report to the Committee on Education and the Workforce and the Committee on Natural 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 the enactment of the Student Success Act, the Secretary of Education shall submit a report to the Committee on Education and the Workforce and the Committee on Natural 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) DEFINITIONS.—For the purposes of this section, the term 'Secretary' means—

''(1) the Secretary of the Interior, in the case of an entity meeting the definition of a contract or grant school under title XI of the Education Amendments of 1978; or

''(2) the Secretary of Education, in the case of any other entity.

"SEC. 5117. 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.—The form described in subsection (a) shall include—

''(1) either—

''(A)(i) the name of the tribe or band of Indians (as defined in section 5151) with respect to which the child claims membership;

''(ii) the enrollment or membership 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

''(B) the name, the enrollment or membership number (if readily available), and the name and address of the organization responsible for maintaining updated and accurate membership data, of any parent or grandparent of the child from whom the child claims eligibility under this subpart, if the child is not a member of the tribe or band of Indians (as so defined);

''(2) 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;

''(3) the name and address of the parent or legal guardian of the child;

''(4) a signature of the parent or legal guardian of the child that verifies the accuracy of the information supplied;

''(5) any other information that the Secretary considers necessary to provide an accurate program profile; and

''(6) all individual data collected will be protected by the local educational agencies and only aggregated data will be reported to the Secretary.

''(c) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect a definition contained in section 5151.

''(d) DOCUMENTATION AND TYPES OF PROOF.—

''(1) TYPES OF PROOF.—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 5113, 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.

''(2) NO NEW OR DUPLICATIVE DETERMINATIONS.—Once a child is determined to be an Indian eligible to be counted for such grant award, the local education agency shall maintain a record of such determination and shall not require a new or duplicate determination to be made for such child for a subsequent application for a grant under this subpart.

''(3) PREVIOUSLY FILED FORMS.—An Indian student eligibility form that was on file as required by this section on the day before the date of the enactment of the Student Success Act and that met the requirements of this section, as this section was in effect on the day before the date of the enactment of such Act, shall remain valid for such Indian student.

''(e) 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 recipients of grants under this subpart. The sampling conducted under this subparagraph shall take into account the size of and the geographic location of each local educational 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 an 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 under section 5113.

''(f) TRIBAL GRANT AND CONTRACT SCHOOLS.—Notwithstanding any other provision of this section, in calculating the amount of a grant under this subpart to a tribal school that receives a grant or contract from the Bureau of Indian Education, the Secretary shall use only one of the following, as selected by the school:

''(1) A count of the number of students in the schools certified by the Bureau.

''(2) A count of the number of students for whom the school has eligibility forms that comply with this section.

''(g) TIMING OF CHILD COUNTS.—For purposes of determining the number of children to be counted in calculating the amount of a local educational agency's grant under this subpart (other than in the case described in subsection (f)(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 5114; 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. 5118. PAYMENTS.

''(a) IN GENERAL.—Subject to subsection (b), the Secretary shall pay to each local educational agency that submits an application that is approved by the Secretary under this subpart the amount determined under section 5113. 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 chapter 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) 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. 5119. STATE EDUCATIONAL AGENCY REVIEW.

''Before submitting an application to the Secretary under section 5114, a local educational agency shall submit the application to the State educational agency, which may comment on such application. If the State educational agency comments on the application, the agency shall comment on all applications submitted by local educational agencies in the State and shall provide those comments to the respective local educational agencies, with an opportunity to respond.

"Subpart 2—Special Programs and Projects To Improve Educational Opportunities for Indian Children and Youth

"SEC. 5121. SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN AND YOUTH.

''(a) PURPOSE.—

''(1) IN GENERAL.—It is the purpose of this section to support projects to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children and youth.

''(2) COORDINATION.—The Secretary shall take the necessary actions 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 and youth.

''(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), Alaska Native Organization, 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 of this section, including—

''(A) innovative programs related to the educational needs of educationally disadvantaged children and youth;

''(B) educational services that are not available to such children and youth in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian and Alaska Native children in one or more of the 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, emotional, 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 high school graduation for Indian children;

''(F) comprehensive guidance, counseling, and testing services;

''(G) high quality early childhood education programs that are effective in preparing young

children to make sufficient academic growth by the end of grade 3, including kindergarten and pre-kindergarten programs, family-based preschool programs that emphasize school readiness, screening and referral, and the provision of services to Indian children and youth 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 to postsecondary education;

''(I) partnership projects between schools and local businesses for career preparation programs designed to provide Indian youth with the knowledge and skills such youth need to make an effective transition from school to a high-skill, high-wage career;

''(J) programs designed to encourage and assist Indian students to work toward, and gain entrance into, an institution of higher education;

''(K) family literacy services;

''(L) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors;

''(M) high quality professional development of teaching professionals and paraprofessionals; or

''(N) other services that meet the purpose described in 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) for a period not to exceed 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 two or more of the activities described in subsection (c) over a period of more than 1 year.

''(C) PROGRESS.—The Secretary shall make a grant payment for a grant described in this paragraph to an eligible entity after the initial year of the multiyear grant 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 reasonably 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 scientifically based research program, where applicable, 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 grantee under this subpart for any fiscal year may be used for administrative purposes.

''SEC. 5122. PROFESSIONAL DEVELOPMENT FOR TEACHERS AND EDUCATION PROFESSIONALS.

''(a) PURPOSES.—The purposes of this section are—

''(1) to increase the number of qualified Indian and Alaska Native teachers and administrators serving Indian and Alaska Native students;

''(2) to provide training to qualified Indian and Alaska Native individuals to become educators and education support service professionals; and

''(3) to improve the skills of qualified Indian individuals who serve in the capacities described in paragraph (2).

''(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term 'eligible entity' means—

''(1) an institution of higher education, including an Indian institution of higher education;

''(2) a State educational agency or local educational agency, in consortium with an institution of higher education;

''(3) an Indian tribe or organization, in consortium with an institution of higher education; and

''(4) a Bureau-funded school (as defined in section 1146 of the Education Amendments of 1978).

''(c) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to eligible entities having applications approved under this section to enable those entities to carry out the activities described in subsection (d).

''(d) AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—Grant funds under this section 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, and may include programs designed to train tribal elders and seniors.

''(2) SPECIAL RULES.—

''(A) TYPE OF TRAINING.—For education personnel, the training received pursuant to a grant under this section may be inservice or preservice training.

''(B) PROGRAM.—For individuals who are being trained to enter any field other than teaching, the training received pursuant to a grant under this section shall be in a program that results in a graduate degree.

''(e) 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 reasonably require.

''(f) SPECIAL RULE.—In awarding grants under this section, the Secretary—

''(1) shall consider the prior performance of the eligible entity; and

''(2) may not limit eligibility to receive a grant under this section 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 under this section shall be awarded for a period of not more than 5 years.

''(h) SERVICE OBLIGATION.—

''(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives training pursuant to a grant made under this section—

''(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.

''(2) REPORTING.—The Secretary shall establish, by regulation, a reporting procedure under which a grant recipient under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning compliance with the work requirement under paragraph (1).

''SEC. 5123. TRIBAL EDUCATION AGENCIES COOPERATIVE AGREEMENTS.

''(a) PURPOSE.—Tribes may enter into written cooperative agreements with the State educational agency and the local educational agencies operating a school or schools within Indian lands. For purposes of this section, the term 'Indian land' has the meaning given that term in section 8013.

''(b) COOPERATIVE AGREEMENT.—If requested by the Indian tribe, the State educational agency or the local educational agency may enter into a cooperative agreement with the Indian tribe. Such cooperative agreement—

''(1) may authorize the tribe or such tribe's respective tribal education agency to plan, conduct, consolidate, and administer programs, services, functions, and activities, or portions thereof, administered by the State educational agency or the local educational agency;

''(2) may authorize the tribe or such tribe's respective tribal education agency to reallocate funds for such programs, services, functions, and activities, or portions thereof as necessary; and

''(3) shall—

''(A) only confer the tribe or such tribe's respective tribal education agency with responsibilities to conduct activities described in paragraph (1) such that the burden assumed by the tribe or the tribal education agency for conducting such is commensurate with the benefit that doing so conveys to all parties of the agreement; and

''(B) be based solely on terms of the written agreement decided upon by the Indian tribe and the State educational agency or local education agency.

''(c) DISAGREEMENT.—Agreements shall only be valid if the Indian tribe and State educational agency or local educational agency agree fully in writing to all of the terms of the written cooperative agreement.

''(d) COMPLIANCE WITH APPLICABLE LAW.—Nothing in this section shall be construed to relieve any party to a cooperative agreement from complying with all applicable Federal, State, local laws. State and local educational agencies are still the ultimate responsible, liable parties for complying with all laws and funding requirements for any functions that are conveyed to tribes and tribal education agencies through the cooperative agreements.

''(e) DEFINITION.—For the purposes of this subpart, the term 'Indian Tribe' means any tribe or band that is officially recognized by the Secretary of the Interior.

''Subpart 3—National Activities

''SEC. 5131. NATIONAL RESEARCH ACTIVITIES.

''(a) AUTHORIZED ACTIVITIES.—The Secretary may use funds made available to carry out this subpart for each fiscal year to—

''(1) conduct research related to effective approaches for improving the academic achievement and development of Indian and Alaska Native children and adults;

''(2) collect and analyze data on the educational status and needs of Indian and Alaska Native students; and

''(3) 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 coordinated with appropriate offices within the Department; and

''(2) may include collaborative research activities that are jointly funded and carried out by the Office of Indian Education Programs, the Office of Educational Research and Improvement, the Bureau of Indian Education, and the Institute of Education Sciences.

"SEC. 5132. IMPROVEMENT OF ACADEMIC SUCCESS FOR STUDENTS THROUGH NATIVE AMERICAN LANGUAGE.

''(a) PURPOSE.—It is the purpose of this section to improve educational opportunities and academic achievement of Indian and Alaska Native students through Native American language programs and to foster the acquisition of Native American language.

''(b) DEFINITION OF ELIGIBLE ENTITY.—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.—The Secretary shall award grants to eligible entities to enable such entities to carry out the following activities:

''(1) Native American language programs that—

''(A) provide instruction through the use of a Native American language for not less than 10 children for an average of not less than 500 hours per year per student;

''(B) provide for the involvement of parents, caregivers, and families of students enrolled in the program;

''(C) utilize, and may include the development of, instructional courses and materials for learning Native American languages and for instruction through the use of Native American languages;

''(D) provide support for professional development activities; and

''(E) include a goal of all students achieving—

''(i) fluency in a Native American language; and

''(ii) academic proficiency in mathematics, English, reading or language arts, and science.

''(2) Native American language restoration programs that—

''(A) provide instruction in not less than 1 Native American language;

''(B) provide support for professional development activities for teachers of Native American languages;

''(C) develop instructional materials for the programs; and

''(D) include the goal of increasing proficiency and fluency in not less than 1 Native American language.

''(d) APPLICATION.—

''(1) IN GENERAL.—An eligible entity that desires 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.

''(2) CERTIFICATION.—An eligible entity that submits an application for a grant to carry out the activity specified in subsection (c)(1), shall include in such application a certification that assures that such entity has experience and a demonstrated record of effectiveness in operating and administering a Native American language program or any other educational program in which instruction is conducted in a Native American language.

''(e) GRANT DURATION.—The Secretary shall make grants under this section only on a multiyear basis. Each such grant shall be for a period not to exceed 5 years.

''(f) DEFINITION.—In this section, the term 'average' means the aggregate number of hours of instruction through the use of a Native American language to all students enrolled in a Native American language program during a school year divided by the total number of students enrolled in the program.

''(g) ADMINISTRATIVE COSTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), not more than 5 percent of the funds provided to a grantee under this section for any fiscal year may be used for administrative purposes.

''(2) EXCEPTION.—An elementary school or secondary school for Indian students that receives funds from a recipient of a grant under subsection (c) for any fiscal year may use not more than 10 percent of the funds for administrative purposes.

"SEC. 5133. 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.

"Subpart 4—Federal Administration

"SEC. 5141. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

''(a) MEMBERSHIP.—There is established a National Advisory Council on Indian Education (hereafter in this section referred to 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 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) 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 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. 5142. PEER REVIEW.

''The Secretary may use a peer review process to review applications submitted to the Secretary under subpart 2 or subpart 3.

"SEC. 5143. PREFERENCE FOR INDIAN APPLICANTS.

''In making grants and entering into contracts or cooperative agreements under subpart 2 or subpart 3, 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. 5144. MINIMUM GRANT CRITERIA.

''The Secretary may not approve an application for a grant, contract, or cooperative agreement under subpart 2 or subpart 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 5—Definitions; Authorizations of Appropriations

"SEC. 5151. DEFINITIONS.

''For the purposes of this part:

''(1) ADULT.—The term 'adult' means an individual who—

''(A) has attained the age of 16 years; 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 preschool 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) considered by the Secretary of the Interior to be an Indian for any purpose;

''(D) an Alaska Native, as defined in section 5206(1); 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 the enactment of the Improving America's Schools Act of 1994.

''(4) ALASKA NATIVE ORGANIZATION.—The term 'Alaska Native Organization' has the same meaning as defined in section 5206(2).

''SEC. 5152. AUTHORIZATIONS OF APPROPRIATIONS.

''(a) SUBPART 1.—For the purpose of carrying out subpart 1, there are authorized to be appropriated $105,921,000 for each of fiscal years 2016 through 2021.

''(b) SUBPARTS 2 AND 3.—For the purpose of carrying out subparts 2 and 3, there are authorized to be appropriated $24,858,000 for each of fiscal years 2016 through 2021.

''PART B—ALASKA NATIVE EDUCATION

''SEC. 5201. SHORT TITLE.

''This part may be cited as the 'Alaska Native Educational Equity, Support, and Assistance Act'.

''SEC. 5202. FINDINGS.

''Congress finds and declares the following:

''(1) It is the policy of the Federal Government to maximize the leadership of and participation by Alaska Natives in the planning and the management of Alaska Native education programs and to support efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.

''(2) Many Alaska Native children enter and exit school with serious educational disadvantages.

''(3) Overcoming the magnitude of the geographic challenges, historical inequities, and other barriers to successfully improving educational outcomes for Alaska Native students in rural, village, and urban settings is challenging. Significant disparities between academic achievement of Alaska Native students and non-Native students continues, including lower graduation rates, increased school dropout rates, and lower achievement scores on standardized tests.

''(4) The preservation of Alaska Native cultures and languages and the integration of Alaska Native cultures and languages into education, positive identity development for Alaska Native students, and local, place-based, and culture-based programming are critical to the attainment of educational success and the long-term well-being of Alaska Native students.

''(5) Improving educational outcomes for Alaska Native students increases access to employment opportunities.

''(6) The programs and activities authorized under this part give priority to Alaska Native organizations as a means of increasing Alaska Native parents' and community involvement in the promotion of academic success of Alaska Native students.

''(7) The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for Alaska Native students. In 1983, pursuant to Public Law 98–63, Alaska ceased to receive educational funding from the Bureau of Indian Affairs. The Bureau of Indian Education does not operate any schools in Alaska, nor operate or fund Alaska Native education programs. The program under this part supports the Federal trust responsibility of the United States to Alaska Natives.

''SEC. 5203. PURPOSES.

''The purposes of this part are as follows:

''(1) To recognize and address the unique educational needs of Alaska Natives.

''(2) To recognize the role of Alaska Native languages and cultures in the educational success and long-term well-being of Alaska Native students.

''(3) To integrate Alaska Native cultures and languages into education, develop Alaska Native students' positive identity, and support local place-based and culture-based curriculum and programming.

''(4) To authorize the development, management, and expansion of effective supplemental educational programs to benefit Alaska Natives.

''(5) To 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.

''(6) To ensure the maximum participation by Alaska Native educators and leaders in the planning, development, management, and evaluation of programs designed to serve Alaska Natives students, and to ensure Alaska Native organizations play a meaningful role in supplemental educational services provided to Alaska Native students.

''SEC. 5204. 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, State educational agencies, local educational agencies, educational entities with experience in developing or operating Alaska Native educational programs or programs of instruction conducted in Alaska Native languages, cultural and community-based organizations with experience in developing or operating programs to benefit the educational needs of Alaska Natives, and consortia of organizations and entities described in this paragraph, to carry out programs that meet the purposes of this part.

''(2) ADDITIONAL REQUIREMENT.—A State educational agency, local educational agency, educational entity with experience in developing or operating Alaska Native educational programs or programs of instruction conducted in Alaska Native languages, cultural and community-based organization with experience in developing or operating programs to benefit the educational needs of Alaska Natives, or consortium of such organizations and entities is eligible for an award under this part only as part of a partnership involving an Alaska Native organization.

''(3) MANDATORY ACTIVITIES.—Activities provided through the programs carried out under this part shall include the following which shall only be provided specifically in the context of elementary and secondary education:

''(A) The development and implementation of plans, methods, and strategies to improve the educational outcomes of Alaska Native people.

''(B) The collection of data to assist in the evaluation of the programs carried out under this part.

''(4) PERMISSIBLE ACTIVITIES.—Activities provided through programs carried out under this part may include the following which shall only be provided specifically in the context of elementary and secondary education:

''(A) The development of curricula and programs that address the educational needs of Alaska Native students, including the following:

''(i) Curriculum materials that reflect the cultural diversity, languages, history, or the contributions of Alaska Native people.

''(ii) Instructional programs that make use of Alaska Native languages and cultures.

''(iii) Networks that develop, test, and disseminate best practices and introduce successful programs, materials, and techniques to meet the educational needs of Alaska Native students in urban and rural schools.

''(B) Training and professional development activities for educators, including the following:

''(i) Pre-service and in-service training and professional development programs to prepare teachers to develop appreciation for, and understanding of, Alaska Native history, cultures, values, ways of knowing and learning in order to effectively address the cultural diversity and unique needs of Alaska Native students.

''(ii) Recruitment and preparation of teachers who are Alaska Native.

''(iii) Programs that will lead to the certification and licensing of Alaska Native teachers, principals, and superintendents.

''(C) The development and operation of student enrichment programs, including those in science, technology, engineering, and mathematics that—

''(i) are designed to prepare Alaska Native students to excel in such subjects;

''(ii) provide appropriate support services to enable such students to benefit from the programs; and

''(iii) include activities that recognize and support the unique cultural and educational needs of Alaska Native children, and incorporate appropriately qualified Alaska Native elders and other tradition bearers.

''(D) Research and data collection activities to determine the educational status and needs of Alaska Native children and other research and evaluation activities related to programs carried out under this part.

''(E) Activities designed to increase the graduation rates of Alaska Native students and prepare Alaska Native students to be college and career ready upon graduation from secondary school, such as—

''(i) remedial and enrichment programs; and

''(ii) culturally based education programs, such as—

''(I) programs of study and other instruction in Alaska Native history and way of living, to share the rich and diverse cultures of Alaska Native peoples among Alaska Native youth and elders, non-Native students, teachers, and the larger community;

''(II) instruction in leadership, communication, Native culture, arts, and languages to Alaska Native youth;

''(III) instruction in Alaska Native history and ways of living to students and teachers in the local school district;

''(IV) intergenerational learning and internship opportunities to Alaska Native youth and young adults; and

''(V) providing cultural immersion activities aimed at Alaska Native cultural preservation.

''(F) Statewide on-site exchange programs, for both students and teachers, that work to facilitate cultural relationships between urban and rural Alaskans to build mutual respect and understanding, and foster a statewide sense of common identity through host family, school, and community cross-cultural immersion.

''(G) Education programs for at-risk urban Alaska Native students in kindergarten through grade 12 that are designed to improve academic proficiency and graduation rates, utilize strategies otherwise permissible under this part, and incorporate a strong data collection and continuous evaluation component.

''(H) Statewide programs that provide technical assistance and support to schools and communities to engage adults in promoting the academic progress and overall well-being of Alaska Native people through child and youth development, positive youth-adult relationships,

improved conditions for learning (school climate, student connection to school and community), and increased connections between schools and families.

''(I) Career preparation activities to enable Alaska Native children and adults to prepare for meaningful employment, including programs providing tech-prep, mentoring, training, and apprenticeship activities.

''(J) Support for the development and operational activities of regional vocational schools in rural areas of Alaska to provide students with necessary resources to prepare for skilled employment opportunities.

''(K) Regional leadership academies that demonstrate effectiveness in building respect, understanding, and fostering a sense of Alaska Native identity to promote their pursuit of and success in completing higher education or career training.

''(L) Strategies designed to increase the involvement of parents in their children's education.

''(b) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to an award recipient under this part for any fiscal year may be used for administrative purposes.

''(c) PRIORITIES.—In awarding grants or contracts to carry out activities described in this subpart, the Secretary shall give priority to applications from Alaska Native Organizations. Such priority shall be explicitly delineated in the Secretary's process for evaluating applications and applied consistently and transparently to all applications from Alaska Native Organizations.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $33,185,000 for each of fiscal years 2016 through 2021.

''SEC. 5205. ADMINISTRATIVE PROVISIONS.

''(a) APPLICATION REQUIRED.—

''(1) IN GENERAL.—No grant may be made under this part, and no contract may be entered into under this part, unless the Alaska Native organization or entity seeking the grant or contract submits an application to the Secretary in such form, in such manner, and containing such information as the Secretary may determine necessary to carry out the provisions of this part.

''(2) REQUIREMENT FOR CERTAIN APPLICANTS.—An applicant described in section 5204(a)(2) shall, in the application submitted under this paragraph—

''(A) demonstrate that an Alaska Native organization was directly involved in the development of the program for which the application seeks funds and explicitly delineate the meaningful role that the Alaska Native organization will play in the implementation and evaluation of the program for which funding is sought; and

''(B) provide a copy of the Alaska Native organization's governing document.

''(b) CONSULTATION REQUIRED.—Each applicant for an award under this part shall provide for ongoing advice from and consultation with representatives of the Alaska Native community.

''(c) LOCAL EDUCATIONAL AGENCY COORDINATION.—Each applicant for an award under this part shall inform each local educational agency serving students who would participate in the program to be carried out under the grant or contract about the application.

''(d) CONTINUATION AWARDS.—An applicant described in section 5204(a)(2) that receives funding under this part shall periodically demonstrate to the Secretary, during the term of the award, that the applicant is continuing to meet the requirements of subsection (a)(2)(A).

''SEC. 5206. DEFINITIONS.

''In this part:

''(1) ALASKA NATIVE.—The term 'Alaska Native' has the same meaning as the term 'Native' has in section 3(b) of the Alaska Native Claims Settlement Act and their descendants.

''(2) ALASKA NATIVE ORGANIZATION.—The term 'Alaska Native organization' means a federally recognized tribe, consortium of tribes, regional nonprofit Native association, and an organization, that—

''(A) has or commits to acquire expertise in the education of Alaska Natives; and

''(B) has Alaska Native people in substantive and policymaking positions within the organization.

''PART C—NATIVE HAWAIIAN EDUCATION

''SEC. 5301. 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, and many other countries.

''(2) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands.

''(3) The political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives.

''(4) 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 many Federal statutes, including—

''(A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);

''(B) Public Law 95–341 (commonly known as 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 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.).

''(5) Many Native Hawaiian students lag behind other students in terms of—

''(A) school readiness factors;

''(B) scoring below national norms on education achievement tests at all grade levels;

''(C) underrepresentation in the uppermost achievement levels and in gifted and talented programs;

''(D) overrepresentation among students qualifying for special education programs;

''(E) underrepresentation in institutions of higher education and among adults who have completed 4 or more years of college.

''(6) The percentage of Native Hawaiian students served by the State of Hawaii Department of Education rose 30 percent from 1980 to 2008, and there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.

''(7) 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.

''SEC. 5302. PURPOSES.

''The purposes of this part are—

''(1) to authorize, develop, implement, assess, and evaluate innovative educational programs, Native Hawaiian language medium programs, Native Hawaiian culture-based education programs, and other education programs to improve the academic achievement of Native Hawaiian students by meeting their unique cultural and language needs in order to help such students meet challenging State student academic achievement standards;

''(2) to provide guidance to appropriate Federal, State, and local agencies to more effectively and efficiently focus resources, including resources made available under this part, on the development and implementation of—

''(A) innovative educational programs for Native Hawaiians;

''(B) rigorous and substantive Native Hawaiian language programs; and

''(C) Native Hawaiian culture-based educational programs; and

''(3) to create a system by which information from programs funded under this part will be collected, analyzed, evaluated, reported, and used in decisionmaking activities regarding the types of grants awarded under this part.

''SEC. 5303. NATIVE HAWAIIAN EDUCATION COUNCIL GRANT.

''(a) GRANT AUTHORIZED.—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 that receive funding under this part, the Secretary shall award a grant to an education council, as described under subsection (b).

''(b) EDUCATION COUNCIL.—

''(1) ELIGIBILITY.—To be eligible to receive the grant under subsection (a), the council shall be an education council (referred to in this section as the 'Education Council') that meets the requirements of this subsection.

''(2) COMPOSITION.—The Education Council shall consist of 15 members of whom—

''(A) one shall be the President of the University of Hawaii (or a designee);

''(B) one shall be the Governor of the State of Hawaii (or a designee);

''(C) one shall be the Superintendent of the State of Hawaii Department of Education (or a designee);

''(D) one shall be the chairperson of the Office of Hawaiian Affairs (or a designee);

''(E) one shall be the executive director of Hawaii's Charter School Network (or a designee);

''(F) one shall be the chief executive officer of the Kamehameha Schools (or a designee);

''(G) one shall be the Chief Executive Officer of the Queen Liliuokalani Trust (or a designee);

''(H) one shall be a member, selected by the other members of the Education Council, who represents a private grant-making entity;

''(I) one shall be the Mayor of the County of Hawaii (or a designee);

''(J) one shall be the Mayor of Maui County (or a designee from the Island of Maui);

''(K) one shall be the Mayor of the County of Kauai (or a designee);

''(L) one shall be appointed by the Mayor of Maui County from the Island of either Molokai or Lanai;

''(M) one shall be the Mayor of the City and County of Honolulu (or a designee);

''(N) one shall be the chairperson of the Hawaiian Homes Commission (or a designee); and

''(O) one shall be the chairperson of the Hawaii Workforce Development Council (or a designee representing the private sector).

''(3) REQUIREMENTS.—Any designee serving on the Education Council shall demonstrate, as determined by the individual who appointed such designee with input from the Native Hawaiian community, not less than 5 years of experience as a consumer or provider of Native Hawaiian education or cultural activities, with traditional cultural experience given due consideration.

''(4) LIMITATION.—A member (including a designee), while serving on the Education Council, shall not be a recipient of grant funds that are awarded under this part.

''(5) TERM OF MEMBERS.—A member who is a designee shall serve for a term of not more than 4 years.

''(6) CHAIR, VICE CHAIR.—

''(A) SELECTION.—The Education Council shall select a Chair and a Vice Chair from among the members of the Education Council.

''(B) TERM LIMITS.—The Chair and Vice Chair shall each serve for a 2-year term.

''(7) ADMINISTRATIVE PROVISIONS RELATING TO EDUCATION COUNCIL.—The Education Council shall meet at the call of the Chair of the Council, or upon request by a majority of the members of the Education Council, but in any event not less often than every 120 days.

''(8) NO COMPENSATION.—None of the funds made available through the grant may be used to provide compensation to any member of the Education Council or member of a working group established by the Education Council, for functions described in this section.

''(c) USE OF FUNDS FOR COORDINATION ACTIVITIES.—The Education Council shall use funds made available through the grant to carry out each of the following activities:

''(1) Providing advice about the coordination, and serving as a clearinghouse for, the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part.

''(2) Assessing the extent to which such services and programs meet the needs of Native Hawaiians, and collecting data on the status of Native Hawaiian education.

''(3) Providing 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 serving, where appropriate, in an advisory capacity.

''(4) Awarding grants, if such grants enable the Education Council to carry out the activities described in paragraphs (1) through (3).

''(5) Hiring an executive director who shall assist in executing the duties and powers of the Education Council, as described in subsection (d).

''(d) USE OF FUNDS FOR TECHNICAL ASSISTANCE.—The Education Council shall use funds made available through the grant to—

''(1) provide technical assistance to Native Hawaiian organizations that are grantees or potential grantees under this part;

''(2) obtain from such grantees information and data regarding grants awarded under this part, including information and data about—

''(A) the effectiveness of such grantees in meeting the educational priorities established by the Education Council, as described in paragraph (6)(D), using metrics related to these priorities; and

''(B) the effectiveness of such grantees in carrying out any of the activities described in section 5304(c) that are related to the specific goals and purposes of each grantee's grant project, using metrics related to these priorities;

''(3) assess and define the educational needs of Native Hawaiians;

''(4) assess the programs and services available to address the educational needs of Native Hawaiians;

''(5) assess and evaluate the individual and aggregate impact achieved by grantees under this part in improving Native Hawaiian educational performance and meeting the goals of this part, using metrics related to these goals; and

''(6) prepare and submit to the Secretary, at the end of each calendar year, an annual report that contains—

''(A) a description of the activities of the Education Council during the calendar year;

''(B) a description of significant barriers to achieving the goals of this part;

''(C) a summary of each community consultation session described in subsection (e); and

''(D) recommendations to establish priorities for funding under this part, based on an assessment of—

''(i) the educational needs of Native Hawaiians;

''(ii) programs and services available to address such needs;

''(iii) the effectiveness of programs in improving the educational performance of Native Hawaiian students to help such students meet challenging State student academic achievement standards; and

''(iv) priorities for funding in specific geographic communities.

''(e) USE OF FUNDS FOR COMMUNITY CONSULTATIONS.—The Education Council shall use funds made available through the grant under subsection (a) to hold not less than one community consultation each year on each of the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and Kauai, at which—

''(1) not less than three members of the Education Council shall be in attendance;

''(2) the Education Council shall gather community input regarding—

''(A) current grantees under this part, as of the date of the consultation;

''(B) priorities and needs of Native Hawaiians; and

''(C) other Native Hawaiian education issues; and

''(3) the Education Council shall report to the community on the outcomes of the activities supported by grants awarded under this part.

''(f) FUNDING.—For each fiscal year, the Secretary shall use the amount described in section 5305(d)(2), to make a payment under the grant. Funds made available through the grant shall remain available until expended.

''(g) REPORT.—Beginning not later than 2 years after the date of the enactment of the Student Success Act, and for each subsequent year, 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 and the Committee on Health, Education, Labor, and Pensions of the Senate, a report that—

''(1) summarizes the annual reports of the Education Council;

''(2) describes the allocation and use of funds under this part and the information gathered since the first annual report submitted by the Education Council to the Secretary under this section; and

''(3) contains recommendations for changes in Federal, State, and local policy to advance the purposes of this part.

''SEC. 5304. GRANT PROGRAM AUTHORIZED.

''(a) GRANTS AND CONTRACTS.—In order to carry out programs that meet the purposes of this part, the Secretary is authorized to award grants to, or enter into contracts with—

''(1) Native Hawaiian educational organizations;

''(2) Native Hawaiian community-based organizations;

''(3) public and private nonprofit organizations, agencies, and institutions with experience in developing or operating Native Hawaiian education and workforce development programs or programs of instruction in the Native Hawaiian language;

''(4) charter schools; and

''(5) consortia of the organizations, agencies, and institutions described in paragraphs (1) through (4).

''(b) PRIORITY.—In awarding grants and entering into contracts under this part, the Secretary shall give priority to—

''(1) programs that meet the educational priority recommendations of the Education Council, as described under section 5303(d)(6)(D);

''(2) the repair and renovation of public schools that serve high concentrations of Native Hawaiian students;

''(3) programs designed to improve the academic achievement of Native Hawaiian students by meeting their unique cultural and language needs in order to help such students meet challenging State student academic achievement standards, including activities relating to—

''(A) achieving competence in reading, literacy, mathematics, and science for students in preschool through grade 3;

''(B) the educational needs of at-risk children and youth;

''(C) professional development for teachers and administrators;

''(D) the use of Native Hawaiian language and preservation or reclamation of Native Hawaiian culture-based educational practices; and

''(E) other programs relating to the activities described in this part; and

''(4) programs in which a local educational agency, institution of higher education, or a State educational agency in partnership with a nonprofit entity serving underserved communities within the Native Hawaiian population apply for a grant or contract under this part as part of a partnership or consortium.

''(c) AUTHORIZED ACTIVITIES.—Activities provided through programs carried out under this part may include—

''(1) the development and maintenance of a statewide Native Hawaiian early education and care system to provide a continuum of high-quality early learning services for Native Hawaiian children from the prenatal period through the age of kindergarten entry;

''(2) the operation of family-based education centers that provide such services as—

''(A) early care and education programs for Native Hawaiians; and

''(B) research on, and development and assessment of, family-based, early childhood, and preschool programs for Native Hawaiians;

''(3) activities that enhance beginning reading and literacy in either the Hawaiian or the English language among Native Hawaiian students in kindergarten through grade 3 and assistance in addressing the distinct features of combined English and Hawaiian literacy for Hawaiian speakers in grades 5 and 6;

''(4) activities to meet the special needs of Native Hawaiian students with disabilities, including—

''(A) the identification of such students and their needs;

''(B) the provision of support services to the families of such students; and

''(C) other activities consistent with the requirements of the Individuals with Disabilities Education Act;

''(5) activities that address the special needs of Native Hawaiian students who are gifted and talented, including—

''(A) educational, psychological, and developmental activities designed to assist in the educational progress of such students; and

''(B) activities that involve the parents of such students in a manner designed to assist in the educational progress of such students;

''(6) the development of academic and vocational curricula to address the needs of Native Hawaiian students, including curricula materials in the Hawaiian language and mathematics and science curricula that incorporate Native Hawaiian tradition and culture;

''(7) professional development activities for educators, including—

''(A) 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;

''(B) in-service programs to improve the ability of teachers who teach in schools with high concentrations of Native Hawaiian students to meet the unique needs of such students; and

''(C) the recruitment and preparation of Native Hawaiians, and other individuals who live in communities with a high concentration of Native Hawaiians, to become teachers;

''(8) the operation of community-based learning centers that address the needs of Native Hawaiian students, parents, families, and communities through the coordination of public and private programs and services, including—

''(A) early education programs;

''(B) before, after, and Summer school programs, expanded learning time, or weekend academies;

''(C) career and technical education programs; and

''(D) programs that recognize and support the unique cultural and educational needs of Native Hawaiian children, and incorporate appropriately qualified Native Hawaiian elders and seniors;

''(9) activities, including program co-location, that ensure Native Hawaiian students graduate college and career ready including—

''(A) family literacy services;

''(B) counseling, guidance, and support services for students; and

''(C) professional development activities designed to help educators improve the college and career readiness of Native Hawaiian students;

''(10) research and data collection activities to determine the educational status and needs of Native Hawaiian children and adults;

''(11) other research and evaluation activities related to programs carried out under this part; and

''(12) other activities, consistent with the purposes of this part, to meet the educational needs of Native Hawaiian children and adults.

''(d) ADDITIONAL ACTIVITIES.—Notwithstanding any other provision of this part, funds made available to carry out this section as of the day before the date of the enactment of the Student Success Act shall remain available until expended. The Secretary shall use such funds to support the following:

''(1) The repair and renovation of public schools that serve high concentrations of Native Hawaiian students.

''(2) The perpetuation of, and expansion of access to, Hawaiian culture and history through digital archives.

''(3) Informal education programs that connect traditional Hawaiian knowledge, science, astronomy, and the environment through State museums or learning centers.

''(4) Public charter schools serving high concentrations of Native Hawaiian students.

''(e) ADMINISTRATIVE COSTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), not more than 5 percent of funds provided to a recipient of a grant or contract under this section for any fiscal year may be used for administrative purposes.

''(2) EXCEPTION.—The Secretary may waive the requirement of paragraph (1) for a nonprofit entity that receives funding under this section and allow not more than 10 percent of funds provided to such nonprofit entity under this section for any fiscal year to be used for administrative purposes.

''SEC. 5305. 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) DIRECT GRANT APPLICATIONS.—The Secretary shall provide a copy of all direct grant applications to the Education Council.

''(c) SUPPLEMENT NOT SUPPLANT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), funds made available under this part shall be used to supplement, and not supplant, any State or local funds used to achieve the purposes of this part.

''(2) EXCEPTION.—Paragraph (1) shall not apply to any nonprofit entity or Native Hawaiian community-based organization that receives a grant or other funds under this part.

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this part $34,181,000 for each of fiscal years 2016 through 2021.

''(2) RESERVATION.—Of the funds appropriated under this subsection, the Secretary shall reserve, for each fiscal year after the date of the enactment of the Student Success Act not less than $500,000 for the grant to the Education Council under section 5303.

''(3) AVAILABILITY.—Funds appropriated under this subsection shall remain available until expended.''.

TITLE VI—GENERAL PROVISIONS FOR THE ACT

SEC. 601. GENERAL PROVISIONS FOR THE ACT.

(a) AMENDING TITLE VI.—Title VI (20 U.S.C. 7301 et seq.) is amended to read as follows:

''TITLE VI—GENERAL PROVISIONS

''PART A—DEFINITIONS

''SEC. 6101. DEFINITIONS.

''Except as otherwise provided, in this Act:

''(1) AVERAGE DAILY ATTENDANCE.—

''(A) IN GENERAL.—Except as provided otherwise by State law or this paragraph, the term 'average daily attendance' means—

''(i) the aggregate number of days of attendance of all students during a school year; divided by

''(ii) the number of days school is in session during that year.

''(B) CONVERSION.—The Secretary shall permit the conversion of average daily membership (or other similar data) to average daily attendance for local educational agencies in States that provide State aid to local educational agencies on the basis of average daily membership (or other similar data).

''(C) SPECIAL RULE.—If the local educational agency in which a child resides makes a tuition or other payment for the free public education of the child in a school located in another school district, the Secretary shall, for the purpose of this Act—

''(i) consider the child to be in attendance at a school of the agency making the payment; and

''(ii) not consider the child to be in attendance at a school of the agency receiving the payment.

''(D) CHILDREN WITH DISABILITIES.—If a local educational agency makes a tuition payment to a private school or to a public school of another local educational agency for a child with a disability, as defined in section 602 of the Individuals with Disabilities Education Act, the Secretary shall, for the purpose of this Act, consider the child to be in attendance at a school of the agency making the payment.

''(2) AVERAGE PER-PUPIL EXPENDITURE.—The term 'average per-pupil expenditure' means, in the case of a State or of the United States—

''(A) without regard to the source of funds—

''(i) the aggregate current expenditures, during the third fiscal year preceding the fiscal year for which the determination is made (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the State or, in the case of the United States, for all States (which, for the purpose of this paragraph, means the 50 States and the District of Columbia); plus

''(ii) any direct current expenditures by the State for the operation of those agencies; divided by

''(B) the aggregate number of children in average daily attendance to whom those agencies provided free public education during that preceding year.

''(3) CHARTER SCHOOL.—The term 'charter school' means a public school that—

''(A) in accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

''(B) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

''(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;

''(D) provides a program of elementary or secondary education, or both;

''(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

''(F) does not charge tuition;

''(G) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, part B of the Individuals with Disabilities Education Act, the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and section 444 of the General Education Provisions Act (20 U.S.C. 1232(g)) (commonly known as the 'Family Education Rights and Privacy Act of 1974');

''(H) is a school to which parents choose to send their children, and admits students on the basis of a lottery if more students apply for admission than can be accommodated, except that in cases in which students who are enrolled in a charter school affiliated (such as by sharing a network) with another charter school, those students may be automatically enrolled in the next grade level at such other charter school, so long as a lottery is used to fill seats created through regular attrition in student enrollment;

''(I) agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such State audit requirements are waived by the State;

''(J) meets all applicable Federal, State, and local health and safety requirements;

''(K) operates in accordance with State law;

''(L) has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school; and

''(M) may serve prekindergarten or postsecondary students.

''(4) CHILD.—The term 'child' means any person within the age limits for which the State provides free public education.

''(5) CHILD WITH A DISABILITY.—The term 'child with a disability' has the same meaning given that term in section 602 of the Individuals with Disabilities Education Act.

''(6) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a public or private nonprofit organization of demonstrated effectiveness that—

''(A) is representative of a community or significant segments of a community; and

''(B) provides educational or related services to individuals in the community.

''(7) CONSOLIDATED LOCAL APPLICATION.—The term 'consolidated local application' means an application submitted by a local educational agency pursuant to section 6305.

''(8) CONSOLIDATED LOCAL PLAN.—The term 'consolidated local plan' means a plan submitted by a local educational agency pursuant to section 6305.

''(9) CONSOLIDATED STATE APPLICATION.—The term 'consolidated State application' means an application submitted by a State educational agency pursuant to section 6302.

''(10) CONSOLIDATED STATE PLAN.—The term 'consolidated State plan' means a plan submitted by a State educational agency pursuant to section 6302.

''(11) COUNTY.—The term 'county' means one of the divisions of a State used by the Secretary of Commerce in compiling and reporting data regarding counties.

''(12) COVERED PROGRAM.—The term 'covered program' means each of the programs authorized by—

''(A) part A of title I;

''(B) title II; and

''(C) part B of title III.

''(13) CURRENT EXPENDITURES.—The term 'current expenditures' means expenditures for free public education—

''(A) including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities; but

''(B) not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds received under title I.

''(14) DEPARTMENT.—The term 'Department' means the Department of Education.

''(15) DIRECT STUDENT SERVICES.—The term 'direct student services' means public school choice or high-quality academic tutoring that are designed to help increase academic achievement for students.

''(16) DISTANCE EDUCATION.—The term 'distance education' means the use of one or more technologies to deliver instruction to students who are separated from the instructor and to support regular and substantive interaction between the students and the instructor synchronously or nonsynchronously.

''(17) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency' means a regional public multiservice agency authorized by State statute to develop, manage, and provide services or programs to local educational agencies.

''(18) ELEMENTARY SCHOOL.—The term 'elementary school' means a nonprofit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law.

''(19) ENGLISH LEARNER.—The term 'English learner', when used with respect to an individual, means an individual—

''(A) who is aged 3 through 21;

''(B) who is enrolled or preparing to enroll in an elementary school or secondary school;

''(C)(i) who was not born in the United States or whose native language is a language other than English;

''(ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and

''(II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or

''(iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

''(D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—

''(i) the ability to meet the State's academic standards described in section 1111;

''(ii) the ability to successfully achieve in classrooms where the language of instruction is English; or

''(iii) the opportunity to participate fully in society.

''(20) EXTENDED-YEAR ADJUSTED COHORT GRADUATION RATE.—

''(A) IN GENERAL.—The term 'extended-year adjusted cohort graduation rate' means the ratio where—

''(i) the denominator consists of the number of students who form the original cohort of entering first-time 9th grade students enrolled in the high school no later than the effective date for student membership data submitted annually by State educational agencies to the National Center for Education Statistics under section 153 of the Education Sciences Reform Act, adjusted by—

''(I) adding the students who joined that cohort, after the time of the determination of the original cohort; and

''(II) subtracting only those students who left that cohort, after the time of the determination of the original cohort, as described in subparagraph (B); and

''(ii) the numerator consists of the number of students in the cohort, as adjusted under clause (i), who earned a regular high school diploma before, during, or at the conclusion of—

''(I) one or more additional years beyond the fourth year of high school; or

''(II) a summer session immediately following the additional year of high school.

''(B) COHORT REMOVAL.—To remove a student from a cohort, a school or local educational agency shall require documentation to confirm that the student has transferred out, emigrated to another country, transferred to a prison or juvenile facility, or is deceased.

''(C) TRANSFERRED OUT.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'transferred out' means a student who the high school or local educational agency has confirmed, according to clause (ii), has transferred—

''(I) to another school from which the student is expected to receive a regular high school diploma; or

''(II) to another educational program from which the student is expected to receive a regular high school diploma.

''(ii) CONFIRMATION REQUIREMENTS.—

''(I) DOCUMENTATION REQUIRED.—The confirmation of a student's transfer to another school or educational program described in clause (i) requires documentation from the receiving school or program that the student enrolled in the receiving school or program.

''(II) LACK OF CONFIRMATION.—A student who was enrolled, but for whom there is no confirmation of the student having transferred out, shall remain in the denominator of the extended-year adjusted cohort.

''(iii) PROGRAMS NOT PROVIDING CREDIT.—A student who is retained in grade or who is enrolled in a GED or other alternative educational program that does not issue or provide credit toward the issuance of a regular high school diploma shall not be considered transferred out and shall remain in the extended-year adjusted cohort.

''(D) SPECIAL RULE.—For those high schools that start after grade 9, the original cohort shall be calculated for the earliest high school grade students attend no later than the effective date for student membership data submitted annually by State educational agencies to the National Center for Education Statistics pursuant to section 153 of the Education Sciences Reform Act.

''(21) FAMILY LITERACY SERVICES.—The term 'family literacy services' means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient 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 regarding how to be the primary teacher 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.

''(22) FOUR-YEAR ADJUSTED COHORT GRADUATION RATE.—

''(A) IN GENERAL.—The term 'four-year adjusted cohort graduation rate' means the ratio where—

''(i) the denominator consists of the number of students who form the original cohort of entering first-time 9th grade students enrolled in the high school no later than the effective date for student membership data submitted annually by State educational agencies to the National Center for Education Statistics pursuant to section 153 of the Education Sciences Reform Act, adjusted by—

''(I) adding the students who joined that cohort, after the time of the determination of the original cohort; and

''(II) subtracting only those students who left that cohort, after the time of the determination of the original cohort, as described in subparagraph (B); and

''(ii) the numerator consists of the number of students in the cohort, as adjusted under clause (i), who earned a regular high school diploma before, during, or at the conclusion of—

''(I) the fourth year of high school; or

''(II) a summer session immediately following the fourth year of high school.

''(B) COHORT REMOVAL.—To remove a student from a cohort, a school or local educational agency shall require documentation to confirm that the student has transferred out, emigrated to another country, transferred to a prison or juvenile facility, or is deceased.

''(C) TRANSFERRED OUT.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'transferred out' means a student who the high school or local educational agency has confirmed, according to clause (ii), has transferred—

''(I) to another school from which the student is expected to receive a regular high school diploma; or

''(II) to another educational program from which the student is expected to receive a regular high school diploma.

''(ii) CONFIRMATION REQUIREMENTS.—

''(I) DOCUMENTATION REQUIRED.—The confirmation of a student's transfer to another school or educational program described in clause (i) requires documentation from the receiving school or program that the student enrolled in the receiving school or program.

''(II) LACK OF CONFIRMATION.—A student who was enrolled, but for whom there is no confirmation of the student having transferred out, shall remain in the adjusted cohort.

''(iii) PROGRAMS NOT PROVIDING CREDIT.—A student who is retained in grade or who is enrolled in a GED or other alternative educational program that does not issue or provide credit toward the issuance of a regular high school diploma shall not be considered transferred out and shall remain in the adjusted cohort.

''(D) SPECIAL RULE.—For those high schools that start after grade 9, the original cohort shall be calculated for the earliest high school grade students attend no later than the effective date for student membership data submitted annually by State educational agencies to the National Center for Education Statistics pursuant to section 153 of the Education Sciences Reform Act.

''(23) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is provided—

''(A) at public expense, under public supervision and direction, and without tuition charge; and

''(B) as elementary school or secondary school education as determined under applicable State law, except that the term does not include any education provided beyond grade 12.

''(24) GIFTED AND TALENTED.—The term 'gifted and talented', when used with respect to students, children, or youth, means students, children, or youth who give evidence of high achievement capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who need services or activities not ordinarily provided by the school in order to fully develop those capabilities.

''(25) HIGH-QUALITY ACADEMIC TUTORING.—The term 'high-quality academic tutoring' means supplemental academic services that—

''(A) are in addition to instruction provided during the school day;

''(B) are provided by a non-governmental entity or local educational agency that—

''(i) is included on a State educational agency approved provider list after demonstrating to the State educational agency that its program consistently improves the academic achievement of students; and

''(ii) agrees to provide parents of children receiving high-quality academic tutoring, the appropriate local educational agency, and school

with information on participating students increases in academic achievement, in a format, and to the extent practicable, a language that such parent can understand, and in a manner that protects the privacy of individuals consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g);

''(C) are selected by the parents of students who are identified by the local educational agency as being eligible for such services from among providers on the approved provider list described in subparagraph (B)(i);

''(D) meet all applicable Federal, State, and local health, safety, and civil rights laws; and

''(E) ensure that all instruction and content are secular, neutral, and non-ideological.

''(26) HIGH SCHOOL.—The term 'high school' means a secondary school that—

''(A) grants a diploma, as defined by the State; and

''(B) includes, at least, grade 12.

''(27) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given that term in section 101(a) of the Higher Education Act of 1965.

''(28) LOCAL EDUCATIONAL AGENCY.—

''(A) IN GENERAL.—The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

''(B) ADMINISTRATIVE CONTROL AND DIRECTION.—The term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

''(C) BIE SCHOOLS.—The term includes an elementary school or secondary school funded by the Bureau of Indian Education but only to the extent that including the school makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this Act with the smallest student population, except that the school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Education.

''(D) EDUCATIONAL SERVICE AGENCIES.—The term includes educational service agencies and consortia of those agencies.

''(E) STATE EDUCATIONAL AGENCY.—The term includes the State educational agency in a State in which the State educational agency is the sole educational agency for all public schools.

''(29) NATIVE AMERICAN AND NATIVE AMERICAN LANGUAGE.—The terms 'Native American' and 'Native American language' have the same meaning given those terms in section 103 of the Native American Languages Act of 1990.

''(30) OTHER STAFF.—The term 'other staff' means specialized instructional support personnel, librarians, career guidance and counseling personnel, education aides, and other instructional and administrative personnel.

''(31) OUTLYING AREA.—The term 'outlying area'—

''(A) means American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the United States Virgin Islands;

''(B) means the Republic of Palau, to the extent permitted under section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (Public Law 99–658; 117 Stat. 2751) and until an agreement for the extension of United States education assistance under the Compact of Free Association becomes effective for the Republic of Palau; and

''(C) for the purpose of any discretionary grant program under this Act, includes the Republic of the Marshall Islands and the Federated States of Micronesia, to the extent permitted under section 105(f)(1)(B)(viii) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188; 117 Stat. 2751).

''(32) PARENT.—The term 'parent' includes a legal guardian or other person standing in loco parentis (such as a grandparent, stepparent, or foster parent with whom the child lives, or a person who is legally responsible for the child's welfare).

''(33) PARENTAL INVOLVEMENT.—The term 'parental involvement' means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring—

''(A) that parents play an integral role in assisting in their child's learning;

''(B) that parents are encouraged to be actively involved in their child's education at school;

''(C) that parents are full partners in their child's education and are included, as appropriate, in decisionmaking and on advisory committees to assist in the education of their child; and

''(D) the carrying out of other activities, such as those described in section 1118.

''(34) 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) applicable to a family of the size involved.

''(35) PROFESSIONAL DEVELOPMENT.—The term 'professional development'—

''(A) includes evidence-based, job-embedded, continuous activities that—

''(i) improve and increase teachers' knowledge of the academic subjects the teachers teach, and enable teachers to become effective educators;

''(ii) are an integral part of broad schoolwide and districtwide educational improvement plans;

''(iii) give teachers, school leaders, other staff, and administrators the knowledge and skills to provide students with the opportunity to meet State academic standards;

''(iv) improve classroom management skills;

''(v)(I) have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom; and

''(II) are not 1-day or short-term workshops or conferences;

''(vi) support the recruiting, hiring, and training of effective teachers, including teachers who became certified or licensed through State and local alternative routes to certification;

''(vii) advance teacher understanding of effective instructional strategies that are strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers, including through addressing the social and emotional development needs of students;

''(viii) are aligned with and directly related to—

''(I) State academic standards and assessments; and

''(II) the curricula and programs tied to the standards described in subclause (I);

''(ix) are developed with extensive participation of teachers, school leaders, parents, and administrators of schools to be served under this Act;

''(x) are designed to give teachers of English learners and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;

''(xi) to the extent appropriate, provide training for teachers, other staff, and school leaders in the use of technology so that technology and technology applications are effectively used to improve teaching and learning in the curricula and core academic subjects in which the students receive instruction;

''(xii) as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of the professional development;

''(xiii) provide instruction in methods of teaching children with special needs;

''(xiv) include instruction in the use of data and assessments to inform and instruct classroom practice; and

''(xv) include instruction in ways that teachers, school leaders, specialized instructional support personnel, other staff, and school administrators may work more effectively with parents; and

''(B) may include evidence-based, job-embedded, continuous activities that—

''(i) involve the forming of partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and new teachers with an opportunity to work under the guidance of experienced teachers and college faculty;

''(ii) create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under subpart 1 of part A of title I) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers; and

''(iii) provide follow-up training to individuals who have participated in activities described in subparagraph (A) or another clause of this subparagraph that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom.

''(36) REGULAR HIGH SCHOOL DIPLOMA.—

''(A) IN GENERAL.—The term 'regular high school diploma' means the standard high school diploma awarded to the preponderance of students in the State that is fully aligned with State standards, or a higher diploma. Such term shall not include a GED or other recognized equivalent of a diploma, a certificate of attendance, or any lesser diploma award.

''(B) EXCEPTION FOR STUDENTS WITH SIGNIFICANT COGNITIVE DISABILITIES.—For a student who is assessed using an alternate assessment aligned to alternate academic standards under section 1111(b)(1)(D), receipt of a regular high school diploma as defined under subparagraph (A) or a State-defined alternate diploma obtained within the time period for which the State ensures the availability of a free appropriate public education and in accordance with section 612(a)(1) of the Individuals with Disabilities Education Act shall be counted as graduating with a regular high school diploma for the purposes of this Act.

''(37) SCHOOL LEADER.—The term 'school leader' means a principal, assistant principal, or other individual who is—

''(A) an employee or officer of a school, local educational agency, or other entity operating the school; and

''(B) responsible for—

''(i) the daily instructional leadership and managerial operations of the school; and

''(ii) creating the optimum conditions for student learning.

''(38) SECONDARY SCHOOL.—The term 'secondary school' means a nonprofit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under State law, except that the term does not include any education beyond grade 12.

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

''(40) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—

''(A) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL.—The term 'specialized instructional support personnel' means school counselors,

school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as that term is defined in section 602 of the Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs.

''(B) SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—The term 'specialized instructional support services' means the services provided by specialized instructional support personnel.

''(41) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

''(42) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' means the agency primarily responsible for the State supervision of public elementary schools and secondary schools.

''(43) TECHNOLOGY.—The term 'technology' means modern information, computer and communication technology products, services, or tools, including, but not limited to, the Internet and other communications networks, computer devices and other computer and communications hardware, software applications, data systems, and other electronic content and data storage.

''SEC. 6102. APPLICABILITY OF TITLE.

''Parts B, C, D, and E of this title do not apply to title IV of this Act.

''SEC. 6103. APPLICABILITY TO BUREAU OF INDIAN EDUCATION OPERATED SCHOOLS.

''For the purpose of any competitive program under this Act—

''(1) a consortium of schools operated by the Bureau of Indian Education;

''(2) a school operated under a contract or grant with the Bureau of Indian Education in consortium with another contract or grant school or a tribal or community organization; or

''(3) a Bureau of Indian Education school in consortium with an institution of higher education, a contract or grant school, or a tribal or community organization,

shall be given the same consideration as a local educational agency.

''PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

''SEC. 6201. CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.

''(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—

''(1) IN GENERAL.—A State educational agency may consolidate the amounts specifically made available to it for State administration under one or more of the programs under paragraph (2).

''(2) APPLICABILITY.—This section applies to any program under this Act under which funds are authorized to be used for administration, and such other programs as the Secretary may designate.

''(b) USE OF FUNDS.—

''(1) IN GENERAL.—A State educational agency shall use the amount available under this section for the administration of the programs included in the consolidation under subsection (a).

''(2) ADDITIONAL USES.—A State educational agency may also use funds available under this section for administrative activities designed to enhance the effective and coordinated use of funds under programs included in the consolidation under subsection (a), such as—

''(A) the coordination of those programs with other Federal and non-Federal programs;

''(B) the establishment and operation of peer-review mechanisms under this Act;

''(C) the administration of this title;

''(D) the dissemination of information regarding model programs and practices;

''(E) technical assistance under any program under this Act;

''(F) State-level activities designed to carry out this title;

''(G) training personnel engaged in audit and other monitoring activities; and

''(H) implementation of the Cooperative Audit Resolution and Oversight Initiative of the Department.

''(c) RECORDS.—A State educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual program, to account for costs relating to the administration of programs included in the consolidation under subsection (a).

''(d) REVIEW.—To determine the effectiveness of State administration under this section, the Secretary may periodically review the performance of State educational agencies in using consolidated administrative funds under this section and take such steps as the Secretary finds appropriate to ensure the effectiveness of that administration.

''(e) UNUSED ADMINISTRATIVE FUNDS.—If a State educational agency does not use all of the funds available to the agency under this section for administration, the agency may use those funds during the applicable period of availability as funds available under one or more programs included in the consolidation under subsection (a).

''(f) CONSOLIDATION OF FUNDS FOR STANDARDS AND ASSESSMENT DEVELOPMENT.—In order to develop State academic standards and assessments, a State educational agency may consolidate the amounts described in subsection (a) for those purposes under title I.

''SEC. 6202. SINGLE LOCAL EDUCATIONAL AGENCY STATES.

''A State educational agency that also serves as a local educational agency shall, in its applications or plans under this Act, describe how the agency will eliminate duplication in conducting administrative functions.

''SEC. 6203. CONSOLIDATION OF FUNDS FOR LOCAL ADMINISTRATION.

''(a) GENERAL AUTHORITY.—In accordance with regulations of the Secretary and for any fiscal year, a local educational agency, with the approval of its State educational agency, may consolidate and use for the administration of one or more programs under this Act (or such other programs as the Secretary shall designate) not more than the percentage, established in each program, of the total available for the local educational agency under those programs.

''(b) STATE PROCEDURES.—A State educational agency shall, in collaboration with local educational agencies in the State, establish procedures for responding to requests from local educational agencies to consolidate administrative funds under subsection (a) and for establishing limitations on the amount of funds under those programs that may be used for administration on a consolidated basis.

''(c) CONDITIONS.—A local educational agency that consolidates administrative funds under this section for any fiscal year shall not use any other funds under the programs included in the consolidation for administration for that fiscal year.

''(d) USES OF ADMINISTRATIVE FUNDS.—A local educational agency that consolidates administrative funds under this section may use the consolidated funds for the administration of the programs and for uses, at the school district and school levels, comparable to those described in section 6201(b)(2).

''(e) RECORDS.—A local educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual program, to account for costs relating to the administration of the programs included in the consolidation.

''SEC. 6204. CONSOLIDATED SET-ASIDE FOR DEPARTMENT OF THE INTERIOR FUNDS.

''(a) GENERAL AUTHORITY.—

''(1) TRANSFER.—The Secretary shall transfer to the Department of the Interior, as a consolidated amount for covered programs, the Indian education programs under part A of title V, and the education for homeless children and youth program under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, the amounts allotted to the Department of the Interior under those programs.

''(2) AGREEMENT.—

''(A) IN GENERAL.—The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of the programs specified in paragraph (1), for the distribution and use of those program funds under terms that the Secretary determines best meet the purposes of those programs.

''(B) CONTENTS.—The agreement shall—

''(i) set forth the plans of the Secretary of the Interior for the use of the amount transferred and the achievement measures to assess program effectiveness; and

''(ii) be developed in consultation with Indian tribes.

''(b) ADMINISTRATION.—The Department of the Interior may use not more than 1.5 percent of the funds consolidated under this section for its costs related to the administration of the funds transferred under this section.

''PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL PLANS AND APPLICATIONS

''SEC. 6301. PURPOSES.

''The purposes of this part are—

''(1) to improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery;

''(2) to provide greater flexibility to State and local authorities through consolidated plans, applications, and reporting; and

''(3) to enhance the integration of programs under this Act with State and local programs.

''SEC. 6302. OPTIONAL CONSOLIDATED STATE PLANS OR APPLICATIONS.

''(a) GENERAL AUTHORITY.—

''(1) SIMPLIFICATION.—In order to simplify application requirements and reduce the burden for State educational agencies under this Act, the Secretary, in accordance with subsection (b), shall establish procedures and criteria under which, after consultation with the Governor, a State educational agency may submit a consolidated State plan or a consolidated State application meeting the requirements of this section for—

''(A) each of the covered programs in which the State participates; and

''(B) such other programs as the Secretary may designate.

''(2) CONSOLIDATED APPLICATIONS AND PLANS.—After consultation with the Governor, a State educational agency that submits a consolidated State plan or a consolidated State application under this section shall not be required to submit separate State plans or applications under any of the programs to which the consolidated State plan or consolidated State application under this section applies.

''(b) COLLABORATION.—

''(1) IN GENERAL.—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 agencies, organizations, and institutions, private schools, and parents, students, and teachers.

''(2) CONTENTS.—Through the collaborative process described in paragraph (1), the Secretary shall establish, for each program under this Act to which this section applies, the descriptions, information, assurances, and other material required to be included in a consolidated State plan or consolidated State application.

''(3) NECESSARY MATERIALS.—The Secretary shall require only descriptions, information, assurances (including assurances of compliance

with applicable provisions regarding participation by private school children and teachers), and other materials that are absolutely necessary for the consideration of the consolidated State plan or consolidated State application.

"SEC. 6303. CONSOLIDATED REPORTING.

''(a) IN GENERAL.—In order to simplify reporting requirements and reduce reporting burdens, the Secretary shall establish procedures and criteria under which a State educational agency, in consultation with the Governor of the State, may submit a consolidated State annual report.

''(b) CONTENTS.—The report shall contain information about the programs included in the report, including the performance of the State under those programs, and other matters as the Secretary determines are necessary, such as monitoring activities.

''(c) REPLACEMENT.—The report shall replace separate individual annual reports for the programs included in the consolidated State annual report.

"SEC. 6304. GENERAL APPLICABILITY OF STATE EDUCATIONAL AGENCY ASSURANCES.

''(a) ASSURANCES.—A State educational agency, in consultation with the Governor of the State, that submits a consolidated State plan or consolidated State application under this Act, whether separately or under section 6302, shall have on file with the Secretary a single set of assurances, applicable to each program for which the plan or application is submitted, that provides that—

''(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

''(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, an eligible private agency, institution, or organization, or an Indian tribe, if the law authorizing the program provides for assistance to those entities; and

''(B) the public agency, eligible private agency, institution, or organization, or Indian tribe will administer those funds and property to the extent required by the authorizing law;

''(3) the State will adopt and use proper methods of administering each such program, including—

''(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program;

''(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation; and

''(C) the adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of the programs;

''(4) the State will cooperate in carrying out any evaluation of each such program conducted by or for the Secretary or other Federal officials;

''(5) the State will use such fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each such program;

''(6) the State will—

''(A) make reports to the Secretary as may be necessary to enable the Secretary to perform the Secretary's duties under each such program; and

''(B) maintain such records, provide such information to the Secretary, and afford such access to the records as the Secretary may find necessary to carry out the Secretary's duties; and

''(7) before the plan or application was submitted to the Secretary, the State afforded a reasonable opportunity for public comment on the plan or application and considered such comment.

''(b) GEPA PROVISION.—Section 441 of the General Education Provisions Act shall not apply to programs under this Act.

"SEC. 6305. CONSOLIDATED LOCAL PLANS OR APPLICATIONS.

''(a) GENERAL AUTHORITY.—

''(1) CONSOLIDATED PLAN.—A local educational agency receiving funds under more than one covered program may submit plans or applications to the State educational agency under those programs on a consolidated basis.

''(2) AVAILABILITY TO GOVERNOR.—The State educational agency shall make any consolidated local plans and applications available to the Governor.

''(b) REQUIRED CONSOLIDATED PLANS OR APPLICATIONS.—A State educational agency that has an approved consolidated State plan or application under section 6302 may require local educational agencies in the State receiving funds under more than one program included in the consolidated State plan or consolidated State application to submit consolidated local plans or applications under those programs, but may not require those agencies to submit separate plans.

''(c) COLLABORATION.—A State educational agency, in consultation with the Governor, shall collaborate with local educational agencies in the State in establishing procedures for the submission of the consolidated State plans or consolidated State applications under this section.

''(d) NECESSARY MATERIALS.—The State educational agency shall require only descriptions, information, assurances, and other material that are absolutely necessary for the consideration of the local educational agency plan or application.

"SEC. 6306. OTHER GENERAL ASSURANCES.

''(a) ASSURANCES.—Any applicant, other than a State educational agency that submits a plan or application under this Act, shall have on file with the State educational agency a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—

''(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

''(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in an eligible private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to those entities; and

''(B) the public agency, eligible private agency, institution, or organization, or Indian tribe will administer the funds and property to the extent required by the authorizing statutes;

''(3) the applicant will adopt and use proper methods of administering each such program, including—

''(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and

''(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;

''(4) the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency, the Secretary, or other Federal officials;

''(5) the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the applicant under each such program;

''(6) the applicant will—

''(A) submit such reports to the State educational agency (which shall make the reports available to the Governor) and the Secretary as the State educational agency and Secretary may require to enable the State educational agency and the Secretary to perform their duties under each such program; and

''(B) maintain such records, provide such information, and afford such access to the records as the State educational agency (after consultation with the Governor) or the Secretary may reasonably require to carry out the State educational agency's or the Secretary's duties; and

''(7) before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and considered such comment.

''(b) GEPA PROVISION.—Section 442 of the General Education Provisions Act shall not apply to programs under this Act.

"PART D—WAIVERS

"SEC. 6401. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

''(a) IN GENERAL.—

''(1) REQUEST FOR WAIVER.—A State educational agency, local educational agency, or Indian tribe that receives funds under a program authorized under this Act may submit a request to the Secretary to waive any statutory or regulatory requirement of this Act.

''(2) RECEIPT OF WAIVER.—Except as provided in subsection (c) and subject to the limits in subsection (b)(5)(A), the Secretary shall waive any statutory or regulatory requirement of this Act for a State educational agency, local educational agency, Indian tribe, or school (through a local educational agency), that submits a waiver request pursuant to this subsection.

''(b) PLAN.—

''(1) IN GENERAL.—A State educational agency, local educational agency, or Indian tribe that desires a waiver under this section shall submit a waiver request to the Secretary, which shall include a plan that—

''(A) identifies the Federal programs affected by the requested waiver;

''(B) describes which Federal statutory or regulatory requirements are to be waived;

''(C) reasonably demonstrates that the waiver will improve instruction for students and advance student academic achievement;

''(D) describes the methods the State educational agency, local educational agency, or Indian tribe will use to monitor the effectiveness of the implementation of the plan; and

''(E) describes how schools will continue to provide assistance to the same populations served by programs for which the waiver is requested.

''(2) ADDITIONAL INFORMATION.—A waiver request under this section—

''(A) may provide for waivers of requirements applicable to State educational agencies, local educational agencies, Indian tribes, and schools; and

''(B) shall be developed and submitted—

''(i)(I) by local educational agencies (on behalf of those agencies and schools) to State educational agencies; and

''(II) by State educational agencies (on their own behalf, or on behalf of, and based on the requests of, local educational agencies in the State) to the Secretary; or

''(ii) by Indian tribes (on behalf of schools operated by the tribes) to the Secretary.

''(3) GENERAL REQUIREMENTS.—

''(A) STATE EDUCATIONAL AGENCIES.—In the case of a waiver request submitted by a State educational agency acting on its own behalf, or on behalf of local educational agencies in the State, the State educational agency shall—

''(i) provide the public and local educational agencies in the State with notice and a reasonable opportunity to comment and provide input on the request;

''(ii) submit the comments and input to the Secretary, with a description of how the State addressed the comments and input; and

''(iii) provide notice and a reasonable time to comment to the public and local educational agencies in the manner in which the applying agency customarily provides similar notice and opportunity to comment to the public.

''(B) LOCAL EDUCATIONAL AGENCIES.—In the case of a waiver request submitted by a local educational agency that receives funds under this Act—

''(i) the request shall be reviewed by the State educational agency and be accompanied by the comments, if any, of the State educational agency and the public; and

''(ii) notice and a reasonable opportunity to comment regarding the waiver request shall be provided to the State educational agency and the public by the agency requesting the waiver in the manner in which that agency customarily provides similar notice and opportunity to comment to the public.

''(4) PEER REVIEW.—

''(A) ESTABLISHMENT.—The Secretary shall establish a multi-disciplinary peer review team, which shall meet the requirements of section 6543, to review waiver requests under this section.

''(B) APPLICABILITY.—The Secretary may approve a waiver request under this section without conducting a peer review of the request, but shall use the peer review process under this paragraph before disapproving such a request.

''(C) STANDARD AND NATURE OF REVIEW.—Peer reviewers shall conduct a good faith review of waiver requests submitted to them under this section. Peer reviewers shall review such waiver requests—

''(i) in their totality;

''(ii) in deference to State and local judgment; and

''(iii) with the goal of promoting State- and local-led innovation.

''(5) WAIVER DETERMINATION, DEMONSTRATION, AND REVISION.—

''(A) IN GENERAL.—The Secretary shall approve a waiver request not more than 60 days after the date on which such request is submitted, unless the Secretary determines and demonstrates that—

''(i) the waiver request does not meet the requirements of this section;

''(ii) the waiver is not permitted under subsection (c);

''(iii) the plan that is required under paragraph (1)(C), and reviewed with deference to State and local judgment, provides no reasonable evidence to determine that a waiver will enhance student academic achievement; or

''(iv) the waiver request does not provide for adequate evaluation to ensure review and continuous improvement of the plan.

''(B) WAIVER DETERMINATION AND REVISION.—If the Secretary determines and demonstrates that the waiver request does not meet the requirements of this section, the Secretary shall—

''(i) immediately—

''(I) notify the State educational agency, local educational agency, or Indian tribe of such determination; and

''(II) at the request of the State educational agency, local educational agency, or Indian tribe, provide detailed reasons for such determination in writing;

''(ii) offer the State educational agency, local educational agency, or Indian tribe an opportunity to revise and resubmit the waiver request not more than 60 days after the date of such determination; and

''(iii) if the Secretary determines that the resubmission does not meet the requirements of this section, at the request of the State educational agency, local educational agency, or Indian tribe, conduct a public hearing not more than 30 days after the date of such resubmission.

''(C) WAIVER DISAPPROVAL.—The Secretary may disapprove a waiver request if—

''(i) the State educational agency, local educational agency, or Indian tribe has been notified and offered an opportunity to revise and resubmit the waiver request, as described under clauses (i) and (ii) of subparagraph (B); and

''(ii) the State educational agency, local educational agency, or Indian tribe—

''(I) does not revise and resubmit the waiver request; or

''(II) revises and resubmits the waiver request, and the Secretary determines that such waiver request does not meet the requirements of this section after a hearing conducted under subparagraph (B)(iii), if requested.

''(D) EXTERNAL CONDITIONS.—The Secretary shall not, directly or indirectly, require or impose new or additional requirements in exchange for receipt of a waiver if such requirements are not specified in this Act.

''(c) RESTRICTIONS.—The Secretary shall not waive under this section any statutory or regulatory requirements relating to—

''(1) the allocation or distribution of funds to States, local educational agencies, Indian tribes, or other recipients of funds under this Act;

''(2) comparability of services;

''(3) use of Federal funds to supplement, not supplant, non-Federal funds;

''(4) equitable participation of private school students and teachers;

''(5) parental participation and involvement;

''(6) applicable civil rights requirements;

''(7) the prohibitions—

''(A) in subpart 2 of part E;

''(B) regarding use of funds for religious worship or instruction in section 6505; and

''(C) regarding activities in section 6524; or

''(8) the selection of a school attendance area or school under subsections (a) and (b) of section 1113, except that the Secretary may grant a waiver to allow a school attendance area or school to participate in activities under subpart 1 of part A of title I if the percentage of children from low-income families in the school attendance area or who attend the school is not more than 10 percentage points below the lowest percentage of those children for any school attendance area or school of the local educational agency that meets the requirements of subsections (a) and (b) of section 1113.

''(d) DURATION AND EXTENSION OF WAIVER; LIMITATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a waiver approved by the Secretary under this section may be for a period not to exceed 3 years.

''(2) EXTENSION.—The Secretary may extend the period described in paragraph (1) if the State demonstrates that—

''(A) the waiver has been effective in enabling the State or affected recipient to carry out the activities for which the waiver was requested and the waiver has contributed to improved student achievement; and

''(B) the extension is in the public interest.

''(3) SPECIFIC LIMITATIONS.—The Secretary shall not require a State educational agency, local educational agency, or Indian tribe, as a condition of approval of a waiver request, to—

''(A) include in, or delete from, such request, specific academic standards, such as the Common Core State Standards developed under the Common Core State Standards Initiative or any other standards common to a significant number of States;

''(B) use specific academic assessment instruments or items, including assessments aligned to the standards described in subparagraph (A); or

''(C) include in, or delete from, such waiver request any criterion that specifies, defines, describes, or prescribes the standards or measures that a State or local educational agency or Indian tribe uses to establish, implement, or improve—

''(i) State academic standards;

''(ii) academic assessments;

''(iii) State accountability systems; or

''(iv) teacher and school leader evaluation systems.

''(e) REPORTS.—

''(1) WAIVER REPORTS.—A State educational agency, local educational agency, or Indian tribe that receives a waiver under this section shall, at the end of the second year for which a waiver is received under this section and each subsequent year, submit a report to the Secretary that—

''(A) describes the uses of the waiver by the agency or by schools;

''(B) describes how schools continued to provide assistance to the same populations served by the programs for which waivers were granted; and

''(C) evaluates the progress of the agency and schools, or Indian tribe, in improving the quality of instruction or the academic achievement of students.

''(2) REPORT TO CONGRESS.—The Secretary shall annually submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report—

''(A) summarizing the uses of waivers by State educational agencies, local educational agencies, Indian tribes, and schools; and

''(B) describing the status of the waivers in improving academic achievement.

''(f) TERMINATION OF WAIVERS.—The Secretary shall terminate a waiver under this section if the Secretary determines, after notice and an opportunity for a hearing, that the performance of the State or other recipient affected by the waiver has been inadequate to justify a continuation of the waiver and the recipient of the waiver has failed to make revisions needed to carry out the purpose of the waiver, or if the waiver is no longer necessary to achieve its original purpose.

''(g) PUBLICATION.—A notice of the Secretary's decision to grant each waiver under subsection (a) shall be published in the Federal Register and the Secretary shall provide for the dissemination of the notice to State educational agencies, interested parties, including educators, parents, students, advocacy and civil rights organizations, and the public.

''PART E—UNIFORM PROVISIONS

''Subpart 1—Private Schools

''SEC. 6501. PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.

''(a) PRIVATE SCHOOL PARTICIPATION.—

''(1) IN GENERAL.—Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in areas served by a State educational agency, local educational agency, educational service agency, consortium of those agencies, or another entity receiving financial assistance under a program specified in subsection (b), who are enrolled in private elementary schools and secondary schools in areas served by such agency, consortium, or entity, the agency, consortium, or entity shall, after timely and meaningful consultation with appropriate private school officials or their representatives, provide to those children and their teachers or other educational personnel, on an equitable basis, special educational services or other benefits that address their needs under the program.

''(2) SECULAR, NEUTRAL, AND NONIDEOLOGICAL SERVICES OR BENEFITS.—Educational services or other benefits, including materials and equipment, provided under this section, shall be secular, neutral, and nonideological.

''(3) SPECIAL RULE.—

''(A) IN GENERAL.—Educational services and other benefits provided under this section for private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in the program and shall be provided in a timely manner.

''(B) OMBUDSMAN.—To help ensure equitable services are provided to private school children, teachers, and other educational personnel under this section, the State educational agency involved shall designate the ombudsman designated by the agency under section 1120(a)(3)(B) to monitor and enforce requirements of this section.

''(4) EXPENDITURES.—

''(A) IN GENERAL.—Expenditures for educational services and other benefits to eligible private school children, teachers, and other

service personnel shall be equal to the expenditures for participating public school children, taking into account the number and educational needs, of the children to be served.

''(B) OBLIGATION OF FUNDS.—Funds allocated to a local educational agency for educational services and other benefits to eligible private school children shall—

''(i) be obligated in the fiscal year for which the funds are received by the agency; and

''(ii) with respect to any such funds that cannot be so obligated, be used to serve such children in the following fiscal year.

''(C) NOTICE OF ALLOCATION.—Each State educational agency shall—

''(i) determine, in a timely manner, the proportion of funds to be allocated to each local educational agency in the State for educational services and other benefits under this subpart to eligible private school children; and

''(ii) provide notice, simultaneously, to each such local educational agency and the appropriate private school officials or their representatives in the State of such allocation of funds.

''(5) PROVISION OF SERVICES.—An agency, consortium, or entity described in subsection (a)(1) of this section may provide those services directly or through contracts with public and private agencies, organizations, and institutions.

''(b) APPLICABILITY.—

''(1) IN GENERAL.—This section applies to programs under—

''(A) subpart 2 of part A of title I;

''(B) subpart 4 of part A of title I;

''(C) part A of title II;

''(D) part B of title II; and

''(E) part B of title III.

''(2) DEFINITION.—For the purpose of this section, the term 'eligible children' means children eligible for services under a program described in paragraph (1).

''(c) CONSULTATION.—

''(1) IN GENERAL.—To ensure timely and meaningful consultation, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity shall consult, in order to reach an agreement, with appropriate private school officials or their representatives during the design and development of the programs under this Act, on issues such as—

''(A) how the children's needs will be identified;

''(B) what services will be offered;

''(C) how, where, and by whom the services will be provided;

''(D) how the services will be assessed and how the results of the assessment will be used to improve those services;

''(E) the size and scope of the equitable services to be provided to the eligible private school children, teachers, and other educational personnel, the proportion of funds that are allocated for such services, how that proportion of funds is determined, and an itemization of the costs of the services to be provided;

''(F) how and when the agency, consortium, or entity will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials or their representatives on the provision of services through potential third-party providers or contractors;

''(G) how, if the agency disagrees with the views of the private school officials or their representatives on the provision of services through a contract, the local educational agency will provide in writing to such private school officials or their representatives an analysis of the reasons why the local educational agency has chosen not to use a contractor;

''(H) whether the agency will provide services under this section directly or through contracts with public or private agencies, organizations, or institutions; and

''(I) whether to provide equitable services to eligible private school children—

''(i) by creating a pool or pools of funds with all of the funds allocated under subsection (a)(4) based on all the children from low-income families who attend private schools in a participating school attendance area from which the local educational agency will provide such services to all such children; or

''(ii) by providing such services to eligible children in each private school in the local educational agency's participating school attendance area with the proportion of funds allocated under subsection (a)(4) based on the number of children from low-income families who attend such school.

''(2) DISAGREEMENT.—If the agency, consortium, or entity disagrees with the views of the private school officials or their representatives with respect to an issue described in paragraph (1), the agency, consortium, or entity shall provide to the private school officials or their representatives a written explanation of the reasons why the local educational agency has chosen not to adopt the course of action requested by such officials or their representatives.

''(3) TIMING.—The consultation required by paragraph (1) shall occur before the agency, consortium, or entity makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this Act, and shall continue throughout the implementation and assessment of activities under this section.

''(4) DISCUSSION REQUIRED.—The consultation required by paragraph (1) shall include a discussion of service delivery mechanisms that the agency, consortium, or entity could use to provide equitable services to eligible private school children, teachers, administrators, and other staff.

''(5) DOCUMENTATION.—Each local educational agency shall maintain in the agency's records and provide to the State educational agency involved a written affirmation signed by officials or their representatives of each participating private school that the meaningful consultation required by this section has occurred. The written affirmation shall provide the option for private school officials or their representatives to indicate that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children. If such officials or their representatives do not provide such affirmation within a reasonable period of time, the local educational agency shall forward the documentation that such consultation has, or attempts at such consultation have, taken place to the State educational agency.

''(6) COMPLIANCE.—

''(A) IN GENERAL.—If the consultation required under this section is with a local educational agency or educational service agency, a private school official or representative shall have the right to file a complaint with the State educational agency that the consultation required under this section was not meaningful and timely, did not give due consideration to the views of the private school official or representative, or did not treat the private school or its students equitably as required by this section.

''(B) PROCEDURE.—If the private school official or representative wishes to file a complaint, the private school official or representative shall provide the basis of the noncompliance with this section and all parties shall provide the appropriate documentation to the appropriate officials or representatives.

''(C) SERVICES.—A State educational agency shall provide services under this section directly or through contracts with public and private agencies, organizations, and institutions, if—

''(i) the appropriate private school officials or their representatives have—

''(I) requested that the State educational agency provide such services directly; and

''(II) demonstrated that the local educational agency or Education Service Agency involved has not met the requirements of this section; or

''(ii) in a case in which—

''(I) a local educational agency has more than 10,000 children from low-income families who attend private elementary schools or secondary schools in such agency's school attendance areas, as defined in section 1113(a)(2)(A), that are not being served by the agency's program under this section; or

''(II) 90 percent of the eligible private school students in a school attendance area, as defined in section 1113(a)(2)(A), are not being served by the agency's program under this section.

''(d) PUBLIC CONTROL OF FUNDS.—

''(1) IN GENERAL.—The control of funds used to provide services under this section, and title to materials, equipment, and property purchased with those funds, shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer the funds and property.

''(2) PROVISION OF SERVICES.—

''(A) IN GENERAL.—The provision of services under this section shall be provided—

''(i) by employees of a public agency; or

''(ii) through contract by the public agency with an individual, association, agency, organization, or other entity.

''(B) INDEPENDENCE; PUBLIC AGENCY.—In the provision of those services, the employee, person, association, agency, organization, or other entity shall be independent of the private school and of any religious organization, and the employment or contract shall be under the control and supervision of the public agency.

''(C) COMMINGLING OF FUNDS PROHIBITED.—Funds used to provide services under this section shall not be commingled with non-Federal funds.

"SEC. 6502. STANDARDS FOR BY-PASS.

''(a) IN GENERAL.—If, by reason of any provision of law, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or other entity is prohibited from providing for the participation in programs of children enrolled in, or teachers or other educational personnel from, private elementary schools and secondary schools, on an equitable basis, or if the Secretary determines that the agency, consortium, or entity has substantially failed or is unwilling to provide for that participation, as required by section 6501, the Secretary shall—

''(1) waive the requirements of that section for the agency, consortium, or entity; and

''(2) arrange for the provision of equitable services to those children, teachers, or other educational personnel through arrangements that shall be subject to the requirements of this section and of sections 6501, 6503, and 6504.

''(b) DETERMINATION.—In making the determination under subsection (a), the Secretary shall consider one or more factors, including the quality, size, scope, and location of the program, and the opportunity of private school children, teachers, and other educational personnel to participate in the program.

"SEC. 6503. COMPLAINT PROCESS FOR PARTICIPATION OF PRIVATE SCHOOL CHILDREN.

''(a) PROCEDURES FOR COMPLAINTS.—The Secretary shall develop and implement written procedures for receiving, investigating, and resolving complaints from parents, teachers, or other individuals and organizations concerning violations of section 6501 by a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity. The individual or organization shall submit the complaint to the State educational agency for a written resolution by the State educational agency within 45 days.

''(b) APPEALS TO SECRETARY.—The resolution may be appealed by an interested party to the Secretary not later than 30 days after the State educational agency resolves the complaint or fails to resolve the complaint within the 45-day time limit. The appeal shall be accompanied by

a copy of the State educational agency's resolution, and, if there is one, a complete statement of the reasons supporting the appeal. The Secretary shall investigate and resolve the appeal not later than 90 days after receipt of the appeal.

"Subpart 2—Prohibitions

"SEC. 6521. PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.

''(a) IN GENERAL.—No officer or employee of the Federal Government shall, directly or indirectly, through grants, contracts, or other cooperative agreements, mandate, direct, incentivize, or control a State, local educational agency, or school's specific instructional content, academic standards and assessments, curricula, or program of instruction, (including any requirement, direction, incentive, or mandate to adopt the Common Core State Standards developed under the Common Core State Standards Initiative or any other academic standards common to a significant number of States), nor shall anything in this Act be construed to authorize such officer or employee to do so.

''(b) FINANCIAL SUPPORT.—No officer or employee of the Federal Government shall, directly or indirectly, through grants, contracts, or other cooperative agreements, make financial support available in a manner that is conditioned upon a State, local educational agency, or school's adoption of specific instructional content, academic standards and assessments, curriculum, or program of instruction, (including any requirement, direction, or mandate to adopt the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a significant number of States, or any assessment, instructional content, or curriculum aligned to such standards), even if such requirements are specified in an Act other than this Act, nor shall anything in this Act be construed to authorize such officer or employee to do so.

"SEC. 6522. PROHIBITIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.

''(a) GENERAL PROHIBITION.—Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government directly or indirectly, whether through a grant, contract, or cooperative agreement, to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

''(b) PROHIBITION ON ENDORSEMENT OF CURRICULUM.—Notwithstanding any other prohibition of Federal law, no funds provided to the Department under this Act may be used by the Department directly or indirectly—whether through a grant, contract, or cooperative agreement—to endorse, approve, develop, require, or sanction any curriculum, including any curriculum aligned to the Common Core State Standards developed under the Common Core State Standards Initiative or any other academic standards common to a significant number of States, designed to be used in an elementary school or secondary school.

''(c) LOCAL CONTROL.—Nothing in this Act shall be construed to—

''(1) authorize an officer or employee of the Federal Government directly or indirectly—whether through a grant, contract, or cooperative agreement—to mandate, direct, review, or control a State, local educational agency, or school's instructional content, curriculum, and related activities;

''(2) limit the application of the General Education Provisions Act;

''(3) require the distribution of scientifically or medically false or inaccurate materials or to prohibit the distribution of scientifically or medically true or accurate materials; or

''(4) create any legally enforceable right.

''(d) PROHIBITION ON REQUIRING FEDERAL APPROVAL OR CERTIFICATION OF STANDARDS.—Notwithstanding any other provision of Federal law, no State shall be required to have academic standards approved or certified by the Federal Government, in order to receive assistance under this Act.

''(e) RULE OF CONSTRUCTION ON BUILDING STANDARDS.—Nothing in this Act shall be construed to mandate national school building standards for a State, local educational agency, or school.

"SEC. 6523. PROHIBITION ON FEDERALLY SPONSORED TESTING.

''(a) GENERAL PROHIBITION.—Notwithstanding any other provision of Federal law and except as provided in subsection (b), no funds provided under this Act to the Secretary or to the recipient of any award may be used to develop, pilot test, field test, implement, administer, or distribute any federally sponsored national test or testing materials in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law.

''(b) EXCEPTIONS.—Subsection (a) shall not apply to international comparative assessments developed under the authority of section 153(a)(5) of the Education Sciences Reform Act of 2002 and administered to only a representative sample of pupils in the United States and in foreign nations.

"SEC. 6524. LIMITATIONS ON NATIONAL TESTING OR CERTIFICATION FOR TEACHERS.

''(a) MANDATORY NATIONAL TESTING OR CERTIFICATION OF TEACHERS.—Notwithstanding any other provision of this Act or any other provision of law, no funds available to the Department or otherwise available under this Act may be used for any purpose relating to a mandatory nationwide test or certification of teachers or education paraprofessionals, including any planning, development, implementation, or administration of such test or certification.

''(b) PROHIBITION ON WITHHOLDING FUNDS.—The Secretary is prohibited from withholding funds from any State educational agency or local educational agency if the State educational agency or local educational agency fails to adopt a specific method of teacher or paraprofessional certification.

"SEC. 6525. PROHIBITED USES OF FUNDS.

''No funds under this Act may be used—

''(1) for construction, renovation, or repair of any school facility, except as authorized under title IV or otherwise authorized under this Act;

''(2) for medical services, drug treatment or rehabilitation, except for specialized instructional support services or referral to treatment for students who are victims of, or witnesses to, crime or who illegally use drugs;

''(3) for transportation unless otherwise authorized under this Act;

''(4) to develop or distribute materials, or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, or normalize teen sexual activity as an expected behavior, implicitly or explicitly, whether homosexual or heterosexual;

''(5) to distribute or to aid in the distribution on school grounds by any organization of legally obscene materials to minors or any instruction or materials that normalize teen sexual activity as an expected behavior;

''(6) to provide sex education or HIV-prevention education in schools unless that instruction is age appropriate and includes the health benefits of abstinence; or

''(7) to operate a program of contraceptive distribution in schools.

"SEC. 6529. PROHIBITION REGARDING STATE AID.

''A State shall not take into consideration payments under this Act (other than under title IV) in determining the eligibility of any local educational agency in that State for State aid, or the amount of State aid, with respect to free public education of children.

"SEC. 6530. PROHIBITION ON REQUIRING STATE PARTICIPATION.

''Any State that opts out of receiving funds, or that has not been awarded funds, under one or more programs under this Act shall not be required to carry out any of the requirements of such program or programs, and nothing in this Act shall be construed to require a State to participate in any program under this Act.

"SEC. 6531. LOCAL CONTROL.

''The Secretary shall not—

''(1) impose any requirements or exercise any governance or authority over school administration, including the development and expenditure of school budgets, unless explicitly authorized under this Act;

''(2) issue any regulations or non-regulatory guidance without first consulting with local stakeholders and fairly addressing their concerns; or

''(3) deny any local educational agency the right to object to any administrative requirement, including actions that place additional burdens or cost on the local educational agency.

"SEC. 6532. SCHOOLCHILDREN'S PROTECTION FROM ABORTION PROVIDERS

''(a) LIMITATION ON FUNDING.—Notwithstanding section 6102, no funds under this Act may e used by any State educational agency or local educational agency that enters into a contract or other agreement with a school-based health center relating to the provision of health services to students served by the agency unless such center certifies that—

''(1) the center will not perform an abortion; and

''(2) the center will not provide abortion-related materials, referrals, or directions for abortion services to any such student.

''(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prevent a school-based health center from providing non-abortion health services to pregnant students.

''(c) SCHOOL-BASED HEALTH CENTER.—In this section, the term 'school-based health center' has the meaning given such term in section 210(c)(9) of the Social Security Act (42 U.S.C. 1397jj(c)(9)).''.

"Subpart 3—Other Provisions

"SEC. 6541. ARMED FORCES RECRUITER ACCESS TO STUDENTS AND STUDENT RECRUITING INFORMATION.

''(a) POLICY.—

''(1) ACCESS TO STUDENT RECRUITING INFORMATION.—Notwithstanding section 444(a)(5)(B) of the General Education Provisions Act, each local educational agency receiving assistance under this Act shall provide, upon a request made by a military recruiter or an institution of higher education, access to the name, address, and telephone listing of each secondary school student served by the local educational agency, unless the parent of such student has submitted the prior consent request under paragraph (2).

''(2) CONSENT.—

''(A) OPT-OUT PROCESS.—A parent of a secondary school student may submit a written request, to the local educational agency, that the student's name, address, and telephone listing not be released for purposes of paragraph (1) without prior written consent of the parent. Upon receiving such request, the local educational agency may not release the student's name, address, and telephone listing for such purposes without the prior written consent of the parent.

''(B) NOTIFICATION OF OPT-OUT PROCESS.—Each local educational agency shall notify the parents of the students served by the agency of the option to make a request described in subparagraph (A).

''(3) SAME ACCESS TO STUDENTS.—Each local educational agency receiving assistance under this Act shall provide military recruiters the same access to secondary school students as is provided generally to institutions of higher education or to prospective employers of those students.

''(4) RULE OF CONSTRUCTION PROHIBITING OPT-IN PROCESSES.—Nothing in this subsection shall be construed to allow a local educational agency to withhold access to a student's name, address, and telephone listing from a military recruiter or institution of higher education by implementing an opt-in process or any other process other than the written consent request process under paragraph (2)(A).

''(5) PARENTAL CONSENT.—For purposes of this subsection, whenever a student has attained 18 years of age, the permission or consent required of and the rights accorded to the parents of the student shall only be required of and accorded to the student.

''(b) NOTIFICATION.—The Secretary, in consultation with the Secretary of Defense, shall, not later than 120 days after the date of the enactment of the Student Success Act, notify school leaders, school administrators, and other educators about the requirements of this section.

''(c) EXCEPTION.—The requirements of this section do not apply to a private secondary school that maintains a religious objection to service in the Armed Forces if the objection is verifiable through the corporate or other organizational documents or materials of that school.

''SEC. 6542. RULEMAKING.

''The Secretary shall issue regulations under this Act as prescribed under section 1401 only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements and assurances required by this Act.

''SEC. 6543. PEER REVIEW.

''(a) IN GENERAL.—If the Secretary uses a peer review panel to evaluate an application for any program required under this Act, the Secretary shall conduct the panel in accordance with this section.

''(b) MAKEUP.—The Secretary shall—

''(1) solicit nominations for peers to serve on the panel from States that are—

''(A) practitioners in the subject matter; or

''(B) experts in the subject matter; and

''(2) select the peers from such nominees, except that there shall be at least 75 percent practitioners on each panel and in each group formed from the panel.

''(c) GUIDANCE.—The Secretary shall issue the peer review guidance concurrently with the notice of the grant.

''(d) REPORTING.—The Secretary shall—

''(1) make the names of the peer reviewers available to the public before the final deadline for the application of the grant;

''(2) make the peer review notes publically available once the review has concluded; and

''(3) make any deviations from the peer reviewers' recommendations available to the public with an explanation of the deviation.

''(e) APPLICANT REVIEWS.—An applicant shall have an opportunity within 30 days to review the peer review notes and appeal the score to the Secretary prior to the Secretary making any final determination.

''(f) PROHIBITION.—The Secretary, and the Secretary's staff, may not attempt to participate in, or influence, the peer review process. No Federal employee may participate in, or attempt to influence the peer review process, except to respond to questions of a technical nature, which shall be publicly reported.

''SEC. 6544. PARENTAL CONSENT.

''Upon receipt of written notification from the parents or legal guardians of a student, the local educational agency shall withdraw such student from any program funded under part B of title III. The local educational agency shall make reasonable efforts to inform parents or legal guardians of the content of such programs or activities funded under this Act, other than classroom instruction.

''SEC. 6548. SEVERABILITY.

''If any provision of this Act is held invalid, the remainder of this Act shall be unaffected thereby.

''SEC. 6549. DEPARTMENT STAFF.

''The Secretary shall—

''(1) not later than 60 days after the date of the enactment of the Student Success Act, identify the number of Department employees who worked on or administered each education program and project authorized under this Act, as such program or project was in effect on the day before such enactment date, and publish such information on the Department's website;

''(2) not later than 60 days after such enactment date, identify the number of full-time equivalent employees who work on or administer programs or projects authorized under this Act, as in effect on the day before such enactment date, that have been eliminated or consolidated since such date;

''(3) not later than 1 year after such enactment date, reduce the workforce of the Department by the number of full-time equivalent employees the Department calculated under paragraph (2); and

''(4) not later than 1 year after such enactment date, report to the Congress on—

''(A) the number of employees associated with each program or project authorized under this Act administered by the Department;

''(B) the number of full-time equivalent employees who were determined to be associated with eliminated or consolidated programs or projects under paragraph (2);

''(C) how the Secretary reduced the number of employees at the Department under paragraph (3);

''(D) the average salary of the employees described in subparagraph (B) whose positions were eliminated; and

''(E) the average salary of the full-time equivalent employees who work on or administer a program or project authorized under this Act by the Department, disaggregated by employee function with each such program or project.

''SEC. 6550. REDUCTION IN FEDERAL SPENDING.

''To ensure the reduced Federal role established under this Act is recognized when allocating spending amounts and appropriations for the programs under this Act, the Secretary, through the director of the Institute for Education Sciences, shall—

''(1) not later than 60 days after the date of the enactment of the Student Success Act, contract with an economist with an expertise in workforce and government efficiency;

''(2) not later than 1 year after the date of the enactment of the Student Success Act and before the Administration's annual budget request for a fiscal year is submitted to Congress annually thereafter, require the economist to issue a report that—

''(A) examines the annual cost savings from the reduced Federal requirements under this Act, as amended by the Student Success Act, as compared to the requirements under this Act as in effect after fiscal year 2002 and prior to the date of the enactment of the Student Success Act and each year thereafter;

''(B) determines the reduced need for Federal funds to meet the Federal requirements under this Act, as amended by the Student Success Act, as compared to the requirements under this Act as in effect after fiscal year 2002 and prior to the date of the enactment of the Student Success Act; and

''(C) includes the specific reduced Federal funding amounts and reduced number of employees at the Department necessary for compliance with the provisions of this Act, as amended by the Student Success Act; and

''(3) not later than one week after Administration's budget request is submitted to Congress for each fiscal year, submit the report to the Committees on Budget and the Committees on Appropriations of the House of Representatives and the Senate, and the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

''Subpart 4—Restoration of State Sovereignty Over Public Education

''SEC. 6561. STATES TO RETAIN RIGHTS AND AUTHORITIES THEY DO NOT EXPRESSLY WAIVE.

''(a) RETENTION OF RIGHTS AND AUTHORITIES.—In order to ensure local control over the acceptance of federal funds, no officer, employee, or other authority of the Secretary shall enforce against an authority of a State, nor shall any authority of a State have any obligation to obey, any requirement imposed as a condition of receiving assistance under a grant program established under this Act, nor shall such program operate within a State, unless the legislature of that State shall have by law expressly approved that program and, in doing so, have waived the State's rights and authorities to act inconsistently with any requirement that might be imposed by the Secretary as a condition of receiving that assistance.

''(b) AMENDMENT OF TERMS OF RECEIPT OF FEDERAL FINANCIAL ASSISTANCE.—An officer, employee, or other authority of the Secretary may release assistance under a grant program established under this Act to a State only after the legislature of the State has by law expressly approved the program (as described in subsection (a)). This approval may be accomplished by a vote to affirm a State budget that includes the use of such Federal funds and any such State budget must expressly include any requirement imposed as a condition of receiving assistance under a grant program established under this Act so that by approving the budget, the State legislature is expressly approving the grant program and, in doing so, waiving the State's rights and authorities to act inconsistently with any requirement that might be imposed by the Secretary as a condition of receiving that assistance.

''(c) SPECIAL RULE FOR STATES WITH BIENNIAL LEGISLATURES.—In the case of a State with a biennial legislature—

''(1) during a year in which the State legislature does not meet, subsections (a) and (b) shall not apply; and

''(2) during a year in which the State legislature meets, subsections (a) and (b) shall apply, and, with respect to any grant program established under this Act during the most recent year in which the State legislature did not meet, the State may by law expressly disapprove the grant program, and, if such disapproval occurs, an officer, employee, or other authority of the Secretary may not release any additional assistance to the State under that grant program.

''(d) DEFINITION OF STATE AUTHORITY.—As used in this section, the term 'authority of a State' includes any administering agency of the State, any officer or employee of the State, and any local government authority of the State.

''(e) EFFECTIVE DATE.—This section applies in each State beginning on the 90th day after the end of the first regular session of the legislature of that State that begins 5 years after the date of the enactment of the Student Success Act and shall continue to apply in subsequent years until otherwise provided by law.

''SEC. 6562. DEDICATION OF SAVINGS TO DEFICIT REDUCTION.

''Notwithstanding any formula reallocations stipulated under the Student Success Act, any funds under such Act not allocated to a State because a State did not affirmatively agree to the receipt of such funds shall not be reallocated among the States.

''SEC. 6563. DEFINITION OF STATE WITH BIENNIAL LEGISLATURE.

''In this Act, the term 'State with a biennial legislature' means a State the legislature of which meets every other year.

''SEC. 6564. INTENT OF CONGRESS.

''It is the intent of Congress that other than the terms and conditions expressly approved by State law under the terms of this subpart, control over public education and parental rights to

control the education of their children are vested exclusively within the autonomous zone of independent authority reserved to the States and individual Americans by the United States Constitution, other than the Federal Government's undiminishable obligation to enforce minimum Federal standards of equal protection and due process.

"SEC. 6565. PRIVACY.

''The Secretary shall ensure each grantee receiving funds under this Act understands the importance of privacy protections for students and is aware of their responsibilities under section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the 'Family Education Rights and Privacy Act of 1974').

"PART F—EVALUATIONS

"SEC. 6601. EVALUATIONS.

''(a) RESERVATION OF FUNDS.—Except as provided in subsections (c) and (d), the Secretary may reserve not more than 0.5 percent of the amount appropriated to carry out each categorical program authorized under this Act. The reserved amounts shall be used by the Secretary, acting through the Director of the Institute of Education Sciences—

''(1) to conduct—

''(A) comprehensive evaluations of the program or project;

''(B) studies of the effectiveness of the program or project and its administrative impact on schools and local educational agencies; and

''(C) the wide dissemination of evaluation findings under this section with respect to programs authorized under this Act—

''(i) in a timely fashion;

''(ii) in forms that are understandable, easily accessible, and usable or adaptable for use in the improvement of educational practice;

''(iii) through electronic transfer, and other means, such as posting, as available, to the websites of State educational agencies, local educational agencies, the Institute of Education Sciences, the Department, and other relevant places; and

''(iv) in a manner that promotes the utilization of such findings.

''(2) to evaluate the aggregate short- and long-term effects and cost efficiencies across Federal programs assisted or authorized under this Act and related Federal preschool, elementary, and secondary programs under any other Federal law; and

''(3) to increase the usefulness of evaluations of grant recipients in order to ensure the continuous progress of the program or project by improving the quality, timeliness, efficiency, and use of information relating to performance under the program or project.

''(b) REQUIRED PLAN.—The Secretary, acting through the Director of the Institute of Education Sciences, may use the reserved amount under subsection (a) only after completion of a comprehensive, multi-year plan—

''(1) for the periodic evaluation of each of the major categorical programs authorized under this Act, and as resources permit, the smaller categorical programs authorized under this Act;

''(2) that shall be developed and implemented with the involvement of other officials at the Department, as appropriate; and

''(3) that shall not be finalized until—

''(A) the publication of a notice in the Federal Register seeking public comment on such plan and after review by the Secretary of such comments; and

''(B) the plan is submitted for comment to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate and after review by the Secretary of such comments.

''(c) TITLE I EXCLUDED.—The Secretary may not reserve under subsection (a) funds appropriated to carry out any program authorized under title I.

''(d) EVALUATION ACTIVITIES AUTHORIZED ELSEWHERE.—If, under any other provision of this Act (other than title I), funds are authorized to be reserved or used for evaluation activities with respect to a program or project, the Secretary may not reserve additional funds under this section for the evaluation of that program or project.''.

(b) TECHNICAL AMENDMENTS.—

(1) TITLE IX.—

(A) SUBPART 1 OF PART E OF TITLE VI.—

(i) TRANSFER AND REDESIGNATION.—Sections 9504 through 9506 (20 U.S.C. 7884, 7885, and 7886) are—

(I) transferred to title VI, as amended by subsection (a) of this section;

(II) inserted after section 6503 of such title; and

(III) redesignated as sections 6504 through 6506, respectively.

(ii) AMENDMENTS.—Section 6504 (as so redesignated) is amended—

(I) in subsection (a)(1)(A), by striking ''section 9502'' and inserting ''section 6502'';

(II) in subsection (b), by striking ''section 9501'' and inserting ''section 6501''; and

(III) in subsection (d), by striking ''No Child Left Behind Act of 2001'' and inserting ''Student Success Act''.

(B) SUBPART 2 OF PART E OF TITLE VI.—

(i) TRANSFER AND REDESIGNATION.—Sections 9531, 9533, and 9534 (20 U.S.C. 7911, 7913, and 7914) are—

(I) transferred to title VI, as amended by subparagraph (A) of this paragraph;

(II) inserted after section 6525 of such title; and

(III) redesignated as sections 6526 through 6528, respectively.

(ii) AMENDMENTS.—Section 6528 (as so redesignated) is amended—

(I) by striking ''(a) IN GENERAL.—Nothing'' and inserting ''Nothing''; and

(II) by striking subsection (b).

(C) SUBPART 3 OF PART E OF TITLE VI.—Sections 9523, 9524, and 9525 (20 U.S.C. 7903, 7904, and 7905) are—

(i) transferred to title VI, as amended by subparagraph (B) of this paragraph;

(ii) inserted after section 6544 of such title; and

(iii) redesignated as sections 6545 through 6547, respectively.

(2) TITLE IV.—Sections 4141 and 4155 (20 U.S.C. 7151 and 7161) are—

(A) transferred to title VI, as amended by this Act;

(B) inserted after section 6551; and

(C) redesignated as sections 6552 and 6553, respectively.

SEC. 602. REPEAL.

Title IX (20 U.S.C. 7801 et seq.), as amended by section 601(b)(1) of this title, is repealed.

SEC. 603. OTHER LAWS.

Beginning on the date of the enactment of this Act, any reference in law to the term ''highly qualified'' as defined in section 9101 of the Elementary and Secondary Education Act of 1965 shall be treated as a reference to such term under section 9101 of the Elementary and Secondary Education Act of 1965 as in effect on the day before the date of the enactment of this Act.

SEC. 604. AMENDMENT TO IDEA.

Section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401) is amended by striking paragraph (10).

TITLE VII—HOMELESS EDUCATION

SEC. 701. STATEMENT OF POLICY.

Section 721 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431) is amended—

(1) by amending paragraph (2) to read as follows:

''(2) In any State where compulsory residency requirements or other requirements, laws, regulations, practices, or policies may act as a barrier to the identification, enrollment, attendance, or success in school of homeless children and youths, the State and local educational agencies will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youths are afforded the same free, appropriate public education as is provided to other children and youths.'';

(2) in paragraph (3), by striking ''alone''; and

(3) in paragraph (4), by striking ''challenging State student academic achievement'' and inserting ''State academic''.

SEC. 702. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTHS.

Section 722 of such Act (42 U.S.C. 11432) is amended—

(1) in subsection (a), by striking ''(g).'' and inserting ''(h).'';

(2) by striking subsection (b);

(3) in subsection (c)—

(A) in paragraph (1)(A)—

(i) in clause (i), by adding ''or'' at the end;

(ii) in clause (ii), by striking ''; or'' at the end and inserting a period; and

(iii) by striking clause (iii); and

(B) by striking paragraph (3);

(4) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking ''Grants'' and inserting ''Grant funds from a grant made to a State'';

(B) by amending paragraph (2) to read as follows:

''(2) To provide services and activities to improve the identification of homeless children (including preschool-aged homeless children and youths) that enable such children and youths to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs.'';

(C) in paragraph (3), by inserting before the period at the end the following: ''that can sufficiently carry out the duties described in this subtitle''; and

(D) by amending paragraph (5) to read as follows:

''(5) To develop and implement professional development programs for liaisons designated under subsection (g)(1)(J)(ii) and other local educational agency personnel—

''(A) to improve their identification of homeless children and youths; and

''(B) to heighten their awareness of, and capacity to respond to, specific needs in the education of homeless children and youths.'';

(5) in subsection (e)—

(A) in paragraph (1)—

(i) by striking ''sums'' and inserting ''grant funds''; and

(ii) by inserting ''a State under subsection (a) to'' after ''each year to'';

(B) in paragraph (2), by striking ''funds made available for State use under this subtitle'' and inserting ''the grant funds remaining after the State educational agency distributes subgrants under paragraph (1)''; and

(C) in paragraph (3)—

(i) in subparagraph (C)(iv)(II), by striking ''sections 1111 and 1116'' and inserting ''section 1111''; and

(ii) in subparagraph (F)—

(I) in clause (i)—

(aa) in the matter preceding subclause (I), by striking ''a report'' and inserting ''an annual report'';

(bb) by striking ''and'' at the end of subclause (II);

(cc) by striking the period at the end of subclause (III) and inserting ''; and''; and

(dd) by adding at the end the following:

''(IV) the progress the separate schools are making in helping all students meet the State academic standards.''; and

(II) in clause (iii), by striking ''Not later than 2 years after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, the'' and inserting ''The'';

(6) by amending subsection (f) to read as follows:

''(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator for Education of

Homeless Children and Youths established in each State shall—

''(1) gather and make publically available reliable, valid, and comprehensive information on—

''(A) the number of homeless children and youths identified in the State, posted annually on the State educational agency's website;

''(B) the nature and extent of the problems homeless children and youths have in gaining access to public preschool programs and to public elementary schools and secondary schools;

''(C) the difficulties in identifying the special needs and barriers to the participation and achievement of such children and youths;

''(D) any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties; and

''(E) the success of the programs under this subtitle in identifying homeless children and youths and allowing such children and youths to enroll in, attend, and succeed in, school;

''(2) develop and carry out the State plan described in subsection (g);

''(3) collect data for and transmit to the Secretary, at such time and in such manner as the Secretary may require, a report containing information necessary to assess the educational needs of homeless children and youths within the State, including data necessary for the Secretary to fulfill the responsibilities under section 724(h);

''(4) in order to improve the provision of comprehensive education and related support services to homeless children and youths and their families, coordinate and collaborate with—

''(A) educators, including teachers, special education personnel, administrators, and child development and preschool program personnel;

''(B) providers of services to homeless children and youths and their families, including services of public and private child welfare and social services agencies, law enforcement agencies, juvenile and family courts, agencies providing mental health services, domestic violence agencies, child care providers, runaway and homeless youth centers, and providers of services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

''(C) providers of emergency, transitional, and permanent housing to homeless children and youths, and their families, including public housing agencies, shelter operators, operators of transitional housing facilities, and providers of transitional living programs for homeless youths;

''(D) local educational agency liaisons designated under subsection (g)(1)(J)(ii) for homeless children and youths; and

''(E) community organizations and groups representing homeless children and youths and their families;

''(5) provide technical assistance to local educational agencies, in coordination with local educational agency liaisons designated under subsection (g)(1)(J)(ii), to ensure that local educational agencies comply with the requirements of subsection (e)(3), paragraphs (3) through (7) of subsection (g), and subsection (h);

''(6) provide professional development opportunities for local educational agency personnel and the homeless liaison designated under subsection (g)(1)(J)(ii) to assist such personnel in meeting the needs of homeless children and youths; and

''(7) respond to inquiries from parents and guardians of homeless children and youths and unaccompanied youths to ensure that each child or youth who is the subject of such an inquiry receives the full protections and services provided by this subtitle.'';

(7) by amending subsection (g) to read as follows:

''(g) STATE PLAN.—

''(1) IN GENERAL.—In order to be eligible to receive a grant under this section, each State educational agency shall submit to the Secretary a plan to provide for the education of homeless children and youths within the State that includes the following:

''(A) A description of how such children and youths are (or will be) given the opportunity to meet the same State academic standards that all students are expected to meet.

''(B) A description of the procedures the State educational agency will use to identify such children and youths in the State and to assess their needs.

''(C) A description of procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths.

''(D) A description of programs for school personnel (including liaisons, school leaders, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel) to heighten the awareness of such personnel of the specific needs of homeless adolescents, including runaway and homeless youths.

''(E) A description of procedures that ensure that homeless children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local nutrition programs.

''(F) A description of procedures that ensure that—

''(i) homeless children have equal access to public preschool programs, administered by the State educational agency or local educational agency, as provided to other children in the State;

''(ii) homeless youths and youths separated from public schools are identified and accorded equal access to appropriate secondary education and support services; and

''(iii) homeless children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local education programs.

''(G) Strategies to address problems identified in the report provided to the Secretary under subsection (f)(3).

''(H) Strategies to address other problems with respect to the education of homeless children and youths, including problems resulting from enrollment delays that are caused by—

''(i) immunization and other health records requirements;

''(ii) residency requirements;

''(iii) lack of birth certificates, school records, or other documentation;

''(iv) guardianship issues; or

''(v) uniform or dress code requirements.

''(I) A demonstration that the State educational agency and local educational agencies in the State have developed, and shall review and revise, policies to remove barriers to the identification, enrollment, and retention of homeless children and youths in schools in the State.

''(J) Assurances that the following will be carried out:

''(i) The State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youths are not stigmatized or segregated on the basis of their status as homeless.

''(ii) Local educational agencies will designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a local educational agency liaison for homeless children and youths, to carry out the duties described in paragraph (6)(A).

''(iii) The State and its local educational agencies will adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin, as determined in paragraph (3)(A), in accordance with the following, as applicable:

''(I) If the child or youth continues to live in the area served by the local educational agency in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.

''(II) If the child's or youth's living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing his or her education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency in which the child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

''(2) COMPLIANCE.—

''(A) IN GENERAL.—Each plan adopted under this subsection shall also describe how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (7).

''(B) COORDINATION.—Such plan shall indicate what technical assistance the State will furnish to local educational agencies and how compliance efforts will be coordinated with the local educational agency liaisons designated under paragraph (1)(J)(ii).

''(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—

''(A) IN GENERAL.—The local educational agency serving each child or youth to be assisted under this subtitle shall, according to the child's or youth's best interest—

''(i) continue the child's or youth's education in the school of origin for the duration of homelessness—

''(I) in any case in which a family becomes homeless between academic years or during an academic year; or

''(II) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or

''(ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

''(B) SCHOOL STABILITY.—In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

''(i) presume that keeping the child or youth in the school of origin is in the child or youth's best interest, except when doing so is contrary to the wishes of the child's or youth's parent or guardian, or the unaccompanied youth;

''(ii) consider student-centered factors related to the child's or youth's best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the wishes of the homeless child's or youth's parent of guardian or the unaccompanied youth involved;

''(iii) if, after conducting the best interest determination based on consideration of the presumption in clause (i) and the student-centered factors in clause (ii), the local educational agency determines that it is not in the child's or youth's best interest to attend the school of origin or the school requested by the parent, guardian, or unaccompanied youth, provide the child's or youth's parent or guardian or the unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth, including information regarding the right to appeal under subparagraph (E); and

''(iv) in the case of an unaccompanied youth, ensure that the homeless liaison designated under paragraph (1)(J)(ii) assists in placement or enrollment decisions under this subparagraph, gives priority to the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E).

''(C) ENROLLMENT.—

''(i) IN GENERAL.—The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth—

''(I) is unable to produce records normally required for enrollment, such as previous academic records, records of immunization and other required health records, proof of residency, or other documentation; or

''(II) has missed application or enrollment deadlines during any period of homelessness.

''(ii) RELEVANT ACADEMIC RECORDS.—The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

''(iii) RELEVANT HEALTH RECORDS.—If the child or youth needs to obtain immunizations or other required health records, the enrolling school shall immediately refer the parent or guardian of the child or youth, or the unaccompanied child or youth, to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall assist in obtaining necessary immunizations or screenings, or immunization or other required health records, in accordance with subparagraph (D).

''(D) RECORDS.—Any record ordinarily kept by the school, including immunization or other required health records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless child or youth shall be maintained—

''(i) so that the records involved are available, in a timely fashion, when a child or youth enters a new school or school district; and

''(ii) in a manner consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

''(E) ENROLLMENT DISPUTES.—If a dispute arises over school selection or enrollment in a school—

''(i) the child or youth shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals;

''(ii) the parent, guardian, or unaccompanied youth shall be provided with a written explanation of any decisions made by the school, the local educational agency, or the State educational agency involved, including the rights of the parent, guardian, or youth to appeal such decisions;

''(iii) the parent, guardian, or unaccompanied youth shall be referred to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in paragraph (1)(C) as expeditiously as possible after receiving notice of the dispute; and

''(iv) in the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in school in which the youth seeks enrollment pending resolution of such dispute.

''(F) PLACEMENT CHOICE.—The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere.

''(G) SCHOOL OF ORIGIN DEFINED.—

''(i) IN GENERAL.—In this paragraph, the term 'school of origin' means the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

''(ii) RECEIVING SCHOOL.—When the child or youth completes the final grade level served by the school of origin, as described in clause (i), the term ''school of origin'' shall include the designated receiving school at the next grade level for all feeder schools.

''(H) CONTACT INFORMATION.—Nothing in this subtitle shall prohibit a local educational agency from requiring a parent or guardian of a homeless child to submit contact information.

''(I) PRIVACY.—Information about a homeless child's or youth's living situation shall be treated as a student education record under section 444 of the General Education Provisions Act (20 U.S.C. 1232g) and shall not be released to housing providers, employers, law enforcement personnel, or other persons or agencies not authorized to have such information under section 99.31 of title 34, Code of Federal Regulations.

''(J) ACADEMIC ACHIEVEMENT.—The school selected in accordance with this paragraph shall ensure that homeless children and youths have opportunities to meet the same State academic standards to which other students are held.

''(4) COMPARABLE SERVICES.—Each homeless child or youth to be assisted under this subtitle shall be provided services comparable to services offered to other students in the school selected under paragraph (3), including the following:

''(A) Transportation services.

''(B) Educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) or similar State or local programs, educational programs for children with disabilities, and educational programs for English learners.

''(C) Programs in career and technical education.

''(D) Programs for gifted and talented students.

''(E) School nutrition programs.

''(5) COORDINATION.—

''(A) IN GENERAL.—Each local educational agency serving homeless children and youths that receives assistance under this subtitle shall coordinate—

''(i) the provision of services under this subtitle with local social services agencies and other agencies or entities providing services to homeless children and youths and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); and

''(ii) transportation, transfer of school records, and other interdistrict activities, with other local educational agencies.

''(B) HOUSING ASSISTANCE.—If applicable, each State educational agency 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-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) to minimize educational disruption for children and youths who become homeless.

''(C) COORDINATION PURPOSE.—The coordination required under subparagraphs (A) and (B) shall be designed to—

''(i) ensure that all homeless children and youths are promptly identified;

''(ii) ensure that homeless children and youths have access to, and are in reasonable proximity to, available education and related support services; and

''(iii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

''(D) HOMELESS CHILDREN AND YOUTHS WITH DISABILITIES.—For children and youths who are to be assisted both under this subtitle, and under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), each local educational agency shall coordinate the provision of services under this subtitle with the provision of programs for children with disabilities served by that local educational agency and other involved local educational agencies.

''(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

''(A) DUTIES.—Each local educational agency liaison for homeless children and youths, designated under paragraph (1)(J)(ii), shall ensure that—

''(i) homeless children and youths are identified by school personnel through outreach and coordination activities with other entities and agencies;

''(ii) homeless children and youths are enrolled in, and have a full and equal opportunity to succeed in, schools of that local educational agency;

''(iii) homeless families, children, and youths have access to and receive educational services for which such families, children, and youths are eligible, including services through Head Start, Early Head Start, early intervention, and preschool programs administered by the local educational agency;

''(iv) homeless families, children, and youths receive referrals to health care services, dental services, mental health and substances abuse services, housing services, and other appropriate services;

''(v) the parents or guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;

''(vi) public notice of the educational rights of homeless children and youths is disseminated in locations frequented by parents or guardians of such children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens in a manner and form understandable to the parents and guardians of homeless children and youths, and unaccompanied youths;

''(vii) enrollment disputes are mediated in accordance with paragraph (3)(E);

''(viii) the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in paragraph (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (3)(A);

''(ix) school personnel providing services under this subtitle receive professional development and other support; and

''(x) unaccompanied youths—

''(I) are enrolled in school;

''(II) have opportunities to meet the same State academic standards to which other students are held, including through implementation of the policies and practices required by paragraph (1)(F)(ii); and

''(III) are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv) and receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 483 of such Act (20 U.S.C. 1090).

''(B) NOTICE.—State coordinators established under subsection (d)(3) and local educational agencies shall inform school personnel, service providers, advocates working with homeless families, parents and guardians of homeless children and youths, and homeless children and youths of the duties of the local educational agency liaisons, including publishing an annually updated list of the liaisons on the State educational agency's website.

''(C) LOCAL AND STATE COORDINATION.—Local educational agency liaisons for homeless children and youths 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 youths. Such coordination shall include collecting and providing to the State Coordinator the reliable, valid, and comprehensive data needed to meet the requirements of paragraphs (1) and (3) of subsection (f).

''(7) REVIEW AND REVISIONS.—

''(A) IN GENERAL.—Each State educational agency and local educational agency that receives assistance under this subtitle shall review and revise any policies that may act as barriers to the enrollment of homeless children and youths in schools that are selected under paragraph (3).

''(B) CONSIDERATION.—In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship.

''(C) SPECIAL ATTENTION.—Special attention shall be given to ensuring the enrollment and attendance of homeless children and youths who are not currently attending school.'';

(8) in subsection (h)(1)(A), by striking ''fiscal year 2009,'' and inserting ''fiscal years 2014 through 2019,''; and

(9) in subsection (h)(4), by striking ''fiscal year 2009'' and inserting ''fiscal years 2014 through 2019''.

SEC. 703. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTHS.

Section 723 of such Act (42 U.S.C. 11433) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''facilitating the enrollment,'' and inserting ''facilitating the identification, enrollment,'';

(B) in paragraph (2)(A)—

(i) by adding ''and'' at the end of clause (i);

(ii) by striking ''; and'' and inserting a period at the end of clause (ii); and

(iii) by striking clause (iii); and

(C) by adding at the end the following:

''(4) DURATION OF GRANTS.—Subgrants awarded under this section shall be for terms of not to exceed 3 years.'';

(2) in subsection (b)—

(A) by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(B) by adding at the end the following:

''(5) An assurance that the local educational agency will collect and promptly provide data requested by the State Coordinator pursuant to paragraphs (1) and (3) of section 722(f).

''(6) An assurance that the local educational agency has removed barriers to complying with the requirements of section 722(g)(1)(I).'';

(3) in subsection (c)—

(A) in paragraph (1), by striking ''726'' and inserting ''722(a)'';

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting ''identification,'' before ''enrollment'';

(ii) by amending subparagraph (B) to read as follows:

''(B) The extent to which the application reflects coordination with other local and State agencies that serve homeless children and youths.''; and

(iii) in subparagraph (C), by inserting ''(as of the date of submission of the application)'' after ''current practice'';

(C) in paragraph (3)—

(i) by amending subparagraph (C) to read as follows:

''(C) The extent to which the applicant will promote meaningful involvement of parents or guardians of homeless children or youths in the education of their children.'';

(ii) in subparagraph (D), by striking ''within'' and inserting ''into'';

(iii) in subparagraph (G)—

(I) by striking ''Such'' and inserting ''The extent to which the applicant's program meets such''; and

(II) by striking ''case management or related'';

(iv) by redesignating subparagraph (G) as subparagraph (I) and inserting after subparagraph (F) the following:

''(G) The extent to which the local educational agency will use the subgrant to leverage resources, including by maximizing nonsubgrant funding for the position of the liaison described in section 722(g)(1)(J)(ii) and the provision of transportation.

''(H) How the local educational agency uses funds to serve homeless children and youths under section 1113(c)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(c)(3)).''; and

(v) by adding at the end the following:

''(J) An assurance that the applicant will meet the requirements of section 722(g)(3).''; and

(D) by striking paragraph (4); and

(4) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''challenging State academic content standards'' and inserting ''State academic standards''; and

(ii) by striking ''and challenging State student academic achievement standards'';

(B) in paragraph (2)—

(i) by striking ''students with limited English proficiency,'' and inserting ''English learners,''; and

(ii) by striking ''vocational'' and inserting ''career'';

(C) in paragraph (3), by striking ''pupil services'' and inserting ''specialized instructional support'';

(D) in paragraph (7), by striking '', and unaccompanied youths,'' and inserting '', particularly homeless children and youths who are not enrolled in school,'';

(E) in paragraph (9) by striking ''medical'' and inserting ''other required health'';

(F) in paragraph (10), by inserting before the period at the end '', and other activities designed to increase the meaningful involvement of parents or guardians of homeless children or youths in the education of their children'';

(G) in paragraph (12), by striking ''pupil'' and inserting ''specialized instructional support''; and

(H) in paragraph (13), by inserting before the period at the end ''and parental mental health or substance abuse problems''.

SEC. 704. SECRETARIAL RESPONSIBILITIES.

Section 724 of such Act (42 U.S.C. 11434) is amended—

(1) by amending subsection (c) to read as follows:

''(c) NOTICE.—

''(1) IN GENERAL.—The Secretary shall, before the next school year that begins after the date of the enactment of the Student Success Act, update and disseminate nationwide the public notice described in this subsection (as in effect prior to such date) of the educational rights of homeless children and youths.

''(2) DISSEMINATION.—The Secretary shall disseminate the notice nationally to all Federal agencies, program grantees, and grant recipients serving homeless families, children, and youths.'';

(2) in subsection (d), by striking ''and dissemination'' and inserting '', dissemination, and technical assistance'';

(3) in subsection (e)—

(A) by striking ''applications for grants under this subtitle'' and inserting ''plans for the use of grant funds under section 722'';

(B) by striking ''60-day'' and inserting ''120-day''; and

(C) by striking ''120-day'' and inserting ''180-day'';

(4) in subsection (f), by adding at the end the following: ''The Secretary shall provide support and technical assistance to State educational agencies in areas in which barriers to a free appropriate public education persist.'';

(5) by amending subsection (g) to read as follows:

''(g) GUIDELINES.—The Secretary shall develop, issue, and publish in the Federal Register, not later than 60 days after the date of the enactment of the Student Success Act, strategies by which a State—

''(1) may assist local educational agencies to implement the provisions amended by the Act; and

''(2) can review and revise State policies and procedures that may present barriers to the identification, enrollment, attendance, and success of homeless children and youths in school.'';

(6) in subsection (h)(1)(A), by inserting ''in all areas served by local educational agencies'' before the semicolon at the end; and

(7) in subsection (i), by striking ''McKinney-Vento Homeless Education Assistance Improvements Act of 2001'' and inserting ''Student Success Act''.

SEC. 705. DEFINITIONS.

Section 725 of such Act (42 U.S.C. 11434a) is amended—

(1) in paragraph (2)(B)(iv), by striking ''1309'' and inserting ''1139''; and

(2) in paragraph (3), by striking ''9101'' and inserting ''6101''.

SEC. 706. AUTHORIZATION OF APPROPRIATIONS.

Section 726 of such Act (42 U.S.C. 11435) is amended to read as follows:

''SEC. 726. AUTHORIZATION OF APPROPRIATIONS.

''For the purpose of carrying out this subtitle, there are authorized to be appropriated $65,042,000 for each of fiscal years 2016 through 2021.''.

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. FINDINGS; SENSE OF THE CONGRESS.

(a) FINDINGS.—The Congress finds as follows:

(1) To avoid negative attention and litigation, some local educational agencies have entered into agreements with employees who are suspected of abusing or are known to have abused students.

(2) Instead of reporting sexual misconduct with minors to the proper authorities such as the police or child welfare services, under such agreements the local educational agencies, schools, and employees keep the information private and facilitate the employee's transfer to another local educational agency.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) confidentiality agreements between local educational agencies or schools and suspected child sex abusers should be prohibited;

(2) the practice of employee transfers after suspected or proven sexual misconduct should be stopped, and States should require local educational agencies and schools to provide law enforcement with all information regarding sexual conduct between an employee and a minor; and

(3) Congress should help protect children and help stop this unacceptable practice in our schools.

''SEC. 802. PREVENTING IMPROPER USE OF TAXPAYER FUNDS.

To ensure any misuse of taxpayer funds is stopped or prevented before it occurs, the Secretary of Educaiton—

(1) shall ensure that each recipient of a grant or subgrant under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) prominently displays the Department of Education Office of Inspector General hotline contact information so any individual who observes, detects, or suspects improper use of taxpayer funds can easily report such improper use;

(2) annually shall notify employees of the Department of Education of their responsibility to report fraud; and

(3) shall ensure that applicants for grants or subgrants under such Act are aware of their requirement to submit truthful and accurate information when applying for grants or subgrants and responding to monitoring and compliance reviews.

The Acting CHAIR. No further amendment to the bill, as amended, shall be in order except those printed in part B of House Report 114–29. Each such further amendment shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, may be withdrawn by its proponent at any

time before action thereon, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. KENNEDY

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 114–29.

Mr. KENNEDY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 11, after line 2, insert the following new subparagraph:

''(F) Section 152 of the Student Success Act.''.

Page 225, after line 17, insert the following new section:

SEC. 152. STEM GATEWAY GRANT PROGRAM.

(a) PROGRAM AUTHORIZED.—A State educational agency shall award grants to eligible entities, on a competitive basis, to enable such eligible entities to carry out programs described in subsection (d) to achieve, with respect to women and girls, underrepresented minorities, and individuals from all economic backgrounds (including economically disadvantaged individuals and individuals living in economically distressed areas), 1 or more of the following goals:

(1) Encourage interest in the STEM fields at the elementary school or secondary school levels.

(2) Motivate engagement in STEM fields by providing relevant hands-on learning opportunities at the elementary school and secondary school levels.

(3) Support classroom success in STEM disciplines at the elementary school or secondary school levels.

(4) Support workforce training and career preparation in STEM fields at the secondary school level.

(5) Improve access to career and continuing education opportunities in STEM fields at the secondary school level.

(b) LIMITATION.—A State educational agency may award grants under this section for not longer than a 5-year period.

(c) APPLICATION.—

(1) IN GENERAL.—Each eligible entity that desires to receive a grant 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.

(2) CONTENTS.—An application submitted under paragraph (1) shall contain—

(A) in the case of an eligible entity that plans to use the grant funds at the elementary school level—

(i) a description of the programs the eligible entity will carry out to achieve 1 or more of the goals described in paragraphs (1) through (3) of subsection (a) at the elementary school level, including the content of the programs and research and models used to design the programs; and

(ii) a description of how the programs described in clause (i) will support the success of women and girls, underrepresented minorities, and individuals from all economic backgrounds (including economically disadvantaged individuals and individuals living in economically distressed areas) in STEM education, such as—

(I) recruiting women and girls, underrepresented minorities, and individuals from all economic backgrounds (including economically disadvantaged individuals and individuals living in economically distressed areas) to participate in the programs;

(II) supporting educators who will lead the programs, and participants in the programs;

(III) encouraging partnerships between in-school and out-of-school educators, such as afterschool providers, science centers, and museums;

(IV) identifying public and private partners that are able to support the programs; and

(V) planning for sustaining the programs financially beyond the grant period; and

(B) in the case of an eligible entity that plans to use the grant funds at the secondary school level—

(i) a description of the programs the eligible entity will carry out to achieve 1 or more of the goals described in paragraphs (1) through (5) of subsection (a) at the secondary school level, including the content of the programs and research and models used to design the programs;

(ii) a description of how the programs described in clause (i) will support the success of women and girls, underrepresented minorities, and individuals from all economic backgrounds (including economically disadvantaged individuals and individuals living in economically distressed areas) in STEM education and workforce training that prepares such individuals to take advantage of employment opportunities in STEM fields, such as—

(I) recruiting women and girls, underrepresented minorities, and individuals from all economic backgrounds (including economically disadvantaged individuals and individuals living in economically distressed areas) to participate in the programs;

(II) supporting educators who will lead such programs, and participants in the programs;

(III) identifying public and private partners that are able to support the programs;

(IV) partnering with institutions of higher education or institutions providing informal science education, such as afterschool programs and science centers and museums;

(V) partnering with institutions of higher education; and

(VI) planning for sustaining the programs financially beyond the grant period;

(iii) a review of the industry and business workforce needs, including the demand for workers with knowledge or training in a STEM field; and

(iv) an analysis of job openings that require knowledge or training in a STEM field.

(d) FUNDS.—

(1) REQUIRED USE OF FUNDS.—An eligible entity that receives a grant under this section shall use such grant funds to carry out programs to achieve 1 or more of the goals described in subsection (a) at the elementary school or secondary school levels, with respect to women and girls, underrepresented minorities, and students from all economic backgrounds (including economically disadvantaged individuals and students living in economically distressed areas).

(2) AUTHORIZED USE OF FUNDS.—The programs described in paragraph (1) may include any of the following activities, with respect to the individuals described in paragraph (1):

(A) Carrying out the activities described in subparagraph(A)(ii) or B)(ii) of subsection (c)(2), as appropriate.

(B) Providing professional development for teachers, afterschool providers, and other school personnel in elementary schools or secondary schools, including professional development to encourage, through academic instruction and support, such individuals to pursue advanced classes and careers in STEM fields.

(C) Providing tutoring and mentoring programs in STEM fields.

(D) Establishing partnerships with institutions of higher education, potential employers, and other industry stakeholders that expose such individuals to professionals in STEM fields, or providing opportunities for postsecondary academic credits or credentials.

(E) Providing after-school activities and other informal learning opportunities designed to encourage interest and develop skills in STEM fields.

(F) Providing summer programs to extend learning time and to deepen the skills and interest in STEM fields of such individuals.

(G) Purchasing and utilizing—

(i) educational or instructional materials that are designed to improve educational outcomes in STEM fields, and will serve to deepen the skills and interest in STEM fields of such individuals; or

(ii) equipment, instrumentation, or hardware used to teach and encourage interest in STEM fields.

(H) Internships or opportunities for experiential learning in STEM fields.

(e) REPORT.—

(1) ELIGIBLE ENTITIES.—Each eligible entity receiving a grant under this section shall, on an annual basis, submit a report to the State educational agency on the use of funds and the number of students who participated in the programs carried out with the grant funds.

(2) STATE EDUCATIONAL AGENCY.—Each State educational agency shall, on an annual basis, submit to the Secretary a report on the use of funds and the number of students who participated in the programs carried out in the State with the grant funds.

(3) SECRETARY.—The Secretary shall, on an annual basis, and using the reports received under paragraph (2), report to Congress on the overall impact and effectiveness of the grant program under this section.

(f) DEFINITIONS.—In this section:

(1) ESEA DEFINITIONS.—The terms ''educational service agency'', ''elementary school'', ''local educational agency'', ''institution of higher education'', ''secondary school'', ''Secretary'', and ''State'' have the meanings given the terms in section 6101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) COMMUNITY COLLEGE.—The term ''community college'' has the meaning given the term ''junior or community college'' in section 312 of the Higher Education Act of 1965 (20 U.S.C. 1058).

(3) ECONOMICALLY DISADVANTAGED INDIVIDUAL.—The term ''economically disadvantaged individual'' has the meaning given the term in section 400.4 of title 34, Code of Federal Regulations, as such section is in effect on the date of enactment of this Act.

(4) ECONOMICALLY DISTRESSED AREA.—The term ''economically distressed area'' means a county or equivalent division of local government of a State in which, according to the most recently available data from the Bureau of the Census, 40 percent or more of the residents have an annual income that is at or below the poverty level.

(5) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a local educational agency;

(B) an educational service agency serving more than 1 local educational agency;

(C) a consortium of local educational agencies;

(D) a nonprofit organization that—

(i) works with elementary schools, secondary schools, or institutions of higher education; and

(ii) has demonstrated a commitment to achieving the goals described in paragraphs (1) through (4) of subsection (a); or

(E) a community college working in partnership with secondary schools to create opportunities for dual enrollment, credit transfer, or accelerated postsecondary credentialing.

(6) PARTNERS.—The term ''partners'' means organizations that employ workers in STEM-related careers or organizations with demonstrated expertise in identifying, scaling, and implementing successful practices in STEM education and workforce development.

(7) STEM.—The term ''STEM'' means—

(A) science, technology, engineering, and mathematics; and

(B) other academic subjects that build on the subjects described in subparagraph (A), such as computer science.

(8) UNDERREPRESENTED MINORITY.—The term ''underrepresented minority'' has the meaning given the term ''minority'' in section 637.4(b) of title 34, Code of Federal Regulations, as such section is in effect on the date of enactment of this Act.

The Acting CHAIR. Pursuant to House Resolution 125, the gentleman from Massachusetts (Mr. KENNEDY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. KENNEDY. Mr. Chairman, I rise today to offer an amendment rooted in values that I know we all share. While we may disagree over various aspects of Federal policy in K–12 education, there are important areas where we can in fact find common ground.

We all believe that our children deserve an education that prepares him or her to succeed in a modern economy. We all know that far too many children don't get that chance today—particularly children in minority and high-poverty schools. We all know that over the next 10 years, jobs in STEM fields—science, technology, engineering, and mathematics—are expected to grow at almost twice the rate of jobs in other fields.

Today, in Massachusetts, Mr. Chairman, the unemployment rate for Hispanic residents is 60 percent higher than for their White neighbors, and it is over 110 percent higher for African Americans. Even more alarming, the poverty rate for Black families in Massachusetts is 144 percent higher than their White neighbors and 273 percent higher for Hispanics. Shockingly, those numbers are actually better than far more States across the country.

While our economy is steadily improving, that gap is a dangerous economic undercurrent that, left unaddressed, will affect us all. In an increasing globalized and competitive economy, we need to ensure that we are tapping all the talent and potential that we have here in America in order to succeed.

Title I funds are some of the best resources the Federal Government has to make sure that every child in every school has a fair chance at the starting line, delivering much-needed assistance to schools that disproportionately serve minority and low-income communities. But this bill, in its current form, would jeopardize the already inadequate resources that so many schools depend on.

The Democratic substitute is a better path. It would protect those title I resources and allow them to serve their original civil rights purpose: to ensure that each of our students has an equal chance to succeed.

I join my Democratic colleagues in wishing that we were not considering a bill today that would consolidate title I funds and undermine their historic role. But the amendment I offer today says that even if we are going to be living in the proposed world of cuts and block grants, STEM education and economic justice are still priorities we must elevate.

My amendment would simply allow but not require States to use their flexible title I funding for grants that support the success of women, minorities, and low-income students in STEM.

Too often, Mr. Speaker, the resources our teachers need to prepare their students for jobs today and tomorrow are limited by ZIP Code, gender, and race. That makes this far more than an economic issue. It is a civil rights issue that will define our society for generations to come.

I know that we all support equal access to the jobs of a modern economy. That is why we must pass this amendment, increase the reach of STEM education into communities that need it most, and ensure that a student's potential isn't limited by the street that he or she grows up on.

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

Mr. KLINE. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. Mr. Chairman, I thank my colleague for offering this amendment, even though I am opposed to it.

The Federal Government has taken a very active role in improving STEM education. In fact, in a count I took a couple of years ago, there were over 200 Federal STEM programs, but our multibillion-dollar investment is failing to produce strong results—not because of lack of funding, but because of too much bureaucracy.

Let's stop throwing money at new programs and instead provide States and local districts the flexibility to invest in programs that produce more efficient and effective results instead of Washington's priorities.

I agree with the importance of this issue for the future of our skilled workforce, but I have concerns that it introduces yet another Federal program.

For these reasons, I oppose the amendment, but urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. KENNEDY. Mr. Chairman, if I might inquire as to the time I have remaining.

The Acting CHAIR. The gentleman from Massachusetts has 1½ minutes remaining.

Mr. KENNEDY. I yield 1 minute to my colleague from Connecticut (Ms. ESTY).

Ms. ESTY. Mr. Chairman, I rise today in support of this commonsense amendment, and I want to thank my good friend, Congressman KENNEDY, for his leadership on this issue.

This amendment supports equal opportunities for all of our children. Many of the good-paying jobs of the future will require STEM skills, and we as a country must do better to ensure that all children, no matter who they are or where they live, receive quality math and science education.

For far too long, efforts to expand STEM education have left girls and children of color behind. As wages remain flat and income inequality only deepens across our country, ensuring access to quality STEM education for every child is not just a moral imperative, it is an economic necessity. Our children deserve these opportunities and our companies need vibrant diversity in their workforce.

So, again, I want to thank Congressman KENNEDY for offering today's amendment, and I urge my colleagues to support it.

Mr. KLINE. Mr. Chairman, I reserve the balance of my time.

□ 1530

Mr. KENNEDY. Mr. Chairman, I appreciate the words of my colleague in recognition of this important issue. I just would like to point out that this amendment does not require anything.

It totally allows for STEM education to be highlighted and STEM programs, particularly important, I believe, at a time when Hispanics and African Americans combined make up 13 percent of our STEM workforce and women only make up 26 percent of our STEM workforce.

This is an imperative. It is a priority for our country if we are truly going to recognize the talent and potential of every American.

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

Mr. KLINE. Mr. Chairman, again, I appreciate the gentleman's interest in this issue. His amendment creates a new program.

Under the underlying bill, there is an allowable use. If the school wants to spend money on STEM education, they certainly may, and I think that is the right way to approach this.

Again, I oppose the gentleman's amendment and support the underlying bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. KENNEDY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. KENNEDY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. GROTHMAN

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 114–29.

Mr. GROTHMAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, lines 4, 7, 16, 20, and 24, strike ''2021'' and insert ''2018''.

Page 6, lines 4, 10, 16, 21, and 25, strike ''2021'' and insert ''2018''.

Page 7, line 4, strike ''2021'' and insert ''2018''.

Page 450, lines 19 and 23, strike ''2021'' and insert ''2018''.

Page 461, line 17, strike ''2021'' and insert ''2018''.

Page 484, line 11, strike ''2021'' and insert ''2018''.

Page 619, line 7, strike ''2021'' and insert ''2018''.

The Acting CHAIR. Pursuant to House Resolution 125, the gentleman from Wisconsin (Mr. GROTHMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. GROTHMAN. Mr. Chairman, there were a lot of problems in No Child Left Behind, and one of them, of course, is this top-down idea that the Federal Government can run education.

This is a relatively simple amendment. We are shrinking the time that this bill, which is a very hard-worked on bill, shrinking the time before we revisit this issue from 6 years back down to 3 years, from 2021 back down to 2018.

One of the reasons why I think our forefathers did not want Federal Government involved in a lot of things is we move so slowly. Back home, my local superintendent can change policy daily. My local school boards meet every other week. My State superintendent can change policy daily and probably changes rules every few months.

We knew there were big problems with No Child Left Behind back in 2002–2003. Eleven or 12 or 13 years later after the problems were very apparent, we still have not amended that bill, which is why this is a good amendment right now.

As hard-worked on as this bill is, we know a year from now, a year and a half from now, people will say: Oh, I wish you would have done that, I wish you would have done something else.

I don't think it is too much to ask that we revisit this legislation 3 years from now, well after our local school boards or well after our local State legislators will have met many, many, many times.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I claim time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, 50 years ago, we passed the Elementary and Secondary Education Act, recognizing that a child's future opportunities are primarily established by virtue of their education.

We know that there is inequality in education, primarily because we fund it typically by the real estate tax. We fund it politically, and those in low-income areas tend to get the short end of the stick. That is why we passed the Elementary and Secondary Education Act.

The underlying bill takes all that good work and goes backwards. They cap the funding. We take the money from the low-income areas, give it to the wealthy areas, we eliminate the focus on English learners and disabled. The bill goes in the wrong direction.

By shortening the authorization of the life of this bill, under H.R. 5, the gentleman's amendment will force us to reauthorize it and reconsider it in a shorter period of time, and if it is a bad bill, I think that is a good thing.

Since it is my firm belief that the implementation of this bill will yield devastating results for our Nation's most vulnerable children, the gentleman and I are in agreement that we ought to revisit it as soon as possible, and that is why I am not in opposition to the amendment.

I reserve the balance of my time.

Mr. GROTHMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE. Mr. Chairman, I understand the gentleman's concerns, but I must oppose the amendment. I believe it is important to ensure our strong prohibitions and limited Federal role are put in law and maintained for years into the future, rather than for the length of a pilot project. Our school boards and superintendents and educators need to have some consistency and not be worried about things that are going to change in a year or two or three.

These prohibitions in the bill are important to correct the course of the Federal Government, ensure the U.S. Secretary of Education cannot exercise any control over State and local education decisions, and that cannot be a short-term fix.

For that reason, I oppose the gentleman's amendment.

Mr. SCOTT of Virginia. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Chairman, believe it or not, there is something worse than No Child Left Behind. There is something worse than this bill, H.R. 5, and that is constantly moving the ball federally which, unfortunately, this amendment would entail.

One of the biggest concerns from educators, from school boards, from State boards of education is we need time to implement whatever the heck you do in Washington, good, bad, or indifferent. To keep the ball moving constantly adds piles and piles of paperwork at the district level.

No Federal education law is going to be perfect. No Child Left Behind isn't perfect. It has its flaws; it has its merits. H.R. 5, I don't think anybody would agree it is perfect. It has its merits; it has its flaws. Some will feel the flaws outweigh the merits. Some will feel the merits outweigh the flaws.

Having the Federal education policy in place for long enough for all of its systems around public education to catch up and create rules, create policies to see the new law succeed to the extent that it can are absolutely critical for any Federal education law.

The worst possible outcome would be every single 2 or 3 years, this body goes in a radically different direction with regard to Federal education policy, causing every State, every district, every educator, every principal—instead of spending time teaching kids and helping educate children in the classroom—studying up on Federal education policy, trying to fill out new forms, trying to figure out new testing regimes; and, just as they figure them out, we are going to move the ball again.

Whatever the Federal education policy is, it is very important to have some consistency. Now, look, we have had No Child Left Behind for 15 years. We should have replaced it earlier, but the right time wasn't in 2002 or 2003. It might have been when it expired in 2010.

Let's come up with a new Federal education policy. Now, we are on overtime, but the answer is not to take it back before we even know whether a Federal education policy is working before it expires, only to be replaced by a new Congress with a different law requiring a totally different change of direction by educators, principals, school boards, and State boards of education.

For these reasons, I encourage my colleagues to oppose this amendment.

Mr. GROTHMAN. Mr. Chairman, can I ask how much time is remaining?

The Acting CHAIR. The gentleman from Wisconsin has 3 minutes remaining.

Mr. GROTHMAN. Mr. Chairman, I am prepared to close then.

The Acting CHAIR. Does the gentleman from Virginia have any additional speakers?

Mr. SCOTT of Virginia. I don't have any additional speakers, Mr. Chairman, but I believe I have the right to close.

The Acting CHAIR. The gentleman from Wisconsin has the right to close.

PARLIAMENTARY INQUIRY

Mr. SCOTT of Virginia. Parliamentary inquiry, Mr. Chairman.

The Acting CHAIR. The gentleman will state his parliamentary inquiry.

Mr. SCOTT of Virginia. If ours is the position of the underlying bill, and they are trying to amend it, who has the right to close?

The Acting CHAIR. A member of the committee controlling time in true opposition would have the right to close.

Mr. SCOTT of Virginia. Mr. Chairman, I yield back the balance of my time.

Mr. GROTHMAN. Mr. Chairman, just one more time to emphasize on this amendment, it is my experience, in many, many years dealing with local superintendents, local school boards, very rarely are they appreciative of people on other levels of government without that expertise in education telling them what to do.

Right now, I live in the Campbellsport School District. They are not appreciative when the legislature in Madison tells them how to run their schools, and they are certainly not appreciative when the U.S. Congress tells them how to run the schools.

I am going to vote for this bill today. I think this bill is a step in the right direction. My guess is, if I talk to my local school boards 6 months from now, a year from now, they will be grateful that this bill passed, but they would like still more freedom.

I do think that the local school boards are closer to the parents, closer to the children, and will do a better job of managing those schools than we will.

That is why I have introduced this amendment. I mean, maybe 3 years from now, we are going to go back home to our school districts, and they will say: Oh, my goodness, I wish you would have prescribed more or ordered us around more.

I don't think that is going to happen. I think what is going to happen is 3 years from today, when we look at this again, the local school districts are one more time going to say: Hey, back there in 2015, when you paused this bill, I am glad you passed that bill, but please give us still more freedom.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Wisconsin (Mr. GROTHMAN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GROTHMAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. MEEKS

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 114–29.

Mr. MEEKS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 27, beginning on line 10, strike '', at the State's discretion,''.

Page 35, line 24, strike ''may'' and insert ''shall''.

The Acting CHAIR. Pursuant to House Resolution 125, the gentleman from New York (Mr. MEEKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. MEEKS. Mr. Chairman, I yield myself such time as I may consume.

H.R. 5 perpetuates the same serious flaw with the accountability systems as in No Child Left Behind, which deters high-quality teachers from joining low-performing schools. We need to remediate this problem.

The current accountability system discourages quality teachers from joining low-performing schools because they are warned that if their students are not considered proficient then they will suffer adverse consequences.

As it stands, if a student starts seventh grade at a fourth grade reading level, works diligently with their teacher, and then achieves a sixth grade level by the end of the school year, that student will not be deemed proficient, and both the teacher and the school would be negatively impacted.

My amendment would change that. My amendment would require that annual statewide assessments measure students' growth as a crucial component of the achievement within the accountability system established by the State.

It would leave it to the State to decide their own measurement of growth, so they can measure an individual student's learning progress and not give an entire school one score based on the amount of the students who are deemed proficient in particular subjects.

I believe high-quality teachers would be more willing to join schools composed of a significant amount of students not meeting proficiency standards. My amendment, therefore, upholds the fundamental principle of the original ESEA to encourage equality in the provision of education, regardless of social economic status or demographics of the student behind the desk.

I reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I claim time in opposition to the gentleman's amendment, and I do oppose the amendment.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. Mr. Chairman, I thank the gentleman for this amendment, although I do oppose it.

This amendment would require that annual statewide assessments measure student growth and include such growth in that State's accountability system.

Under the Student Success Act, the underlying bill, States are already allowed to include student growth measures in their accountability system if the State chooses.

□ 1545

Adding a Federal mandate is contrary to this bill's purpose of returning control to the hands of the State and local education leaders; therefore, I urge my colleagues to oppose this amendment.

I reserve the balance of my time.

Mr. MEEKS. Mr. Chairman, I yield 1 minute to the gentlewoman from Oregon (Ms. BONAMICI).

Ms. BONAMICI. I thank the gentleman from New York for yielding and for offering this important amendment.

Mr. Chairman, under No Child Left Behind, schools were punished if all students did not reach a static proficiency target. It did not matter how many gains students made or how close students were to reaching proficiency. The system under No Child Left Behind was unworkable and damaging.

This reauthorization should recognize the tremendous gains most students make each year, and it should provide an incentive for schools to provide differentiated instruction to all students, including those performing above and below any proficiency benchmark. It is time to replace the No Child Left Behind-style accountability systems that label schools as failing, even when students make tremendous growth.

This amendment is an important step in the right direction, and I urge my colleagues to support it.

Mr. KLINE. I reserve the balance of my time.

Mr. MEEKS. I yield 1 minute to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. I would like to thank the gentleman from New York (Mr. MEEKS) for bringing forward this very important amendment that really cuts to the heart of one of the most important changes from No Child Left Behind.

Mr. Chairman, as you know, No Child Left Behind had a concept called adequate yearly progress. It is a bit of a misnomer because it was anything but progress. It was a static picture of where students were. With this new bill reflected in H.R. 5 and the Democratic substitute, the goal is to look at student growth.

Now, unfortunately, the Republican bill absent the Meeks amendment leaves student growth optional. The core piece of Federal education policy, from both a civil rights perspective and an education perspective, should be to ensure that for every child in our country there is accountability for the academic growth of that child each year. That is the key tenet of transparency and accountability that this amendment would restore to the underlying bill.

I strongly believe that if we can pass this amendment, it would remedy one of the major inequities and setbacks in

this bill. At least No Child Left Behind had universal goals, even if the goals were off the mark.

Mr. MEEKS. Mr. Chairman, how much time do I have left?

The Acting CHAIR. The gentleman from New York has 1½ minutes remaining.

Mr. MEEKS. I yield 1 minute to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I think the case has been made for the growth model as opposed to the static model. It is much fairer. It gives credit where credit is due, as the gentleman from New York has said. Some teachers produce 2 and sometimes 3 years' growth in 1 year, but because the student was so far behind, they are still not up to par on the static test; and on the AYP standard, that school is a failing school although they did tremendous work.

The reason that this needs to be required is these assessments are a little more expensive, and if you don't require it, they won't get done. These are the better assessments and should be a part of the legislation.

I thank the gentleman for introducing his amendment.

Mr. KLINE. I reserve the balance of my time.

Mr. MEEKS. Mr. Chairman, this is an issue that I believe really needs to be addressed, and I would hope that this amendment will be included in a larger bipartisan reauthorization of ESEA.

I withdraw the amendment at this time, Mr. Chairman.

The Acting CHAIR. The amendment is withdrawn.

AMENDMENT NO. 4 OFFERED BY MRS. LAWRENCE

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 114–29.

Mrs. LAWRENCE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 30, line 14, after the second comma, insert ''by status as a student in foster care,''.

The Acting CHAIR. Pursuant to House Resolution 125, the gentlewoman from Michigan (Mrs. LAWRENCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Michigan.

Mrs. LAWRENCE. Mr. Chairman, I rise today to speak in support of amendment No. 4, which requires that the Secretary of Education disapprove any State plan that fails to, in consulting with the State and local education agencies, demonstrate that there is a separate reporting of academic assessments for foster youth. The bill requires the Secretary of Education to report academic assessments for foster children.

Victor Hugo said, ''He who opens a school door, closes a prison.'' I believe this statement is particularly true for children living in poverty, those who are homeless, and those in the foster care system.

Many students are blessed to have parents that can be advocates for them in and out of school; they have parents that know their teachers, attend PTA meetings, and even testify at school board hearings. However, too many young people are not that lucky.

One in 45 children experience homelessness in America each year. Children experiencing homelessness are four times more likely to show delayed development and are twice as likely to have learning disabilities. Many of these children are under the care of the State through our foster care system.

There are approximately 402,000 children in foster care in the United States. In Michigan alone, approximately 13,000 children are in foster care on any given day. On average, children remain in State care for nearly 2 years, and 8 percent of children in foster care have been there for more than 4 or 5 years. The ethnic breakdown is even more devastating, as 24 percent of those in foster care are African American, double the percentage of African American children in the entire United States population.

In 2013, more than 23,000 young people aged out of foster care without permanent families. In fact, research has shown that those who leave care without being linked to permanent families are likely to experience homelessness, unemployment, and incarceration as adults. The State, therefore, has a vested interest in this next generation of Americans who face heightened emotional, behavioral, and academic challenges.

Amendment No. 4 simply further disaggregates the data that is already collected. If included, the data generated would allow the State to track the achievement or failure of students who are in foster care on their academic assessments. As you are aware, academic assessment results are already disaggregated within each State and LEA by gender, racial and ethnic group, English proficiency status, students with disabilities, and students with an Active Duty military parent. This only seeks to ensure that foster youth are also monitored and reported on so that the State can take corrective action, as needed.

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

Mr. KLINE. Mr. Chairman, I claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. KLINE. Mr. Chairman, I thank the gentlewoman for this amendment.

Foster children are a vulnerable population of students that face many disruptions in their lives. Unfortunately, it sometimes also disrupts their education. This amendment will allow States and schools to see how their foster children are doing, in addition to other subgroups of students, and then better address their unique needs to improve their education.

Again, I thank the gentlewoman for the amendment. I urge my colleagues to support the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Michigan (Mrs. LAWRENCE).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. GOODLATTE

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 114–29.

Mr. GOODLATTE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 35, after line 7, insert the following:

''(G) LOCALLY DESIGNED ASSESSMENT SYSTEM.—Nothing in this paragraph shall be construed to prohibit a local educational agency from administering its own assessments in lieu of the State-designed academic assessment system under this paragraph, if—

''(i) the local educational agency obtains approval from the State to administer a locally designed academic assessment system;

''(ii) such assessments provide data that is comparable among all local educational agencies within the State; and

''(iii) the locally designed academic assessment system meets the requirements for the assessments under subparagraph (B), except the requirement under clause (ii) of such subparagraph.

The Acting CHAIR. Pursuant to House Resolution 125, the gentleman from Virginia (Mr. GOODLATTE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, like many Members of Congress, I continually hear from folks in my district about the need for more local control of education. Mandates from Washington do not always translate well to the school boards, administrators, and teachers who are closest to our Nation's students and are ultimately responsible for providing education in our schools.

While the underlying bill provides flexibility to States and localities in many beneficial ways, the need for additional flexibility for school districts—specifically, in regards to testing—has come to my attention. The amendment I have offered would provide this additional flexibility to localities by giving States new authority to allow local educational agencies to administer their own locally designed academic assessment system in place of the State-designed academic system.

While the same requirements as laid out by the underlying bill for State-designed academic assessments would also apply to any locally designed academic assessment, this would provide an opportunity for localities to create their own assessment tests if they have determined their respective statewide test does not meet their individual

school's needs. They also have to have the approval of the State to do this. Having this choice can only benefit our Nation's schools as they seek to provide quality education in a transparent manner.

I urge my colleagues to support this amendment, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SCOTT of Virginia. Mr. Chairman, this would just add confusion to an already difficult situation. To have each locality set its own assessments means that all of the assessments are going to be different.

What happens in one city is going to be different from another city. If a student in one city moves from another city, all of a sudden, they become more intelligent? No, they just did better on that different assessment.

Mr. Chairman, in our Democratic substitute, we have an amendment coming up, an idea that the assessments should be as accurate as possible and that we should have as few assessments as possible.

One of the things people keep talking about is the multiple tests and the burden of these tests. We can do better. But allowing each locality to come up with its own home-baked assessment only will lead to confusion and something that nobody will understand. You won't know whether a student in one city is doing as well as a student in another city because you can't compare the results.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

I just want to say that this would be a new authority given to localities that the State would have to approve. The school district or locality could exercise that authority ongoing.

Practically speaking, if a school district in Virginia, for example, felt that the standards of learning were not suitable for their needs, they would have the opportunity to create and administer their own Rockingham County assessment test. But since the State is still ultimately responsible for this and has the authority to determine to do this, I think this is going to occur in limited circumstances because the State still has that ultimate power and responsibility.

The same requirements as laid out by the underlying bill for State-designed academic assessments would apply to any locally designed academic assessment: reading and math assessments in each of grades three through eight and once in high school; and in science, once in elementary, middle, and high school; reasonable adaptations and accommodations for students with disabilities; inclusion of English learners and so on.

This will encourage creativity and innovation that may help to better inform how we do this testing process. Let's open this up to more ideas from more communities, and I think this will be very well received by school systems around the country and by the States, for that matter.

□ 1600

The amendment will not decrease transparency. Parents and the community will still be able to have access to the information they need about their schools. Under my amendment, any locally derived assessment would still be required to provide data that is comparable among all local education agencies in the State.

Chairman ALEXANDER of the Senate HELP Committee released a discussion draft of his ESEA reauthorization bill in January, and it includes a similar provision to this amendment.

Mr. Chairman, I appreciate the chairman and the members of his staff working with me and my staff on this amendment, and I, again, urge my colleagues to support the amendment.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Chairman, this unfortunate amendment, which enjoys the opposition of both the Chamber of Commerce as well as the civil rights and disability community, would effectively gut the transparency and accountability that we currently have around performance and growth in public schools.

It is absolutely critical to have a common measuring stick to understand how all students are doing. Allowing districts to create and measure their success by their own standards effectively encourages dumbing down of standards and disguises the persistence of learning gaps across our communities. Accountability provides important information to help educators benchmark student performance relevant to students statewide, not just students in their school or district. The learning that we have for making sure that we can compare students from across the State is absolutely critical in creating a high performance, quality public education system.

Mr. Chairman, this amendment proposes to give additional flexibility. It actually provides additional disguises and subterfuge, which is why it is opposed by both the business community and the civil rights community. It is really important that we maintain our commitment to transparency and accountability and that we know what performance standards we are measuring our students against. I would encourage my colleagues to oppose this amendment.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just wanted to read parts of a letter from the Leadership Conference on Civil and Human Rights. It says:

Locally developed assessments will undermine one of the central tenets of State and local efforts to raise achievement for all students: the ability to have comparable data and, as a result, know how all students, in all schools and all communities, fare on a common, objective measure of achievement.

Statewide assessments serve as a check to ensure the students who are the focus of Federal law—low-income students, students of color, students with disabilities, and English learners—are not being subject to lower expectations than their peers. The assessments provide parents, communities, and advocates with critical information about how well different schools and districts are serving different students, a crucial tool for monitoring and ensuring protection of civil rights. Local assessment would not allow for these same comparisons.

THE LEADERSHIP CONFERENCE
ON CIVIL AND HUMAN RIGHTS,
February 26, 2015.

OPPOSE GOODLATTE AMENDMENT #74—
PROTECT CIVIL RIGHTS

DEAR REPRESENTATIVE: On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the civil and human rights of all persons in the United States, we urge you to oppose Representative Goodlatte's Amendment #74 to H.R. 5, which would allow school districts to administer their own assessments in lieu of a single, statewide assessment. Locally developed assessments will undermine one of the central tenets of state and local efforts to raise achievement for all students: the ability to have comparable data and, as a result, know how all students, in all schools and all communities, fare on a common, objective measure of achievement.

Statewide assessments serve as a check to ensure the students who are the focus of federal law—low-income students, students of color, students with disabilities, and English learners—are not being subject to lower expectations than their peers. The assessments provide parents, communities, and advocates with critical information about how well different schools and districts are serving different students, a crucial tool for monitoring and ensuring the protection of civil rights. Local assessment would not allow for these same comparisons.

We continue to oppose the underlying bill and urge you to vote against Goodlatte Amendment #74, which further weakens H.R. 5 and undermines the protections of civil rights. If you have any questions, please contact Liz King, Senior Policy Analyst and Director of Education Policy, at king@civilrights.org.

Sincerely,

WADE HENDERSON,
President & CEO.
NANCY ZIRKIN,
Executive Vice President.

Mr. SCOTT of Virginia. Mr. Chairman, for those reasons I would oppose this amendment and reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I am the only speaker, and I would urge my colleagues to support the amendment for the reasons I have already elaborated. It is important to give States, local governments, and school divisions more flexibility. I urge my colleagues to support the amendment, and yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I would hope that we would follow the guidance of the business and

the civil rights communities and oppose the amendment offered by my distinguished colleague from Virginia. We oppose the amendment.

I yield back the balance of my time.

The Acting CHAIR (Mr. HULTGREN). The question is on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. CASTRO OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part B of House Report 114–29.

Mr. CASTRO of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 40, after line 3, insert the following:

''(8) OMBUDSMAN FOR TEXTBOOK STANDARDS.—The Secretary shall appoint an ombudsman who is dedicated to overseeing and resolving State disputes on textbooks standards for K-12 grade levels in order to ensure that States are held accountable for upholding the highest academic standards for K-12 textbooks.''.

The Acting CHAIR. Pursuant to House Resolution 125, the gentleman from Texas (Mr. CASTRO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CASTRO of Texas. Mr. Chairman, this is a commonsense amendment that seeks to appoint a neutral ombudsperson within the Department of Education to address student K–12 textbook standards and concerns.

This neutral ombudsperson would be somebody who could receive complaints from students, teachers, administrators—anybody in the schools. This person would be independent of the Secretary. And most importantly, because I know that we yield much power to the States over curriculum in textbooks, this is somebody who would not have any authority to make binding decisions to overturn State decisions, but somebody who could help take in complaints or concerns and also help resolve those concerns within the States, sometimes between publishers in the States, for example.

There are a few reasons I brought this forward. First, in different States, as in my State of Texas, for example, there have been some very heated disputes over what should be included in textbooks—when we think about history, for example. In 2010, I believe, the State Board of Education in Texas considered removing Thomas Jefferson—for the Virginians that are here—from the list of influential philosophers. They have tried to remove Cesar Chavez from Texas textbooks. Some of the same things have happened in places like Arizona, where there have been very heated battles over textbooks there.

This ombudsperson would not have any binding authority to resolve those disputes. This would simply be somebody at the Department of Education who could offer voluntarily to help resolve them or also take in those concerns.

The second part is several years ago—and this is just an anecdote to illustrate this—there was a woman who sent me a picture over Facebook. The picture was of her daughter's textbook. Her daughter was taking summer school at, I believe, my old high school, Thomas Jefferson High School in San Antonio. This textbook was completely graffitied. It was torn up. It was about as battered as you could find a textbook. This woman was making the point to me that her daughter should not have to be learning from that textbook because the quality was absolutely horrendous.

Well, it turns out that in Texas, in some school districts, students were no longer able to take textbooks home with them. Even though the school district had not moved to online learning or anything like that, they weren't able to take textbooks home with them because of the condition of the textbooks and because they were being torn up so much.

I think that we need at the Department of Education somebody who can take in those concerns and let the Congress know about them and let the Department know about them, but also offer to work with the States to improve those conditions because something like that is most certainly affecting students' learning ability.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. ROKITA. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. ROKITA. Mr. Chairman, I thank the gentleman for offering his amendment, even though I am opposed to it.

Mr. Chairman, States should have good textbooks for students that cover the material thoroughly, fairly, and most importantly, accurately. But there is no Federal role in determining what those books are or judging the quality of them, frankly. All the arguments the gentleman makes can be taken care of at the State level and at the local level.

I fail to see how they would get any better result in any of his examples by having some Federal bureaucrat hundreds, if not thousands, of miles away from the situation do any better job with it. In fact, Mr. Chairman, the Federal Government already is prohibited from weighing in on things like curriculum and standards. There is absolutely no role for the Federal Government in approving or overseeing the adoption of textbooks. I think that is a bad idea. It leads us on a slippery slope to even worse outcomes.

So it is in that spirit and that vein that I must oppose this amendment. I urge my colleagues, all of them, Republican and Democrat, to do so as well.

Mr. CASTRO of Texas. Mr. Chairman, will the gentleman from Indiana yield me 30 seconds?

Mr. ROKITA. I yield the gentleman 30 seconds.

Mr. CASTRO of Texas. I hear the gentleman's concerns, and I understand that most of the power in this subject matter is vested with the States. But the fact is there are real problems in some of our States that are not being addressed and that aren't being handled in the State capitols. This position is a nonbinding one, one where folks in the States would have to come and voluntarily seek out a dispute resolution. This person wouldn't have any power to make decisions for the States or override any decisions. I understand the wariness among many here in this Chamber of the role of the Federal Government.

Mr. ROKITA. Mr. Chairman, reclaiming my time, I thank the gentleman, again, for his concern, but I fail to see how this Capitol can do any better a job in solving the problem than the gentleman's State capitol or at the local level. The government that governs best is the government that is closest to the people, and that serves this situation well.

Having nothing further to offer on this, Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CASTRO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CASTRO of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. LANGEVIN

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part B of House Report 114–29.

Mr. LANGEVIN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 58, strikes lines 12 through 14 and insert the following:

''(B) work-based learning opportunities that provide students in-depth interaction with industry professionals for the purposes of gaining experience and, if appropriate, academic credit;''.

Page 58, line 19, strike the period and insert ''; and''.

Page 58, after line 19, insert the following:

''(16) if appropriate, how the local educational agency will use funds under this subpart to train school counselors to effectively provide students relevant information regarding their individual career and postsecondary education goals.''.

The Acting CHAIR. Pursuant to House Resolution 125, the gentleman from Rhode Island (Mr. LANGEVIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island.

Mr. LANGEVIN. Mr. Chairman, I yield myself such time as I my consume.

Mr. Chairman, I would like to thank Chairman KLINE and Ranking Member SCOTT for their work in bringing this bill to the floor. While I still have strong concerns about the underlying bill, I am pleased to offer this bipartisan amendment along with my good friend and colleague, Mr. G.T. THOMPSON of Pennsylvania.

As cochairs of the Congressional Career and Technical Education Caucus, Mr. THOMPSON and I are committed to expanding skills training that will provide students of all ages with the capabilities necessary to meet the demands of the modern economy. Our amendment simply provides flexibility for States to use title I funds for apprenticeships and comprehensive career counseling.

Now, this is becoming a common refrain I know, but the skills gap is a persistent and wholly fixable drag on our economy, and we simply need to address it. In conversations with businessowners across my home State in Rhode Island, I have constantly heard that they are struggling to find qualified candidates to fill the job openings that they have available right now. In a State such as mine that has one of the highest unemployment rates in the country still, this is a troubling situation that we need to fix.

Apprenticeships are a tested and proven way for students to gain real-world experience while earning credit toward high school graduation. Students are able to get on-the-job training and skills needed for future career success. Adding apprenticeships to title I will provide a much-needed boost to career training programs.

Additionally, this amendment will make it easier for school districts to invest in comprehensive career counseling, a vital part of skills training.

It is becoming clear that high school diplomas are no longer sufficient for the modern job market. Our amendment seeks to help school counselors connect high school students with the skills that they need to succeed in the 21st-century workforce.

Now, Mr. Speaker, while not every job will require a college degree, some sort of postsecondary education will be absolutely necessary, and, in fact, is absolutely necessary. Whether it comes from a community college, a skills training program, or on-the-job training, we need to change what it means to be college- and career-ready. We need to provide students with the knowledge and the experience that will truly prepare them for what is next.

With that, Mr. Chairman, I urge all of my colleagues to join us in supporting this amendment, and I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, although I am not opposed to this thoughtful amendment, I claim the time.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I want to thank my good friend and cochairman of the bipartisan Career and Technical Education Caucus, Mr. LANGEVIN, for working with me on this amendment and his leadership. We believe it is vitally important that flexibility be provided to local school districts as they explore options for students to earn academic credit through internships or apprenticeships.

Unfortunately, too often, our schools have subscribed to a one-size-fits-all approach when it comes to the opportunities available to all students.

□ 1615

It is expected that all graduates will be going on to a 4-year postsecondary school or program. Mr. Chairman, this is a false premise. It is not realistic and certainly not fair to students.

While every child should leave high school college and career ready, it is imperative that we allow school districts to assist young learners in career exploration and the positive gains that can be achieved through real-world work experiences.

This amendment provides flexibility for school districts to provide credit for achieving these real-world academic experiences. I encourage support of this amendment.

I yield the balance of my time to the gentleman from Indiana (Mr. ROKITA), the subcommittee chairman.

Mr. ROKITA. Mr. Chairman, I thank the gentleman for his leadership. On behalf of Chairman KLINE and myself and other certain members of the committee, I would like to put on the RECORD that we think this amendment improves the underlying bill.

I thank the gentlemen for offering it and urge my colleagues to support it.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I yield back the balance of my time.

Mr. LANGEVIN. Mr. Chairman, I thank both of my colleagues for their supportive comments in support of this amendment. I urge all of my colleagues to support the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Rhode Island (Mr. LANGEVIN).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. BARLETTA

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part B of House Report 114–29.

Mr. BARLETTA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 58, line 14, strike ''and''.

Page 58, line 19, strike the period and insert ''; and''.

Page 58, after line 19, insert the following:

''(16) if appropriate, how the local educational agency will use funds under this subpart to support activities that coordinate and integrate before-school and after-school programs, and summer school programs.

The Acting CHAIR. Pursuant to House Resolution 125, the gentleman from Pennsylvania (Mr. BARLETTA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. BARLETTA. Mr. Chairman, I want to thank the committee for working with me during markup to address my concerns, especially the bill's impact on our Nation's afterschool programs. Supporting kids who attend afterschool programs has been a bipartisan effort.

My amendment simply requires school districts that use title I money for afterschool, before school, or summer school activities to report and describe those activities in their local plans. I am confident the data collected from this reporting will further demonstrate the importance of afterschool programs to our Nation's kids.

We already know afterschool programs help keep kids safe, improve academic performance, and help working families across America. The benefits of these programs span all aspects of our communities. Students participating in afterschool programs have shown improvement in homework completion. There is also improvement in class participation and in attendance.

This all leads to better grades, better behavior, and lower rates of drug use and violence. Where I am from in Pennsylvania, gangs have become a problem in some of our areas. When I was mayor of Hazleton, I saw it on our own streets. Afterschool programs offer a safe environment for kids to further their academic learning, rather than seeking out and joining gangs.

For example, I am proud that SHINE, the Schools & Homes In Education afterschool program is expanding from Carbon County into Luzerne County in my district. This nationally recognized program offers afterschool and summer school programs for kids in pre-K through college. It focuses on projects in STEM courses—science, technology, engineering, and math—as well as the arts.

SHINE helps produce better-educated young people who later go on to graduate from professional schools, colleges, and universities to become important parts of our Nation's workforce. It is a deterrent for criminal behavior.

At the end of the day, afterschool programs like SHINE can change a child's future for the better. I will continue to advocate for their success. I have a special interest in the improvement of our educational system because two of my four daughters are teachers. This amendment and legislation as a whole are very close to my heart.

Afterschool programs help ensure America's students succeed not only in academic success, but in student engagement as well.

I ask my colleagues to demonstrate their support for afterschool programs by supporting my amendment, and I urge a ''yes'' vote.

Mr. Chairman, I yield the remainder of my time to the gentleman from Georgia (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I rise in support to my friend, Mr. LOU BARLETTA's amendment to the Student Success Act.

Last week, I had the opportunity to spend time in our district and visit many of our local schools. One thing that I heard from both administrators and teachers are the success of afterschool programs and the summer programs. Let's face it, sometimes, students just have a difficult time maybe during the school year, and they get behind, and when they get behind, they tend to stay behind.

These afterschool programs and these summer programs give our students the opportunity to catch up. That is important because, as long as they are with and remain with the class and can be successful, they are successful students.

That is why I am proud to support Mr. BARLETTA's amendment providing that school districts report afterschool, before school, or summer activities in their local education plans.

Mr. BARLETTA. Mr. Chairman, I yield back the balance of my time.

Mr. KILDEE. Mr. Chairman, I claim the time in opposition to the amendment, though I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. KILDEE. Mr. Chairman, I want to thank my friend, Mr. BARLETTA, for his interest and his work on this subject, as well as thank our ranking member for his service and the work that he has put into this overall effort.

This is really important, and I think it is important that we stop for a moment and recognize the effect, the impact, that afterschool programs have in the lives and the trajectory of the lives of so many kids in this country who otherwise don't have a positive outlet for all the energy that these young people carry around with them all the time.

There are neighborhoods in this country—certainly neighborhoods in the communities that I represent—that without afterschool programming provided in that school building, there is no other positive avenue available for them. There is not a community center. There is not a park that is maintained. They don't have the access to or the means to join a YMCA or a YWCA.

For these kids, the only avenue they have to explore cultural activities, to become involved in music or in the arts or in just good physical exercise, are those afterschool programs, which have the additional value of connecting these young people to their school in a way that is not solely tied to simply classroom time and the very important work that they are doing on their academic studies, but allows them to fill that connection to school as the center of their community.

Of course, what we know—and the research is clear on this—is that young people who are involved in afterschool programming, they do better academically.

Mr. Chairman, I appreciate Mr. BARLETTA's efforts on this, and I look forward to working with him on afterschool programming. It is really important, and I think it is right that the Congress address it.

With that, I yield the remainder of my time to the gentleman from Virginia (Mr. SCOTT), the ranking member.

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman for yielding, and I thank the gentleman for his amendment.

I support the important work being done by afterschool, before school, and summer programs. These programs have been proven to increase academic achievement, increase student achievement, and reduce dropouts.

This is especially powerful in light of some studies that show that many students actually regress during the summer. If they are given effective summer programs, that regression can certainly be stopped, so it is a very powerful idea.

I thank the gentleman for offering his amendment, and I hope that it is adopted.

Mr. KILDEE. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. BARLETTA).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. QUIGLEY

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in part B of House Report 114–29.

Mr. QUIGLEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 119 and insert the following new section:

SEC. 119. QUALIFICATIONS FOR PARAPROFESSIONALS.

Section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319) is amended—

(1) by striking subsections (a), (b), (d), (i), (j), (k), and (l);

(2) by redesignating subsection (c) as subsection (a);

(3) by redesignating subsections (e) through (h) as subsections (b) through (e), respectively;

(4) in subsection (a), as redesignated by paragraph (2), by striking ''hired after the date of enactment of the No Child Left Behind Act of 2001 and'';

(5) in subsection (b), as redesignated by paragraph (3), by striking ''Subsections (c) and (d)'' and inserting ''Subsection (a)''; and

(6) in the section heading, by striking ''**TEACHERS AND**''.

The Acting CHAIR. Pursuant to House Resolution 125, the gentleman from Illinois (Mr. QUIGLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. QUIGLEY. Mr. Chairman, we must keep a critical part of ESEA: standards for paraprofessionals.

Republicans and Democrats agree, classroom professionals—or paraprofessionals as they are called—must be prepared and equipped to carry out their work in the classroom.

Today, paraprofessionals are qualified to provide much-needed instructional support, especially for students with special needs. Every school district in our country is in compliance with these standards and has been since 2006. In fact, 11 States, including my own State of Illinois, have already codified these requirements in their own State law.

Removing these Federal requirements would risk defaulting to low or nonexistent standards for these professionals at the State or local levels. We simply can't let this happen.

Classrooms are already severely overcrowded, and paraprofessionals provide teachers with the critical support they need to best educate our children. I am a strong supporter of our teachers, and part of that support comes in ensuring that their aides and other classroom counterparts are qualified to do their jobs.

By eliminating these standards, we are turning our backs on the teachers who educate our children. Let's support our teachers and support paraprofessionals.

I urge a ''yes'' vote on my amendment.

I reserve the balance of my time.

Mr. ROKITA. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. ROKITA. Mr. Chairman, I thank my colleagues for this amendment, although I must oppose it.

This amendment adds back specific Federal requirements for paraprofessionals. These provisions place too much emphasis on a teacher's credentials, degrees, and licensing. As a result, schools have come to value a teacher's resume over his or her ability to increase student achievement, i.e., their effectiveness.

The elimination of these requirements in the Student Success Act does not prohibit States or local school districts from having requirements for teachers and paraprofessionals, but certainly, it is not the job of the Federal Government to tell States and locals what those requirements are.

Because of that, I urge my colleagues to vote against this amendment.

I reserve the balance of my time.

Mr. QUIGLEY. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mr. MCKINLEY).

Mr. MCKINLEY. Mr. Chairman, I thank the gentleman.

Paraprofessionals play an important role in our schools. They are teacher's aides, instructional assistants, and often work closest with special-needs students. They also provide support to teachers by working with students in direct instructional roles.

As a grandfather of student with special needs, I clearly understand the importance of ensuring that he has the proper support he needs at school.

This amendment does not create any new standards or requirements. It simply maintains the qualification requirements already in place. Without these requirements, we risk having underqualified people in charge of special education students.

It is critical to student success that we have qualified, trained paraprofessionals, teachers, and administrators. Remember, every schoolteacher in the country is already compliant with this requirement.

This is common sense, and I urge support of this amendment.

Mr. ROKITA. Mr. Chairman, I reserve the balance of my time.

Mr. QUIGLEY. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. SCOTT), the ranking member.

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, when Congress enacted No Child Left Behind in 2002, we recognized the importance of paraprofessional qualifications.

Because their support to students has a significant impact on their success in school, paraprofessionals provide a wide range of critical support, including tutoring, computer assistance, library resources, classroom management, translation, and other instructional services.

In the past 13 years, paraprofessionals have met these strong qualifications, including minimum postsecondary credentials and a demonstration of specialized knowledge. They already meet these standards, and that is why it is unfortunate that the underlying bill repeals these standards.

□ 1630

We don't understand why we would want to go backwards in maintaining the high standards; and that is why this amendment is so important, and I would hope it would be adopted.

Mr. ROKITA. I reserve the balance of my time.

Mr. QUIGLEY. Mr. Chair, the entire purpose of ESEA was to improve the status of education for all of our children in this country regardless of their ZIP Code or their special needs status. Let's keep these standards for paraprofessionals intact. I urge my colleagues to vote for this bipartisan amendment to support teachers and students.

I yield back the balance of my time.

Mr. ROKITA. Mr. Chair, in closing, I would like to say that the whole theme, the whole purpose of the Student Success Act is the fact that we trust teachers, parents, local policymakers, local taxpayers more, thinking that they can do a better job than anyone out here in Washington, D.C.

The arguments the gentlemen make are certainly good ones. Standards are a good thing; they should be made at the local and State level. The government that governs best is the one that is closest to the people. That is what the Student Success Act, in large part, is about.

The gentleman from West Virginia indicates that he is the grandfather of a special needs child. I am the father of a special needs child. As one of the authors of the Student Success Act, I think these standards can be well adopted at the State and local level, and that is where they should be adopted.

With that, I urge my colleagues to vote against this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. QUIGLEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. QUIGLEY. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 10 OFFERED BY MS. FUDGE

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in part B of House Report 114–29.

Ms. FUDGE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 92, strike lines 8 through 14 and insert the following:

SEC. 121. FISCAL REQUIREMENTS.

Section 1120A (20 U.S.C. 6321) is amended by striking ''part'' each place such term appears and inserting ''subpart''.

Page 563, after line 16, insert the following (and redesignate provisions accordingly):

''SEC. 6541. MAINTENANCE OF EFFORT.

''(a) IN GENERAL.—A local educational agency may receive funds under a covered program for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of the agency and the State with respect to the provision of free public education by the agency for the preceding fiscal year was not less than 90 percent of the combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

''(b) REDUCTION IN CASE OF FAILURE TO MEET.—

''(1) IN GENERAL.—The State educational agency shall reduce the amount of the allocation of funds under a covered program in any fiscal year in the exact proportion by which a local educational agency fails to meet the requirement of subsection (a) of this section by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to the local agency).

''(2) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under subsection (a) of this section for subsequent years.

''(c) WAIVER.—The Secretary may waive the requirements of this section if the Secretary determines that a waiver would be equitable due to—

''(1) exceptional or uncontrollable circumstances, such as a natural disaster; or

''(2) a precipitous decline in the financial resources of the local educational agency.''.

The Acting CHAIR. Pursuant to House Resolution 125, the gentlewoman from Ohio (Ms. FUDGE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio.

Ms. FUDGE. Mr. Chairman, my amendment would reinstate maintenance of effort requirements in H.R. 5. It would continue to require States to show that current year funding is at least 90 percent of the prior year amount before receiving any Federal education dollars.

Maintenance of effort is intended to protect resources for schools and students in tough economic times. Removal of maintenance of effort requirements from ESEA, as contemplated in H.R. 5, would allow States to raid their education budgets to pay for other budget line items or programs. That will leave the Federal Government the primary or only funding source for schools.

If the goal of H.R. 5 is to reduce Federal input for education, this does just the opposite. States should not be given free rein to reduce school funding. That approach disproportionately impacts poor communities and children. This Congress should not revert to the times of larger class sizes, poorly supported teachers, and less access to rigorous curriculum for so many of our poor, disabled, and English-learning children.

The 90 percent MOE threshold in common law is a commonsense safeguard. It ensures State agencies remain invested in key education programs while still allowing States the room to respond to changing fiscal realities.

Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. SCOTT), the ranking member.

Mr. SCOTT of Virginia. I thank the gentlelady for yielding.

Mr. Chairman, the purpose of ESEA is to increase resources to an education, especially focused on areas of high poverty. The underlying bill limits the amount of money that can be spent under the bill. It takes money by changing the formula from low-income areas to high-income areas, and now this amendment tries to eliminate one of the most devastating impacts, that is the requirement of the maintenance of effort.

If there is Federal money going into the States, it can only increase money going to education if the States maintain their effort. If they are able to reduce their effort and just replace the money they were spending with the

Federal money, then there has been no increase in education, and the ones left behind continue to remain behind.

This is an extremely important amendment. It makes sure that the Federal money actually increases the money going to education to help those left behind, and I would hope that we would correct this grievous error in the underlying bill by adopting the amendment.

Mr. ROKITA. Mr. Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. ROKITA. Mr. Chair, I oppose this amendment because it simply goes back to the status quo of current law, which ties the hands of State officials over budgeting.

What schools and States need is less Federal control and greater flexibility, not the opposite. We need to stop thinking that we know what is best for States, and that includes telling them how much to spend on various areas of their budget.

I want to be clear that the statutory civil rights provisions in current law are kept. We don't have that issue with this bill.

I want to also make the point that just because you spend more money on something doesn't mean you get a better result. Since 1970, Federal education spending has increased 300 percent in this country, while test scores have remained flat. So just increasing funding levels isn't necessarily the answer.

The fact of the matter is an MOE directs the States' and individuals' property, i.e., their money, to do things that really we shouldn't be telling States or localities or individuals what to do with.

With that, I reserve the balance of my time.

Ms. FUDGE. Mr. Chairman, may I inquire as to how much time I have remaining?

The Acting CHAIR. The gentlewoman from Ohio has 2½ minutes remaining.

Ms. FUDGE. Mr. Chairman, I yield 1 minute to the gentlewoman from Oregon (Ms. BONAMICI).

Ms. BONAMICI. Mr. Chairman, I thank Representative FUDGE for yielding and for offering this important amendment.

Public education is primarily the responsibility of States and local school districts. Historically, the Federal Government contributes about 10 percent of funding to K–12 education.

The Elementary and Secondary Education Act, since it was first enacted as part of the war on poverty, has supplemented the role of States and districts by providing targeted resources to students and communities that have traditionally been underserved and continue to need that additional support. This amendment is critical to preserving that targeted role.

The receipt of Federal funds should not be used to replace the investment of States in public education. I urge my colleagues to support Representative FUDGE's important amendment.

Mr. ROKITA. I continue to reserve the balance of my time.

Ms. FUDGE. Mr. Chairman, it is certainly important that we restore MOE requirements to this bill. H.R. 5 must be amended to ensure every child in America has access to a quality education.

Mr. Chairman, this bill is so flawed that even this amendment will not improve it significantly. Therefore, I respectfully withdraw my amendment.

AMENDMENT NO. 11 OFFERED BY MR. DESAULNIER

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in part B of House Report 114–29.

Mr. DESAULNIER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 92, strike lines 19 and 20 and insert the following:

(2) in subsection (a)—

(A) by striking ''such as the Early Reading First program''; and

(B) by adding at the end the following new sentence: ''Each local educational agency shall develop agreements with such Head Start agencies and other entities to carry out such activities.''; and

The Acting CHAIR. Pursuant to House Resolution 125, the gentleman from California (Mr. DESAULNIER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. DESAULNIER. Mr. Chairman, there is no doubt that Head Start programs produce incredible benefits for American children and families involved and for their communities. Those benefits are not only educational, but economic and health-related as well.

As a former Head Start commissioner in California, I have seen firsthand how effective these programs can be at making kids excited about learning at an early age and the positive effects that they have on their education in the future.

The original intent of the law was to ensure that local education agencies are working collaboratively with Head Start to ensure Head Start is providing services that are the most thoughtful and relevant to their local community. However, while Head Start agencies are required to form coordination agreements with local education agencies, the opposite is not true, which slows the process and creates unnecessary bureaucracy.

For example, this loophole causes Head Start agencies to spend weeks on end trying to pin down the local education agency. The local education agency, on the other hand, doesn't feel that it is a priority to sign an official agreement since they are not required to do so. This causes the process to break down.

This amendment is short and sweet. It would simply strengthen the language that currently exists within the ESEA, which reads that both parties must coordinate with early childhood programs and, instead, require local education agencies to develop agreements with Head Start agencies.

It would make agreements a two-way street, would clarify and solidify the process, and would be a victory for local education agencies, Head Start programs, and the children in the programs that they both serve.

It is long overdue to make this fix, and it is noncontroversial and nonpartisan.

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

Mr. ROKITA. Mr. Chair, I claim time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. ROKITA. Mr. Chairman, research indicates reliable, high-quality child care is critical to sustaining parents' ability to work. That is why the legislation would allow States and schools to use funds allocated through what we call the local academic flexible grant under title I to support pre-K programs. Instead of creating a Federal program, as I see this amendment, it improves the coordination between existing Head Start programs and local educational agencies.

This amendment improves the underlying bill, I think, and strengthens existing early childhood care and education programs for children in low-income families.

As a cosponsor of the bill, I would like to thank the gentleman for offering this amendment. Again, I think it improves the underlying bill, and I urge my colleagues to support it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. DESAULNIER).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. RODNEY DAVIS OF ILLINOIS

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in part B of House Report 114–29.

Mr. RODNEY DAVIS of Illinois. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 225, line 17, strike the final quotation marks and period at the end.

Page 225, after line 17, insert the following:

''SEC. 1405. RULE OF CONSTRUCTION FOR COLLECTIVE BARGAINING.

''Nothing in this title shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded to school or local educational agency employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or

other agreements between such employers and their employees.''.

The Acting CHAIR. Pursuant to House Resolution 125, the gentleman from Illinois (Mr. RODNEY DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. RODNEY DAVIS of Illinois. Mr. Chairman, I rise today to offer this amendment that would protect the voices of our educational professionals and also maintain local control, which is what reforming the ESEA program is all about, especially in my district.

This amendment simply protects the savings clause of title I of the Elementary and Secondary Education Act to ensure that nothing in Federal law can be construed to terminate or overturn a State or local collective bargaining law, memorandum, or other agreements.

The savings clause predates No Child Left Behind and has been in existence for more than 20 years. In addition, 34 States, including my home State of Illinois, Mr. Chairman, explicitly allow collective bargaining for teachers, education support professionals, and other higher education faculty. The amendment does not expand collective bargaining rights that exist in current law.

The bottom line is this amendment provides certainty to local and State entities that the current collective bargaining agreements will remain in place. This amendment is supported by many here in Washington and many teachers and educational professionals that I have spoken with, including those at the Illinois Education Association and the National Education Association.

I urge my colleagues to support this amendment to provide certainty for our educational professionals.

I reserve the balance of my time.

□ 1645

Mr. SCOTT of Virginia. Mr. Chairman, I rise to claim the time in opposition, although I am not in opposition.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SCOTT of Virginia. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois. The amendment is thoughtful and necessary to restore employee protections that are already in current law.

I reserve the balance of my time.

Mr. RODNEY DAVIS of Illinois. Mr. Chairman, I yield such time as he may consume to the gentleman from the great State of Indiana (Mr. ROKITA), my colleague and friend.

Mr. ROKITA. I thank the gentleman.

Mr. Chair, I think this is a good amendment. It clarifies the law on this topic, and I am glad to support it. I thank the gentleman for offering it, and I urge my colleagues to support it.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Chairman, relationships between districts and their employees can at times be turbulent. It is challenging for school board members, and it is challenging for educators. Most of all, it is challenging and frustrating for the parents of kids who are in the schools. What this amendment does is it helps to provide a degree of certainty and predictability with regard to collective bargaining agreements that are in place.

As we move forward with the ESEA reauthorization, we should focus on what needs to be fixed and what doesn't need to be fixed. The truth is many collective bargaining agreements in place are strong and are an asset to the districts that have them. We have many school districts in Colorado that have entered collective bargaining agreements with their educators, agreements that include pay for performance, that include quality measures; and we should encourage that kind of creativity at the district level.

The more we can do to provide the kind of stability within this regime as we switch to a post-No Child Left Behind era, providing the predictability for the educators who are in the classroom every day and who are doing the very best they can to educate our kids, is a tenet that, hopefully, we all agree on and is one that is reflected in this amendment, which I strongly support.

Mr. RODNEY DAVIS of Illinois. Mr. Chairman, I reserve the balance of my time in order to offer closing remarks.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 1 minute to the gentlewoman from Oregon (Ms. BONAMICI).

Ms. BONAMICI. Thank you, Mr. Ranking Member, for yielding.

Mr. Chair, I want to thank Representative DAVIS and Representative JOYCE BEATTY for offering this amendment. The savings clause is an important feature of the Elementary and Secondary Education Act, and I appreciate the bipartisan effort of my colleagues to reinstate it.

The Student Success Act should respect collective bargaining agreements and memoranda of understanding that have been negotiated across this country. I commend the Representatives for their work to make sure that this legislation we are debating does not interfere with local laws or agreements, and I ask my colleagues to join me in supporting this amendment.

Mr. SCOTT of Virginia. Mr. Chairman, I yield back the balance of my time.

Mr. RODNEY DAVIS of Illinois. Mr. Chairman, I want to thank my colleagues on both sides of the aisle for their support for this commonsense amendment.

When I go back and speak to my educational professionals and also as a father of three teenagers in the Taylorville, Illinois, public school system, it is constantly about: How do we make sure that Washington stays out of running our schools in our local school districts? That is what is so great about other provisions in this ESEA reform package. My colleague Mr. ROKITA and my colleague Chairman JOHN KLINE have put measures in place that will fix some of the problems that many of us have seen through the implementation of No Child Left Behind over a decade ago.

Local control matters, and in this instance, this clarifies that local control and locally negotiated collective bargaining agreements are not superseded by bureaucrats here in Washington, D.C.

Mr. Chairman, may I inquire as to how much time I have remaining.

The Acting CHAIR. The gentleman from Illinois has 2¼ minutes remaining.

Mr. RODNEY DAVIS of Illinois. Mr. Chairman, I yield 2 minutes to the gentleman from the great State of Illinois (Mr. BOST), my friend and colleague.

Mr. BOST. I thank my friend from Illinois for yielding.

Mr. Chairman, I rise in support of the amendment, and I urge its adoption.

The amendment simply states that nothing in the bill shall interfere with State and local collective bargaining laws. This amendment is about Federal respect of State and local laws. When it comes to education, I am a firm believer in local control, and everybody who has known me over the years from my State knows that to be a fact.

For too long, the Federal Government has attempted to determine for parents, teachers, and school administrators what is best for our schools and for our children in southern Illinois. The underlying bill may not be perfect, but we can't let it fall for the good that it does do. The legislation takes an important step forward in restoring local control in education. That is good for my kids, and it is good for your kids.

Once again, I thank my friend for the opportunity to support the amendment.

Mr. RODNEY DAVIS of Illinois. Mr. Chairman, I want to thank my colleague from Illinois (Mr. BOST), who has been a fighter for those in education throughout his tenure as a State representative in Illinois. He and I have worked together on these issues for over 20 years.

Since I offered my closing remarks before he spoke, I will take this opportunity, before I lose my voice completely, to yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. RODNEY DAVIS).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MS. MOORE

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in part B of House Report 114–29.

Ms. MOORE. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 229, line 1, after ''the Secretary'' insert ''makes a determination in writing to Congress for that fiscal year that the level and quality of educational services to individuals age 5 through 17 from families with incomes below the poverty line has not decreased since the date of enactment of the Student Success Act and''

The Acting CHAIR. Pursuant to House Resolution 125, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE. Mr. Chair, I rise today, along with my colleagues FREDERICA WILSON of Florida and DANNY DAVIS of Illinois, to offer an amendment.

This amendment seeks to protect our most vulnerable students by ensuring that high-poverty schools are not adversely affected by provisions in H.R. 5, which propose changes in the funding allocation formula for teacher support and the quality of educational services under title II of the No Child Left Behind Act. Mr. Chair, if we don't adopt this amendment, we may inadvertently break a long bipartisan agreement on our fundamental need to ensure that our low-income students are not assigned less qualified teachers and less quality educational resources than their more advantaged peers.

The reality is that a school district that serves students in poverty faces many, many hurdles and challenges in recruiting and in retaining teachers as well as other qualified staff. Current law prioritizes teacher development funding to States and schools serving the greatest concentrations of students in poverty.

Specifically, the No Child Left Behind title II formula for school districts focuses 65 percent of funds on students in poverty and 35 percent on the number of students, which is students in poverty versus just the number of students. The State formula focuses 80 percent of its funding on poverty and 20 percent on student population. H.R. 5 completely upends this. It eliminates this critical prioritization by equally weighting poverty with mere student population, sort of cutting the baby in half, 50/50. This removes substantial Federal support from schools and States serving the poorest students and gives these funds to schools and States without similar levels of economic need. This, of course, Mr. Chair, has an impact on every single State in the Union where there are disparate levels of income in our communities. It undermines teacher training and student achievement for students in poverty.

My amendment simply would delay the implementation of this formula until the Secretary of Education certifies to Congress that students in poverty are not adversely affected by this change in service, quality, and level. This would provide the appropriate caution before eliminating that critical safeguard of funds for students in poverty.

As written, we have strong reasons to fear that H.R. 5 would result in Federal dollars being siphoned away from States and school districts with the poorest students and being awarded to States and schools with higher affluence. In fact, data from the U.S. Department of Education released earlier this week show that H.R. 5 translates into billions of dollars of cuts in school districts serving high populations of Black and Hispanic students.

Mr. Chair, since all politics is local, I must decry the loss of these educational resources to the largest school district in my jurisdiction, and that is the Milwaukee Public Schools system. They would lose upwards of $160 million in Federal funds for impoverished students over a 6-year period if we ratify H.R. 5 in its current form. Our Secretary of Education, Arne Duncan, has called this kind of a reverse Robin Hood—stealing from the poor to give to the rich.

While we are discussing this, I just want to point out one last thing. This is budget neutral. This amendment doesn't add one dime to the cost of this bill. Its only intention is to protect the very teacher supports that help close the achievement gaps for low-income students. I urge my colleagues to vote in favor of this bill.

Mr. Chair, how much time do I have?

The Acting CHAIR. The gentlewoman has 30 seconds remaining.

Ms. MOORE. I reserve the balance of my time.

Mr. ROKITA. Mr. Chairman, I rise in opposition.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. ROKITA. Mr. Chairman, I thank the gentlewoman for this amendment, although I must oppose it.

It is my understanding that this amendment is unnecessary in the sense that, during the last Congress, the House adopted a nearly identical amendment offered by the gentlewoman when H.R. 5 was considered at the time. Because it was adopted, her original amendment is included in the base text of this version of H.R. 5; therefore, this amendment is duplicative of existing language.

Mr. Chair, I would politely say to the gentlewoman that she fails to see just how persuasive she was in the last Congress, and I would urge my colleagues to oppose this amendment, not because of the underlying idea, but because it is simply duplicative of existing language.

I yield back the balance of my time.

Ms. MOORE. Mr. Chair, if this is duplicative, then it does no harm. This was offered with an abundance of caution because the formula is being proposed to be changed.

So just vote for it. I mean, if it is repetitive or redundant, what is the harm? Please vote for it. Please withdraw your objection.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE).

The question was taken; and the Chair announced that the noes appeared to have it.

Ms. MOORE. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Wisconsin will be postponed.

AMENDMENT NO. 14 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in part B of House Report 114–29.

Mr. MCKINLEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 231, after line 3, insert the following:

''(7) A description of any subjects the State has identified as being workforce critical subjects pursuant to section 2234(6).''.

Page 266, line 20, strike the closing quotation marks and the last period.

Page 266, after line 20, insert the following:

''(6) WORKFORCE CRITICAL SUBJECT.—The term 'workforce critical subject' means an academic subject of urgent importance to the current and future workforce needs of the State, including science, technology, engineering, math, and any other subject that has been identified by the State, in consultation with employer, workforce, community, educator, parent and professional stakeholders.''.

The Acting CHAIR. Pursuant to House Resolution 125, the gentleman from West Virginia (Mr. MCKINLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. MCKINLEY. Mr. Chairman, this amendment is quite simple. It requires States to identify ''workforce critical subjects'' for their schools. A workforce critical subject is one that matches the needs of employers to the courses being taught.

Too often, we graduate students with skills that don't match the needs of our employers. In West Virginia, we have needs for jobs in oil and gas, health care, information technology, and clean coal research.

□ 1700

But each State is different. Currently, 60 percent of U.S. employers are experiencing difficulties finding qualified workers to fill vacancies, and 58 percent of HR professionals reported that workers lack competencies needed to perform their jobs.

Today's workforce is ever changing. This amendment will help States identify areas where to focus on developing skills and competencies needed in the workforce. This could involve an increased focus on science, technology, engineering, and math. Identifying workforce-critical subjects will help us do just that.

I want to thank the STEM Education Coalition and Chairman KLINE for their support of this amendment, and I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I ask to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SCOTT of Virginia. Mr. Chairman, I think the gentleman's amendment focuses on the importance of aligning education with labor market needs so that when you get educated, you are educated for the jobs of the future. The underlying bill, however, does not insist on college and career-ready standards so that when young people graduate from high school, they ought to be ready for a job or for college.

We would like to see in the legislation that the standards set by each State provide that if you graduate from high school, you are able to go to college without remediation. That is not in the underlying bill. This amendment does a step in the right direction by aligning education to labor market needs.

Therefore, I am not in opposition to the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from West Virginia (Mr. MCKINLEY).

The amendment was agreed to.

Mr. ROKITA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KLINE) having assumed the chair, Mr. HULTGREN, Acting Chair 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. 5) to support State and local accountability for public education, protect State and local authority, inform parents of the performance of their children's schools, and for other purposes, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 3 minutes p.m.), the House stood in recess.

□ 1847

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. ROS-LEHTINEN) at 6 o'clock and 47 minutes p.m.

STUDENT SUCCESS ACT

The SPEAKER pro tempore. Pursuant to House Resolution 125 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5.

Will the gentleman from Idaho (Mr. SIMPSON) kindly take the chair.

□ 1848

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 further consideration of the bill (H.R. 5) to support State and local accountability for public education, protect State and local authority, inform parents of the performance of their children's schools, and for other purposes, with Mr. SIMPSON (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 14 printed in part B of House Report 114–29 offered by the gentleman from West Virginia (Mr. MCKINLEY) had been disposed of.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 114–29 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. KENNEDY of Massachusetts.

Amendment No. 2 by Mr. GROTHMAN of Wisconsin.

Amendment No. 6 by Mr. CASTRO of Texas.

Amendment No. 9 by Mr. QUIGLEY of Illinois.

Amendment No. 13 by Ms. MOORE of Wisconsin.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. KENNEDY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. KENNEDY), on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 204, noes 217, not voting 11, as follows:

[Roll No. 95]

AYES—204

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Costello (PA)
Courtney
Crowley
Cuellar
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Dent
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Fitzpatrick
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gibson
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Guinta
Gutiérrez
Hahn
Hanna
Hastings
Heck (WA)
Herrera Beutler
Higgins
Himes
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson, E. B.
Jolly
Kaptur
Katko
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Knight
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Reichert
Rice (NY)
Richmond
Rigell
Ros-Lehtinen
Roybal-Allard
Royce
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Scott (VA)
Scott, David
Serrano
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Stefanik
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Upton
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson Coleman
Welch
Wilson (FL)
Yarmuth
Young (AK)

NOES—217

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cramer
Crawford
Crenshaw
Culberson
Denham
DeSantis
DesJarlais
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance

Latta
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Renacci
Ribble
Rice (SC)
Roby
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Roskam
Ross
Rothfus
Rouzer
Russell
Ryan (WI)
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—11

Clay
Hinojosa
Hurt (VA)
Johnson (GA)
Lee
Long
Meeks
Roe (TN)
Sewell (AL)
Speier
Waters, Maxine

□ 1910

Messrs. SCHWEIKERT, DENHAM, DUNCAN of South Carolina, and SMITH of Nebraska changed their vote from ''aye'' to ''no.''

Messrs. COSTELLO of Pennsylvania, RODNEY DAVIS of Illinois, DIAZ-BALART, DOLD, CURBELO of Florida, UPTON, Ms. TSONGAS, Messrs. CLYBURN, AL GREEN of Texas, ROYCE, Ms. STEFANIK, and Ms. HERRERA BEUTLER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. GROTHMAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. GROTHMAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 114, noes 311, not voting 7, as follows:

[Roll No. 96]

AYES—114

Amash
Ashford
Barr
Bera
Bishop (UT)
Blackburn
Blum
Bonamici
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brownley (CA)
Buck
Burgess
Capuano
Castro (TX)
Chabot
Chaffetz
Clawson (FL)
Collins (GA)
Cooper
DeSantis
DesJarlais
Doggett
Duffy
Duncan (SC)
Duncan (TN)
Engel
Fincher
Fleming
Flores
Fortenberry
Franks (AZ)
Garrett
Gibbs
Gibson
Gohmert
Gosar
Gowdy
Graves (GA)
Graves (LA)
Griffith
Grothman
Guinta
Harris
Herrera Beutler
Hice, Jody B.
Hill
Himes
Holding
Hudson
Huelskamp
Huffman
Huizenga (MI)
Hultgren
Jackson Lee
Jenkins (KS)
Jolly
Jones
Jordan
Kelly (PA)
Labrador
Lance
Loudermilk
Love
Lujan Grisham (NM)
Massie
McClintock
McHenry
Meadows
Messer
Mica
Mooney (WV)
Mullin
Mulvaney
Nadler
Neugebauer
Nolan
Olson
Palmer
Pascrell
Perry
Peters
Poe (TX)
Pompeo
Posey
Price, Tom
Ratcliffe
Ribble
Rohrabacher
Rooney (FL)
Ross
Rothfus
Rouzer
Salmon
Sanford
Scalise
Schweikert
Scott (VA)
Scott, Austin
Sensenbrenner
Sessions
Smith (NE)
Stewart
Stutzman
Weber (TX)
Wenstrup
Westerman
Wittman
Woodall
Yoder
Yoho
Young (IA)

NOES—311

Abraham
Adams
Aderholt
Aguilar
Allen
Amodei
Babin
Barletta
Barton
Bass
Beatty
Becerra
Benishek
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Black
Blumenauer
Bost
Boustany
Boyle, Brendan F.
Brady (PA)
Brooks (IN)
Brown (FL)
Buchanan
Bucshon
Bustos
Butterfield
Byrne
Calvert
Capps
Cárdenas
Carney
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman
Cohen
Cole
Collins (NY)
Comstock
Conaway
Connolly
Conyers
Cook
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSaulnier
Deutch
Diaz-Balart
Dingell
Dold
Doyle, Michael F.
Duckworth
Edwards
Ellison
Ellmers (NC)
Emmer (MN)
Eshoo
Esty
Farenthold
Farr
Fattah
Fitzpatrick
Fleischmann
Forbes
Foster
Foxx
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Goodlatte
Graham
Granger
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutiérrez
Hahn
Hanna
Hardy
Harper
Hartzler
Hastings
Heck (NV)
Heck (WA)
Hensarling
Higgins
Honda
Hoyer
Hunter
Hurd (TX)
Israel
Issa
Jeffries
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Joyce
Kaptur
Katko
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Knight
Kuster
LaMalfa
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lucas
Luetkemeyer
Luján, Ben Ray (NM)
Lummis
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marchant
Marino
Matsui
McCarthy
McCaul
McCollum
McDermott
McGovern
McKinley
McMorris Rodgers
McNerney
McSally
Meehan
Meeks
Meng
Miller (FL)
Miller (MI)
Moolenaar
Moore
Moulton
Murphy (FL)
Murphy (PA)
Napolitano
Neal
Newhouse
Noem
Norcross
Nugent
Nunes
O'Rourke
Palazzo
Pallone
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peterson
Pingree
Pittenger
Pitts
Pocan
Poliquin
Polis
Price (NC)
Quigley
Rangel
Reed
Reichert
Renacci
Rice (NY)
Rice (SC)
Richmond
Rigell
Roby
Rogers (AL)
Rogers (KY)
Rokita
Ros-Lehtinen
Roskam
Roybal-Allard
Royce
Ruiz
Ruppersberger
Rush
Russell
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Scott, David
Serrano
Sewell (AL)
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NJ)
Smith (TX)
Smith (WA)
Stefanik
Stivers
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Watson Coleman
Webster (FL)
Welch
Westmoreland
Whitfield
Williams
Wilson (FL)
Wilson (SC)
Womack
Yarmuth
Young (AK)
Young (IN)
Zeldin
Zinke

NOT VOTING—7

Hinojosa
Hurt (VA)
Lee
Long
Roe (TN)
Speier
Waters, Maxine

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1916

Mr. PAYNE changed his vote from ''aye'' to ''no.''

Mr. BARR changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. MCCARTHY was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. MCCARTHY. Mr. Speaker, Members are advised that the House is expected to complete its work for the week by tomorrow evening. Information on the legislation that will be considered and more detailed floor timing for tomorrow will be announced after the conclusion of the Rules Committee hearing tonight.

Mr. HOYER. Will the gentleman yield?

Mr. MCCARTHY. I yield to the gentleman from Maryland.

Mr. HOYER. What can we expect to be on the floor tomorrow, Mr. Leader?

Mr. MCCARTHY. Well, Mr. Whip, I expect that we will deal with the current schedule that we have before us, plus dealing with DHS.

Mr. HOYER. Can the majority leader tell us, in light of fact that is less than 24 hours from now, what we might be considering with respect to keeping the

Department of Homeland Security operating on a permanent basis through September 30?

Mr. MCCARTHY. As the gentleman knows, we dealt with this weeks ago and sent it over to the Senate. And as I just listed before, we will provide that information after the Rules Committee hearing tonight.

Mr. HOYER. Will the gentleman yield?

Mr. MCCARTHY. Gladly.

Mr. HOYER. The Rules Committee is going to meet tonight at 9:30 tonight, is that the—8:00. Somebody said 8 o'clock over here—a member of the Rules Committee. Was it at 8:00 or at 9:30?

Mr. MCCARTHY. I think it was—where is our Rules Committee chair? Eight o'clock.

Mr. HOYER. Eight o'clock. Will the gentleman yield again?

Mr. MCCARTHY. Gladly.

Mr. HOYER. Mr. Leader, we have been now—you are correct—6 weeks leaving the Department of Homeland Security twisting in the wind. We have done that as the gentleman knows——

Mr. MCCARTHY. Mr. Speaker, reclaiming my time, I have been very clear about the schedule for tomorrow. We will end our work by tomorrow evening. This House has taken action to make sure that DHS is fully funded. We did our part.

I yield back.

The Acting CHAIR. The gentleman yields back.

AMENDMENT NO. 6 OFFERED BY MR. CASTRO OF TEXAS

The Acting CHAIR. Without objection, 2-minute voting will continue.

There was no objection.

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. CASTRO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 182, noes 243, not voting 7, as follows:

[Roll No. 97]

AYES—182

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Price (NC)
Quigley
Rangel
Reichert
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson Coleman
Welch
Wilson (FL)
Yarmuth
Yoho

NOES—243

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Bustos
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cooper
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaMalfa
Lamborn
Lance
Latta
Levin
LoBiondo
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Polis
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Renacci
Ribble
Rice (SC)
Rigell
Roby
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—7

Hinojosa
Hurt (VA)
Lee
Long
Roe (TN)
Speier
Waters, Maxine

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1924

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. QUIGLEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. QUIGLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 218, noes 201, not voting 13, as follows:

[Roll No. 98]

AYES—218

Adams
Aguilar
Ashford
Barletta
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Bost
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Costello (PA)
Courtney
Crowley
Cuellar
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene

Denham
Dent
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Fitzpatrick
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gibson
Graham
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanna
Hastings
Heck (WA)
Herrera Beutler
Higgins
Himes
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Jenkins (WV)
Johnson (GA)
Johnson, E. B.
Jolly
Kaptur
Katko
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kinzinger (IL)
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McKinley
McNerney
Meehan
Meeks
Mooney (WV)
Moore
Moulton
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Renacci
Ribble
Rice (NY)
Richmond
Ros-Lehtinen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Simpson
Sinema
Sires
Slaughter
Smith (NJ)
Smith (WA)
Stefanik
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Titus
Tonko
Torres
Tsongas
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Watson Coleman
Welch
Whitfield
Wilson (FL)
Yarmuth

NOES—201

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cramer
Crawford
Crenshaw
Culberson
DeSantis
DesJarlais
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Griffith
Grothman
Guinta
Guthrie
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Issa
Jenkins (KS)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kline
Knight
Labrador
LaMalfa
Lamborn
Lance
Latta
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McMorris Rodgers
McSally
Meadows
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mulvaney
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Rice (SC)
Rigell
Roby
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Ryan (WI)
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Smith (MO)
Smith (TX)
Stewart
Stivers
Stutzman
Thornberry
Tiberi
Tipton
Trott
Turner
Wagner
Walberg
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—13

Blum
Hinojosa
Hurt (VA)
Lee
Long
Meng
Mullin
Palmer
Poliquin
Roe (TN)
Smith (NE)
Speier
Waters, Maxine

□ 1928

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 13 OFFERED BY MS. MOORE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 185, noes 239, not voting 8, as follows:

[Roll No. 99]

AYES—185

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gibson
Graham
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Katko
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
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Price (NC)
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Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Swalwell (CA)
Takai
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Thompson (CA)
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NOES—239

Abraham
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Barletta
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Barton
Benishek
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Bishop (MI)
Bishop (UT)
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Brooks (AL)
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Buchanan
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Chabot
Chaffetz
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Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
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Forbes
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Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (LA)
Graves (MO)
Grayson
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
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Miller (FL)
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Murphy (PA)
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Paulsen
Pearce
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Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Rogers (AL)

Rogers (KY)	Shuster	Walker
Rohrabacher	Simpson	Walorski
Rokita	Smith (MO)	Walters, Mimi
Rooney (FL)	Smith (NE)	Weber (TX)
Ros-Lehtinen	Smith (NJ)	Webster (FL)
Roskam	Smith (TX)	Wenstrup
Ross	Stefanik	Westerman
Rothfus	Stewart	Westmoreland
Rouzer	Stivers	Whitfield
Royce	Stutzman	Williams
Russell	Thompson (PA)	Wilson (SC)
Ryan (WI)	Thornberry	Wittman
Salmon	Tiberi	Womack
Sanford	Tipton	Woodall
Scalise	Trott	Yoder
Schock	Turner	Yoho
Schweikert	Upton	Young (AK)
Scott, Austin	Valadao	Young (IA)
Sensenbrenner	Wagner	Young (IN)
Sessions	Walberg	Zeldin
Shimkus	Walden	Zinke

NOT VOTING—8

Granger	Lee	Speier
Hinojosa	Long	Waters, Maxine
Hurt (VA)	Roe (TN)	

□1933

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 15 OFFERED BY MR. DELANEY

The Acting CHAIR (Ms. ROS-LEHTINEN). It is now in order to consider amendment No. 15 printed in part B of House Report 114–29.

Mr. DELANEY. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 235, line 4, strike ''and'' at the end.

Page 235, line 9, strike the period at the end and insert ''; and''.

Page 235, after line 9, insert the following:

''(F) Support State or local pay for success initiatives that meet the purposes of this part.''.

Page 241, line 4, strike ''or'' at the end.

Page 241, line 7, strike the period at the end and insert ''; or''.

Page 241, after line 7, insert the following:

''(10) carrying out activities related to pay for success initiatives that meet the purposes of this part.''.

Page 250, after line 20, insert the following:

''(ix) Supporting State or local pay for success initiatives that meet the purposes of this part.''.

Page 257, line 25, strike ''and'' at the end.

Page 258, line 3, strike the period at the end and insert ''; and''.

Page 258, after line 3, insert the following:

''(I) carrying out activities related to pay for success initiatives that meet the purposes of this part.''.

Page 508, after line 17, insert the following (and redesignate the succeeding provisions accordingly):

''(34) PAY FOR SUCCESS INITIATIVES.—The term 'pay for success initiatives' means initiatives—

''(A) that produce a measurable, clearly defined outcome that results in social benefit and direct cost savings to the local, State, or Federal Government;

''(B) except as provided in subparagraph (D)(i), that make payments only when agreed-upon outcomes are achieved;

''(C) for which a feasibility study is conducted on the initiative describing how the proposed intervention is based on strong or moderate evidence of effectiveness and how the initiative will meet the requirements of subparagraph (A); and

''(D) for which—

''(i) an evaluation, which may be paid for out of funding for the pay for success initiative without respect to a successful outcome, is included that uses experimental designs using random assignment or other research methodologies that allow for the strongest possible causal inferences when random assignment is not feasible by an independent evaluator to determine whether the initiative has met the outcomes described in subparagraph (A); and

''(ii) the State or local educational agency produces an annual, publicly available report on the progress of the initiative in meeting the requirements of subparagraph (A), as appropriate.''.

The Acting CHAIR. Pursuant to House Resolution 125, the gentleman from Maryland (Mr. DELANEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. DELANEY. Madam Chair, I yield myself 3 minutes.

I want to start by thanking Congressman YOUNG, Congressman POLIS, Chairman KLINE, and Ranking Member SCOTT for their support of this bipartisan amendment. I know my colleagues join me, Madam Chair, in the view that whenever the government, the private sector, and the not-for-profit community work well together, we get better outcomes for all of our citizens, which is exactly what the Pay for Success framework is designed to do. It allows local governments to innovate and address best practices and be fiscally responsible with respect to the provision of government services.

This amendment, Madam Chair, is designed specifically to allow the funds that are allocated in the underlying bill for teacher training and retention to utilize Pay for Success frameworks against those programs.

Teacher turnover is a big issue in the United States. It is estimated to cost our educational system $1- to $2 billion. In my own State of Maryland, it is estimated to cost up to $45 million. It is very important that we make a difference against this problem. We want to make sure that educational agencies have as many tools available at their disposal as possible to work against this problem, including Pay for Success approaches and frameworks.

Madam Chair, I want to thank my colleagues for their support of this amendment, and I reserve the balance of my time.

Mr. YOUNG of Indiana. Madam Chair, I claim time in opposition, although I am supportive of the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. YOUNG of Indiana. Madam Chair, I want to thank the gentleman from Maryland for his hard work on this important amendment and for his leadership. Currently, teacher attrition costs the United States over $1 billion each year. Many teachers leave within the first 5 years because of a lack of effective mentoring, training, and support. Providing these teachers with effective, evidence-based training through a Pay for Success model will not only save the government money, it will also help to retain top talent in the classroom.

Madam Chair, this amendment would do just that. It would give States and local school districts the ability to participate in this innovative new financing model in order to retain our best teachers.

Now, Pay for Success projects, also known as social impact bonds or social impact partnerships, are public-private partnerships that harness philanthropic and other private sector investments to scale up scientifically proven social and educational programs. Because these projects are focused on results, government money is only paid out to private sector investors when desired outcomes are met and only in accordance with the value assigned to those successful outcomes. This social impact financing model has the potential to fundamentally transform our Nation's education programs, shifting the focus of such programs from inputs to outcomes.

I want to thank the gentleman from Maryland, the gentleman from Colorado, and others for their leadership on this issue. I also want to thank my fellow colleague from Indiana for his overall leadership on this educational bill. I look forward to our continued cooperation on these efforts. I urge my colleagues to support this amendment, and I reserve the balance of my time.

Mr. DELANEY. Madam Chair, I yield 1 minute to the gentleman from Colorado (Mr. POLIS), my friend.

Mr. POLIS. Madam Chairman, I want to thank my colleagues from Maryland and from Indiana for bringing this amendment forth. I am honored to be a cosponsor of this amendment.

Social impact bonds essentially allow a way in which we can leverage philanthropic dollars to meet a socially desirable outcome. It is only paid back if that outcome is reached. What this can apply to teacher development and teacher training is a type of market discipline—to fund what works, to leverage our limited resources through a Pay for Success mechanism to ensure that we are getting what we paid for.

This is important to educators who deserve the very best in professional development. It is important for students to make sure that they benefit from the limited professional development dollars that we have. It is also important for the philanthropic community and for government investment because we want to make sure our dollars are deployed as positively as possible.

Some of these metrics can include: Does the professional development lead the recipient to help improve student achievement? That is one of the ultimate benchmarks of whether professional development and teacher training work. By tying and aligning our limited resources for outcomes for supporting teachers through a Pay for

Success initiative, we can make sure that our limited investment has a maximum positive benefit.

Madam Chairman, I strongly urge my colleagues to adopt this strong amendment.

Mr. DELANEY. Madam Chair, I want to thank the gentleman from Colorado for his support of the amendment.

I yield 1 minute to my colleague from Virginia (Mr. SCOTT), the ranking member.

Mr. SCOTT of Virginia. Madam Chair, I thank the gentleman for yielding.

This amendment will make evidence-based prevention approaches a reality. We all know that many evidence-based approaches save more money than they cost. This will allow the private sector to make those investments and prove that we are right. So I want to thank the gentleman from Maryland for introducing the amendment and thank him and the gentleman from Indiana for their leadership.

This is a great amendment, Madam Chair. I trust it will be adopted, and we will be able to make great progress in education and other social services.

Mr. DELANEY. Madam Chair, again, I urge my colleagues to support the amendment. I thank my colleagues for supporting it here on the floor. As I said in the beginning, whenever the government, the private sector, and the nonprofit community work together, we get better outcomes for our citizens.

Madam Chair, I yield back the balance of my time.

Mr. YOUNG of Indiana. Madam Chair, I yield 2 minutes to the gentlewoman from the State of Washington (Mrs. MCMORRIS RODGERS), my hard-working colleague.

Mrs. MCMORRIS RODGERS. Madam Chair, I rise in support of the amendment, and I rise to support strong, conservative legislation that provides equal opportunity and education for everyone in this country, no matter their walk of life, how much money they may have, or what challenges they face. The Student Success Act improves, strengthens, and modernizes our classrooms to give all of our students the opportunity to reach their full potential.

As the mom of a 7-year-old son, Cole, who has special needs, I know firsthand that everyone has different needs in the classroom. Every student's path to learning is both unique and equally important. So I am proud to advance legislation that recognizes that.

It all starts by innovating and empowering America's students. That is why I have championed the 21st Century Classroom Innovation Act, included in today's legislation, and together we will ensure that that technology will be fully incorporated into our classrooms to enhance personalized learning for our students. By blending traditional learning programs with high tech tools, we will take our classrooms and our students to the 21st century.

But the foundation of real, educational reform goes beyond technological advancements and begins with an unequivocal recognition that our students may have different needs, but they should all have an equal opportunity—an equal opportunity to learn, an equal opportunity to graduate, and an equal opportunity for a diploma.

□ 1945

That is why I have championed several important provisions in the Student Success Act that address these needs.

First, when a State establishes guidelines for individualized alternative testing, they will do so on a subject-by-subject basis. Parents must be clearly informed when they move their children in alternative testing, so they will fully understand the implications of making those decisions for their kids.

Right now, far too many parents with children with disabilities aren't told when their kids are moved into alternative testing. This legislation changes that.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. YOUNG of Indiana. I yield an additional 1 minute to the gentlewoman.

Mrs. MCMORRIS RODGERS. It ensures that students with disabilities who have taken alternative assessments cannot be prevented from receiving a regular diploma.

These provisions will enhance data transparency, improve communication between parents and teachers, and give everyone an equal opportunity to receive a diploma. It ensures that when my son Cole and millions like him walk into a classroom, they will be defined by their abilities, not their disabilities.

At its very core, this legislation changes the way we think about and educate those with disabilities. That is how we achieve real 21st century education reform.

Mr. YOUNG of Indiana. Madam Chair, I yield the balance of my time to the gentleman from Indiana (Mr. ROKITA), my colleague.

Mr. ROKITA. Madam Chair, I thank the gentleman from Indiana, my good friend, for his leadership on this issue and the gentleman on the other side of the aisle. I appreciate it very much.

I rise in strong support of this amendment. I think it is a great example of the kind of use that we intended with this language to begin with.

The Federal Government spends tens of billions of dollars on education annually. If you ask the average Hoosier or any American, they think Washington does a pretty poor job of spending those dollars efficiently, as was just demonstrated.

Instead of business as usual, we should look for new and innovative ways to achieve results, which is exactly the concept behind the gentleman's Pay for Success initiatives. These initiatives provide flexibility for the public and private sectors to partner together around common goals. This model ensures value for taxpayer dollars.

As a cosponsor of the underlying bill, along with Chairman KLINE and certain members of the Education and the Workforce Committee, we would urge all our colleagues, both Republican and Democrat, to support this amendment.

Mr. YOUNG of Indiana. Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. DELANEY).

The amendment was agreed to.

AMENDMENT NO. 16 OFFERED BY MR. JEFFRIES

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in part B of House Report 114–29.

Mr. JEFFRIES. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 240, line 14, strike ''technology,'' and insert ''technology (including education about the harms of copyright piracy),''.

Page 338, line 5, strike ''technology,'' and insert ''technology (including education about the harms of copyright piracy),''.

Page 355, line 4, strike ''technology,'' and insert ''technology (including education about the harms of copyright piracy),''.

Page 511, line 6, strike ''technology,'' and insert ''technology (including education about the harms of copyright piracy),''.

The Acting CHAIR. Pursuant to House Resolution 125, the gentleman from New York (Mr. JEFFRIES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. JEFFRIES. Madam Chair, I yield myself such time as I may consume.

Madam Chair, I rise today in support of a modest change to H.R. 5 that would amend relevant portions of the Student Success Act related to technology to include education about the harms of copyright piracy.

This amendment is designed to encourage local educational agencies, teachers, educational staff, and parents to discuss the harms of copyright piracy, as well as the use of technology in a responsible fashion.

In the absence of classroom instruction about the importance of intellectual property, as well as the harms of copyright piracy at the elementary and secondary school level, young people are often unaware of the boundaries established in law to prevent the illegal infringement of copyrighted content.

Research suggests that in order to uphold the societal value of respect for intellectual property, individuals must learn or be introduced to this principle at an early age. This mission, of course, is anchored in the United States constitutional charge to Congress to protect intellectual property.

Article I, section 8, clause 8 of the United States Constitution says:

The Congress shall have power to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

We have an article I responsibility as Members of Congress to insure that creators and innovators are not robbed of the fruits of their labor. Technology, of course, is a wonderful thing, and it is the way of the future.

It is an important tool, and we must ensure that our students are using it in a safe and responsible fashion or, certainly, at least, provide our local educational stakeholders the opportunity to disseminate information in a manner that they see fit.

In the classroom, children are currently taught that plagiarism is an ethical violation of academic honesty. This amendment will hopefully facilitate the extension of this discussion into the digital era.

To that end, we must help our local schools and parents be given the tools necessary to proactively educate, to the extent that they see fit, information about the unforeseen impact on copyright piracy, the importance of intellectual property, and its connection, of course, to the American economy.

A variety of bipartisan stakeholders support this amendment, including the educational organizations such as CreativeFuture, as well as the Copyright Alliance, the Recording Industry Association of America, the National Music Publishers' Association, the Songwriters Guild of America, the Authors Guild, The Association of American Publishers, as well as The Recording Academy.

Intellectual property protection is a foundation of the American economy. Our continued prosperity, at least in part, depends on protecting the innovation and the creative output of artists, musicians, scientists, and engineers and insuring that the next generation of creators could flourish as well.

Thus, it is important to recognize the vital role that education can play in helping the future leaders of America understand the value of the American creative community and protect the significant sector for future generations.

For these reasons, I urge my colleagues to support this modest amendment.

Madam Chair, I yield 30 seconds to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Madam Chair, I thank the gentleman for yielding.

Madam Chair, copyright law is a complicated field, and any guidance we can give teachers and parents in how to avoid copyright infringement and refrain from unintentional or intentional piracy would be worthwhile.

I support the gentleman's amendment.

Mr. JEFFRIES. Madam Chair, I yield back the balance of my time.

Mr. POLIS. Madam Chair, I claim the time in opposition, even though I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Colorado is recognized for 5 minutes.

There was no objection.

Mr. POLIS. Madam Chair, I don't intend to use the whole time.

I just wanted to add my praise to Mr. Jeffries' work. I think it also represents a good starting point. I certainly support this amendment.

There are a number of issues around technology that are important to incorporate in professional development. Some of them have to do with the legal framework, like copyright. I would add to that illegal hacking or accessing of sites. I would add to that trademark piracy, in addition to copyright piracy.

Some of them have to do with potential dangers to students, like cyber bullying, privacy, and knowledge about how students don't put their personal information online or how it could make them subject to a crime.

Along with, of course, copyright piracy, particularly in the academic context, it is important that teachers, parents, and educational professionals receive education on the fair use in the academic context, a very important piece of when you are researching document citations where the line is between plagiarism and a proper citation, where the line is between fair use in a noncommercial academic context and illegal commercial or personal use of a copyrighted product.

I think this represents a good starting point. I look forward to working with the gentleman from New York on this issue as it moves forward, and I support the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. JEFFRIES).

The amendment was agreed to.

AMENDMENT NO. 17 OFFERED BY MS. CLARK OF MASSACHUSETTS

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in part B of House Report 114–29.

Ms. CLARK of Massachusetts. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 240, line 15, strike ''or'' at the end.

Page 240, insert the following after line 20:

''(I) professional development for teachers, principals and other school administrators in early elementary grades that includes specialized knowledge about child development and learning, developmentally-appropriate curricula and teaching practices, meaningful family engagement and collaboration with early care and education programs;

''(J) professional development, including through joint professional development opportunities, for early childhood educators, teachers, principals, specialized instructional support personnel, and other school leaders; or

''(K) training on child development, improving instruction, and closing achievement gaps;''

The Acting CHAIR. Pursuant to House Resolution 125, the gentlewoman from Massachusetts (Ms. CLARK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Massachusetts.

Ms. CLARK of Massachusetts. Madam Chair, I yield myself 3 minutes.

Madam Chair, in addition to achieving outstanding results for individual children, high-quality early childhood education and care is as close to a silver bullet as we are going to find to solve our economic challenges.

Young children's brains develop at an astonishing pace. Children's first learning experiences during these years are critical to their visual, language, and social emotional development. Skills developed at this stage are the foundation of language and reading proficiency, the key indicators for academic and economic success later in life.

America's early childhood teachers will provide our children their first informative experiences and are, therefore, a critical influence on our Nation's future economy. An important stepping stone to the middle class is not just access to early learning, but access to high-quality learning.

Parents should be able to go to work and have confidence that their kids are receiving high-quality learning experiences. This confidence, in turn, enhances parents' ability to work and reach their own economic potential.

For this reason, I am offering a commonsense amendment. This amendment simply clarifies that professional development for early grade teachers is an acceptable use of funding under this bill.

Local school systems should have the flexibility to use title II funds, the existing funds that are already targeted to support teachers, principals, and school leaders on professional development that directly benefits our youngest learners. It is important to note that this amendment does not require them to do so; rather, it simply allows them.

This no-cost amendment is supported by a range of early childhood advocates, including the Center for Law and Social Policy and Zero to Three. High-quality early childhood education for our youngest learners is a goal that cuts across party lines and enjoys broad support from the American public.

It is a win-win. I hope my colleagues in both parties will support this amendment.

I reserve the balance of my time.

Mr. ROKITA. Mr. Chairman, I claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIR (Mr. HULTGREN). Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. ROKITA. Mr. Chairman, I thank the gentlewoman for this amendment.

Early childhood care and education, as we all can appreciate, is critical to both children and working parents.

This amendment would allow schools and Head Start centers, if they so choose, Mr. Chairman, as the gentlewoman described, would allow them, if they so choose, to coordinate and provide important services to low-income children.

It will also ensure parents have a clear understanding of the services being offered. I think this amendment is a step forward for the existing partnerships between the Head Start program and local education agencies.

Like the amendment that was discussed before, I think this amendment is deserving of our support on both sides of the aisle.

With that, I yield back the balance of my time.

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Ms. CLARK of Massachusetts. I yield 1 minute to the gentlewoman from Oregon (Ms. BONAMICI).

Ms. BONAMICI. Mr. Chairman, I would like to thank Representative CLARK for yielding and for offering this important amendment.

High-quality early childhood education sets up students for success throughout their lives and is a critical component of any education system. We should be doing all we can to support early childhood educators, to help engage families in early education, and to take steps to close the achievement gap before it opens.

This amendment is an important step to building a strong foundation for our country's students. I urge my colleagues to support Representative CLARK's amendment.

Ms. CLARK of Massachusetts. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Massachusetts (Ms. CLARK).

The amendment was agreed to.

AMENDMENT NO. 18 OFFERED BY MR. COHEN

The Acting CHAIR. It is now in order to consider amendment No. 18 printed in part B of House Report 114–29.

Mr. COHEN. Mr. Chair, I offer amendment 18.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 240, line 15, strike ''or'' at the end.
Page 240, line 20, add ''or'' at the end.
Page 240, insert the following after line 20:
''(I) professional development on restorative justice and conflict resolution;''

The Acting CHAIR. Pursuant to House Resolution 125, the gentleman from Tennessee (Mr. COHEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. COHEN. Mr. Chairman, I rise today to offer an amendment to H.R. 5, the Student Success Act, to add a section on restorative justice and conflict resolution, allowing States to award grants for professional development in those areas.

This amendment allows more flexibility to States by expanding the types of training that can be paid by title II funds, which would be used to make sure teachers and administrators have sufficient training opportunities. The amendment doesn't add any cost to the bill.

Numerous studies have shown that once students enter the juvenile justice system, they are more likely to be arrested as adults. Rather than feeding the school-to-prison pipeline, this amendment offers a means to train teachers and administrators on how to address disciplinary problems by means other than simply suspending or expelling students. When students are away from the classroom because of suspensions or expulsions, they are more likely to get in trouble with law enforcement.

Many LEAs have moved away from zero tolerance policies because students were being suspended or expelled from the classroom for relatively minor behavior. An example was a student who used his hand to simulate a gun and was suspended and another situation where a child brought a Nerf-style gun to school and was reported to the police. These types of incidents hurt the students, cost society more money in the long run, and cost us human beings.

This amendment would help by providing a means to fund the training necessary to establish disciplinary policies and procedures that don't treat each infraction the same, often with excessive punishment. Restorative justice and conflict resolution programs work to address the cause of disciplinary problems and repair any harm that has been done. Evidence suggests those restorative justice programs work, and they save money in the long run because incarcerating youth is expensive. A report released by the Justice Policy Institute in 2014 showed incarcerating a child can exceed $400 a day—or nearly $150,000 a year.

Many of our Nation's most vulnerable youth are swept into the justice system as a result of the current overreliance on policing in our schools. This needs to stop. From Pennsylvania to California, schools have been seeing reductions in disciplinary infractions and suspensions because of the program's usage, and it has been used in many communities around the country but needs to be used in more.

There are many organizations that support, in this country, restorative justice and this amendment. The NEA, the AFT, the Peace Alliance, National Association of Community and Restorative Justice, Dignity in Schools, and the Kansas Institute for Peace and Conflict Resolution have all written in support of this amendment.

If this amendment becomes law, teachers and school administrators have the opportunity and resources to address disciplinary problems in ways other than suspension, expulsion, or involving law enforcement. More flexibility will go to LEAs and save money in the long term. CBO has said the amendment does not add cost.

I appreciate the opportunity to present this amendment, which will help numerous students stay on the path to graduation and a crime-free life. I ask my fellow Members to support it.

I reserve the balance of my time.

Mr. ROKITA. Mr. Chair, I claim the time in opposition, although I am not opposed.

The Acting CHAIR. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. ROKITA. Mr. Chairman, I thank my friend, the gentleman from Tennessee, for this amendment.

This amendment will allow teachers and other school professionals, if they so choose, at the State and local level—and that is the key here throughout our bill—to receive training and to better address problems that may arise at their schools. I agree, conflict resolution is an important tool to help keep students and faculty safe and focused on education rather than the problems.

This is a good amendment, as it improves the underlying bill, and I thank the gentleman again for offering it. I urge my colleagues to support it.

I yield back the balance of my time.

Mr. COHEN. I want to thank my friend from the Hoosier State for working with me on this.

I yield 1 minute to the gentleman from Colorado (Mr. POLIS) to address his support.

Mr. POLIS. I thank the gentleman from Tennessee.

Mr. Chairman, I am very proud that my home county of Boulder County is one of four judicial districts in the State of Colorado to have a pilot program for restorative justice. Boulder, Weld, Pueblo, and Alamosa Counties are recipients of the pilot program, and it really is a tremendous opportunity to use restorative justice in the juvenile delinquency context.

As you know, the goal of restorative justice is for the young people to figure out how they can make up for their crimes directly to the people affected rather than just have a fine that is placed on them. Our district attorney, Stan Garnett, believes that 60 to 70 percent of juvenile crime will be able to be dealt with through restorative justice in Boulder County.

What this amendment would allow for Mr. COHEN is a more meaningful partnership with the school district to this effect. The current funds for the pilot program come through the justice system. If funds are available to train educators with regard to restorative justice, a more meaningful and integrated partnership with the school district and the DA's office and the sheriff's department can be reached to make restorative justice even more successful, both in Boulder County, Colorado, as well as the rest of the country.

I strongly support the amendment.

Mr. COHEN. Mr. Chairman, in the process of thanking Chairman KLINE and Ranking Member SCOTT and the Committee on Education and the Workforce and Chairman SESSIONS and Ranking Member SLAUGHTER and the rest of the Committee on Rules, I yield the balance of my time to the gentleman from Virginia (Mr. SCOTT), the ranking member.

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman from Tennessee for this great amendment. I know, working with him on the Committee on the Judiciary for many years, that he is a strong supporter of crime prevention initiatives; and restorative justice and conflict resolution programs have been shown to reduce crime time and time again, and so these concepts are appropriate in our schools. They will help create safe learning environments. I am delighted to support it.

Mr. COHEN. Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. COHEN).

The amendment was agreed to.

AMENDMENT NO. 19 OFFERED BY MS. WILSON OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 19 printed in part B of House Report 114–29.

Ms. WILSON of Florida. Mr. Chair, as the designee of Mr. DUFFY, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 268, line 9, before the period insert ''any assessments mandated by the State educational agency or local educational agency for the student for that school year, and any local educational agency policy regarding student participation in such assessments''.

The Acting CHAIR. Pursuant to House Resolution 125, the gentlewoman from Florida (Ms. WILSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. WILSON of Florida. Mr. Chairman, this amendment requires school districts to be transparent in providing information to parents at the beginning of the school year on mandated assessments the students will have to take during the school year and any school district policy on assessment participation.

As a former teacher and elementary school principal, I have seen firsthand the damage caused by the pervasive overuse of high-stakes standardized testing. For the sake of our students and our education system, we need to move towards a more balanced form of assessment that effectively measures diverse kinds of success in teaching and student learning. Unfortunately, H.R. 5 fails to address schools' excessive dependence on deeply problematic standardized tests.

As someone who has dedicated decades of my career and my life to my students and their success, I can tell you that teachers do not join the profession to teach to the test; yet more and more educators are forced to spend time preparing students for tests, administering tests, and reviewing the results of those tests. By some estimates, almost one-third of a teacher's time is spent preparing students to take standardized tests. This is unacceptable. That is why this amendment is so important.

By providing parents with information about the standardized tests their students will be taking and providing them with the policies regarding student participation, we begin to hold the system accountable for the dramatic overuse of these tests.

It is time to end this practice of toxic overtesting. That is why I support this amendment and ask all of my colleagues to vote in favor of this amendment.

I yield back the balance of my time.

Mr. ROKITA. Mr. Chair, I claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. ROKITA. I thank my colleagues, Ms. WILSON and Mr. DUFFY, for this amendment.

Mr. Chairman, it looks like this amendment promotes transparency for parents and students, and that is a great thing, and that is one of the chief purposes of our bill. We have all heard the concerns about testing from our constituents, neighbors, and colleagues alike. One way to address that is to ensure parents are aware of what tests their children will have to take. This narrowly tailored amendment ensures parents have that ability to request this information from their children's school.

This is a good amendment, as it improves the underlying bill, and I urge my colleagues on both sides of the aisle to support it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. WILSON).

The amendment was agreed to.

AMENDMENT NO. 20 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 20 printed in part B of House Report 114–29.

Mr. POLIS. Mr. Chair, I have an amendment as the designee of Mr. MESSER and a cosponsor.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 270, line 6, amend the section header for section 3101 so that it reads ''**SENSE OF CONGRESS; PURPOSE**''.

Page 270, after line 6, insert the following:

''(a) SENSE OF CONGRESS.—

''(1) FINDINGS.—The Congress finds the following:

''(A) The number of public charter schools has dramatically increased in recent years. Between the 2008–2009 school year and the 2013–2014 school year, there was a 77 percent increase in the number of students attending public charter schools and a 39 percent increase in the number of schools.

''(B) Charter schools serve a very diverse population of students. Nationally, 57 percent of students enrolled in charter schools are minority students, while only 39 percent of students in non-charter public schools are minority students.

''(C) For the 2014–2015 school year, there are more than 6700 public charter schools serving about 2.9 million students. This represents a 4 percent growth in the number of open charter schools, and a 14 percent increase in student enrollment from the 2013–2014 school year.

''(D) There are more than one million student names on charter school waiting lists.

''(E) Charter schools are open in areas where students need better education options, including areas that serve economically disadvantaged kids. Almost 50 percent of the students attending charter schools qualify for free or reduced priced lunch, a slightly larger percentage than non-charter public schools.

''(F) Charter schools serve students in all areas, from urban cities to rural towns through traditional brick and mortar schools, blended learning models, and online programs, giving parents across the Nation options to find the best learning environment for their children.

''(G) Charter schools give parents the opportunity to find the right place for their child to learn. Whether they are looking for digital learning, Montessori, or a more structured environment, charter schools provide a variety of education options for families.

''(H) Charter schools have strong accountability to parents and the community because they have to meet the same State academic accountability requirements as all other public schools, satisfy the terms of their charter with their authorizing authority, and satisfy parents who have selected the school for their children.

''(2) SENSE OF CONGRESS.—It is the sense of the Congress that charter schools are a critical part of our education system in this Nation and the Congress believes we must support opening more quality charter schools to help students succeed in their future.

Page 270, line 7, strike ''It'' and insert the following:

''(b) PURPOSE.—It

The Acting CHAIR. Pursuant to House Resolution 125, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, over 40 States now allow for public charter schools, Washington State being the newest. Like other kinds of public schools, we find across the country high-quality public charter schools as well as poorly performing public charter schools.

Charter schools are not an answer; they are not a problem. They are an opportunity; they are a way that there can be more flexibility at the site level. Some have extended schooldays; some have a differentiated curriculum than the district; some partner very closely with community nonprofits to provide wraparound services.

Before I came to Congress, Mr. Chairman, I had the opportunity to found two charter schools, and I served as superintendent of one. The New America School, which now has five campuses in New Mexico and Colorado, works with new immigrants and English language learners to help them gain proficiency in reading and writing English and getting a high school-level diploma.

Many of the students that we recruited to attend our school were not in school before; they worked odd jobs. We had a flexible schedule day or night. We had to provide day care because just under half of our young women who attend that school have children themselves.

I also had the opportunity to be a cofounder of the Academy of Urban Learning, which works with homeless youth and youth in transitional housing in Denver, Colorado.

What this sense of Congress does is it simply supports the public charter school movement, which has long had near universal bipartisan support, and it calls upon and supports more quality public charter schools. I want to separate this from, of course, some of the issues that my colleagues perhaps on both sides of the aisle have with particular low-quality schools, whether they are charter schools or neighborhood schools or something in between, like innovation schools, which Colorado allows.

If the school is poor quality, hopefully it is a school that not only the Member of Congress who represents that district has a problem with, but hopefully the school board and the superintendent also want to take the steps necessary to improve the quality of that public school.

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To the extent that we have methodologies and models for successful public charter schools, we need more of them just as we need more high-quality neighborhood schools and just as we need more high-quality magnet schools. I hope that this can be incorporated as a sense of Congress.

I reserve the balance of my time.

Mr. ROKITA. Mr. Chairman, I claim the time in opposition, but I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. ROKITA. I thank my colleagues Mr. POLIS and Mr. MESSER for continuing to raise this issue. I am in complete agreement with it as are certain Members and a good deal of the committee—really, of this Chamber as a whole.

Mr. Chairman, this amendment highlights the important role charter schools play in our education system. Parents are clamoring for more options for their children, and charter schools help fit that need.

I visit charter schools all over Indiana and more and more throughout the Nation. It is clear that, while charter schools might not be the answer for everyone—that is, some parents love their traditional public schools, some want to have their children homeschooled, and others believe a private school is the right choice—the key here is choice.

Many parents would not have an option at all without charter schools, as the gentleman describes. Charter schools are a great thing, and I appreciate this amendment's adding a sense of Congress on the importance of charter schools.

Again, I thank the gentleman for offering this amendment. I think it is a great amendment, and I encourage my colleagues to support it and the underlying bill.

I yield back the balance of my time.

Mr. POLIS. Mr. Chairman, to address the issue of accountability within charter schools, charter schools are subject to the same accountability laws as other public schools, both at the Federal level through No Child Left Behind and, indeed, in the successor bill.

All of the same accountability and metrics are applied to public charter schools as they are to magnet schools, to neighborhood schools, and to other district schools of choice.

In addition, charter schools have a strong accountability to parents in the community because, in addition to meeting those State and Federal academic requirements, they have to earn the enrollment of their students.

Unlike a neighborhood school, they start with zero students, and without the confidence of the community and without the confidence of the parents who choose to entrust that particular public school with the education of their kids, they will not succeed.

I am glad that our Congress can come together around important innovation and public education, and I strongly encourage my colleagues to adopt this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The amendment was agreed to.

AMENDMENT NO. 21 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 21 printed in part B of House Report 114–29.

Mr. POLIS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 284, line 8, strike ''and''.

Page 284, line 14, insert ''and'' after the semicolon.

Page 284, after line 14, insert the following:

''(iii) is working to develop or strengthen a cohesive strategy to encourage collaboration between charter schools and local educational agencies on the sharing of best practices;''.

The Acting CHAIR. Pursuant to House Resolution 125, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, I am pleased to offer an amendment today that would amend the Charter Schools Program in title III for the underlying bill and make a positive improvement.

As you know, the Charter Schools Program not only is a lifeline for growing and replicating public charter schools, but we want to see the benefit of that innovation spread across other public schools. I am very grateful to both the underlying bill and the Democratic substitute, which both have very strong language—in fact, nearly identical—about helping quality public charter schools grow and expand.

As many of my colleagues are quick to point out, traditional public schools are also doing innovative things and are showing growth every day. For the foreseeable future, the vast majority of students in the country will continue to attend district public schools.

District public schools are innovating to provide meaningful programs for students and are helping to narrow the achievement gap in our country every day.

As my colleagues know, I am quick to point out the benefit of innovation that public charter schools allow, including the two that I founded in Colorado and New Mexico.

My amendment, which I am offering with Mr. ROKITA, would encourage charter schools and traditional public schools to collaborate and share best practices. They need not operate in their own separate silos. Both can learn from one another. Both kinds of school governance bring ideas to the table that can improve the quality of education for all students.

This amendment would simply encourage public schools with traditional governance through a school district and public charter schools to work together so that both parties can learn from the others' success.

I reserve the balance of my time.

Mr. ROKITA. Mr. Chairman, I claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. ROKITA. I want to thank my friend and colleague for this amendment, and I appreciate being able to join with him on it and on continuing our work on the charter school initiatives.

Mr. Chairman, this amendment supports the sharing of best practices between charter schools and traditional public schools. Again, I think that is a good thing. We have seen the successful charter school-traditional public school collaborations, like in Ohio between breakthrough schools and the Cleveland Metropolitan School District, and we know that working together helps each of them excel.

It is the old adage of iron sharpening iron, and that is reflected here in this good amendment. Put simply, Mr. Chairman, many of us believe other charter schools and traditional public schools can benefit from these partnerships as well.

This is a great amendment, and it improves the underlying bill. I thank the gentleman for offering it, and I urge my colleagues to support it.

I yield back the balance of my time.

Mr. POLIS. Mr. Chairman, I yield 1 minute to the gentlewoman from Oregon (Ms. BONAMICI).

Ms. BONAMICI. Thank you, Representative POLIS, for yielding.

Mr. Chairman, I want to thank Representatives POLIS and ROKITA for offering this amendment.

High-quality charter schools are laboratories for innovation. In exchange for offering families, students, and educators the autonomy to experiment with new educational models, we expect that successful approaches to teaching and learning will be widely shared so that the roughly millions of students—in fact, the vast majority of students—in traditional public schools can benefit from the lessons learned.

Last Congress, an amendment I authored was included in the bipartisan Success and Opportunity through Quality Charter Schools Act. That provision, which is now included in H.R. 5, asks States to track and report on the sharing of best practices emerging from charter schools.

I am pleased that the Polis-Rokita amendment encourages the collaboration between charter schools and school districts to improve the dissemination of promising practices, and I urge my colleagues to join me in supporting this amendment.

Mr. POLIS. Mr. Chairman, I hope that this amendment, in our small way, helps Congress change the culture, which all too often is too competitive between charter schools and school districts.

I have talked to district administrators and to heads of literacy for districts who hadn't been to and didn't know about innovative literacy programs going on in charter schools in their own districts.

Again, there is plenty of blame to go around. I have talked to charter schools that aren't aware of their own district's initiatives for professional development or for STEM education in the lower grades.

By working together, even at times when it takes swallowing one's pride, I am confident that both public charter schools and district-run schools will benefit in the long run, most importantly, benefiting the students that they serve. I call upon my colleagues to support this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The amendment was agreed to.

AMENDMENT NO. 22 OFFERED BY MS. KELLY OF ILLINOIS

The Acting CHAIR. It is now in order to consider amendment No. 22 printed in part B of House Report 114–29.

Ms. KELLY of Illinois. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 336, after line 20, insert the following:

''(7) An assurance that the applicant will conduct training programs in the community to improve adult literacy, including financial literacy.''.

The Acting CHAIR. Pursuant to House Resolution 125, the gentlewoman from Illinois (Ms. KELLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Illinois.

Ms. KELLY of Illinois. Mr. Chairman, I offer a commonsense amendment to H.R. 5, the Student Success Act.

My amendment makes a minor modification to the underlying bill and does not have an impact on direct spending; still, the simple fix stands to make a tremendous difference for countless students and families on the education front.

My amendment would provide an assurance from statewide family engagement center grantees, under the ''family engagement in education programs'' portion of the bill, that they will conduct adult and financial literacy training programs in their communities as part of their efforts to engage families and improve academic outcomes for students.

So often, the national debate around education focuses on children in school, but estimates suggest there are 30 million adults in the United States who have trouble with basic literacy. This means, not only do they struggle in their own lives when reading a menu or paying the bills, but they are also unable to help their children with the most basic homework exercises. Parents who struggle to read are often incapable of comprehending report cards and academic progress reports, and their struggle with literacy can have multigenerational consequences as these parents are unable to provide early academic guidance at home that is critical to early learning success.

Like reading literacy, financial literacy is a critical component to comprehensive education, and communities stand to gain from the existence of more local programs devoted to teaching money management skills to parents and kids.

Many teachers cite a lack of time, a lack of State curriculum requirements, and a lack of demand as the top challenges to teaching financial literacy. American students today often find themselves in situations in which they are making more spending decisions and accumulating more debt at a time when debt pressures are impacting student performance and resulting in students dropping out of school.

As the family engagement centers supported by this bill aim to improve educational outcomes for families across the spectrum, they must realize that bolstering reading and financial literacy is a critical comprehensive family engagement in education strategy.

Our national security, economic prosperity, and global standing depend on America's ability to secure its educational and financial future. When schools succeed, America succeeds, and when communities and families are invested in education, students thrive.

I ask for bipartisan support of this commonsense amendment, and I yield back the balance of my time.

Mr. ROKITA. Mr. Chairman, I claim time in opposition, although I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. ROKITA. I thank the gentlewoman for this amendment.

Mr. Chairman, family engagement centers are available to help parents understand and engage in their children's education. As a part of that mission, the centers help parents learn basic skills, like literacy. In today's world, financial literacy is an important issue for parents to be able to understand and support their children's education.

I want to be clear that this language is part of a grant application and requirement. In that regard, it is not part of a testing standard or a teacher training standard. With that, I urge my colleagues to support this amendment and the underlying bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Illinois (Ms. KELLY).

The amendment was agreed to.

AMENDMENT NO. 23 OFFERED BY MS. BONAMICI

The Acting CHAIR. It is now in order to consider amendment No. 23 printed in part B of House Report 114–29.

Ms. BONAMICI. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Beginning on page 342, strike line 13 through page 343, line 24, and insert the following:

''(3) STATE ACTIVITIES AND STATE ADMINISTRATION.—A State educational agency may reserve not more than 17 percent of the amount allotted to the State under subsection (b) for each fiscal year for the following:

''(A) Not more than 5 percent of such amount for each fiscal year for—

''(i) the administrative costs of carrying out its responsibilities under this part;

''(ii) monitoring and evaluation of programs and activities assisted under this part;

''(iii) providing training and technical assistance under this part;

''(iv) statewide academic focused programs; or

''(v) sharing evidence-based and other effective strategies with eligible entities.

''(B) To do one or more of the following:

''(i) To pay the costs of developing the State assessments and standards required under section 1111(b), which may include the costs of working, at the sole discretion of the State, in voluntary partnerships with other States to develop such assessments and standards.

''(ii) If the State has developed the assessments and standards required under section 1111(b), to administer those assessments or carry out other activities related to ensuring that the State's schools and local educational agencies are helping students meet the State's academic standards under such section.

''(iii) To conduct an audit of State assessments and report, in a publicly available format, the findings of such audit, which may include assessment purposes, costs, schedule of administration and dissemination of results, description of alignment with the State's academic standards, and description of policies for inclusion of all students.

''(iv) To develop and implement a plan to improve the State assessment system, which may include efforts, if appropriate as determined by the State—

''(I) to reduce the number of assessments administered;

''(II) to provide professional development on assessment and data literacy;

''(III) to ensure the quality, validity, and reliability of assessments; or

''(IV) to improve the use of assessments by decreasing the time between administering assessments and releasing assessment data.

''(C) Not more than 5 percent of such amount for each fiscal year for awarding blended learning projects under paragraph (4).''.

Page 355, after line 15, insert the following (and redesignate succeeding provisions accordingly):

''(2) STREAMLINING ASSESSMENT SYSTEMS.—An eligible entity that receives an award under this part may use such funds—

''(A) to conduct an audit of the local assessments administered by the local educational agency and report, in a publicly available format, the findings of such audit, which may include such findings as described under section 3202(c)(3)(B)(iii); and

''(B) to develop and implement a plan, in collaboration with local stakeholders, which may include efforts, if appropriate as determined by the eligible entity, as described under section 3202(c)(3)(B)(iv).''.

The Acting CHAIR. Pursuant to House Resolution 125, the gentlewoman from Oregon (Ms. BONAMICI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Oregon.

Ms. BONAMICI. Mr. Chairman, I would like to thank Chairman KLINE and Ranking Member SCOTT for their leadership on the committee and on this important legislation. I know that we will need to continue to work together to identify opportunities for bipartisan collaboration if we are going to successfully replace No Child Left Behind, and I have confidence we can do that.

I also thank Representative COSTELLO for his work on this amendment and for his partnership on the SMART Act. Mr. COSTELLO's dedication to public education is commendable, and I look forward to continuing to work with him.

Mr. Chairman, the Bonamici-Costello amendment is an example of finding common ground on a way to support teaching and learning in our Nation's classrooms. We have all heard about the overuse and misuse of standardized tests. Too much time is lost in preparing for and in administering assessments, and too few of these assessments provide timely information that meaningfully supports the learning that is taking place in our schools, but the purposeful use of high-quality assessments can support teaching and learning. Good assessments used appropriately can serve as one tool for monitoring students' progress and in helping parents, teachers, and school leaders see how students are performing across the State.

This amendment will help to reduce the testing burden and build high-quality assessment systems that support teachers and students. Importantly, the amendment recognizes that a one-size-fits-all policy to address excessive testing won't work. There is evidence that time spent testing fluctuates significantly among districts, with some districts dedicating three times as many hours to testing as other districts.

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This variety in the use of tests is why our amendment lets the States and local districts design their own plans to improve the use of assessments.

Our amendment reserves a portion of local academic flexible grant funds for States and school districts to improve the use of assessments. The amendment allows States and school districts to use those funds to audit their assessment systems and report to the public the results, which might include the amount of time students spend taking tests, whether those tests are high quality, and whether the tests provide prompt feedback to support teaching.

The amendment allows States and school districts to use the funds to develop and implement a plan to make assessments work better for their teachers, families, and students. States and school districts can eliminate low-quality or redundant tests, provide professional development on assessment literacy, or speed the delivery of assessment results to student and educators.

Once again, I thank Representative COSTELLO for his partnership, and Chairman KLINE, Representative ROKITA, and Representative SCOTT for their willingness to work with us to make sure States and school districts have the ability to eliminate unneeded assessments and get the most out of high-quality assessments.

I urge my colleagues to support the Bonamici-Costello amendment, and I reserve the balance of my time.

Mr. COSTELLO of Pennsylvania. Mr. Chairman, I claim the time in opposition, but I do not intend to oppose the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. COSTELLO of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, public education is overly burdened by standardized tests. Frustrated teachers and parents, not to mention students, are all saying the same thing: We need to do something about excessive testing in our public schools.

Make no mistake, regular assessments in English and math are essential objective tools to measure achievement, but their impact has been worn down through an unnecessary maze of blue books and Scantron sheets that waste classroom time and prevent our teachers from doing their jobs.

Let me illustrate the point at my alma mater, Owen J. Roberts High School. Prior to 1992, high school students would have a midterm and final test for some of their courses, and teachers would spend a day or two reviewing for these tests and a class period giving the tests. This would be approximately 5 hours per subject of instructional time for reviewing for and administering these exams.

Currently, a member of the class of 2017 who is proficient already on Pennsylvania assessment tests will spend approximately 43 hours preparing for and taking three Keystone exams and the other high school assessment to prepare for college.

A member of the class of 2017 who is not proficient on these tests during the first attempt could spend, minimally, 163 hours preparing for and taking three Keystone exams twice, completing three online PBA assessments, attending three classes of remediation, and completing the other high school assessments to prepare for college.

The bottom line: it is too much. It is stifling. It is not conducive to fostering the intellectual growth we want to see in our students.

This bipartisan amendment is a solution to many of the redundant, low-quality, and unnecessary testing that takes place. It will empower teachers and parents by giving existing Federal funding to State and local education agencies to develop curriculum plans to make the use of tests for the student.

It also means quicker delivery of assessment data to educators and parents and a more qualitative analysis of how to shape curriculum for that student from the local district and parents, not the Federal Government.

We need to stop teaching to the test and get back to empowering our children to think and succeed at the local level.

I thank Chairman KLINE for the opportunity to address this important issue, and I appreciate the efforts of Congresswoman BONAMICI and her unwavering dedication to this issue of improving public education. She has been a delight to work with.

I encourage my colleagues to join in favor of this amendment to be included

in H.R. 5, and I reserve the balance of my time.

Ms. BONAMICI. May I inquire about the balance of my time?

The Acting CHAIR. The gentlewoman from Oregon has 2½ minutes remaining.

Ms. BONAMICI. Mr. Chairman, at this time I yield 1 minute to my colleague from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Chair, I want to thank Ms. BONAMICI for bringing forward this important amendment. Hardly a day goes by where I don't hear from my constituents that there is too much testing.

Now, they don't often make the effort to distinguish between district testing, State testing, Federal testing and classroom testing, but clearly the Federal piece is the part that we are dealing with here today in Washington.

What this amendment ensures is that we can focus on the quality of testing. We recently had a school district, Poudre School District, in and around Fort Collins, that did a review of all the different levels of testing that they have. What drives the most frustration among educators and among families and among students is testing for which they either don't understand the purpose or it doesn't have a purpose.

We need to make clear not only what the purpose of testing is in public education but also have the most efficient and best route to get from here to there with regard to the quality of the tests.

There are too many unnecessary and low-quality tests in public education. And at the same time we maintain our commitment to accountability and transparency, we must ensure that we take the quickest possible line from point A to point B through the highest-quality tests and the minimum amount of testing necessary to fulfill the very important public policy goals of accountability and transparency.

Mr. COSTELLO of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. CURBELO), a true champion of public education.

Mr. CURBELO of Florida. Mr. Chairman, I rise today in support of the amendment offered by my distinguished colleagues, Mr. COSTELLO and Ms. BONAMICI.

As a member of the Miami-Dade County Public School Board, I am all too familiar with all of the challenges that our families and students face as it relates to testing.

Now, don't get me wrong. Testing is a critical part, an element of the accountability system. If we can't ask the question, ''Are our children learning?'' then we have already failed in delivering an education system that serves this great Nation and our families. However, excessive and redundant testing has undermined accountability systems and has made it harder for our young people to learn.

That is why I commend my distinguished colleagues for working together in a bipartisan way to offer this solution that will help millions and millions of children, teachers, and families all over our country. I know that the children of Miami-Dade County Public Schools and Monroe County Public Schools will appreciate this amendment. I know that the teachers back home will appreciate this amendment, and I commend my colleagues for their courage to work together in favor of such a smart solution.

I also want to take the opportunity to commend Chairman KLINE and Chairman ROKITA for all of their hard work on the underlying bill, which I support.

Ms. BONAMICI. Mr. Chairman, I want to thank, again, my cosponsor of this amendment and those who spoke in favor. Good, quality assessments can inform instruction. Duplicative assessments need to be eliminated. This amendment gives districts and States the flexibility to do that. I urge my colleagues to support it.

I yield back the balance of my time.

Mr. COSTELLO of Pennsylvania. Mr. Chairman, I yield 30 seconds to the gentleman from Indiana (Mr. ROKITA).

Mr. ROKITA. Mr. Chair, I thank Mr. COSTELLO for yielding. I want to congratulate him on already being an effective Member of Congress. I also want to thank Representative BONAMICI for her continued work on this amendment and seeing it through; also, Representative CARLOS CURBELO, a member of our committee, for his effectiveness to date. It has been a great partnership all the way around.

I want to associate myself with Mr. CURBELO's remarks and also simply add that this amendment helps States examine all of the assessments given to students, helps improve how student assessments are used, and possibly limits how many are given.

This is a commonsense amendment, and I am happy to support it and urge my colleagues on both sides of the aisle to do so as well.

Mr. COSTELLO of Pennsylvania. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Oregon (Ms. BONAMICI).

The amendment was agreed to.

AMENDMENT NO. 24 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 24 printed in part B of House Report 114–29.

Mr. POLIS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 343, after line 24, insert the following new subparagraph:

''(H) Awarding grants for the creation and distribution of open access textbooks and open educational resources.''.

The Acting CHAIR. Pursuant to House Resolution 125, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. In education, Mr. Chairman, oftentimes textbooks cost hundreds of dollars for each student. Now, sometimes that money has to come from the families. Sometimes the school or the district might have some old dog-eared textbooks, outdated and of different versions.

I have been to a number of classrooms where the teacher has to say, For your assignment, if you have this version, read pages 33 through 35. If you have this version, it is 36 through 38. If you don't have any version, here's a few copies in front that we'll give to you.

That gets in the way of a quality education, both from an access standpoint, from a reinforcing economic disparity standpoint, as well as preventing our students from having access to the most up-to-date textbooks and available information.

In an effort to address this issue, what my amendment would do is create an allowable use of funds for awarding grants for the creation and distribution of open source textbooks and open educational resources.

The open source movement, in general, is sweeping the country with regard to available education and other areas. My amendment allows funds to be used for the creation and distribution of open source educational resources and textbooks at the K–12 level to bring cost savings to school districts, cost savings to families, and quality enhancements and educational enhancements to those districts, schools, and States that embrace this utilization of the funds.

Many States and districts are already beginning to embrace this concept to save costs and improve the quality of their educational content in tight budget times. My amendment would simply allow them to use existing Federal funds to boost these cost savings even more in innovative districts and States that have chosen to embrace the open source textbook movement.

I reserve the balance of my time.

Mr. ROKITA. Mr. Chairman, I claim time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. ROKITA. Again, I thank Mr. POLIS for this amendment. The amendment simply clarifies that States may use, again, at their choosing, their funds under the local academic flexible grant to create or distribute open source education resources. This is a good thing. This grant is designed to be used to support the activities the State and local school districts believe are important to their students. If open source material is what is best for them, they should be able to use the funding to support that activity. This is in line with the spirit and themes

found throughout the Student Success Act.

Again, I thank the gentleman for his leadership in offering it. I urge my colleagues to support it, and the underlying bill.

With that, I yield back the balance of my time.

Mr. POLIS. Mr. Chairman, by supporting my amendment, Congress can voice its support for the growing academic open source community and for encouraging cost-reducing, quality-enhancing innovation in the content that is available for students across the country.

I encourage my colleagues to support my amendment, the open education resources amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The amendment was agreed to.

AMENDMENT NO. 25 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. It is now in order to consider amendment No. 25 printed in part B of House Report 114–29.

Ms. JACKSON LEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 354, line 19, strike ''two'' and insert ''three''.

Page 355, after line 15, insert the following:

''(iii) Accountability-based programs and activities that are designed to enhance school safety, which may include research-based bullying prevention, cyberbullying prevention, disruption of recruitment activity by groups or individuals involved in violent extremism, and gang prevention programs, as well as intervention programs regarding bullying.''.

The Acting CHAIR. Pursuant to House Resolution 125, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, let me thank the gentleman from Indiana for his kindness this evening as I have listened to the debate. I want to thank the ranking member of the full committee, Mr. SCOTT, and Mr. KLINE, who have worked diligently. We could not have come to the point of having Members' amendments without the very hard work of Mr. SCOTT's staff, and certainly Mr. KLINE. So I thank both of them because of our great concern on this issue.

Mr. Chairman and colleagues, this is a face that I am trying to help with my amendment. This is the face of children being bullied in America.

My amendment supports accountability-based programs and activities that are designed to enhance school safety, including research-based bullying prevention, cyber bullying prevention, disruption of recruitment activity by groups or individuals involved in violent extremism, and gang prevention programs.

I will note, Mr. Chairman, that this amendment wants to support accountability-based programs and to acknowledge that every day in schools across America children of all kinds are bullied. One in seven students in grades K–12 is either a bully or a victim of bullying, and 282,000 students are physically attacked in secondary schools each month.

The Jackson Lee amendment also addresses growing concerns regarding violent extremism and the misuse of social media by militant extremist groups to recruit students and young persons.

It really is about giving tools to schools to be prepared for the new, if you will, ills that are facing our children, which include cyber bullying, bullying based on discrimination, and peer advocacy.

□ 2045

It is noted that when bystanders intervene, bullying stops within 10 seconds, 57 percent of the time; and bullied youths were most likely to report that actions that accessed support from others made a positive difference.

I ask my colleagues to support this amendment and to realize that we can provide the skills and the tools for school districts to help in these very unfortunate circumstances for our children.

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

Mr. ROKITA. Mr. Chairman, I claim time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. ROKITA. Mr. Chairman, I thank the gentlewoman for offering this amendment. This adds an allowable use of funds for what we are calling the local academic flexible grant to support projects that focus on school and student safety.

The local academic flexible grant, again, is the product of us eliminating over 65 programs in current law and delivering the funds that supported those programs back to the States and, with the States' blessing, even further back to local school districts and so forth.

We know all too well that bad things can happen in schools. This amendment will clarify that school districts can use this funding—again, not being mandated by the Federal Government—but through this grant can use the funding to support programs aimed at making schools safer. This is in all our interests.

I thank the gentlewoman for offering this amendment and urge my colleagues to support it and the underlying bill.

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

Ms. JACKSON LEE. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentlewoman from Texas has 3 minutes remaining.

Ms. JACKSON LEE. Let me, first of all, thank the gentleman from Indiana, again, for the clarity of this instruction to our school districts across America; and if I might, again, acknowledge Mr. SCOTT and the chairman of the full committee.

If I might continue to say that cyber bullying, it is estimated that 2.2 million children experienced cyber bullying in 2011.

This is a teaching tool. This is a Marvel comic book that says Internet superheroes meet the Internet villains, many different tools that school districts can use to be able to educate our children.

Sixty-four percent of students enrolled in weight loss programs reported experiencing weight-based victimization.

As I indicated, peer advocacy, 70.6 percent of young people say they have seen bullying in their school. We know that this is a problem, but we know that intervention helps. My amendment, again, emphasizes the intervention and the accountability.

I ask my colleagues to support this amendment, I thank them for their support in advance, and I leave you simply by acknowledging that this face should be a smile. When every child goes to school, they should have a smile on their face.

Mr. Chair, I have an amendment at the desk. It is listed in the report as Jackson Lee Amendment No. 25.

As the founder and co-chair of the Congressional Children's Caucus, I have long advocated for the health, dignity and well-being of our nation's children.

One of the fundamental things that children need to succeed in life is a good education.

I thank the Rules Committee for making in order Jackson Lee Amendment No. 25.

Mr. Chair, Jackson Lee Amendment No. 25 supports accountability-based programs and activities that are designed to enhance school safety, which may include research-based bullying prevention, cyberbullying prevention, disruption of recruitment activity by groups or individuals involved in violent extremism, and gang prevention programs.

Statistics on bullying:

Mr. Chair, the daily reality for too many of our children is that they are threatened, bullied, and assaulted but reluctant to tell adults about their pain or shame:

1. 1 in 7 students in grades K–12 is either a bully or a victim of bullying.

2. 282,000 students are physically attacked in secondary schools each month.

3. 90% of 4th to 8th grade students report being victims of bullying of some type.

4. 71% of students report incidents of bullying as a problem at their school.

5. 15% of all students who don't show up for school report it to being out of fear of being bullied while at school.

Consequences of bullying:

1. 15% of all school absenteeism is directly related to fears of being bullied at school.

2. According to bullying statistics, 10 percent of school dropouts do so because of repeated bullying.

3. Bullying is a leading cause of adolescent suicide.

The Jackson Lee Amendment also addresses growing concerns regarding violent extremism and the misuse of social media by militant extremist groups to recruit students and young people.

Mr. Chair, as we all know, our world changed on September 11, 2001.

Groups like ISIS/ISIL are attempting to reach children and young people through social media.

This activity is being addressed by law enforcement, intelligence, and Homeland Security.

It is important that we provide schools and school districts an opportunity to include in their education programs around school violence material for parents and their children on the issue of radical extremism.

As the ranking member of the Judiciary Committee's Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, as well as a senior member of the Homeland Security Committee I believe that we must address emerging threats where they are as early as possible.

I ask my colleagues to support Jackson Lee Amendment No. 25 to help protect our school age children from bullying and radical extremism.

CYBERBULLYING AND SUICIDE STATISTICS

Cyberbullying: Estimated that 2.2 million students experienced cyberbullying in 2011.

Of the 9% of students that reported being cyber-bullied in the National Crime Victimization Survey compared to 6.2% in 2009 (NCES, 2013): 71.9% reported being cyber-bullied once or twice in the school year, 19.6% reported once or twice a month, 5.3% reported once or twice a week, and 3.1% reported almost every day.

Bullying based on discrimination: 64% of students enrolled in weight-loss programs reported experiencing weight-based victimization.

Of 7,000 LGBT aged 13–21 revealed that because of their sexual orientation: 8 of 10 students had been verbally harassed at school, 4 of 10 had been physically harassed at school, 6 of 10 felt unsafe at school, and 1 of 5 had been the victim of a physical assault at school.

Children with disabilities were two to three times more likely to be bullied than their non-disabled peers.

Peer advocacy: 70.6% of young people say they have seen bullying in their schools (U.S. Department of Health & Human Services, 2014). When bystanders intervene, bullying stops within 10 seconds 57% of the lime (U.S. Department of Health and Human Services, 2014).

Bullying intervention: Bullied youth were most likely to report that actions that accessed support from others made a positive difference (Davis and Nixon, 2010).

Last thing, I would like to reference the following: Super Heroes Meet the Internet Villains Marvel, sponsored by Microsoft.

HOW ONE GOVERNMENT IS TAKING DRASTIC MEASURES TO SAVE KIDS FROM ISLAMIC EXTREMIST BRAINWASHING

(By Kara Pendleton)

ISIS has been busy recruiting children, even publishing a booklet for mothers called the Sister's Role in Jihad that instructs them to begin indoctrinating their children as infants, because waiting until they're older may ''be too late.''

The Middle East Media Research Institute (MEMRI) reports that ''children are central to ISIS,'' being both a propaganda tool and future fighters.

Due to a surge in Islamic extremism occurring in the U.K., the government is taking steps to help combat the grooming and indoctrination of youngsters:

A new bill proposed in the U.K. would enlist school teachers as agents of the state in the fight.

How would it work?

The Daily Mail cites a Home Office (the U.K. counterpart to the U.S. State Department) spokesman, who explained:

''We are not expecting teachers and nursery workers to carry out unnecessary intrusion into family life but we do expect them to take action when they observe behaviour of concern.

For schools, including nurseries and other childcare providers, we would expect staff to have the training they need to identify children at risk of radicalisation and know where and how to refer them for further help if necessary.''

However, some argue this latest move is a step too far.

The policy director of the human rights body Liberty, Isabella Sanky, believes the focus should be on supporting those children who are at risk:

''Instead they are playing straight into terrorists' hands by rushing through a Bill that undermines our democratic principles and turns us into a nation of suspects.''

People remain split over whether it is acceptable for the state to take children away from their parents. With ISIS and radical Islam on the rise, it's clearly difficult to find the line between freedom and state control and identify a solution that both respects individual rights and protects the populous.

I ask for support of the Jackson Lee amendment and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

AMENDMENT NO. 26 OFFERED BY MS. WILSON OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 26 printed in part B of House Report 114–29.

Ms. WILSON of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 354, line 19, strike ''two categories'' and insert ''four categories''.

Page 355, after line 15, insert the following:

''(iii) Establishing, expanding, or maintaining intensive care reading laboratories to assist elementary school students who are reading at below grade level.

''(iv) Enabling elementary schools to provide instruction in language arts, mathematics, and science in grades 1 through 3 through teachers who are specialized in language arts, mathematics, or science, respectively.

The Acting CHAIR. Pursuant to House Resolution 125, the gentlewoman from Florida (Ms. WILSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. WILSON of Florida. Mr. Chairman, this amendment provides for elementary students reading below grade level to utilize intensive care reading labs to improve their reading efficiency.

I am well aware of the shortcomings of H.R. 5 and its failure to make the improvements necessary to bring our educational system into the 21st century. The bill falls short of providing quality education for many of our young students and has, in fact, left many of our students behind.

Students need enriching learning environments, individualized instruction, well-trained teachers, and positive reinforcement to support their educational development.

Mr. Chairman, this amendment I have before you today provides for just that approach to helping students improve their reading proficiency.

First, it provides for individualized reading instruction through intensive care reading labs, in addition to their normal reading instruction in schools, helping improve students' literacy early in their education.

In these labs, students will be taught by highly trained teachers who work with students in small numbers to improve their literacy and reading comprehension. If children can read on grade level by grade three, they will graduate high school.

Teachers in first, second, and third grade should specialize in teaching language arts, then another subgroup should specialize in math and science. They should be trained by the school district.

By using this specialized approach, schools will be able to better prepare teachers and ensure students are being taught by teachers dedicated to their specific fields. In high schools, English teachers teach English, math teachers teach math. It should be the same in K–3 grades.

That is why I support this amendment and why I urge all of my colleagues to vote for this amendment as well.

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

Mr. ROKITA. Mr. Chairman, I claim time in opposition to this amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. ROKITA. Mr. Chair, I appreciate the gentlewoman's concern and the purpose of this amendment; however, it must be opposed.

Comprehensive literacy and reading programs and their connection to college and career success are obviously vitally important.

Since State and local educational officials understand the importance of reading proficiency, including the benefits of teaching comprehension, vocabulary, and other skills, I am confident that these officials will see the benefits of programs like this and choose to use their local academic flexible grant under this bill to fund programs like this.

The block grant is designed to be flexible, thereby allowing local education officials to use the funds in a

way that most benefits their students. We do not want to start rebuilding the silos that we have just knocked down with this bill language.

I believe this amendment, unfortunately, would do that very thing by requiring this instruction instead of letting State and local school districts, teachers, parents, local taxpayers, and school officials decide what is best for their students.

I agree, again, with the importance of this issue, but oppose the amendment as the underlying bill already provides States and school districts funding flexibility to set their own priorities, not letting Washington do it.

I encourage my colleagues, on that basis then, to oppose this amendment but still support the underlying bill.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. WILSON).

The amendment was rejected.

AMENDMENT NO. 27 OFFERED BY MR. COURTNEY

The Acting CHAIR. It is now in order to consider amendment No. 27 printed in part B of House Report 114–29.

Mr. COURTNEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 366, line 5, strike ''and''.

Page 366, after line 5, insert the following:

(2) in paragraph (1)(E)—

(A) by striking ''(E)'' and inserting ''(E)(i)'';

(B) by striking the semicolon and inserting ''; or''; and

(C) by adding at the end the following:

''(ii) resided on Federal property under lease under subchapter IV of chapter 169 of title 10, United States Code;''; and

Page 366, line 6, strike ''(2)'' and insert ''(3)''.

The Acting CHAIR. Pursuant to House Resolution 125, the gentleman from Connecticut (Mr. COURTNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. COURTNEY. Mr. Chairman, nearly two decades ago, Congress created the Military Housing Privatization Initiative to improve military family housing that, in many cases, was decrepit by allowing private developers to upgrade, maintain, and operate housing communities.

In the years since, public-private ventures created under this program have infused millions in private capital to improve the living conditions of military families at installations all across the country and has made a tremendous difference for our military families across the Nation.

As of 2011, 193,000 units of housing have been converted under this program. Under the program, priority for housing goes first to military personnel, then to Federal employees and retirees. However, if occupancy rates drop below certain levels for a period of time, the housing can be made available to the general public.

Allowing nonmilitary families with children access to this housing is an important part of ensuring the financial viability of these ventures, but it also presents unanticipated challenges to the host communities where they are located, since these properties are property tax exempt.

For example, today, there are 130 civilian nonmilitary children residing at the public-private housing at Naval Submarine Base New London in Groton, Connecticut.

These children attend Groton public schools alongside military children residing in the same community; yet Groton receives no Impact Aid support for the cost of their education. Since their housing is property tax exempt, the host community has to absorb the entire per pupil cost for their education.

While I was made aware of this problem because of the growing challenge in Groton, it is clear from discussions with Navy officials and the Groton developer that the same problem will face communities across the country that have privatized military housing, as the size and composition of our military changes in the years ahead.

Under current law, local schools are eligible to receive only 5 percent of the support payments for children residing on Federal property with a parent who is not affiliated, but only if the number of children being educated equals or exceeds 1,000 or equals or exceeds 10 percent of the total numbers of students in average daily attendance.

My amendment is simple. It would ensure that the number of civilian children living in property tax exempt military housing can be more adequately factored into a community's support for educating these children under Impact Aid.

Since my amendment was made in order last night, I have heard recognition of the problem that I am seeking to address, but also concerns at how it would have wider-ranging impacts to this program, particularly in light of the ongoing funding challenges in Impact Aid.

Throughout the day, my staff and I have had productive and thoughtful discussions with the National Association of Federally Impacted Schools and the Military Impacted Schools Association about how to address this issue that my communities and others are facing.

I would note that the chairman of the committee, Mr. KLINE, who also serves on the House Armed Services Committee with me, has pledged to work with my office to try and address this issue which, again, at the end of the day, is about fairness for host communities that step up and make sure that our military families have safe and good schools.

Mr. KLINE. Will the gentleman yield?

Mr. COURTNEY. I yield to the gentleman from Minnesota.

Mr. KLINE. I will be happy to work with you.

Mr. COURTNEY. I appreciate that, Mr. KLINE. These organizations have pledged to work with me to find ways to constructively address these issues in the days moving ahead.

Mr. Chair, I withdraw my amendment.

AMENDMENT NO. 28 OFFERED BY MR. NOLAN

The Acting CHAIR. It is now in order to consider amendment No. 28 printed in part B of House Report 114–29.

Mr. NOLAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 391, line 19, add at the end after the period the following: ''It is further the policy of the United States to ensure that Indian children do not attend school in buildings that are dilapidated or deteriorating, which may negatively affect the academic success of such children.''.

The Acting CHAIR. Pursuant to House Resolution 125, the gentleman from Minnesota (Mr. NOLAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. NOLAN. Mr. Chairman, I would like to begin by thanking Chairman KLINE for his work on this important legislation; of course, Ranking Member BOBBY SCOTT as well; and the members of the committee and the Rules Committee for allowing us to offer this amendment here this evening.

Mr. Chairman, in short, my amendment ensures that Indian children will not be expected to attend school in buildings that are dilapidated and dangerous.

Under title V of House Resolution 5, the Federal Government has an obligation to fund and to maintain these schools. It is time to honor that obligation and send the message to our students in Indian Country that their education and their success in life are important to all of us, and expecting them to go to school in facilities in utter disrepair simply does not send that message.

According to the Department of the Interior, there are 63 schools funded by the Bureau of Indian Education that are listed in poor condition.

For example, the Bug-O-Nay-Ge-Shig School on the Leech Lake Reservation in my district is housed in an old pole building—cold and drafty in the winter, hot in the summer, unfit for children or teachers in any season.

I operated my sawmill and pallet factory in a pole building. I think we all agree that we want something better for our children when they go to school.

Look around us right now, Mr. Chairman. We have a magnificent Capitol here to symbolize the importance of the work and the purpose of what we do here.

Sure, as a practical matter, we can conduct our Nation's business in a pole

building, but we don't and for good reason.

□ 2100

Architecture needs to carry with it not only a sense of function but a sense of importance and a sense of purpose. The simple truth is architecturally distinctive schools deliver a message to students that their education is valued, that it is important.

The Bug-O-Nay-Ge-Shig School I mentioned, like so many others, has an incredibly long list of serious problems. Students endure rodent and bat infestations, roof leaks and holes, mold and fungus, a faulty air system, uneven floors, poor lighting, sewer problems, and dangerous electrical configurations with wires just crisscrossing all the hallways and the rooms in a dangerous way. This building is literally at risk of collapse. It has earned the nickname ''Killer Hall'' from the local emergency responders.

Students and faculty throughout the 63 schools in Indian Country face similar serious health and safety risks every day at schools like this, thus perpetuating lower graduation rates and difficulties retaining qualified teachers. In fact, Chairman KLINE, himself, called for action on tribal school construction in a letter to the Bureau of Indian Education just last week, and I want to applaud him for that.

Regarding the Bug-O-Nay-Ge-Shig School, the chairman said: ''This appalling situation not only adversely affects the quality of education these students receive, but also their health and safety.'' The chairman is right. Our children deserve better, regardless of where they live.

I want to particularly thank the gentlewoman from Minnesota, Congresswoman BETTY MCCOLLUM, for her continued support on this issue, as well as Congresswoman ANN KIRKPATRICK of Arizona, Congressman BEN RAY LUJÁN of New Mexico, and Congressman RAUL RUIZ of California for cosponsoring this amendment.

I am pleased the administration requested more money for the Bureau of Indian Education construction funding in its most recent budget, but we can do better. We can do more.

Minnesota's MinnPost reporter Devin Henry recently wrote a story entitled, ''Where Republicans and Democrats Agree the Government Needs to Spend More,'' and that item is funding for Indian education and construction. I will include that article in the RECORD.

[From MINNPOST, Feb. 9, 2015]

WHERE REPUBLICANS AND DEMOCRATS AGREE THE GOVERNMENT NEEDS TO SPEND MORE

(By Devin Henry)

WASHINGTON.—From budget limits to the national debt, much of the debate Washington today focuses on cutting spending. But on at least one line item in President Obama's budget, lawmakers on both sides of the aisle agree that the government needs to spend more.

Minnesota Rep. Betty McCollum, a Democrat on the budget-writing Appropriations Committee, said she and a group of members, including Republicans, are looking for ways to boost funding for school construction on tribal lands around the country, even after Obama proposed pumping millions in new money into it.

Tribal school construction has been neglected for some time, so even though Obama proposed more than doubling its modest budget next year, it's not nearly enough to confront the problem of broken down schools around the country. In Minnesota, the Leech Lake Reservation's Bug-O-Nay-Ge-Shig School, typifies this—it's housed in a used pole barn and students have taken to wearing winter coats while in the school. When winds reach 40 miles per hour, teachers move children to other buildings.

The administration sees Obama's proposal as a first step of a multi-year effort to improve the system, but Indian education advocates are looking for more money right now to kick-start new school construction down the road.

Still, officials are heartened that the issue is at least on the radar—the Bug School, for example, isn't funded in Obama's plan, but tribal chairwoman Carri Jones issued a statement saying the tribe is ''extremely pleased and grateful'' that the president included new funds in his budget.

On Capitol Hill, funding for Indian education, especially school construction, is an area of relative bipartisanship: last year, for example, both parties agreed on a large spending increase for replacement school construction around the country, above what even Obama proposed. McCollum credits this to trust and treaty obligations the United States government has to tribes across America—the U.S. has a responsibility to support tribes, and it's one Congress takes seriously.

There are still a lot of questions about what McCollum and others are trying to do, like how much money they're looking for, and where it will come from. For now, she's not getting into details, except to say that she thinks more money could be on its way.

''This is not enough money and we need to come up with a plan that would have tribal nations, American children who are members of tribal nations, going to safe schools, 21st century schools,'' she said.

OBAMA'S PLAN WINS BIPARTISAN SUPPORT

Obama has proposed a $1 billion budget for the Bureau of Indian Education in 2016—a $150 million increase over current levels. That includes $45 million for new school construction. The budget represents a big increase over what Obama has looked for in the past—new school construction saw a big influx of funding in the stimulus act in 2009, but his $3.5 million request last year was his first since 2011.

Even so, the problem is much bigger than what's in Obama's budget. His proposal would go toward building the last two buildings on a 2004 list of replaceable schools, but that would still leave behind a $1.3 billion backlog of dilapidated schools nationwide.

Members on both sides of the aisle greeted the request as a welcome change of pace after what McCollum described as a ''time out'' for BIE construction funding. Republican Rep. Tom Cole, an Oklahoman on the Appropriations Committee with whom McCollum has worked on Indian issues, said the proposal ''is an area where we can cooperate and hopefully make a lot of progress on.''

Minnesota Rep. John Kline, who chairs the House Education Committee, said in a statement that he's ''pleased'' by the proposal and vowed to ''look more closely at this issue and demand better for these students.''

All that said, everyone recognizes the plan only accounts for two schools-worth of funding. When Interior Secretary Sally Jewell introduced Obama's plan to reporters last month, she acknowledged that $45 million isn't enough to made major inroads in the school construction backlog. She called it ''just step one in a multi-year approach'' to fixing the backlog, and said it ''was as far as we could reasonably go'' to fit funding into the overall budget and get lawmakers' approval.

HAPPY WITH THE PLAN, BUT LOOKING FOR MORE

Congress has a history of going above and beyond what the Obama administration requests on BIE issues. Last year, for example, Obama requested $3.5 million to plan construction of a new BIE school in Maine. Congress appropriated $20.1 million to straight-up build the school instead.

Since Obama's 2016 budget covers the money needed to rebuild the schools still on the government's list, any money above that could go toward planning the schools that might be included on a new replacement list, McCollum said. ''When we see the list and we have a dollar figure off the list, then we need to have the big idea, the big plan on a way forward so we can get these schools reconstructed so they can be repaired, and rebuilt where they need to be taken down,'' she said.

To that end, she and other budget writers are scouring the budget—from the Interior Department and beyond—trying to find funding to pump up BIE construction even further. It's a bipartisan effort: McCollum said she, Cole and a group of other Republicans began discussing additional funding schemes while they toured Indian Country in Arizona last month.

''We were literally at dinner like, 'what if we try this, what if we try that, well we're going to talk to Treasury, we're going to talk to OMB, let's talk to the White House,' '' she said.

There is danger here, of course, that partisan budget fights could delay or derail the whole process. The Interior budget is relatively small, which McCollum said makes it difficult to shift funding toward a bipartisan priority like Indian schools when there are other areas—clean air and water, wildfire prevention—that need funding. It's easier to find money for Defense Department schools (the only other school system the federal government runs) because the DOD budget is so big.

But that's what negotiations are for. McCollum and Oklahoma's Cole both said they expect to eventually find a path forward on this.

''The trick is always finding the money, because the president is proposing this having disregarded the budget caps,'' Cole said. ''But it wouldn't be the first time, on Interior Approps, we've been able to rob Peter to pay Paul. And the Democrats might not like the Peter, but we all agree on the Paul that needs help, in this case Indian Education.''

BUG SCHOOL COULD GET ON NEW LIST

The Leech Lake Reservation's Bug School has gained some notoriety in the Indian education community. Jewell visited it last summer and in announcing Obama's funding request, mentioned it as the type of school that needs to be replaced. Lawmakers did the same in a budget bill Congress passed in December.

When officials made their list of replacement schools in 2004, they left off the Bug School. The Interior Department has now assembled a team of experts from the Department of Defense' school system and the Interior Department to write a new list and come up with criteria meant to more accurately identify replaceable schools.

For example, McCollum said, the last list considered the condition of all the schools in an individual district, and because Leech

Lake's elementary schools are in comparably acceptable condition, the Bug School was less likely to make the cut. Its inclusion in a budget bill, and the attention Jewell has given it, indicates its inclusion on a new list, which is expected this spring.

''We are extremely pleased and grateful that the President's budget includes substantially more funding for BIE school construction and rehabilitation than in years past and that it begins to recognize the significant need in Indian Country for a safe learning environment for our students,'' Jones, the Leech Lake tribal chairwoman, said in a statement to MinnPost. ''We are fighting to give our community a new high school facility because our children deserve the best educational opportunities.''

Mr. NOLAN. Mr. Chairman, the choice today is simple. No child should be expected to endure deteriorating school rooms to get an education. I urge my colleagues to adopt the amendment.

I yield back the balance of my time.

Mr. KLINE. Mr. Chairman, I seek time in opposition to the gentleman's amendment, although I do not oppose it.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. KLINE. Mr. Chairman, I want to thank my colleague from the cold north of Minnesota for his very excellent amendment. We know in Minnesota, as we know across the country, that the state of many of these Indian schools are just absolutely deplorable. He described that very well. It is appalling that sometimes it has taken us 10 years to identify a problem, and we can't do anything about it.

We are compromising the education of vulnerable children; we are compromising their health and safety, as my friend from Minnesota (Mr. NOLAN) said; and we are certainly compromising their education and their hopes for a better future. That is why we have got to look more closely at this issue. That is why I did write the letter to the Director of the BIE to begin a dialogue. That is why we will hold, in the coming weeks, a hearing to dig into this.

We are badly organized, shall I say, in the government sometimes and in the Congress. So one committee is looking at one thing, and then nobody is looking at another, and nobody is paying attention to something else, and we have let this deplorable situation develop. We have got to do better.

The gentleman's amendment will help in this regard. I very much appreciate that he did it. I am very, very supportive of this amendment because it makes this bill a better bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. NOLAN).

The amendment was agreed to.

AMENDMENT NO. 29 OFFERED BY MRS. DAVIS OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 29 printed in part B of House Report 114–29.

Mrs. DAVIS of California. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 514, line 9, strike ''of the school'' and insert ''in the school building''.

The Acting CHAIR. Pursuant to House Resolution 125, the gentlewoman from California (Mrs. DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. DAVIS of California. Mr. Chairman, this bipartisan amendment that I bring forward with my colleagues, Mr. DOLD of Illinois and Mr. POLIS of Colorado, would clarify the definition of ''school leader'' currently contained in section 6101 of H.R. 5.

Mr. Chairman, the current definition of ''school leader'' contained in this bill is problematic. As currently drafted, the definition fails to make clear to State and local school districts that a school leader is an individual who runs the operations and instructional programs within a school, as opposed to a district administrator who oversees individual schools' programs.

As a result, States and local school districts might interpret this definition to apply to an assistant superintendent of curriculum or a subject matter content specialist who oversees instructional practices within an LEA but is not in a school building on a daily basis, such as a principal.

This amendment removes this ambiguity by making it clear that the definition of ''school leader'' should apply as it was originally intended—directly and solely to a school principal. If left unchanged, it is possible that district administrators could become eligible for title II professional development funds currently aimed at improving the quality of our Nation's school principals.

I urge my colleagues to support this amendment, which ensures that title II funds go to the school leader, the person who is most responsible for student achievement.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. DOLD. Mr. Chairman, I claim time in opposition to the amendment, even though I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. DOLD. Mr. Chairman, I certainly want to thank my good friend from California for her leadership on this, and also my friend from Colorado.

Really what this is doing, Mr. Chairman, is this is talking about a technical correction. As my friend from California pointed out, what we are really looking to try to do is to make sure that the dollars allocated in this bill for continuing education and other things are actually going to a school leader, which is mentioned throughout this bill, but ''school leader'' is left largely undefined.

We want to make sure that we put a little bit more definition for our local school districts so that they have a better understanding that a school leader is actually someone that resides within the school. We think that is absolutely critical in terms of continuing education, some of the other programs, to make sure that it is not ambiguous. We want to make sure that we are focusing on the task at hand.

We hope that this is something, again, that has bipartisan support. We hope that we will be able to go through the process fairly quickly.

I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Chairman, I want to thank my colleague from Illinois and reiterate that this is merely a clarifying amendment, but one with real impact as it will return the term ''school leader'' to its originally intended use.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Mrs. DAVIS).

The amendment was agreed to.

AMENDMENT NO. 30 OFFERED BY MR. ZELDIN

The Acting CHAIR. It is now in order to consider amendment No. 30 printed in part B of House Report 114–29.

Mr. ZELDIN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 563, after line 15, insert the following:

''SEC. 6532. STATE CONTROL OVER STANDARDS.

''(a) IN GENERAL.—Nothing in this Act shall be construed to prohibit a State from withdrawing from the Common Core State Standards or any other specific standards.

''(b) PROHIBITION.—No officer or employee of the Federal Government shall, directly or indirectly, through grants, contracts or other cooperative agreements, through waiver granted under section 6401 or through any other authority, take any action against a State that exercises its rights under subsection (a).''.

The Acting CHAIR. Pursuant to House Resolution 125, the gentleman from New York (Mr. ZELDIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ZELDIN. Mr. Chairman, I rise this evening in support of my amendment that sends a very clear message to States that if they choose to withdraw from Common Core, there will be no penalty whatsoever from the Federal Government.

As a New York State Senator, I introduced legislation with New York State Assemblymen Al Graf and Ed Ra that would stop Common Core in New York.

In New York, we have these Common Core standards set nationally, tests created by the State, curriculum set by the local school districts, and no one is talking to each other; teachers not only teaching to the test, but they are

teaching to the wrong test because they are not given the tools they need to know what the test is even going to look like.

And for any government Kool Aid-drinking bureaucrat who is listening to this and disagreeing with what I have to say, you are not listening to those parents and educators and students who are pleading with passion exactly what I am saying, begging for a positive change that will improve the quality of education in America's classrooms.

The most common argument I received in opposition to my bill was that if New York State withdrew from Common Core, that somehow the Federal Government was going to punish New York State with hundreds of millions of dollars lost—some even said billions of dollars. This amendment is the most important action that this Congress can take to diffuse those claims and allow States to withdraw without punishment.

As for my strong personal opinion, I believe in higher standards, but I don't believe that Common Core is the answer. This goes way beyond the complaints of killing morale in the teaching profession. Much more importantly, this is about killing the morale for that student who is intelligent, pays attention in class, goes home and does their homework. They are going to grow up to be a doctor or a lawyer or a successful businessman. They are being told that they are not proficient in reading—not because they are not proficient in reading, but because the rollout of Common Core has been a disaster.

We have 10-year-old special education students taking fifth grade tests even if they are reading at a first grade reading level. Or you can go on the EngageNY Web site and read about how first graders, the domain for English language arts, early world civilizations, they are learning about ancient world Mesopotamia and the strategic advantage of the Tigris and Euphrates Rivers with regard to the development of the city of Babylon—6-year-olds, first graders.

As a father of twin third grade girls, I believe in higher standards. I believe in challenging our students to excel and to aim as high as possible. But when it comes to all of America's children, there just shouldn't be a one-size-fits-all approach.

While some States embrace Common Core, not all States' needs are the same. My amendment would allow States currently using Common Core to opt out without punishment. Parents need to be in charge of their children's education, not unelected, faceless bureaucrats making unilateral decisions for the entire Nation.

A one-size-fits-all solution to education reform intensifies the problem, and it doesn't address our underlying issues. We want to provide the best possible opportunities for our children, and the people best positioned to make those decisions are our parents and our local educators.

I ask my colleagues to support my amendment, hear the concerns of our parents and educators, and heed the call to rescue our schoolchildren. It is like when they fall into the deep end of a pool, they don't have a lifejacket, they don't yet know how to swim. That is what it feels like for many of them.

This is a vote for residents in your district who aren't even old enough to vote. Fight for them and pass this amendment.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SCOTT of Virginia. Mr. Chairman, this amendment is not necessary because there is no prohibition against people withdrawing from Common Core.

I think we need to say a few things about Common Core.

It is not a national or a Federal initiative. It is State led. States develop the Common Core standards through the Council of Chief State School Officers and the National Governors Association. The U.S. Department of Education did not participate in that. The administration does not coerce States into adopting Common Core. In fact, States have received waivers under NCLB and have not adopted Common Core, like my home State of Virginia.

In Virginia, our State system of higher education certified that when a child is proficient under our standards of learning, they could enter public universities without the needed remediation. Those standards were okay, not the Common Core.

Frankly, we need those kinds of standards, college and career-ready, because you want people, when they graduate from high school, to be able to go to college without remediation. That is not a high bar, and we want to make sure that whatever happens to this amendment, we are not exempting States from meaningful standards.

I reserve the balance of my time.

□ 2115

Mr. ZELDIN. Mr. Chairman, I will continue to reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. I thank the gentleman from Virginia.

Mr. Chairman, there is an enormous amount of misperception about what the Common Core standards are. Frankly, those of us who serve in this body are elected leaders. I urge my colleagues to take the time to educate themselves about this collaborative effort between a number of States that have developed college- and career-ready standards before they decry it based on misperceptions that, unfortunately, exist among the American public.

A number of States chose to work collaboratively on college- and career-ready standards. What we at the Federal level want to see is that States have college- and career-ready standards. We want to make sure that a diploma is meaningful. If a Federal investment is made, we want to make sure that States don't define success downward, disguising achievement gaps and making it look like every child achieves expectations by lowering expectations.

How they do that is entirely up to them. Let me repeat myself. How they do that is entirely up to them. Many States choose to work together. Some States choose to create their own standards. A project of the National Governors Association had Governors and State education commissioners working together to develop college- and career-ready standards. Other States have chosen to develop their own college- and career-ready standards.

That really is an appropriate discussion to have at the State level, but not in the halls of Washington. You won't hear people pushing Common Core standards here in Washington because I don't think any of us feel it is an appropriate discussion. But for some reason people have a particular agenda against what some of their own States are doing here in Washington. Well, I suggest they don't run for Congress. I suggest they run for Governor if that is their beef. This is simply the wrong place to have a discussion about curriculum and standards.

Mr. Chairman, the Federal Government does not set standards; the Federal Government does not set curriculum. It is also important to note that curriculum standards are different. Curriculum is developed from the standards, and depending on what standards the States have adopted, the curriculum is an entirely different matter.

So, again, I hope that we can use this opportunity as a learning moment so my colleagues can engage in a more meaningful debate about what standards are and who sets them.

Mr. ZELDIN. Mr. Chairman, I think this would be a very good learning moment because States were receiving hundreds of millions, into the billions of dollars, from the Federal Government. They had to sign up for Common Core in order to get the money.

Mr. POLIS. Will the gentleman yield?

Mr. ZELDIN. No. Let me——

Mr. POLIS. You do not need to sign up for Common Core to receive the funding.

Mr. KLINE. Regular order, Mr. Chairman.

The Acting CHAIR (Mr. DOLD). The gentleman from New York controls the time.

Mr. ZELDIN. There were applications that were sent from New York State, for example, to the Federal Government signed by the New York State congressional delegation asking for a waiver from the Federal Government,

asking for money from the Federal Government to New York State that went to over 700 school districts to sign up for Common Core and all sorts of other things that came from the Federal Government. So I appreciate this as a learning moment.

Mr. Chairman, I yield back the balance of my time to Mr. SCOTT.

Mr. SCOTT of Virginia. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Virginia has 1½ minutes remaining.

Mr. SCOTT of Virginia. Mr. Chairman, I just want to reiterate that the Commonwealth of Virginia had received a waiver without accepting, without being involved in Common Core. We need to make sure that we have meaningful, high standards so that when someone graduates from high school, they are college- or career-ready without remediation. Whatever happens to this amendment, we want to make sure that States are not trying to exempt themselves out of reasonable standards.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. ZELDIN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. ZELDIN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 31 OFFERED BY MR. HURD OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 31 printed in part B of House Report 114–29.

Mr. HURD of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 574, after line 17, insert the following:

"SEC. 6552. SENSE OF CONGRESS ON PROTECTING STUDENT PRIVACY.

''(a) FINDINGS.—The Congress finds as follows:

''(1) Students' personally identifiable information is important to protect.

''(2) Students' information should not be shared with individuals other than school officials in charge of educating those students without clear notice to parents.

''(3) With the use of more technology, and more research about student learning, the responsibility to protect students' personally identifiable information is more important than ever.

''(4) Regulations allowing more access to students' personal information could allow that information to be shared or sold by individuals who do not have the best interest of the students in mind.

''(5) The Secretary has the responsibility to ensure every entity that receives funding under this Act holds any personally identifiable information in strict confidence.

''(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Secretary should review all regulations addressing issues of student privacy, including those under this Act, and ensure that students' personally identifiable information is protected.

The Acting CHAIR. Pursuant to House Resolution 125, the gentleman from Texas (Mr. HURD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HURD of Texas. Mr. Chairman, our children are our most precious resource, so protecting their personally identifiable information is incredibly important. As a former undercover officer in the CIA, I have seen the damage that can be done when personal data falls into the wrong hands. Bad actors can not only use this information for their own gain, they can also use it to target America's children. It is up to us to protect our children and ensure their information is secure. Students' personal information should never be shared with anyone who is not authorized to view it or use it, period.

I support the final passage of H.R. 5 and hope this amendment will spur Congress to help protect the personally identifiable information of our Nation's students.

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

Mr. SCOTT of Virginia. Mr. Chairman, I claim the time in opposition, although I am not opposed.

The SPEAKER pro tempore. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SCOTT of Virginia. Mr. Chairman, the gentleman from Texas has raised some good points about data privacy with this amendment. The Subcommittee on Elementary and Secondary Education held a hearing on data privacy in the digital age earlier this month, and I think we are going to be looking at ways that we can improve FERPA for the 21st century during this Congress.

Mr. Chairman, that bill was written 40 years ago when data in the classroom was all in a teacher's grade book and technology was not employed anywhere close to where it is today. Parents need to be able to trust that their children's personal information is secure and will not be used for marketing or noneducational purposes. Teachers need to be given resources to understand how they can best protect the students' data. As policymakers, we need to safeguard student privacy while supporting technological innovation happening in American schools.

We must help researchers and educators diagnose and address achievement gaps and enable all students to achieve their greatest potential. So I support the gentleman's amendment, and yield back the balance of my time.

Mr. HURD of Texas. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HURD).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. HURD of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

Mr. KLINE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. STIVERS) having assumed the chair, Mr. DOLD, Acting Chair 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. 5) to support State and local accountability for public education, protect State and local authority, inform parents of the performance of their children's schools, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 35, FURTHER CONTINUING APPROPRIATIONS RESOLUTION, 2015

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 114–31) on the resolution (H. Res. 129) providing for consideration of the joint resolution (H.J. Res. 35) making further continuing appropriations for fiscal year 2015, and for other purposes, which was referred to the House Calendar and ordered to be printed.

STUDENT SUCCESS ACT

The SPEAKER pro tempore. Pursuant to House Resolution 125 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5.

Will the gentleman from Illinois (Mr. DOLD) kindly resume the chair.

□ 2124

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 further consideration of the bill (H.R. 5) to support State and local accountability for public education, protect State and local authority, inform parents of the performance of their children's schools, and for other purposes, with Mr. DOLD (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 31, printed in part B of House Report 114–29, offered by the gentleman from Texas (Mr. HURD) had been postponed.

AMENDMENT NO. 32 OFFERED BY MR. GRAYSON

The Acting CHAIR. It is now in order to consider amendment No. 32 printed in part B of House Report 114–29.

Mr. GRAYSON. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 574, after line 17, insert the following:

"SEC. 6552. STUDY ON SCHOOL START TIMES.

''The Secretary shall conduct an assessment of the impact of school start times on student health, well-being, and performance.''.

The Acting CHAIR. Pursuant to House Resolution 125, the gentleman from Florida (Mr. GRAYSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. GRAYSON. Mr. Chairman, my amendment would require the Secretary of Education to conduct an assessment of the impact of school start times on student health, well-being, and performance. It is supported by the National Education Association, the American Academy of Pediatrics, and the National Sleep Federation.

In my district, some schools begin the day at 7 a.m., and others begin at 9:15. I am sure we see similar disparities all around the country. As the father of five school-age children, I believe that 7 a.m. is probably too early to get the best out of the developing minds and bodies of our young people.

That being said, I want to make it clear that this amendment does not mandate any change to school start times in the least. It simply seeks a national study on this topic. Maybe that study will prove me right, maybe it won't. Either way, localities will remain free to continue to choose the start times for their schools that make the most sense for them, hopefully being better informed by this study. My amendment, should it be accepted, will make those decisions possible with more information than is currently available.

According to research already available by the director of the Center for Applied Research and Educational Improvement at the University of Minnesota, later school start times in Minneapolis and Edina, Minnesota, have led to increased attendance rates, improved graduation rates, increased GPAs—in fact, in 11th grade, the mean grade went from a B to almost an A-minus—and significantly less depression among our students.

A Centers for Disease Control and Prevention study found that insufficient sleep for young people leads to an increase in risky behavior, including increased tobacco use, increased alcohol consumption, and increased sexual activity.

A recent study at the U.S. Air Force Academy even found ''significant negative effects''—that is a direct quote—''significant negative effects'' every single year for those students who enrolled in the Air Force's early morning courses. A study on the Wake County, North Carolina, school district start times showed that students with a 1-hour later start time gained on State assessment reading and math scores significantly and substantially.

An analysis of SAT scores in Hingham, Massachusetts, showed that delayed school starts, a school start a little bit later in the morning, resulted in a 31 point increase in SAT scores for those students with no other change in their schedule or in their standards.

With all these disparate localized research results, isn't it time for a national study to see if these trends might be replicable across the country and could give our students a better education?

I hope that the information gained from such a study—such as one that I am proposing—would be useful to students. I hope it will be useful to parents, and I hope it will be useful to State and local governments and school authorities as they consider and determine their appropriate start times.

According to the Congressional Budget Office, this amendment would have absolutely no impact on direct Federal spending. Again, I want to reiterate that this amendment is not a mandate in any sense whatsoever. It only requires a deeper look at the effects school start times have on the health, well-being, and performance of students across America.

Mr. Chairman, we should be eager to research anything that could possibly benefit our Nation's K–12 students, our own children. Toward that end, I urge support for this amendment, and I reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. Mr. Chairman, I appreciate the gentleman's interest and passion in looking at this issue.

□ 2130

I oppose the amendment because it is yet another example of expanding the Federal role in education into areas that are best left to States or local school districts.

There are debates about start times for schools. There are studies that are out there. The gentleman mentioned some of those. There are a lot of opinions on the topic, but I don't believe that the Federal Government conducting yet another study—a national study—will be helpful.

Each State and local school district needs to figure out what works best for their students as they contemplate decisions about running their schools, whether it is start times or end times or anything in between. It is not the role of the Federal Government.

I oppose this amendment and ask my colleagues to oppose the amendment.

I reserve the balance of my time.

Mr. GRAYSON. Mr. Chairman, I yield myself the balance of my time.

In response to what we just heard, I point out that the Congressional Budget Office says this has no direct impact on spending. The reason for that is that the Department of Education already conducts research. It has a major staff of research on whom we spent millions of dollars of Federal money, regardless of whether they are performing this study or not.

We are not in any sense expanding the Federal role in education. We are simply getting the information from people who would be doing other studies, rather than this study, if this amendment doesn't pass.

We would be providing valuable information to people all across the country, the people in our States, in our localities, in our school districts, who actually do make that determination regarding start time. Therefore, with all due respect, I think that the gentleman's criticism is not well taken, and I remain passionate in support of this amendment.

I yield back the balance of my time.

Mr. KLINE. Mr. Chairman, I will just take a few seconds here.

I do appreciate the gentleman's passion. As the gentleman pointed out, the Department of Education, the government already has the ability to conduct such research. Much research has already been done. I think the State and local governments will make decisions that is best suited for their districts.

I oppose the gentleman's amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. GRAYSON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GRAYSON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 33 OFFERED BY MS. WILSON OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 33 printed in part B of House Report 114–29.

Ms. WILSON of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In title VI of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 601(a) of the bill—

(1) redesignate part F as part G (and redesignate provisions accordingly); and

(2) insert after part E the following:

"PART F—SCHOOL DROPOUT PREVENTION

"SEC. 6571. SHORT TITLE.

''This part may be cited as the 'Dropout Prevention Act'.

"SEC. 6572. PURPOSE.

''The purpose of this part is to provide for school dropout prevention and reentry and

to raise academic achievement levels by providing grants that—

''(1) challenge all children to attain their highest academic potential; and

''(2) ensure that all students have substantial and ongoing opportunities to attain their highest academic potential through schoolwide programs proven effective in school dropout prevention and reentry.

''SEC. 6573. AUTHORIZATION OF APPROPRIATIONS.

''For the purpose of carrying out this part, there are authorized to be appropriated $125,000,000 for fiscal year 2016 and such sums as may be necessary for each of the 5 succeeding fiscal years, of which—

''(1) 10 percent shall be available to carry out subpart 1 for each fiscal year; and

''(2) 90 percent shall be available to carry out subpart 2 for each fiscal year.

''Subpart 1—Coordinated National Strategy

''SEC. 6581. NATIONAL ACTIVITIES.

''(a) IN GENERAL.—The Secretary is authorized—

''(1) to collect systematic data on the effectiveness of the programs assisted under this part in reducing school dropout rates and increasing school reentry and secondary school graduation rates;

''(2) to establish a national clearinghouse of information on effective school dropout prevention and reentry programs that shall disseminate to State educational agencies, local educational agencies, and schools—

''(A) the results of research on school dropout prevention and reentry; and

''(B) information on effective programs, best practices, and Federal resources to—

''(i) reduce annual school dropout rates;

''(ii) increase school reentry; and

''(iii) increase secondary school graduation rates;

''(3) to provide technical assistance to State educational agencies, local educational agencies, and schools in designing and implementing programs and securing resources to implement effective school dropout prevention and reentry programs;

''(4) to establish and consult with an interagency working group that shall—

''(A) address inter- and intra-agency program coordination issues at the Federal level with respect to school dropout prevention and reentry, and 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 and reentry;

''(B) describe the ways in which State educational agencies and local educational agencies can implement effective school dropout prevention and reentry programs using funds from a variety of Federal programs, including the programs under this part; and

''(C) examine Federal programs that may have a positive impact on secondary school graduation or school reentry;

''(5) to carry out a national recognition program in accordance with subsection (b) that recognizes schools that have made extraordinary progress in lowering school dropout rates; and

''(6) to use funds made available for this subpart to carry out the evaluation required under section 1830(c).

''(b) RECOGNITION PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary shall—

''(A) establish a national recognition program; and

''(B) develop uniform national guidelines for the recognition program that shall be used to recognize eligible schools from nominations submitted by State educational agencies.

''(2) RECOGNITION.—The Secretary shall recognize, under the recognition program established under paragraph (1), eligible schools.

''(3) SUPPORT.—The Secretary may make monetary awards to an eligible school recognized under this subsection in amounts determined appropriate by the Secretary that shall be used for dissemination activities within the eligible school district or nationally.

''(4) DEFINITION OF ELIGIBLE SCHOOL.—In this subsection, the term 'eligible school' means a public middle school or secondary school, including a charter school, that has implemented comprehensive reforms that have been effective in lowering school dropout rates—

''(A) for all students in that secondary school or charter school;

''(B) For students in one or more of the subgroups described in section 1111(b)(2)(B)(xii); or

''(C) in the case of a middle school, for all students or for students in one or more of the subgroups described in section 1111(b)(2)(B)(xii) with a higher than average dropout rate in the secondary school that the middle school feeds students into.

''(c) CAPACITY BUILDING.—

''(1) IN GENERAL.—The Secretary, through a contract with one or more non-Federal entities, may conduct a capacity building and design initiative in order to increase the types of proven strategies for school 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 may award not more than five contracts under this subsection.

''(B) DURATION.—The Secretary may award a contract under this subsection for a period of not more than 5 years.

''(d) SUPPORT FOR EXISTING REFORM NETWORKS.—

''(1) IN GENERAL.—The Secretary may provide appropriate support to eligible entities to enable the eligible entities to provide training, materials, development, and staff assistance to schools assisted under this part.

''(2) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means an entity that, prior to the date of enactment of the Dropout Prevention Act—

''(A) provided training, technical assistance, and materials related to school dropout prevention or reentry to 100 or more elementary schools or secondary schools; and

''(B) developed and published a specific educational program or design related to school dropout prevention or reentry for use by the schools.

''Subpart 2—School Dropout Prevention Initiative

''SEC. 6591. DEFINITIONS.

''In this subpart:

''(1) LOW-INCOME STUDENT.—The term 'low-income student' means a student who is determined by a local educational agency to be from a low-income family using the measures described in section 1113(c).

''(2) STATE.—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, and the Bureau of Indian Affairs for purposes of serving schools funded by the Bureau.

''SEC. 6592. PROGRAM AUTHORIZED.

''(a) GRANTS TO STATE EDUCATIONAL AGENCIES AND LOCAL EDUCATIONAL AGENCIES.—

''(1) AMOUNT LESS THAN $75,000,000.—

''(A) IN GENERAL.—If the amount appropriated under section 6573 for a fiscal year equals or is less than $75,000,000, then the Secretary shall use such amount to award grants, on a competitive basis, to—

''(i) State educational agencies to support activities—

''(I) in schools that—

''(aa) serve students in grades 6 through 12; and

''(bb) have annual school dropout rates that are above the State average annual school dropout rate; or

''(II) in the middle schools that feed students into the schools described in subclause (I); or

''(ii) local educational agencies that operate—

''(I) schools that—

''(aa) serve students in grades 6 through 12; and

''(bb) have annual school dropout rates that are above the State average annual school dropout rate; or

''(II) middle schools that feed students into the schools described in subclause (I).

''(B) USE OF GRANT FUNDS.—Grant funds awarded under this paragraph shall be used to fund effective, sustainable, and coordinated school dropout prevention and reentry programs that may include the activities described in subsection (b)(2), in—

''(i) schools serving students in grades 6 through 12 that have annual school dropout rates that are above the State average annual school dropout rate; or

''(ii) the middle schools that feed students into the schools described in clause (i).

''(2) AMOUNT LESS THAN $250,000,000 BUT MORE THAN $75,000,000.—If the amount appropriated under section 6573 for a fiscal year is less than $250,000,000 but more than $75,000,000, then the Secretary shall use such amount to award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to award subgrants under subsection (b).

''(3) AMOUNT EQUAL TO OR EXCEEDS $250,000,000.—If the amount appropriated under section 6573 for a fiscal year equals or exceeds $250,000,000, then the Secretary shall use such amount to award a grant to each State educational agency in an amount that bears the same relation to such appropriated amount as the amount the State educational agency received under part A for the preceding fiscal year bears to the amount received by all State educational agencies under such part for the preceding fiscal year, to enable the State educational agency to award subgrants under subsection (b).

''(b) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

''(1) IN GENERAL.—From amounts made available to a State educational agency under paragraph (2) or (3) of subsection (a), the State educational agency shall award subgrants, on a competitive basis, to local educational agencies that operate public schools that serve students in grades 6 through 12 and that have annual school dropout rates that are above the State average annual school dropout rate, to enable those schools, or the middle schools that feed students into those schools, to implement effective, sustainable, and coordinated school dropout prevention and reentry programs that involve activities such as—

''(A) professional development;

''(B) obtaining curricular materials;

''(C) release time for professional staff to obtain professional development;

''(D) planning and research, including the development of early warning indicator systems in middle schools designed to identify students who are at risk of dropping out of high school and to guide preventative and recuperative school improvement strategies, including—

''(i) identifying and analyzing the academic risk factors that most reliable predict dropouts by using longitudinal data of past cohorts of students;

''(ii) identifying specific indicators of student progress and performance, such as attendance, academic performance in core courses, and credit accumulation, to guide decision making;

''(iii) identifying or developing a mechanism for regularly collecting and analyzing data about the impact of interventions on the indicators of student progress and performance; and

''(iv) analyzing academic indicators to determine whether students are on track to graduate secondary school in the standard number of years;

''(E) remedial education;

''(F) reduction in pupil-to-teacher ratios;

''(G) efforts to meet State student academic achievement standards;

''(H) counseling and mentoring for at-risk students, including the creation of individualized student success plans;

''(I) implementing comprehensive school reform models, such as creating smaller learning communities; and

''(J) school reentry activities.

''(2) AMOUNT.—Subject to paragraph (3), a subgrant under this subpart shall be awarded—

''(A) in the first year that a local educational agency receives a subgrant payment under this subpart, in an amount that is based on factors such as—

''(i) the size of schools operated by the local educational agency;

''(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 year, in an amount that is not less than 75 percent of the amount the local educational agency 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 local educational agency 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 local educational agency received under this subpart in the first year.

''(3) DURATION.—A subgrant 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 1830(a), that significant progress has been made in lowering the annual school dropout rate for secondary schools participating in the program assisted under this subpart.

''SEC. 6593. APPLICATIONS.

''(a) IN GENERAL.—To receive—

''(1) a grant under this subpart, a State educational agency or local educational agency shall submit an application and plan to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require; and

''(2) a subgrant under this subpart, a local educational agency shall submit an application and plan to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require.

''(b) CONTENTS.—

''(1) STATE EDUCATIONAL AGENCY AND LOCAL EDUCATIONAL AGENCY.—Each application and plan submitted under subsection (a) shall—

''(A) include an outline—

''(i) of the State educational agency's or local educational agency's strategy for reducing the State educational agency or local educational agency's annual school dropout rate;

''(ii) for targeting secondary schools, and the middle schools that feed students into those secondary schools, that have the highest annual school dropout rates; and

''(iii) for assessing the effectiveness of the efforts described in the plan;

''(B) contain an identification of the schools in the State or operated by the local educational agency that have annual school dropout rates that are greater than the average annual school dropout rate for the State;

''(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 State and local funds available for school dropout prevention and reentry programs; and

''(G) describe how the activities to be assisted conform with research knowledge and evidence-based school dropout prevention and reentry programs.

''(2) LOCAL EDUCATIONAL AGENCY.—Each application and plan submitted under subsection (a) by a local educational agency shall contain, in addition to the requirements of paragraph (1)—

''(A) an assurance that the local educational agency is committed to providing ongoing operational support for such schools to address the problem of school dropouts for a period of 5 years; and

''(B) an assurance that the local educational agency will support the plan, including—

''(i) provision of release time for teacher training;

''(ii) efforts to coordinate activities for secondary schools and the middle schools that feed students into those secondary schools; and

''(iii) encouraging other schools served by the local educational agency to participate in the plan.

''SEC. 6594. STATE RESERVATION.

''A State educational agency that receives a grant under paragraph (2) or (3) of section 1822(a) may reserve not more than 5 percent of the grant funds for administrative costs and State activities related to school dropout prevention and reentry activities, of which not more than 2 percent of the grant funds may be used for administrative costs.

''SEC. 6595. STRATEGIES AND CAPACITY BUILDING.

''Each local educational agency receiving a grant or subgrant under this subpart and each State educational agency receiving a grant under this subpart shall implement scientifically based, sustainable, and widely replicated strategies for school dropout prevention and reentry. The strategies may include—

''(1) specific strategies for targeted purposes, such as—

''(A) effective early intervention programs designed to identify at-risk students;

''(B) effective programs serving at-risk students, including racial and ethnic minorities and pregnant and parenting teenagers, designed to prevent such students from dropping out of school; and

''(C) 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, and developing clear linkages to career skills and employment.

''SEC. 6596. SELECTION OF LOCAL EDUCATIONAL AGENCIES FOR SUBGRANTS.

''(a) STATE EDUCATIONAL AGENCY REVIEW AND AWARD.—The State educational agency shall review applications submitted under section 1823(a)(2) and award subgrants to local educational agencies with the assistance and advice of a panel of experts on school dropout prevention and reentry.

''(b) ELIGIBILITY.—A local educational agency is eligible to receive a subgrant under this subpart if the local educational agency operates a public school (including a public alternative school)—

''(1) that is eligible to receive assistance under part A; and

''(2)(A) that serves students 50 percent or more of whom are low-income students; or

''(B) in which a majority of the students come from feeder schools that serve students 50 percent or more of whom are low-income students.

''SEC. 6597. COMMUNITY BASED ORGANIZATIONS.

''A local educational agency that receives a grant or subgrant under this subpart and a State educational agency that receives a grant under this subpart may use the funds to secure necessary services from a community-based organization or other government agency if the funds are used to provide school dropout prevention and reentry activities related to schoolwide efforts.

''SEC. 6598. TECHNICAL ASSISTANCE.

''Notwithstanding any other provision of law, each local educational agency that receives funds under this subpart shall use the funds to provide technical assistance to secondary schools served by the agency that have not made progress toward lowering annual school dropout rates after receiving assistance under this subpart for 2 fiscal years.

''SEC. 6599. SCHOOL DROPOUT RATE CALCULATION.

''For purposes of calculating an annual school dropout rate under this subpart, a school shall use 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.

''SEC. 6600. REPORTING AND ACCOUNTABILITY.

''(a) LOCAL EDUCATIONAL AGENCY REPORTS.—

''(1) IN GENERAL.—To receive funds under this subpart for a fiscal year after the first fiscal year that a local educational agency receives funds under this subpart, the local educational agency shall provide, on an annual basis, a report regarding the status of the implementation of activities funded under this subpart, and the dropout data for students at schools assisted under this subpart, disaggregated by each subgroup described in section 1111(b)(2)(B)(xii), to the—

''(A) Secretary, if the local educational agency receives a grant under section 1822(a)(1); or

''(B) State educational agency, if the local educational agency receives a subgrant under paragraph (2) or (3) of section 1822(a).

''(2) DROPOUT DATA.—The dropout data under paragraph (1) shall include annual school dropout rates for each fiscal year, starting with the 2 fiscal years before the local educational agency received funds under this subpart.

''(b) STATE REPORT ON PROGRAM ACTIVITIES.—Each State educational agency receiving funds under this subpart shall provide to the Secretary, at such time and in such format as the Secretary may require, information on the status of the implementation of activities funded under this subpart and outcome data for students in schools assisted under this subpart.

''(c) ACCOUNTABILITY.—The Secretary shall evaluate the effect of the activities assisted under this subpart on school dropout prevention compared, if feasible, to a control group using control procedures. The Secretary may use funds appropriated for subpart 1 to carry out this evaluation.

''SEC. 6601. PROHIBITED USES OF FUNDS.

''No funds under this part may be used for—

''(1) the development, establishment, implementation, or enforcement of zero-tolerance school discipline policies unless otherwise required by Federal law; or

''(2) law enforcement agencies or local police departments serving a school or local educational agency—

''(A) with substantial documented excesses or racial disparities in the use of exclusionary discipline;

''(B) operating under an open school desegregation order, whether court-ordered or voluntary;

''(C) operating under a pattern or practice or practice consent decree for civil rights violations; or

''(D) already receiving substantial Federal funds for the placement of law enforcement in schools.''.

The Acting CHAIR. Pursuant to House Resolution 125, the gentlewoman from Florida (Ms. WILSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. WILSON of Florida. Mr. Chairman, my amendment to H.R. 5 is simple. It will provide students with the necessary resources to remain in school and graduate.

I have witnessed young people who are mentored through quality in-school mentoring programs make positive choices, discover personal strength, and achieve their potential both inside and outside of the classroom.

According to the National Mentoring Partnership, youth who have a meaningful relationship with an adult are five times more likely to graduate. Studies also show that these youth are 46 percent less likely than their peers to start using illegal drugs, 27 percent less likely to start drinking, 52 percent less likely to skip a day of school, and 37 percent less likely to skip a class.

Young people who were at risk for not completing high school but who had a mentor were 55 percent more likely to be enrolled in college, 81 percent more likely to report participating regularly in sports or extracurricular activities, more than twice as likely to say they held a leadership position in a club or sports team, and 78 percent more likely to volunteer regularly in their communities.

Simply put, mentoring is a proven cost-effective investment. In fact, for every $1 invested in mentoring, there is a $3 return to society.

That is why it is important that we encourage States to establish and support effective dropout prevention and reentry programs that will provide necessary assistance to ensure that all of our children graduate.

My amendment will provide for school dropout prevention and reentry by establishing a mechanism to collect systemic data on dropout reentry and graduation rates, while establishing a national clearing house to collect information on effective dropout prevention and reentry programs.

My amendment will also provide technical assistance to State and local educational agencies, carry out national recognition programs for State and local educational agencies that raise academic achievement levels, and provide grants to local schools and agencies with dropout rates above the State's average to implement effective and sustainable dropout prevention and reentry programs.

That is why I support wholeheartedly the amendment to H.R. 5. I urge a ''yes'' vote on this amendment.

I yield back the balance of my time.

Mr. KLINE. Mr. Chairman, I claim the time in opposition to the gentlewoman's amendment.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. Mr. Chairman, I want to start by thanking the gentlewoman for the amendment, although I do oppose it, and commending her for the outstanding work that she has personally done in this area of mentoring and helping kids get through school and off to a life with hope, rather than a life of crime and gangs. She has done remarkable work.

As the gentlewoman knows, there are currently more than 80 elementary and secondary education programs in current law. This bill, the underlying bill, eliminates 65 of these programs, as we tried to allow schools more flexibility to do what they feel is most important with the money that they are getting.

The gentlewoman's amendment calls for another $125 million of spending in the first year and such sums thereafter. I am afraid this is yet another Federal program that will be chronically underfunded and competing for funding that the schools so desperately need.

While I admire her passion and her personal hard work in this field, I continue to oppose this amendment and ask my colleagues to oppose this amendment and support the underlying bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. WILSON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. WILSON of Florida. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Florida will be postponed.

AMENDMENT NO. 34 OFFERED BY MR. CASTRO OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 34 printed in part B of House Report 114–29.

Mr. CASTRO of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 596, after line 15, insert the following:

''(K) A description of how such youths will receive assistance from counselors to advise, prepare, and improve the readiness of such youths for college.

The Acting CHAIR. Pursuant to House Resolution 125, the gentleman from Texas (Mr. CASTRO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CASTRO of Texas. Mr. Chairman, my amendment would require States to provide a blueprint for college and career counseling opportunities for homeless youth.

This is a bipartisan amendment. In fact, I want to thank very much Mr. STIVERS of Ohio and his staff who were very helpful in drafting this amendment.

We know that there are an estimated 1.6 million homeless youth and runaways in this country, and we also know that they are especially vulnerable to falling through the cracks of our educational system. This would simply ask States to show how they are going to help these youth with career and college readiness.

Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. POLIS), my colleague.

Mr. POLIS. Mr. Chairman, I want to thank Mr. CASTRO for his leadership on this important issue.

Before I came to Congress, I cofounded a charter school in Denver called the Academy of Urban Learning. The focus of this charter school, which serves just over 100 students in Denver to this day, about 12 years after it was founded, it serves homeless youth and youth in transitional housing.

One of the keys to the success of this school is the counseling and wraparound services that the students receive. In fact, one of the graduation requirements is that students must apply to two institutions of higher education.

Now, in a void, that they need more than just that requirement, they need the hands-on help from the counselors that will help them achieve that, so there has been a remarkable record of students not only applying but attending community colleges and even 4-year universities.

Part of the secret sauce that makes that school work—and I am very confident would help make other schools work that serve homeless youth across the country—is the college and career-readiness counseling to advise and prepare students for the next phase of their lives.

This amendment is extremely important in making a difference for the lives of homeless youth, and I strongly encourage my colleagues to adopt it.

Mr. STIVERS. Mr. Chairman, I claim the time in opposition of the amendment, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. STIVERS. Mr. Chairman, last month, I had the privilege of joining three young adults from my district to reintroduce the Homeless Children and Youth Act, a bill that will help young homeless youth get access to housing and better service and better to just count them, so we know what the extent of the problem is, so that we can serve them in the future.

The Elementary and Secondary Education Act was originally signed into law to help the neediest children among us have a quality education. As we consider the reauthorization, we need to not forget about vulnerable students who happen to be homeless.

The Castro-Stivers amendment would require States to develop a plan on how school counselors can help these homeless students with their college readiness. By providing these children with college counseling and encouraging them and giving them hope, we can develop a brighter future not only for those children, but for America.

I want to thank my colleague from Texas (Mr. CASTRO) for his hard work on this, for joining me in the fight to help serve our homeless youth in this country and help give them a bright future.

I want to thank the chairman and all the staff for their hard work. We worked with the committee on this amendment. That is why nobody else rose in opposition to it because we actually worked out the details. I appreciate their suggestions and willingness to work with us. I appreciate the gentleman from Texas for being willing to take those suggestions.

This amendment is an example of how this House should work, work together to serve the people, to take care of those in need, to make sure we look out for the future of our country. I am proud to have been involved and appreciate the work of the gentleman from Texas and the chairman and those on the committee.

I yield back the balance of my time.

Mr. CASTRO of Texas. Mr. Chairman, let me just say, in conclusion, I also want to thank the Congressman one more time and the chairman and the ranking member and their staff, who were very gracious and helpful in drafting this.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CASTRO).

The amendment was agreed to.

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AMENDMENT NO. 35 OFFERED BY MR. CARSON OF INDIANA.

The Acting CHAIR. It is now in order to consider amendment No. 35 printed in part B of House Report 114–29.

Mr. CARSON of Indiana. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title VI, add the following new section:

SEC. 605. DEVELOPMENT OF A NATIONAL RESEARCH STRATEGY.

Not later than 180 days after the date of the enactment of the Student Success Act, the Secretary of Education shall develop a national research strategy with respect to elementary and secondary education that includes advancing—

(1) an annual measure of student learning, including a system of assessments;

(2) effective teacher preparation and continuing professional development;

(3) education administration; and

(4) international comparisons of education.

The Acting CHAIR. Pursuant to House Resolution 125, the gentleman from Indiana (Mr. CARSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. CARSON of Indiana. Mr. Chairman, I rise today to present an amendment to help prepare vulnerable and at-risk students for the future. Too many children suffer because we effectively do not have the coordinated efforts to research and apply data on student achievement in a way that would really benefit them.

This amendment supports the creation of a national strategy for the collection, analysis, and assessment of student achievement data. This data will be used to structure systems that better serve our students. In addition, it will advance teacher professional development, educational administration, and international education comparisons.

Preparing students for college and careers should be a priority of our system of education. But doing this successfully requires evidence-based tools we need to properly assess what is working and what is not working.

My amendment, Mr. Chair, will help ensure that all students leave our elementary and secondary schools prepared to meet the demands of our global society.

I reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I claim time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. Mr. Chairman, I want to thank the gentleman for offering his amendment, even though I am opposed to it.

I agree, the evaluation of Federal programs is important, and we need to better understand what works in education. It is for that reason the underlying bill already places an emphasis on better evaluation for the programs included in the bill. We do not need yet another Federal program overlaying a new strategy on top of the current evaluations required and allowed.

While I agree very much with the importance of the issue, I must oppose the amendment, as it is unnecessary and duplicative. I ask my colleagues to oppose the amendment and support the underlying bill.

I reserve the balance of my time.

Mr. CARSON of Indiana. Mr. Chairman, I thank the gentleman for his thoughts and, quite frankly, I appreciate that this is really a part of our ongoing discussion; however, I respectfully disagree.

I understand, Mr. Chairman, that some of my colleagues believe that such a strategy should be left to the States; however, it is critically important that we remember one fact: a child does not learn differently based on what State they live in. A State that fails to hold schools accountable hurts the students, even if their standards were approved by the General Assembly. Parents should not have to worry about their child getting an inferior education just because of the State that they live in, Mr. Chairman.

While States like mine—the great Hoosier State of Indiana—are holding robust debates about assessments, we still do not have a clear strategy to address the needs of our students or our teachers. This amendment, Mr. Chairman, merely sets forth a plan to address the problems we are facing across the country and increase the likelihood that our students will receive a quality education. This is something for us to think about, Mr. Chairman.

Mr. Chairman, while I believe that this amendment addresses a very important issue, it will not solve the wide array of programs with the underlying bill. This bill ignores the needs of students living in poverty, students with disabilities, and English language learners. It fails to target those schools that are truly in need and allows portability that will hurt these struggling schools even further. It cuts State accountability standards. It block grants critical title I funds, effectively increasing chances that funds will not reach their intended targets, Mr. Chairman.

This bill is nowhere near what our students, parents, and teachers need. I encourage my colleagues, Mr. Chairman, to support my amendment and vote against the underlying bill.

I yield back the balance of my time.

Mr. KLINE. Mr. Chairman, while obviously I disagree with a great deal of what my friend and colleague has just said about what this underlying bill does, I think it is going exactly to the core of the problem that we see with the current law, No Child Left Behind.

This bill is designed to give much greater flexibility to superintendents and to local school boards so that they can dedicate funds to the areas where they are needed most. The gentleman's amendment, as I mentioned earlier, is not helpful in this effort because of the language in the underlying bill.

While I appreciate that he doesn't support the bill, I disagree with his description of the bill and would urge my colleagues to oppose his amendment and support that underlying bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. CARSON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CARSON of Indiana. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana will be postponed.

AMENDMENT NO. 36 OFFERED BY MR. COLLINS OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 36 printed in part B of House Report 114–29.

Mr. COLLINS of Georgia. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 620, after line 8, add the following (and amend the table of contents accordingly):

SEC. 802. ACCOUNTABILITY TO TAXPAYERS THROUGH MONITORING AND OVERSIGHT.

To ensure better monitoring and oversight of taxpayer funds authorized to be appropriated under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), and to deter and prohibit waste, fraud, and abuse of such funds, the Secretary of Education—

(1) shall ensure that each recipient of a grant or subgrant under such Act is aware of—

(A) their responsibility to comply with all monitoring requirements under the applicable program or programs;

(B) their further responsibility to monitor properly any sub-grantee under the applicable program or programs; and

(C) the Secretary's schedule for monitoring and any other compliance reviews to ensure proper use of Federal funds;

(2) shall review and analyze the results of monitoring and compliance reviews—

(A) to understand trends and identify common issues; and

(B) to issue guidance to help grantees address these issues before the loss or misuse of taxpayer funding occurs;

(3) shall publically report the work undertaken by the Secretary to prevent fraud, waste, and abuse, including specific cases where the Secretary found and prevented the misuse of taxpayer funds; and

(4) shall work with the Office of Inspector General in the Department of Education as needed to help ensure that employees of such department understand how to monitor grantees properly and to help grantees monitor any sub-grantees properly.

The Acting CHAIR. Pursuant to House Resolution 125, the gentleman from Georgia (Mr. COLLINS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. COLLINS of Georgia. Mr. Chairman, I appreciate this opportunity to advocate for my amendment to H.R. 5, the Student Success Act.

My amendment is based on the principle that strong oversight of taxpayer dollars should be the utmost priority for any Federal agency, including the Department of Education. I know my colleagues have strong and varied opinions—as has been exhibited on this floor over the past few hours—on the merits of this bill or not, but as this amendment comes forward, I would ask that we look at the accountability factor that is in this amendment.

As the husband of an educator, education has long been a priority in my family. My wife's experiences have also given me a firsthand look at the challenges teachers face when school resources are tight. Some school districts in northeast Georgia and all over the country often struggle to make ends meet. They have to hold each other and every member of their staffs accountable for the money they spend.

I think it is time we apply this same commonsense principle to the Department of Education. When fiscal responsibility and oversight are not taken seriously, we lose opportunities to help educators and students. When the Federal Government is a good steward of public funds, we have more resources to direct to good initiatives that will actually make a difference in classrooms across the country. My amendment seeks to protect the Department of Education's limited resources by ensuring that recipients of taxpayer-funded grants are aware of their responsibilities.

Now, understanding I personally believe that the Department of Education's role should continue to be reduced and that States and locals are the best place to do this, but as long as there is money going to the Department of Education, it should be an utmost responsibility of responsibility and accountability.

My amendment requires that the Secretary of Education ensure that each grantee and subgrantee is aware of three things: first, their responsibility to comply with all the monitoring requirements under their applicable program; second, the grantee's obligation to properly supervise any subgrantee; and third, the Secretary's schedule for monitoring and compliance reviews to ensure proper use of Federal funds.

Making sure all grantees have this information will discourage abuse and remove the grantee's excuse that they just did not know what would be required of them when they accepted taxpayer dollars.

My amendment also requires the Secretary to review and analyze the results of monitoring and compliance reviews to understand trends, identify common issues, and issue guidance before the loss or misuse of taxpayer funding. The Secretary would also make public their agency's effort to prevent fraud, waste, and abuse, including specific cases in which the Secretary found and prevented the misuse of taxpayer funds.

Finally, my amendment requires the Secretary to work with the agency's Office of Inspector General to ensure that the appropriate Department of Education employees understand how to properly monitor grantees and guide grantees in the overseeing of subgrantees.

This is a straightforward amendment designed to improve transparency, increase communication between the Department of Education and grant recipients, and ultimately ensure the Federal Government ensures good stewardship of taxpayer dollars. The extra layer of accountability provides this amendment will ensure that grants of all sizes are used well and that students and taxpayers will get the most benefit for their buck.

Educators in Georgia and across the Nation understand the importance of protecting the limited resources we have to help kids in and out of the classroom. The least the Department of Education can do is put the policies in place to prevent the abuse of taxpayer dollars by grantees and make sure that the grant recipients know all of the reporting requirements and guidelines concerning their taxpayer funds.

With that, I hope my colleagues on both sides of the aisle will support this simple, commonsense transparency amendment.

I would like to express my thanks to the chairman and the committee for their work on this bill and others.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. COLLINS).

The amendment was agreed to.

AMENDMENT NO. 37 OFFERED BY MR. DOLD

The Acting CHAIR. It is now in order to consider amendment No. 37 printed in part B of House Report 114–29.

Mr. DOLD. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end of title VIII the following:

SEC. 8___. PROHIBITION OF USING EDUCATION FUNDS FOR EXCESS PAYMENTS TO CERTAIN RETIREMENT OR PENSION SYSTEMS.

(a) IN GENERAL.—No State receiving funds authorized under this Act or the amendments made by this Act may require any local educational agency using funds authorized under this Act to hire or pay the salary of teachers to use such funds to make contributions to a teacher retirement or pension system for a plan year in excess of the normal cost of pension benefits for such plan year for which the employing local educational agency has responsibility.

(b) NORMAL COST DEFINED.—For purposes of this section, the term ''normal cost'' means the portion of the cost of projected benefits allocated to the current plan year, not including any unfunded liabilities the teacher retirement or pension system has accrued.

The Acting CHAIR. Pursuant to House Resolution 125, the gentleman from Illinois (Mr. DOLD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. DOLD. Mr. Chairman, I rise today in support of my amendment to H.R. 5, the Student Success Act.

The amendment ensures that the Federal education dollars will go to students and schools that need them most and that the Federal education funds are not redirected into State pension programs that pay off the States' unfunded liabilities. The amendment prohibits States from requiring school districts that choose to pay teachers using Federal funds to make a contribution to a teacher's pension plan that covers not only the normal cost of that teacher, but also covers the unfunded liabilities that that pension plan may have incurred. It will prevent the States from forcing school districts to use Federal funds to bail out State pension plans and will leave school districts free to make the best decisions for their needs.

Mr. Chairman, it is important to recognize that the amendment does not ban school districts from making pension contributions to cover the normal costs of a teacher's participation in that pension plan. The amendment only prevents States from redirecting Federal education dollars to pay off unfunded liabilities and instead leaves the school districts free to use the Federal funds for their intended purposes: improving our schools, hiring more teachers, and giving children the opportunity to receive a better education.

I think it is important, Mr. Chairman, as we look at what is happening certainly in my State, the State of Illinois, there are times where actually almost 33 percent of title I dollars, of dollars that go to IDEA, actually go into the teachers' pension. It is actually a penalty. So what we find is that we find school districts that are in desperate need of hiring additional teachers that are using those dollars not to go to teachers. They are instead using those dollars to pay for other things because they refuse to take a 33 percent, in essence, haircut on funds that are desperately needed.

So again I want to emphasize, Mr. Chairman, to my colleagues that this is not something that happens in many States. In fact, our research shows that Illinois may be fairly unique in this regard. But what I did find just last week, Mr. Chairman, I had an educational advisory board meeting with teachers and administrators and principals. One of the things that they said and they urged me, they said: Please, can you do something about this problem that we have? One school district that is in desperate need of teachers said, if we were able to solve this problem, they would be able to hire six additional teachers to be able to help out in their crowded classrooms to be able to have a better teacher-student ratio.

This is something that is a problem in the State of Illinois, something that I think we can actually solve here. My hope is that my colleagues will support this amendment and that we will be able to really allow those dollars to be able to go to those students that are in desperate need of help.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I claim the time in opposition, although I am not in opposition.

The Acting CHAIR (Mr. COLLINS of Georgia). Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SCOTT of Virginia. Mr. Chairman, this would require that the money that is appropriated under ESEA go to the purpose for which it was appropriated, and that is education. This amendment focuses the money and makes sure it goes to where it is supposed to go, and therefore I support the amendment.

I yield back the balance of my time.

Mr. DOLD. I want to thank the gentleman from Virginia. I certainly appreciate that.

Mr. Chairman, my hope is, again, we have a bipartisan solution that allows Federal education dollars to be able to go into local school districts that are going to be able to hire more teachers. This is the way, hopefully, the process is supposed to work, Republicans and Democrats looking to work together to actually help our children.

I want to thank the gentleman from Virginia.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. DOLD).

The amendment was agreed to.

□ 2200

AMENDMENT NO. 38 OFFERED BY MR. FLORES

The Acting CHAIR. It is now in order to consider amendment No. 38 printed in part B of House Report 114–29.

Mr. FLORES. Mr. Chairman, I rise to offer my amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

SEC. 802. SENSE OF CONGRESS ON THE FREE EXERCISE OF RELIGION.

It is the sense of Congress that—

(1) a student, teacher, or school administrator retains their rights under the First Amendment, including the right to free exercise of religion, during the school day or while on elementary and secondary school grounds; and

(2) elementary and secondary schools should examine their policies to ensure that, in a manner consistent with the Constitution, law, and court decisions, students, teachers, and school administrators are able to fully participate in activities on elementary and secondary school grounds related to their religious freedom.

The Acting CHAIR. Pursuant to House Resolution 125, the gentleman from Texas (Mr. FLORES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. FLORES. Mr. Chairman, I rise to offer my amendment, which reaffirms the First Amendment rights of students, teachers, and school administrators to exercise their religious beliefs.

The Founders of our Nation recognized the singular importance of religious freedom. One only needs to look back at the very first clause of the First Amendment to know that James Madison, the father of the Bill of Rights, saw religious freedom as central to our liberty and to our freedom of expression as human beings.

Since the ratification of the Bill of Rights over 225 years ago, Americans have been protected from religious oppression. As a result, in present day, for many, religious freedom may seem like a given—a right that has always existed and that will always exist—but we know we can't be so cavalier.

Just look around the world to see that the religious protections enjoyed by Americans are not universally embraced. Even here at home, we have cause to remain vigilant.

Every Christmas, we hear stories of elementary schoolchildren being forbidden from passing out candy canes that are affixed with notes including traditional Christmas messages or even being forbidden from saying the word ''Christmas'' in school.

Today, I rise to offer a sense of Congress to ensure that our right to religious freedom is preserved in our schools. No one should tell students and teachers that they have to check their fundamental freedoms at the schoolhouse door. This is not what our Founding Fathers envisioned or intended.

I urge my colleagues to support the passage of this commonsense reminder that, as Members of Congress and as Representatives of the people, we are the first line of defense against coercive government behavior.

We bear the responsibility of protecting and upholding our traditional religious freedom as espoused in the First Amendment of the Bill of Rights in our Constitution.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SCOTT of Virginia. Mr. Chairman, I have a number of concerns regarding the amendment as it is currently drafted.

I would first note that the amendment gives great weight to the ''free exercise of religion'' without acknowledging the other half of the First Amendment, and that is the Establishment Clause.

I am also concerned that the amendment is duplicative of previous efforts under ESEA. In No Child Left Behind, section 9524 requires the U.S. Department of Education to issue guidance on constitutionally protected prayer in public elementary and secondary schools. This guidance was developed with the Office of the General Counsel in the Department of Education and with the Office of Legal Counsel in the Department of Justice.

Mr. Chairman, I am also concerned that the amendment implies that teachers can participate in religious

activities with their students. The Constitution prohibits teachers from participating in religious activities with students when those teachers are acting in their professional capacity.

Public school employees simply do not have the ''right to make the promotion of religion a part of their job description,'' says the Supreme Court decision in 2007. A sense of Congress provision in this bill will not override the Constitution.

I would remind my colleagues that religious freedom means not only are students, teachers, and school administrators able to exercise their right to religion, but also that the students should be able to attend public schools free of unwarranted proselytization and coercion in the participation of religious activities. The First Amendment is reflective of that balance.

I reserve the balance of my time.

Mr. FLORES. I appreciate the gentleman from Virginia's response.

Mr. Chairman, our amendment is not intended to cause any establishment of any religion or to encourage the proselytization of any religious beliefs in school.

Our amendment is just basically to protect the rights of students and of teachers and of school administrators to practice their individual beliefs and not have to check their religious freedoms at the door. It does nothing to establish any religion.

We need to recognize that there are too often too many times that somebody wears a religious necklace to school and a school administrator violates his right of religious freedom by telling him he has to remove that or, if one wears a T-shirt that has a Biblical phrase or a Biblical verse, that he has to remove that shirt or be banned from wearing that shirt in the future from school because of an administrator who doesn't understand the protections offered by the First Amendment.

This amendment, this sense of Congress, is purely to protect the rights that we have as students and as administrators and teachers under the First Amendment.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, would the Chair advise how much time is available on both sides?

The Acting CHAIR. The gentleman from Virginia has 3½ minutes remaining, and the gentleman from Texas has 2 minutes remaining.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Chairman, the problem that Mr. FLORES is seeking to address here is a real problem in our country.

Students, teachers, and school administrators of faith, particularly teachers, students, and school administrators of minority faiths, are frequently under peer pressure—at times, perhaps, coupled with pressure through official channels—not to exercise their free religion in schools.

There have been instances in this country of Muslim teachers—Muslim women—being told not to wear their hijabs at schools. A situation could arise when a man of the Sikh faith, who would carry a ceremonial knife with him, might be told he cannot carry his ceremonial knife at a school because it violates another policy.

So, too, many educators and students who are atheists or humanists are often intimidated and afraid to proudly proclaim their lack of faith on their clothing or through their words and deeds.

Correctly done, this amendment would allow Muslims and atheists and other members of minority faiths to proudly proclaim their faiths in our schools, and it would give them the opportunity to talk with others while on the school grounds during the school day.

There should be no discrimination against students, teachers, or school administrators based on their faiths, and you don't park your First Amendment rights at the door to the schoolhouse.

Now, there are different rules with regard to students, as we know. Students' lockers can be checked in a different way other than through unreasonable searches and seizures. Of course, students have particular dress codes which have been sustained over time as well; and they are minors, of course, acting with their parents' permission.

Yet, by and large, in a manner consistent with our Constitution, which recognizes that we are a nation of many faiths and a nation of those who have no faith, people should not be afraid to proudly proclaim their Christianity, to proclaim their atheism, to proclaim that they are Muslim at our schools.

Correctly done, I think this amendment can accomplish this, so I praise the efforts that led to this amendment.

Mr. FLORES. Mr. Chairman, I appreciate the comments from the gentleman from Colorado.

I think he goes right to the core of the reason that my amendment is perfectly appropriate, that it is there to protect religious freedom and to protect our rights under the First Amendment.

I think he makes the case to support my amendment, actually, when you work through what he said, so I continue to encourage the other side to work with us to protect religious freedom and to adopt my amendment.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume, just to remind people that students ought to be able to attend their public schools, free from unwarranted proselytization or coercion.

We have the Establishment Clause, as well as the Free Exercise Clause, and as public employees exercise their rights, they should not violate a person's right to go to school and not be faced with a phalanx of people all coercing him into joining in prayer.

The teachers and administrators ought not be guiding the prayer and suggesting that the State has a particular religion. We have an Establishment Clause, as well as a Free Exercise Clause.

I reserve the balance of my time.

Mr. FLORES. Mr. Chairman, I appreciate the comments of the gentleman from Virginia and also of the gentleman from Colorado.

There is nothing in my amendment that says that coercion is okay, that religious proselytization is okay. What we are doing is just protecting the religious freedoms of the First Amendment.

Mr. Chairman, I would urge all of my colleagues to vote for a commonsense, simple amendment that protects our religious freedoms under the First Amendment. It is very simple.

I reserve the balance of my time.

Mr. SCOTT of Virginia. In closing, Mr. Chairman, it is a great sense of Congress on the free exercise, but it ignores the Establishment Clause.

I yield back the balance of my time.

Mr. FLORES. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. FLORES).

The amendment was agreed to.

AMENDMENT NO. 39 OFFERED BY MS. BROWNLEY OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 39 printed in part B of House Report 114–29.

Ms. BROWNLEY of California. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title VIII of the bill, add the following new section:

SEC. 802. STATE SEAL OF BILITERACY PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Education shall award grants to States to establish or improve a Seal of Biliteracy program to recognize student proficiency in speaking, reading, and writing in both English and a second language.

(b) GRANT APPLICATION.—In order to receive a grant under this section, a State shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require, including—

(1) a description of the criteria a student must meet to demonstrate proficiency in speaking, reading, and writing in both English and a second language;

(2) assurances that a student who meets the requirements under paragraph (1)—

(A) receives a permanent seal or other marker on the student's secondary school diploma or its equivalent; and

(B) receives documentation of proficiency in the student's official academic transcript; and

(3) assurances that a student is not charged a fee for submitting an application under subsection (c).

(c) STUDENT PARTICIPATION IN A SEAL OF BILITERACY PROGRAM.—To participate in a Seal of Biliteracy program, a student must

submit an application to the State that serves the student at such time, in such manner, and containing such information and assurances as the State may require, including assurances that the student—

(1) will receive a secondary school diploma or its equivalent in the year the student submits an application; and

(2) has met the criteria established by the State under subsection (b)(1).

(d) STUDENT ELIGIBILITY FOR APPLICATION.—A student who gained proficiency in a second language outside of school may apply to participate in a Seal of Biliteracy program under subsection (c).

(e) USE OF FUNDS.—Grant funds made available under this section shall be used for administrative costs of establishing or improving and carrying out a Seal of Biliteracy program and for public outreach and education about that program.

(f) GRANT TERMS.—

(1) DURATION.—A grant awarded under this section shall be for a period of 2 years, and may be renewed at the discretion of the Secretary.

(2) RENEWAL.—At the end of a grant term, the recipient of such grant may reapply for a grant under this section.

(3) LIMITATIONS.—A grant recipient under this section shall not have more than 1 grant under this section at anytime.

(4) RETURN OF UNSPENT GRANT FUNDS.—Not later than 6 months after the date on which a grant term ends, a recipient of a grant under this section shall return any unspent grant funds to the Secretary.

(g) REPORT.—Not later than 9 months after receiving a grant under this section, a grant recipient shall issue a report to the Secretary describing the implementation of the Seal of Biliteracy program.

(h) DEFINITIONS.—In this section:

(1) ESEA DEFINITIONS.—The terms ''secondary school'', ''Secretary'', and ''State'' have the meanings given those terms in section 6101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) SECOND LANGUAGE.—The term ''second language'' means any language other than English, including Braille and American Sign Language.

(3) SEAL OF BILITERACY PROGRAM.—The term ''Seal of Biliteracy program'' means any program established under this section.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $10,000,000 for each of fiscal years 2016 through 2021 to carry out this section.

The Acting CHAIR. Pursuant to House Resolution 125, the gentlewoman from California (Ms. BROWNLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. BROWNLEY of California. Mr. Chairman, my amendment, the Biliteracy Education Seal and Teaching Act, would amend H.R. 5 to encourage and incentivize bilingual education for our students across the country.

Specifically, my amendment would establish a grant program at the Department of Education to provide resources for States to create or to expand State biliteracy seal programs to recognize high school seniors who achieve a high level of proficiency in writing, reading, and speaking in English and in a second language.

Students who speak more than one language have a competitive edge in the American job market. As businesses look to expand into overseas markets and serve a wider range of customers and as the world becomes increasingly interconnected, the demand for students with valuable language skills is increasing.

It is not only the private sector that needs young people with language skills. The Federal Government also has a direct and compelling interest in ensuring that our young people become proficient in foreign languages. Our military, our diplomats, and our intelligence agencies are increasingly seeking to recruit young people with proficiency in a foreign language.

However, there are few State or national standards for bilingual certification for high school students, and many students who could qualify for the seal are not enrolled in AP or baccalaureate classes either because they cannot afford the cost of the test or their school does not offer advanced courses; whereas States that have or are in the process of implementing State seals do so free of charge for every student.

I must add that eight States have already approved a bilingual seal, and three more are considering it as we speak.

A biliteracy seal is a very special marker on a student's high school diploma. It serves as a certification by the State that the student is fluent and literate in a language other than English.

Under my amendment, these seals would be available to students who are proficient in any spoken language—Arabic, Mandarin, Spanish. My amendment also makes nonspoken languages, like American Sign Language and braille, also eligible.

To receive a seal, a high school senior must have a strong academic record in both English and a second language, and he must be on track to graduate. My amendment establishes a voluntary grant program which would not impose any new mandates on States.

It is also budget neutral. The Congressional Budget Office estimates that it would not increase direct spending.

I urge Members to vote for my amendment, and I reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I rise in opposition to the gentlewoman's amendment.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

□ 2215

Mr. KLINE. Mr. Chairman, I want to thank the gentlewoman for offering this amendment, even though I am opposed to it.

Being bilingual, multilingual, is clearly a helpful skill and much sought in the private sector and in government. I think back to my days in school, and at one time I was conversant, if not fluent, in both Spanish and German, and now I can barely read the menu—or speisekarte—having let that lapse.

I just do not think we need yet another Federal program, and the gentlewoman's amendment authorizes another $10 million for this program to get a government seal of approval. I think the students can speak, read, and write for themselves and should be encouraged to learn those languages, become proficient, stay proficient, but the last thing they need is the Federal Government creating yet another program to determine what certifies them as bilingual.

So while I certainly agree with the gentlelady's emphasis on the importance of being bilingual or multilingual, I nevertheless must oppose her amendment and encourage my colleagues to oppose the amendment.

I reserve the balance of my time.

Ms. BROWNLEY of California. Mr. Chairman, as chairwoman of the California Assembly Education Committee, I sponsored legislation in 2012 that established a State seal in California, the first of its kind in our country, and since that time I have seen firsthand how successful this program has been.

In 2014, over 24,000 high school seniors and 219 school districts across California participated in this program. They earned their seals for achievement in 40 different languages.

When I introduced this language in the 113th Congress, it was supported by many education and civil rights organizations, including the National Education Association, Centro Latino for Literacy, California Association for Bilingual Education, Families in Schools, California School Board Association, Californians Together, Asian Americans Advancing Justice, and the Asian and Pacific Islanders California Action Network.

I have crafted the amendment to give States the flexibility to shape their own seal programs while ensuring the programs guarantee equal access for all students.

The BEST Act celebrates diversity and multiculturalism. It also recognizes that fluency in a second language helps students compete in an increasingly global marketplace. The seal also helps employers, colleges, and universities distinguish talented applicants with valuable skills.

If you support encouraging bilingualism, this is an amendment to support.

I yield back the balance of my time.

Mr. KLINE. Mr. Chairman, regretfully, I continue to oppose the gentlelady's amendment. I ask my colleagues to oppose it, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. BROWNLEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. BROWNLEY of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentlewoman from California will be postponed.

AMENDMENT NO. 40 OFFERED BY MR. LOEBSACK

The Acting CHAIR. It is now in order to consider amendment No. 40 printed in part B of House Report 114–29.

Mr. LOEBSACK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, insert the following:

TITLE IX—SCHOOLS OF THE FUTURE ACT

SEC. 901. SHORT TITLE.

This title may be cited as the ''Schools of the Future Act''.

SEC. 902. FINDINGS.

The Congress finds the following:

(1) Digital learning technology holds the promise of transforming rural education by removing barriers of distance and increasing school capacity.

(2) While many large urban local educational agencies are at the forefront of implementing new digital learning innovations, it is often harder for smaller and more rural local educational agencies to access these tools. Smaller local educational agencies with less capacity may also find it more difficult to provide the training needed to effectively implement new digital learning technologies.

(3) Despite the potential of digital learning in rural areas, these advancements risk bypassing rural areas without support for their implementation. Rather than having schools and local educational agencies apply digital learning innovations designed for urban environments to rural areas, it is important that digital learning technologies be developed and implemented in ways that reflect the unique needs of rural areas.

(4) Digital learning is rapidly expanding, and new tools for improving teaching and learning are being developed every day. A growing demand for digital learning tools and products has made rigorous evaluation of their effectiveness increasingly important, as this information would allow school and local educational agency leaders to make informed choices about how best to use these tools to improve student achievement and educational outcomes.

(5) High-quality digital learning increases student access to courses that may not have been available to students in rural communities, increasing their college and career readiness.

SEC. 903. PROGRAM AUTHORIZED.

(a) GRANTS TO ELIGIBLE PARTNERSHIPS.—From the amounts appropriated to carry out this title, the Secretary of Education is authorized to award grants, on a competitive basis, to eligible partnerships to carry out the activities described in section 906.

(b) DURATION OF GRANT.—A grant under subsection (a) shall be awarded for not less than a 3-year and not longer than a 5-year period.

(c) FISCAL AGENT.—If an eligible partnership receives a grant under this title, a school partner in the partnership shall serve as the fiscal agent for the partnership.

SEC. 904. APPLICATION.

An eligible partnership desiring a grant under this title shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, which shall include the following:

(1) A description of the eligible partnership, including the name of each of the partners and their respective roles and responsibilities.

(2) A description of the technology-based learning practice, tool, strategy, or course that the eligible partnership proposes to develop or implement using the grant funds.

(3) An assurance that all teachers of record hold the relevant license and are otherwise qualified to implement any technology-based practice, tool, strategy, or course using the grant funds.

(4) An assurance that all students in a class or school implementing a practice, tool, strategy or course using the grant funds will have access to any equipment necessary to participate on a full and equitable basis.

(5) An assurance that the proposed uses of smartphones, laptops, tablets, or other devices susceptible to inappropriate use have the informed consent of parents or guardians and are not inconsistent with any policies of the local educational agency on the use of such devices.

(6) Information relevant to the selection criteria under section 905(c).

(7) A description of the evaluation to be undertaken by the eligible partnership, including—

(A) how the school partner and the evaluation partner will work together to implement the practice, tool, strategy, or course in such a way that permits the use of a rigorous, independent evaluation design that meets the standards of the What Works Clearinghouse of the Institute of Education Sciences; and

(B) a description of the evaluation design that meets such standards, which will be used to measure any significant effects on the outcomes described in paragraphs (1) through (3) of section 907(a).

(8) An estimate of the number of students to be reached through the grant and evidence of its capacity to reach the proposed number of students during the course of the grant.

(9) Any other information the Secretary may require.

SEC. 905. APPLICATION REVIEW AND AWARD BASIS.

(a) PEER REVIEW.—The Secretary shall use a peer review process to review applications for grants under this title. The Secretary shall appoint individuals to the peer review process who have relevant expertise in digital learning, research and evaluation, standards quality and alignment, and rural education.

(b) AWARD BASIS.—In awarding grants under this title, the Secretary shall ensure, to the extent practicable, diversity in the type of activities funded under the grants.

(c) SELECTION CRITERIA.—In evaluating an eligible partnership's application for a grant under this title, the Secretary shall consider—

(1) the need for the proposed technology-based learning practice, tool, strategy, or course;

(2) the quality of the design of the proposed practice, tool, strategy, or course;

(3) the strength of the existing research evidence with respect to such practice, tool, strategy, or course;

(4) the experience of the eligible partnership; and

(5) the quality of the evaluation proposed by the eligible partnership.

(d) DEDICATED FUNDING FOR FRINGE RURAL, DISTANT RURAL, AND REMOTE RURAL SCHOOLS.—Not less than 50 percent of the grant funds awarded under this title shall be awarded to eligible partnerships that provides assurances that the school partners in the eligible partnership will ensure that each school to be served by the grant is designated with a school locale code of Fringe Rural, Distant Rural, or Remote Rural, as determined by the Secretary.

SEC. 906. USE OF FUNDS.

(a) REQUIRED USE OF FUNDS.—

(1) IN GENERAL.—An eligible partnership receiving a grant under this title shall use such funds to implement and evaluate the results of technology-based learning practices, strategies, tools, or courses, including the practices, strategies, tools, or courses identified under paragraphs (2) through (6).

(2) TOOLS AND COURSES DESIGNED TO PERSONALIZE THE LEARNING EXPERIENCE.—Technology-based tools and courses identified under this paragraph include the following types of tools and courses designed to personalize the learning experience:

(A) Technology-based personalized instructional systems.

(B) Adaptive software, games, or tools, that can be used to personalize learning.

(C) Computer-based tutoring courses to help struggling students.

(D) Games, digital tools, and smartphone or tablet applications to improve students' engagement, focus, and time on task.

(E) Other tools and courses designed to personalize the learning experience.

(3) PRACTICES AND STRATEGIES DESIGNED TO AID AND INFORM INSTRUCTION.—Technology-based practices and strategies identified under this paragraph include the following types of practices and strategies designed to aid and inform instruction:

(A) Adaptive software, games, or tools that can be used for the purpose of formative assessment.

(B) Web resources that provide teachers and their students access to instructional and curricular materials that are—

(i) aligned with high-quality standards; and

(ii) designed to prepare students for college and a career, such as a repository of primary historical sources for use in history and civics courses or examples of developmentally appropriate science experiments.

(C) Online professional development opportunities, teacher mentoring opportunities, and professional learning communities.

(D) Tools or web resources designed to address specific instructional problems.

(E) Other practices and strategies designed to personalize the learning experience.

(4) TOOLS, COURSES, AND STRATEGIES DESIGNED TO IMPROVE THE ACHIEVEMENT OF STUDENTS WITH SPECIFIC EDUCATIONAL NEEDS.—Technology-based tools, courses, and strategies identified under this paragraph include the following types of tools, courses, and strategies designed to meet the needs of students with specific educational needs:

(A) Digital tools specifically designed to meet the needs of students with a particular disability.

(B) Online courses that give students who are not on track to graduate or have already dropped out of school the opportunity for accelerated credit recovery.

(C) Language instruction courses, games, or software designed to meet the needs of English language learners.

(D) Other tools, courses, and strategies designed to personalize the learning experience.

(5) TOOLS, COURSES, AND STRATEGIES DESIGNED TO HELP STUDENTS DEVELOP 21ST CENTURY SKILLS.—Technology-based tools, courses, and strategies identified under this paragraph include peer-to-peer virtual learning opportunities to be used for the purposes of project-based learning, deeper learning, and collaborative learning, and other tools, courses, and strategies designed to help students develop 21st century skills, such as the ability to think critically and solve problems, be effective communicators, collaborate with others, and learn to create and innovate.

(6) TECHNOLOGY-BASED OR ONLINE COURSES THAT ALLOW STUDENTS TO TAKE COURSES THAT THEY WOULD NOT OTHERWISE HAVE ACCESS TO.—Technology-based or online courses identified under this paragraph include courses or collections of courses approved by the applicable local educational agency or State educational agency that provide students with access to courses that they would not otherwise have access to, such as the following:

(A) An online repository of elective courses.

(B) Online or software-based courses in foreign languages, especially in languages identified as critical or in schools where a teacher is not available to teach the language or course level a student requires.

(C) Online advanced or college-level courses that can be taken for credit.

(b) AUTHORIZED USE OF FUNDS.—An eligible partnership receiving a grant under this title may use grant funds to—

(1) develop or implement the technology for technology-based learning strategies, practices, courses, or tools to be carried out under the grant;

(2) purchase hardware or software needed to carry out such strategies, practices, courses, or tools under the grant, except that such purchases may not exceed 50 percent of total grant funds;

(3) address the particular needs of student subgroups, including students with disabilities and English-language learners;

(4) provide technology-based professional development or professional development on how to maximize the utility of technology; and

(5) address issues of cost and capacity in rural areas and shortage subjects.

(c) SUPPLEMENTATION.—An eligible partnership that receives a grant under this title shall use the grant funds to supplement, not supplant, the work of teachers with students, and may not use such funds to reduce staffing levels for the school partners in the eligible partnership.

(d) TEACHER OF RECORD.—For each student in a class or school implementing a practice, tool, strategy, or course using grant funds provided under this title, there shall be a teacher of record, holding the relevant certification or license, and otherwise qualified to implement any digitally-based practice, tool, strategy or course using the grant funds. An eligible partnership shall use grant funds provided under this title, and shall determine the extent and nature of pedagogical uses of digital tools, in a manner that is consistent with the judgments of teachers of record about what is developmentally appropriate for students.

SEC. 907. DATA COLLECTION AND EVALUATION.

(a) IN GENERAL.—Each eligible partnership receiving a grant under this title shall require its evaluation partner to complete an independent, comprehensive, well-designed, and well-implemented evaluation that meets the standards of the What Works Clearinghouse after the third year of implementation of the grant to measure the effect of the practice, tool, strategy, or course on—

(1) growth in student achievement, as measured by high quality assessments that provide objective, valid, reliable measures of student academic growth and information on whether a student is on-track to graduate ready for college and career;

(2) costs and savings to the school partner; and

(3) at least one of the following:

(A) Student achievement gaps.

(B) Graduation and dropout rates.

(C) College enrollment.

(D) College persistence.

(E) College completion.

(F) Placement in a living-wage job.

(G) Enhanced teacher or principal effectiveness as measured by valid, reliable, and multiple measures of student achievement and other appropriate measures.

(b) EVALUATION.—The Secretary shall—

(1) acting through the Director of the Institute of Education Sciences—

(A) evaluate the implementation and impact of the activities supported under the grant program authorized under this section; and

(B) identify best practices; and

(2) disseminate, in consultation with the regional educational laboratories established under part D of the Education Sciences Reform Act of 2002 and comprehensive centers established under the Educational Technical Assistance Act of 2002, research on best practices in school leadership.

(c) IMPLEMENTATION EVALUATION.—An evaluation partner may use funds under this title to carry out an implementation evaluation designed to provide information that may be useful for schools, local educational agencies, States, consortia of schools, and charter school networks seeking to implement similar practices, tools, strategies, or courses in the future.

(d) PUBLICATION OF RESULTS.—Upon completion of an evaluation described in subsection (a), (b), or (c) the evaluation partner shall—

(1) submit a report of the results of the evaluation to the Secretary; and

(2) make publicly available such results.

SEC. 908. DEFINITIONS.

In this title:

(1) ELIGIBLE PARTNERSHIP.—The term ''eligible partnership'' means a partnership that includes a school partner and not less than 1—

(A) digital learning partner, except that in a case in which a school partner or evaluation partner demonstrates expertise in digital learning to the Secretary; and

(B) evaluation partner.

(2) SCHOOL PARTNER.—The term ''school partner'' means a—

(A) local educational agency;

(B) a charter school network that does not include virtual schools;

(C) a consortium of public elementary schools or secondary schools;

(D) a regional educational service agency or similar regional educational service provider; or

(E) a consortium of the entities described in subparagraphs (A) through (D).

(3) DIGITAL LEARNING PARTNER.—The term ''digital learning partner'' means an organization with expertise in the technology required to develop or implement the digital learning practices, tools, strategies, or courses proposed by the school partner with which the digital learning partner will partner or has partnered under this title, such as—

(A) an institution of higher education;

(B) a nonprofit organization; or

(C) an organization with school development or turnaround experience.

(4) EVALUATION PARTNER.—The term ''evaluation partner'' means a partner that has the expertise and ability to carry out the evaluation of a grant received under this title, such as—

(A) an institution of higher education;

(B) a nonprofit organization with expertise in evaluation; or

(C) an evaluation firm.

(5) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(6) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

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

The Acting CHAIR. Pursuant to House Resolution 125, the gentleman from Iowa (Mr. LOEBSACK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. LOEBSACK. Mr. Chairman, I yield myself such time as I may consume.

I think that there is universal agreement among us in this body that No Child Left Behind, the most recent iteration of the Elementary and Secondary Education Act, needs to be replaced.

I think a lot of folks have the same kinds of concerns I have about the Student Success Act, many of the provisions in that act. One of my major concerns—and, again, I think a number of us in this body can share these concerns—is that the bill lacks focus on or support for rural school districts. That is a big issue.

I was raised in Iowa by a single mother, and I represented rural parts of Iowa for the last 8 years that I have been in Congress. I served for 8 years on the Education and the Workforce Committee. I would be remiss if I didn't say that I miss my time there from time to time, although I am enjoying my time on a new committee.

But this issue is something that I think gets overlooked. I think that a lot of folks in this body really, through no fault of their own and certainly through no malice on their part, simply don't recognize or understand the needs of rural parts of our country, not just in Iowa, but around the country, and certainly the needs of rural students.

I find myself as a former educator often educating my colleagues to some extent because they don't seem to understand sometimes—folks on both sides of the aisle, Mr. Chairman—that poverty is not just an urban problem. It is a rural problem as well, and it does exist in rural areas.

I don't think we should deny the fact that fewer students from rural areas complete college than their urban counterparts as well. In fact, this gap is growing wider by the year.

Again, these are issues that, if we think just a little bit, we understand exist out there in our society. And a large part of the problem is that rural students face unique challenges and barriers to access to resources. For example, many rural students may not have a proper Internet connection, if any at all, let alone enough bandwidth or a computer at home. So it is even more important that they are exposed to technology in school.

We know about technology and how powerful it is in vastly expanding the educational options and opportunities available to students in rural areas,

providing these students with a cutting-edge 21st century education regardless of geography.

At the same time, technological tools have the power to transform the typical classroom experience into one that is more student-centered and provide teachers with more accurate information and feedback on student progress so they can better address the needs of struggling students—something all of us would like to see happen.

Also, many rural schools have a smaller workforce to draw from and struggle to find teachers for a wide variety of electives or advanced coursework. The students in these schools, I have no doubt—and I think most folks in this body have no doubt—would benefit tremendously from the use of technology to deliver, supplement, and personalize instruction and provide opportunities to these students they may not have otherwise.

This amendment that I am offering is a simple one. It is supported by the National Education Association, by the School Superintendents Association, and the Alliance for Excellent Education. It would simply support the expansion of the use of digital learning through competitive grants to partnerships to implement and evaluate the results of technology-based learning practices, strategies, tools, and programs at rural schools.

Mr. Chair, it is time for Congress to start paying more attention to rural communities. That is the bottom line. As cochair of the Rural Education Caucus, I encourage my colleagues to vote in favor of this amendment and to provide students in rural communities with the same digital learning resources as students in larger school districts, and I hope that we can vote for this amendment.

I yield back the balance of my time.

Mr. KLINE. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. Mr. Chairman, I do thank the gentleman for offering this amendment, even though I must oppose the amendment. I would say that we do miss him on the committee.

I would say that in my district, like his, we certainly have rural schools. In fact, I was thinking about rural schools the other day. My wife went to such a rural school. It was called Country School because it was a one-room schoolhouse, and how heartbroken she was when she was forced to go to the big-city school—population 1,000—for the city. So we do know something about rural schools.

The underlying bill, the Student Success Act, does maintain the rural education programs in the bill, and under the local academic flexible grants, districts can support the use of digital learning if they believe it is the best way to use those funds.

The bill already allows every district to determine what they need for their students and not have to abide by priorities set by Washington.

So while I greatly appreciate the gentleman's passion for rural schools—and I think I share that passion—I just firmly believe we don't need yet another new Federal program. We are working to provide flexibility so that schools can put the resources where they need them the most.

And so I must oppose the gentleman's amendment, ask my colleagues to oppose it, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. LOEBSACK).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. LOEBSACK. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 41 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 41 printed in part B of House Report 114–29.

Mr. POLIS. Mr. Chairman, I have an amendment at the desk as the designee of Ms. MENG.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following new title:

TITLE IX—EARLY CHILDHOOD EDUCATION PROFESSIONAL IMPROVEMENT

SEC. 901. SHORT TITLE.

This title may be cited as the ''Early Childhood Education Professional Improvement Act of 2015''.

SEC. 902. PURPOSE.

The purpose of this title is to provide assistance to States to improve the knowledge, credentials, compensation, and professional development of early childhood educators working with children in early childhood education programs.

SEC. 903. DEFINITIONS.

In this title:

(1) The term ''early childhood education program'' means a Head Start Program carried out under the Head Start Act (42 U.S.C. 9831 et seq.), a State-funded prekindergarten program, a licensed child care serving prekindergarten children, and special education preschool.

(2) 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)).

SEC. 904. PROGRAM AUTHORIZED.

The Secretary of Education, in consultation with the Secretary of Health and Human Services, is authorized to award grants to States to implement and administer the activities described in section 906.

SEC. 905. APPLICATIONS.

(a) IN GENERAL.—Each State desiring a grant under this title shall submit an application to the Secretary of Education at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(b) CONTENTS.—Each application submitted under subsection (a) shall include a description of the State's comprehensive early childhood professional development system, including the following:

(1) A description of how the State's system was developed in collaboration with the State Advisory Council on Early Childhood Education and Care designated or established under section 642B of the Head Start Act, the State agency responsible for administering childcare, the State Head Start collaboration director, the State educational agency, institutions of higher education, organizations that represent early childhood educators, and credible early childhood education professional organizations.

(2) A designation of a State agency to administer the grant program.

(3) A description of how the State's system provides—

(A) an oversight structure for the system;

(B) professional standards and competencies;

(C) a career lattice;

(D) coordination with State higher education agencies, higher education accrediting bodies, and accredited two- and four-year institutions of higher education;

(E) encouragement of articulation agreements between two- and four-year institutions of higher education and credit-bearing opportunities and articulation agreements that recognize prior learning and expertise;

(F) more accessible higher education for working learners through offering of college courses at accessible time and locations, with particular attention to rural areas;

(G) support to adult learners who are dual language learners, or come from low-income or minority communities;

(H) use of workforce data to assess the State's workforce needs; and

(I) its financing over time.

SEC. 906. STATE USE OF FUNDS.

A State that receives a grant under this title shall ensure that grant funds are used to carry out the following:

(1) To provide scholarships to cover the costs of tuition, fees, materials, transportation, paid substitutes, and release time for preschool teachers employed in an early childhood education program to pursue a bachelor's degree in early childhood education or a closely related field.

(2) To support preschool teachers employed in an early childhood education program, and who have obtained a bachelor's degree in a field other than early childhood education or a closely related field, to attain a credential, licensure, or endorsement that demonstrates competence in early childhood education.

(3) To increase compensation for teachers who are enrolled and making progress toward a degree in early childhood education and to provide parity of compensation upon completion of such degree and retention in the early childhood education program.

(4) To provide ongoing professional development opportunities to preschool teachers and teacher assistants employed in an early childhood education program that address—

(A) all areas of child development and learning (cognitive, social, emotional, and physical);

(B) teacher-child interaction;

(C) family engagement; and

(D) cultural competence for working with a diversity of children (including children with special needs and dual language learners) and families.

SEC. 907. SUPPLEMENT NOT SUPPLANT.

Grant funds provided under this title shall supplement, and not supplant, other Federal, State, and local funds that are available for early childhood educator preparation and professional development.

SEC. 908. MAINTENANCE OF EFFORT.

A State that receives funds under this title for a fiscal year shall maintain the fiscal effort provided by the State for the activities supported by the funds under this title at a level equal to or greater than the level of such fiscal effort for the preceding fiscal year.

SEC. 909. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title such sums as may be necessary for fiscal years 2016 through 2021.

The Acting CHAIR. Pursuant to House Resolution 125, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, as the father of a young boy that you had the opportunity to meet the other day in our Rules Committee, I have a particular interest in quality early childhood education. He is going to enter preschool this fall. I support universal preschool so every child in the country has the same kinds of opportunities that your child or my child has.

I know that my friends on the other side of the aisle also recognize the tremendous importance of quality preschool in this country. I also understand that they don't necessarily support the Democratic approach of a comprehensive Federal program for universal preschool.

So what this amendment represents is a compromise, a modest step that would help States make the investment in early childhood education that they want to make by authorizing—not appropriating money for—but authorizing the Department of Education to set up a grant program to incentivize State investments in quality early childhood education.

I hope this is something we can all get behind. I urge my Republican colleagues to see this amendment as a modest compromise approach to an issue that we need to move forward on.

Investment in early childhood education is the most important investment we can make in the life of a child. I remember many years ago I chaired a high school reform commission in the State of Colorado, and one of the first things that we concluded about how to improve the performance of high schools in our State was to improve the performance and make preschool universally available—and then just wait 12 years and the high schools will look a whole lot better.

Well, there is a lot of truth to that. We can lower the special education rate, lower the grade repetition rate. The most inexpensive place to address the achievement gaps is in early childhood education. It only gets harder to succeed and more expensive as those gaps become more persistent across socioeconomic groups, across race, as the child ages.

We need to invest in high-quality preschool programs, and this amendment provides the right incentives for the State to do it—not by a Federal approach mandating preschool, but by simply saying we are here to be your partners and work with States to expand access to high-quality preschool programs.

I urge my colleagues to support this amendment, and I reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes

Mr. KLINE. Mr. Chairman, I thank the gentlewoman and the gentleman in her stead for this amendment, although I do oppose it.

I think most of us agree that there is great value to early childhood education. That is why the underlying bill would allow States and schools to use funds allocated through both the local academic flexible grants and under title I to support pre-K programs.

As I know the gentleman knows, we already spend—the Federal Government—over $13 billion a year in pre-K programs. The premier program, which is Head Start, spends over $8 billion a year. And I think we should concentrate on getting those right instead of creating yet another new, massive program that would simply compete with other programs for scarce taxpayer resources.

So while this is somewhat duplicative, another large program, I appreciate the gentleman's passion for pre-K learning. But, unfortunately, because we don't, in my judgment, need yet another new program when we haven't properly evaluated existing programs, I oppose this amendment.

I urge my colleagues to oppose the amendment, and I reserve the balance of my time.

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Mr. POLIS. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), the ranking member of the Committee on Education and the Workforce.

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman for yielding.

Early childhood education programs have been studied. Those high-quality programs increase achievement, increase the graduation rates, increase future employment, decrease crime, decrease teen pregnancy, and, in the long term, save more money than they cost.

This amendment will help improve early childhood education and therefore is a meaningful improvement in the bill, and I would hope we would adopt this. It provides for professional improvement, a great improvement in early childhood education.

Since it has been studied and so successful, I would hope we would adopt the amendment.

Mr. POLIS. Mr. Chairman, I yield myself the remainder of the time.

Mr. Chairman, studies have shown that for every dollar invested in quality early childhood education, it can actually save $7 to $9 of taxpayer money over the lifetime of that child in schools over the next 12 years. That is an actual savings. If we were to score this in an accurate way, on a 10-year basis, the investment in quality preschool would save money.

Like the gentleman from Minnesota, of course I am interested in improving Head Start and building upon it, but this is a different and broader approach than Head Start. This program impacts middle class communities who also stand to benefit from quality early childhood education that often they can't afford on their own dime.

Now, what we need is a targeted approach, and that is really the crucial difference between this amendment and the existing program. The need for a unique approach to preschool has been recognized across the Nation.

It is time for the Federal Government to recognize what States and districts are crying out for. It is time to address the need for high-quality early childhood education in a dedicated and comprehensive way, and that is what this amendment does.

By investing in early childhood, we can prevent learning gaps from arising before they arise. We can reduce the need for special education and IDEA, and we can save money by reducing youth adjudication rates, grade repetition rates, and other costly interventions that are necessary if children don't have that opportunity when they are 3 or 4 years old.

I urge my colleagues to vote ''yes'' on the amendment, and I yield back the balance of my time.

Mr. KLINE. Mr. Chairman, listening to my friend from Colorado talking about how great this program would be, I was thinking about, over the years, how do you get to 80 programs in the Federal K–12 program and get multiple pre-K programs for child care and child education? It is because, year after year, Members of Congress have stood up and talked about how wonderful things were going to be, how much money we were going to save, how much brighter the kids would be if we just had this one more program. And so it grows, and so it grows.

Again, the thrust of this legislation is to look at the programs we already have, to make the most of them and, in the underlying bill, the Student Success Act, to give the maximum amount of flexibility to local school superintendents and school boards so they can put the resources where they need them.

So I must continue to oppose the gentleman—or the gentlewoman's amendment. I think you were subbing for Ms. MENG, perhaps. I am not sure. I ask my colleagues to oppose it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. POLIS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

Mr. KLINE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KLINE) having assumed the chair, Mr. COLLINS of Georgia, Acting Chair 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. 5) to support State and local accountability for public education, protect State and local authority, inform parents of the performance of their children's schools, and for other purposes, had come to no resolution thereon.

COMMUNICATION FROM CHAIR OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the Chair of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, February 12, 2015.

Hon. JOHN BOEHNER,
Speaker of the House, House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER: On February 12, 2015, pursuant to section 3307 of Title 40, United States Code, the Committee on Transportation and Infrastructure met in open session to consider resolutions to authorize 12 prospectuses, including three alteration projects and nine leases included in the General Services Administration's FY2015 Capital Investment and Leasing Program.

Our Committee continues to work to cut waste and the cost of federal property and leases. The resolutions include projects that will reduce space, support consolidations into Government-owned facilities, and address life safety deficiencies. The space reductions and consolidations will result in $111 million in avoided lease costs. All the projects approved are within amounts included in the relevant appropriations bills.

I have enclosed copies of the resolutions adopted by the Committee on Transportation and Infrastructure on February 12, 2015.

Sincerely,

BILL SHUSTER,
Chairman.

Enclosures.

COMMITTEE RESOLUTION

ALTERATION—ENERGY AND WATER RETROFIT AND CONSERVATION MEASURES PROGRAM, VARIOUS BUILDINGS

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for repairs and alterations to implement energy and water retrofit and conservation measures, as well as high performance energy projects, in Government-owned buildings during fiscal year 2015 at a total cost of $5,000,000, a prospectus, as amended by this resolution, for which is attached to and included in this resolution.

Provided, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

PROSPECTUS - ALTERATION
ENERGY AND WATER RETROFIT AND CONSERVATION MEASURES PROGRAM
VARIOUS BUILDINGS

Prospectus Number: PEW-0001-MU15

FY2015 Project Summary

GSA proposes the implementation of energy and water retrofit and conservation measures, as well as high performance energy projects, in Government-owned buildings during fiscal year 2015.

FY2015 Committee Approval and Appropriation Requested $40,000,000

Program Summary

GSA proposes the implementation of energy and water retrofit and conservation measures in Government-owned buildings during fiscal year 2015.

The Energy and Water Conservation Measures Program is designed to reduce on-site energy consumption through building alteration projects or retrofits of existing buildings systems. These projects are an important part of GSA's approach to reducing energy consumption in the existing inventory to reach mandated percentage reduction goals through 2015.

Projects in Federal buildings throughout the country are currently being identified through surveys and studies. The projects to be funded will have positive savings-to-investment ratios, will provide reasonable payback periods that reflect GSA's priority of being a green proving ground of next generation technologies, and may generate rebates and saving from utility companies and incentives from grid operators. Projects will vary in size, by location, and by delivery method.

This prospectus requests approval for proposed projects involving energy and water retrofit work, geothermal and other High Performance Green Building retrofit work, as well as design/construction work for new facilities that incorporate these technologies. The projects contained in this prospectus are for a diverse set of design and retrofit projects with engineering solutions to reduce energy or water consumption and/or costs.

Projects will vary in size by location and by delivery method. Typical projects include the following:

- Upgrading heating, ventilating, and air-conditioning (HVAC) systems with new, high efficiency systems including the installation of energy management control systems.

- Altering constant volume air distribution systems to variable air flow systems by the addition of variable air flow boxes, fan volume control dampers, and related climatic controls.

PROSPECTUS - ALTERATION
ENERGY AND WATER RETROFIT AND CONSERVATION MEASURES PROGRAM
VARIOUS BUILDINGS

Prospectus Number: PEW-0001-MU15

- Installing building automation control systems, such as night setback thermostats and time clocks, to control HVAC systems.
- Installing automatic occupancy light controls, lighting fixture modifications, and associated wiring to reduce the electrical consumption per square foot through the use of higher efficiency lamps and use of non-uniform task lighting design.
- Installing new or modifying existing temperature control systems.
- Replacing electrical motors with multi-speed or variable-speed motors.
- Insulating roofs, pipes, HVAC duct work, and mechanical equipment.
- Installing and caulking storm windows and doors to prevent the passage of air and moisture into the building envelope.
- Providing advanced metering projects which enable building managers to better monitor and optimize energy performance.
- Providing and implementing water conservation projects.
- Providing renewable projects including photovoltaic systems, solar hot water systems, and wind turbines.
- Providing distributed generation systems.
- Drilling to install vertical and horizontal geothermal loops.
- Installing heat pumps and other types of geothermal equipment.
- Installing building insulation and seals to enhance equipment performance and reduce the size and energy consumption of geothermal and other energy-efficient equipment.
- Installing wastewater recycling processes for use on lawns, in toilets, and for washing cars.
- Insulating roofs, pipes, HVAC duct work, and mechanical equipment.

GSA PBS

PROSPECTUS - ALTERATION
ENERGY AND WATER RETROFIT AND CONSERVATION MEASURES PROGRAM
VARIOUS BUILDINGS

Prospectus Number: PEW-0001-MU15

Justification

The Energy Policy Act of 2005 (Public Law 109-58) required a 2 percent energy usage reduction as measured in BTU/GSF per year from 2006 through 2015 over a 2003 baseline. Guidance issued by the Department of Energy pursuant to this requirement states that savings anticipated from advanced metering can range from 2 to 45 percent annually when used in combination with continuous commissioning efforts. Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management concerning energy consumption reduction, was incorporated into law as the Energy Independence and Security Act of 2007 (EISA). Both increased the energy reduction mandates to 3 percent per year, and the Executive Order also established a water reduction mandate of 2 percent per year based on a 2007 baseline as measured in gallons/gsf.

By the year 2015, all Federal agencies are directed to reduce overall energy use in buildings they operate by 30 percent from 2003 levels and reduce overall water use by 16 percent from 2007 levels. Increased energy and water efficiency in buildings and operations will require capital investment for changes and modifications to physical systems which consume energy and water, as well as other high performance green building initiatives and infrastructure designs and retrofits.

In addition, EISA included provisions that exceed the requirements of the Energy Policy Act of 2005. One such long-term requirement is to eliminate fossil fuel-generated energy consumption in new and renovated Federal buildings by FY 2030 by achieving targeted reductions beginning with projects designed in FY 2010. Other shorter-term measures include increasing the use of solar hot water heating (to 30 percent); installation of advanced meters for steam and gas (previously only electricity was covered); and broader application of energy efficiency in all major renovations.

Approval of this FY 2015 request will enable GSA to continue to provide leadership in energy/water conservation and efficiency to both the public and private sectors.

FY2015 Committee Approval and Appropriation Requested $40,000,000

GSA PBS

PROSPECTUS - ALTERATION
ENERGY AND WATER RETROFIT AND CONSERVATION MEASURES PROGRAM
VARIOUS BUILDINGS

Prospectus Number: PEW-0001-MU15

Certification of Need

It has been determined that the practical solution to achieving the identified building energy and water management goals is to proceed with the energy and water retrofit and conservation work indicated above.

Submitted at Washington, DC, on March 6, 2014

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

COMMITTEE RESOLUTION

ALTERATION—PHILLIP BURTON FEDERAL BUILDING & U.S. COURTHOUSE, SAN FRANCISCO, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for repairs and alterations to upgrade several building systems and reconfigure existing space at the Phillip Burton Federal Building & U.S. Courthouse located in the Civic Center area in San Francisco, California to replace the roof and associated support structure elements, cold and hot water risers, window film, and the extension of external air-intakes and to build-out and backfill approximately 15,000 square feet of vacant space to move the U.S. Bankruptcy Court from leased space, at a design cost of $2,000,000, an estimated construction cost of $25,000,000 and a management and inspection cost of $2,000,000 for a total estimated project cost of $29,000,000, a prospectus for which is attached to and included in this resolution.

Provided, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA PBS

PROSPECTUS – ALTERATION
PHILLIP BURTON FEDERAL BUILDING & U.S. COURTHOUSE
SAN FRANCISCO, CA

Prospectus Number: PCA-0154-SF15
Congressional District: 12

FY2015 Project Summary

The General Services Administration (GSA) proposes a repair and alteration project to upgrade several building systems and reconfigure existing space at the Phillip Burton Federal Building & U.S. Courthouse (Phillip Burton). The project will include replacement of the roof and associated support structure elements, cold and hot water risers, window film, and the extension of external air-intakes. The project also includes the buildout and backfill of approximately 15,000 square feet of vacant space for the U.S. Bankruptcy Court that will relocate from leased space to Phillip Burton, resulting in a reduction of annual lease payments to the private sector of approximately $1.8 million annually.

FY2015 Committee Approval and Appropriation Requested

(Design, ECC, M&I) $29,000,000

Major Work Items

Building Demolition/Sitework; Exterior Construction; Repair/Replace Plumbing; Repair/Replace Roof; Interior Construction; Repair/Replace HVAC; Repair/Replace Electrical; and Repair/Replace Fire Protection and Life Safety

Project Budget

Design $2,000,000
Estimated Construction Cost (ECC) $25,000,000
Management and Inspection (M&I) $2,000,000
Estimated Total Project Cost (ETPC)* $29,000,000

*Tenant agencies may fund an additional amount for alterations above the standard normally provided by the GSA.

Schedule	Start	End
Design	FY2015	FY2016
Construction	FY2016	FY2017

GSA PBS

PROSPECTUS – ALTERATION
PHILLIP BURTON FEDERAL BUILDING & U.S. COURTHOUSE
SAN FRANCISCO, CA

Prospectus Number: PCA-0154-SF15
Congressional District: 12

Building

The Phillip Burton Federal Building and United States Courthouse is located in the Civic Center area of San Francisco and is the largest Federal building in the San Francisco metropolitan area. Constructed in 1964, the building consists of 22 stories above ground with two underground levels of parking. Situated on 2.6 acres of land area, the building has approximately 1,244,600 rentable square feet with 236 underground parking spaces.

The building is rectangular in shape and sheathed in an aluminum and glass exterior with a limestone and granite stone facade over concrete walls and columns. The building was renovated from 1989 through 1995 for asbestos removal and tenant space changes. The front plaza was redesigned and reconstructed in 2000. A new main entry project to enhance the security and first impressions of the building was completed in December 2005.

Tenant Agencies

Judiciary – Public Defender, U.S. District Courts, Circuit Libraries, District Judge Courtrooms, Magistrate Judge Chambers, District Clerk, Probation, Pretrial Services; Justice Department – Antitrust Division, Civil Division, Federal Bureau of Investigation, U.S. Marshals Service, Drug Enforcement Agency, Office of U.S. Attorneys, Bureau of Alcohol, Tobacco & Firearms; U.S. Postal Service, Treasury Department – Internal Revenue Service, U.S. Tax Court; General Services Administration – Regional Public Buildings Service and Field Office, Federal Acquisition Service; Department of Homeland Security – Transportation Security Agency, National Protection and Programs Directorate FPS.

GSA PBS

PROSPECTUS – ALTERATION
PHILLIP BURTON FEDERAL BUILDING & U.S. COURTHOUSE
SAN FRANCISCO, CA

Prospectus Number: PCA-0154-SF15
Congressional District: 12

Proposed Project

The proposed project will replace and repair some of the critical infrastructure systems in the building. The roof and associated support structure, cold and hot water risers, window film, and the external air intakes will be replaced or upgraded. In addition, the project will decrease building vacancy and provide the necessary tenant improvements necessary for the US Bankruptcy Court to relocate from leased space. When complete the project will save the taxpayer approximately $1.8 million annually[1]

Major Work Items

Building Demolition/Sitework	$8,899,000
Exterior Construction	$7,529,000
Repair/Replace Plumbing	$2,955,000
Repair/Replace Roof	$2,385,000
Repair/Replace Interior Construction	$1,023,000
Repair/Replace HVAC	$980,000
Repair/Replace Electrical	$928,000
Repair/Replace Fire Protection and Life Safety	$300,000
Total ECC	**$25,000,000**

Justification

Many of the building's systems and infrastructure are substantially beyond their useful life and showing signs of failure. These improvements will address water intrusion, health and life safety, and tenant comfort issues within the building. The project will also decrease building vacancy by relocating the U.S. Bankruptcy Court from leased space to Phillip Burton saving the taxpayer approximately $1.8 million annually.

The air intake portion of this project improves the building security by raising the outside air intakes on this facility above their current grade level locations.

The infrastructure work items (roof, riser, and solar film replacements) have reached the end of their design life. Deferred maintenance of these items could potentially lead to greater replacement costs in the future and the potential to negatively impact other building elements.

[1] The entire lease costs for the Judiciary at 235 Pine Street, San Francisco, CA are approximately $1.8 million annually. Part of this requirement will move to Phillip Burton prior to project completion.

GSA PBS

PROSPECTUS – ALTERATION
PHILLIP BURTON FEDERAL BUILDING & U.S. COURTHOUSE
SAN FRANCISCO, CA

Prospectus Number: PCA-0154-SF15
Congressional District: 12

Summary of Energy Compliance

This project will be designed to conform to requirements of the Facilities Standards for the Public Buildings Service and will implement strategies to meet the Guiding Principles for High Performance and Sustainable Buildings. GSA encourages design opportunities to increase energy and water efficiency above the minimum performance criteria.

Prior Appropriations

None

Prior Committee Approvals

None

Prior Prospectus-Level Projects in Building (past 10 years)

None

Alternatives Considered (30-year, present value cost analysis)

There are no feasible alternatives to this project. This is a limited scope renovation and alteration project. The cost of the proposed project is far less than the cost of leasing or constructing a new building.

Recommendation
ALTERATION

GSA PBS

PROSPECTUS – ALTERATION
PHILLIP BURTON FEDERAL BUILDING & U.S. COURTHOUSE
SAN FRANCISCO, CA

Prospectus Number: PCA-0154-SF15
Congressional District: 12

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on March 6, 2014

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

COMMITTEE RESOLUTION

ALTERATION—HART-DOLE-INOUYE FEDERAL CENTER, BATTLE CREEK, MI

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for repairs and alterations to upgrade components of the fire and life safety systems at the Hart-Dole-Inouye Federal Center located in Battle Creek, Michigan to improve the life safety condition of the facility by replacement of components of the fire alarm and smoke detection systems, restoration of fire separation in the tunnels that connect multiple buildings, elevator recall and air handling unit shutdown, and repairs to the fire suppression system and abatement of hazardous materials, at a design cost of $986,000, an estimated construction cost of $9,222,000 and a management and inspection cost of $989,000 for a total estimated project cost of $11,197,000, a prospectus for which is attached to and included in this resolution.

Provided, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

PROSPECTUS – ALTERATION
HART-DOLE-INOUYE FEDERAL CENTER
BATTLE CREEK, MI

Prospectus Number: PMI-0501-BA15
Congressional District: 3

FY2015 Project Summary

The General Services Administration (GSA) proposes a repair and alteration project to upgrade components of the fire and life safety systems at the Hart-Dole-Inouye Federal Center in Battle Creek, MI. Alterations to improve the life safety condition of the facility involve replacement of components of the fire alarm and smoke detection systems; restoration of fire separation in the tunnels that connect multiple buildings, elevator recall and air handling unit shutdown; repairs to the fire suppression system and abatement of hazardous materials.

This project was among those previously included in GSA's FY 2013 Capital Investment and Leasing Program's Exigent Needs prospectus. Although the prospectus was approved by the Senate Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure on July 24, 2012, and February 28, 2013, respectively, no funds were ever appropriated. GSA will not seek to have the Exigent Needs prospectus funded in the aggregate. Instead, the agency will seek individual prospectus approval and funding for certain of the projects originally included as part of the Exigent Needs prospectus, such as the work described in this prospectus.

For FY 2015, this prospectus proposes repairs and alterations to the Hart-Doyle-Inouye Federal Center at a total cost of $11,197,000.

FY2015 Committee Approval and Appropriation Requested

(Design, ECC, M&I) $11,197,000

Major Work Items

Fire and life safety systems upgrades

Project Budget

Design	$ 986,000
Estimated Construction Cost (ECC)	9,222,000
Management and Inspection (M&I)	989,000
Estimated Total Project Cost (ETPC)	**$11,197,000**

*Tenant agencies may fund an additional amount for alterations above the standard normally provided by the GSA.

GSA PBS

PROSPECTUS – ALTERATION
HART-DOLE-INOUYE FEDERAL CENTER
BATTLE CREEK, MI

Prospectus Number: PMI-0501-BA15
Congressional District: 3

Schedule	Start	End
Design and Construction	FY2015	FY2017

Building

The Hart-Dole-Inouye Federal Center is a campus of 21 buildings with a total of approximately 800,000 rentable square feet of space primarily occupied by the Department of Defense, Defense Logistics Agency. The buildings are located on approximately 25 acres of land northwest of the central business district of Battle Creek. Four buildings were listed on the National Register of Historic Places in 1976 and an additional fourteen buildings were listed in 2012. The remaining three buildings were evaluated and are not eligible to be listed.

The complex was originally opened in 1866 as the Western Health Reform Institute by the Seventh-Day Adventist Church. The original structure was destroyed by a fire in 1902. The next year, the facility was rebuilt and enlarged, and renamed the Battle Creek Sanitarium. In 1942, the U.S. Army purchased the complex and renamed it the Percy Jones Army Hospital after an army surgeon who served during World War I. The Percy Jones Army Hospital closed its doors in 1953. In 1959, the U.S. General Services Administration changed the name of the facility to the Battle Creek Federal Center since it provided office space for a variety of federal agencies. The facility was re-designated through FPMR Bulletin 2003-B1 as the Hart-Dole-Inouye Federal Center on March 31, 2003 in honor of three U.S. Senators, Philip Hart, Robert Dole, and Daniel Inouye.

Tenant Agencies

Department of Defense - Defense Logistics Agency; Department of Homeland Security Federal Protective Service; GSA Public Buildings Service; Armed Forces Recruiting; Department of Labor

Proposed Project

GSA is proposing life safety upgrades in 15 out of the 21 buildings. The remaining buildings are small support structures that do not require life safety upgrades. The project will replace components of the fire alarm and smoke detection systems, the addition of strobes to provide a visible alert to the hearing impaired and upgrades to the elevators for firefighter recall. Automatic shutdown will be added to the air handling units. Fire separations in the tunnels that connect multiple buildings in the facility will be

PROSPECTUS – ALTERATION
HART-DOLE-INOUYE FEDERAL CENTER
BATTLE CREEK, MI

Prospectus Number: PMI-0501-BA15
Congressional District: 3

restored. The project also includes repairs to the existing fire suppression system and extension of its coverage to high risk areas that are not currently protected. Hazardous materials that directly impact the project will be abated.

Major Work Items

Fire and Life Safety Systems Upgrades	$9,222,000
Total ECC	**$9,222,000**

Justification

The facility's fire alarm backbone was modernized in 2009; however, peripheral fire alarm devices were not replaced and are beyond their useful lives. Most of the devices were installed in the mid-1990s and are not compliant with current code. There are currently no strobes on the notification devices to alert the hearing impaired. Elevators do not have firefighter recall and automatic shutdown is lacking on many air handling units. The existing fire doors in the tunnels that connect multiple buildings are inoperable and do not provide adequate fire separation as required by code. Fire sprinklers do not extend into all critical areas of the facility. Some existing fire sprinklers are failing and unreliable.

Summary of Energy Compliance

This project will be designed to conform to requirements of the Facilities Standards for the Public Buildings Service and will implement strategies to meet the Guiding Principles for High Performance and Sustainable Buildings. GSA encourages design opportunities to increase energy and water efficiency above the minimum performance criteria.

Prior Appropriations

None

PROSPECTUS – ALTERATION
HART-DOLE-INOUYE FEDERAL CENTER
BATTLE CREEK, MI

Prospectus Number: PMI-0501-BA15
Congressional District: 3

Prior Committee Approvals

Prior Committee Approvals*			
Committee	**Date**	**Amount**	**Purpose**
Senate EPW	7/25/2012	$5,013,000	Exigent Needs – Fire Alarm
House T&I	2/28/2013	$5,013,000	Exigent Needs – Fire Alarm

*Included in the FY 2013 Exigent Needs Prospectus PEX-00001 approved for $122,936,000

Prior Prospectus-Level Projects in Building (past 10 years)

None

Alternatives Considered (30-year, present value cost analysis)

There are no feasible alternatives to this project. This is a limited scope renovation and the cost of the proposed project is far less than the cost of leasing or constructing a new building.

Recommendation

ALTERATION

GSA PBS

PROSPECTUS – ALTERATION
HART-DOLE-INOUYE FEDERAL CENTER
BATTLE CREEK, MI

Prospectus Number: PMI-0501-BA15
Congressional District: 3

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on March 6, 2014

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

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Hou...g Plan
Hart-Dole-Inouye Federal Center

PMI-0501-BA15
Battle Creek, MI

	CURRENT						PROPOSED					
	Personnel		Usable Square Feet (USF)[1]				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
Building 1												
DOD Defense Logistics Agency	699	699	158,915	1,057	6,549	166,521	699	699	158,915	1,057	6,549	166,521
Joint Use	-	-	272	-	898	1,170	-	-	272	-	898	1,170
Vacant	-	-	-	-	-	-	-	-	-	-	-	-
Building 1A												
DHS National Protection & Programs Directorate FPS	4	4	1,879	-	110	1,989	4	4	1,879	-	110	1,989
DOD Defense Logistics Agency	150	150	30,206	418	8,816	39,440	150	150	30,206	418	8,816	39,440
Joint Use	-	-	3,372	-	20,679	24,051	-	-	3,372	-	20,679	24,051
Vacant	-	-	-	-	-	-	-	-	-	-	-	-
Building 2												
USA DEPT - Armed Forces Recruiting	3	3	749	-	-	749	3	3	749	-	-	749
LABOR DEPT - Office Of Apprenticeship (OA)	1	1	400	-	-	400	1	1	400	-	-	400
DHS National Protection & Programs Directorate FPS	4	4	806	-	-	806	4	4	806	-	-	806
GSA - Public Buildings Service, Field Offices	4	22	2,035	-	-	2,035	4	22	2,035	-	-	2,035
GSA - Outleased - Historic Buildings	2	2	146	-	-	146	2	2	146	-	-	146
DOD Defense Logistics Agency	494	494	116,389	539	9,285	126,213	494	494	116,389	539	9,285	126,213
Joint Use	-	-	8,505	-	4,219	12,724	-	-	8,505	-	4,219	12,724
Vacant	-	-	597	-	-	597	-	-	597	-	-	597
Building 2A												
DOD Defense Logistics Agency	197	197	32,480	-	966	33,446	197	197	32,480	-	966	33,446
Joint Use	-	-	-	-	-	-	-	-	-	-	-	-
Vacant	-	-	-	-	-	-	-	-	-	-	-	-
Building 2B												
GSA - Public Buildings Service - FBF	1	1	347	-	-	347	1	1	347	-	-	347
DOD Defense Logistics Agency	1	1	4,914	119	7,390	12,423	1	1	4,914	119	7,390	12,423
Joint Use	-	-	-	-	-	-			-	-	-	-
Vacant	-	-	-	-	-	-			-	-	-	-
Building 2C												
GSA - Outleased - Historic Buildings	6	6	877	-	387	1,264	6	6	877	-	387	1,264
DOD Defense Logistics Agency	105	105	24,140	406	5,654	30,200	105	105	24,140	406	5,654	30,200
Joint Use	-	-	-	-	-	-	-	-	-	-	-	-
Vacant	-	-	-	-	656	656	-	-	-	-	656	656
Building 4												
DOD Defense Logistics Agency	4	4	-	18,906	359	19,265	4	4	-	18,906	359	19,265
Joint Use	-	-	-	-	-	-	-	-	-	-	-	-
Vacant	-	-	-	-	-	-	-	-	-	-	-	-
Building 4A												
DOD Defense Logistics Agency	2	2	475	8,287	-	8,762	2	2	475	8,287	-	8,762
Joint Use	-	-	-	-	-	-	-	-	-	-	-	-
Vacant	-	-	-	-	-	-	-	-	-	-	-	-
Building 28												
DOD Defense Logistics Agency	-	-	4,130	-	-	4,130	-	-	4,130	-	-	4,130
Joint Use	-	-	-	-	-	-	-	-	-	-	-	-

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Hou g Plan
Hart-Dole-Inouye Federal Center

PMI-0501-BA15
Battle Creek, MI

Vacant	-	-	-	-	-	-	-	-	-	-	-	-
Building 1B												
DHS National Protection & Programs Directorate FPS	65	65	3,230	1,157	4,083	8,470	65	65	3,230	1,157	4,083	8,470
DOD Defense Logistics Agency	-	-	3,048	11,054	4,275	18,377	-	-	3,048	11,054	4,275	18,377
Joint Use	-	-	-	-	-	-	-	-	-	-	-	-
Vacant	-	-	-	-	-	-	-	-	-	-	-	-
Childcare Center												
Joint Use	32	32	2,654	-	6,760	9,414	32	32	2,654	-	6,760	9,414
Vacant	-	-	-	-	-	-	-	-	-	-	-	-
Buildings 5-8, 20, 22*												
Building 23*												
Vacant	-	-	143	-	-	143	-	-	143	-	-	143
Building 24, 30, 31*												
Total	**1,774**	**1,792**	**400,709**	**41,943**	**81,086**	**523,738**	**1,774**	**1,792**	**400,709**	**41,943**	**81,086**	**523,738**

Buildings are support building that have no USF, but have RSF.

The scope and costs associated with this project are building system(s) and/or infrastructure driven, no funding is dedicated to and the project has no impact on tenant space or space utilization.

Office Utilization Rate[2]		
	Current	Proposed
Building Office Tenants	176	176

Total Building USF Rate [3]		
	Current	Proposed
All Building Tenants	292	292

Current Office UR excludes 88,156 usf of office support space.
Proposed Office UR excludes 87,490usf of office support space

Special Space	**USF**
Conference	26,868
Food Service	23,917
ADP	14,989
Physical Fitness	6,964
Child Care	4,685
Private Restroom	2,842
Laboratory	385
Health Unit	326
Vault	110
Total	**81,086**

NOTES:

[1] USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.
[2] Office Utilization Rate = total office space available for office personnel. UR calculation excludes office support space USF.
[3] Total Building USF Rate = total building USF (office, storage, special) available for all building occupants (office, and non-office personnel).

COMMITTEE RESOLUTION

LEASE—DRUG ENFORCEMENT ADMINISTRATION, SAN DIEGO, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a replacement lease of up to 105,000 rentable square feet of space, including 245 official parking spaces, for the Drug Enforcement Administration currently located at 4560 Viewridge Avenue, San Diego, California, at a proposed total annual cost of $4,124,723 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply an overall utilization rate of 214 square feet or less per person.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in an overall utilization rate of 214 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

PROSPECTUS – LEASE
DRUG ENFORCEMENT ADMINISTRATION
SAN DIEGO, CA

Prospectus Number: PCA-01-SD15
Congressional District: 53

Executive Summary

The General Services Administration (GSA) proposes a replacement lease of up to 105,000 rentable square feet (RSF) of space for the Drug Enforcement Administration (DEA), currently located at 4560 Viewridge Avenue, San Diego, CA.

The DEA occupies the entire building under one lease that will expire May 31, 2016. The replacement lease will provide continued housing for DEA and will maintain DEA's office and overall utilization rates of 103 usable square feet (USF) per person and 214 usf per person, respectively.

Description

Occupant:	Drug Enforcement Agency
Lease Type	Replacement
Current Rentable Square Feet (RSF)	100,603 (Current RSF/USF = 1.15)
Proposed Maximum RSF:	105,000 (Proposed RSF/USF = 1.20)
Expansion/Reduction RSF[1]:	0
Current Usable Square Feet/Person:	214
Proposed Usable Square Feet/Person:	214
Proposed Maximum Leasing Authority:	15 years
Expiration Dates of Current Lease(s):	5/31/2016
Delineated Area:	North: Clairemont Mesa Blvd. South: Friars Road East: Interstate 15 West: Interstate 5
Number of Official Parking Spaces:	245 Structured
Scoring:	Operating Lease
Maximum Proposed Rental Rate[2]	$41 per RSF
Proposed Total Annual Cost[3]:	$4,124,723

[1] The RSF/USF at the current location is approximately 1.15. However, to maximize competition a RSF/USF ratio of 1.2 is used for the proposed maximum RSF as indicated in the housing plan.

[2] This estimate is for fiscal year 2016 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including all operating expenses whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as a benchmark for the evaluation of competitive offers and as a basis for negotiating with offerors to ensure that lease award is made in the best interest of the government. Lease award shall not exceed the maximum rental rate as specified in this prospectus.

[3] New leases may contain an escalation clause to provide for annual changes in real estate taxes and operating costs.

PROSPECTUS – LEASE
DRUG ENFORCEMENT ADMINISTRATION
SAN DIEGO, CA

Prospectus Number: PCA-01-SD15
Congressional District: 53

Current Total Annual Cost: $3,137,301(Lease Effective 5/31/1996)

Justification

Congress created the High Intensity Drug Trafficking Areas (HIDTA) Program in 1988 to provide assistance to law enforcement agencies in areas determined to be critical drug-trafficking regions in the United States. The Drug Enforcement Administration plays a critical role in assisting the state and local government gather intelligence and coordinate law enforcement strategies to reduce the supply of illegal drugs in the United States. The San Diego field office agents gather intelligence, execute on the intelligence in the field, and provide input for legal cases against offenders. In addition to DEA agents, administrative and support groups also operate in the facility.

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Request for Lease Proposals and other documents related to the procurement of space based on the approved prospectus. GSA encourages offerors to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

Interim Leasing

GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

GSA **PBS**

PROSPECTUS – LEASE
DRUG ENFORCEMENT ADMINISTRATION
SAN DIEGO, CA

Prospectus Number: PCA-01-SD15
Congressional District: 53

Certification of Need

The proposed lease is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 29, 2014

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

March 2014

Housing Plan
Drug Enforcement Administration

PCA-01-SD15
San Diego, CA

Locations	CURRENT						PROPOSED					
	Personnel		Usable Square Feet (USF)[1]				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
4560 Viewridge Ave., San Diego CA	409	409	54,206	11,250	22,025	87,481						
Proposed Lease							409	409	54,206	11,250	22,025	87,481
Total	**409**	**409**	**54,206**	**11,250**	**22,025**	**87,481**	**409**	**409**	**54,206**	**11,250**	**22,025**	**87,481**

Office Utilization Rate (UR)[2]		
	Current	Proposed
Rate	103	103

UR=average amount of office space per person
Current UR excludes 8,975 usf of conference office support space
Proposed UR excludes 8,975 usf of conference office support space

Overall UR[3]		
	Current	Proposed
Rate	214	214

R/U Factor[4]	Total USF	RSF/USF	Max RSF
Current	87,481	1.15	100,603
Proposed	87,481	1.20	105,000

Special Space	USF
Laboratory	300
Holding Cell	250
Fitness Center	500
Conference	8,975
ADP	8,400
Automotive Maintenance	3,600
Total	**22,025**

NOTES:

[1]USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.
[2]Calculation excludes Judiciary, Congress and agencies with less than 10 people
[3]USF/Person = housing plan total USF divided by total personnel.
[4]R/U Factor = Max RSF divided by total USF

COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF JUSTICE, BUREAU OF PRISONS,WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a replacement lease of up to 114,000 rentable square feet of space, including 14 official parking spaces, for the Department of Justice, Bureau of Prisons currently located at 500 First Street, NW in Washington, D.C., at a proposed total annual cost of $5,700,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply an overall utilization rate of 199 square feet or less per person.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in an overall utilization rate of 199 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

PROSPECTUS – LEASE
DEPARTMENT OF JUSTICE, BUREAU OF PRISONS
WASHINGTON, DC

Prospectus Number: PDC-01-WA15

Executive Summary

The General Services Administration (GSA) proposes a replacement lease of up to 114,000 rentable square feet (RSF) of space to house the Department of Justice, Bureau of Prisons (BOP) currently located at 500 First Street, NW, in Washington, DC.

The replacement lease will provide continued housing for BOP and will improve BOP's office and overall utilization rates from 133 to 117 usable square feet (USF) per person and 229 to 199 USF per person, respectively. As a result of the improved utilization, the replacement lease will reduce the rentable square footage of the requirement by 12 percent, a 15,035 RSF reduction from BOP's current occupancy.

Description

Occupant:	Bureau of Prisons
Lease Type	Replacement
Current Rentable Square Feet (RSF):	129,035 (Current RSF/USF = 1.18)
Proposed Maximum RSF:	114,000 (Proposed RSF/USF = 1.20)
Expansion/Reduction RSF	15,035 RSF reduction
Current Usable Square Feet/Person:	229
Proposed Usable Square Feet/Person:	199
Proposed Maximum Leasing Authority:	15 years
Expiration Dates of Current Lease(s):	July 31, 2016
Delineated Area:	Washington, DC, Central Employment Area
Number of Official Parking Spaces:	14
Scoring:	Operating Lease
Maximum Proposed Rental Rate[1]:	$50.00 per RSF
Proposed Total Annual Cost[2]:	$5,700,000
Current Total Annual Cost:	$7,040,895 (lease effective 8/01/2006)

[1]This estimate is for fiscal year 2016 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including all operating expenses whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as a benchmark for negotiating this lease to ensure that the lease award is made in the best interest of the Government. The lease award shall not exceed the maximum rental rate as the specified in this prospectus.

[2]New leases may contain an escalation clause to provide for annual changes in real estate taxes and operating costs.

PROSPECTUS – LEASE
DEPARTMENT OF JUSTICE, BUREAU OF PRISONS
WASHINGTON, DC

Prospectus Number: PDC-01-WA15

Background

BOP's mission is to protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure; that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens.

Justification

The current lease at 500 First Street NW expires July 31, 2016, and BOP has a continued need for space. In an effort to reduce its space footprint and increase its space utilization efficiency, the proposed lease will reduce BOP's current space by 15,035 RSF of its current 129,035 RSF at 500 First Street, NW. In the absence of this reduction, the status quo cost of continued occupancy at the proposed market rental rate would be $6,451,750 per year.

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Request for Lease Proposals and other documents related to the procurement of space based on the approved prospectus. GSA encourages offerors to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works approving this prospectus, will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

Interim Leasing

GSA will execute interim leasing actions as necessary to ensure continued housing of the tenant agency prior to the effective date of the proposed lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

GSA **PBS**

PROSPECTUS – LEASE
DEPARTMENT OF JUSTICE, BUREAU OF PRISONS
WASHINGTON, DC

Prospectus Number: PDC-01-WA15

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 29, 2014

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

April 2014

Housing Plan
Department of Justice
Bureau of Prisons

PDC-01-WA15
Washington, DC

Locations	CURRENT						PROPOSED					
	Personnel		Usable Square Feet (USF)[1]				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
500 First Street NW	476	476	81,423	3,785	23,990	109,198						
Proposed Lease							476	476	71,400	4,019	19,449	94,868
Total	**476**	**476**	**81,423**	**3,785**	**23,990**	**109,198**	**476**	**476**	**71,400**	**4,019**	**19,449**	**94,868**

Office Utilization Rate (UR)[2]		
	Current	Proposed
Rate	133	117

UR = average amount of office space per person
Current UR excludes 17,913 usf of office support space
Proposed UR excludes 15,708 usf of office support space

Overall UR[3]		
	Current	Proposed
Rate	229	199

Special Space	USF
Conference/Training	6,563
ADP	1,184
File Rooms	7,262
Break Rooms	1,289
Library	552
Credit Union	51
Security	239
Copy Rooms	2,309
Total	**19,449**

R/U Factor[4]	Total USF	RSF/USF	Max RSF
Current	109,198	1.18	129,035
Proposed	94,868	1.20	114,000

NOTES:

[1] USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

[2] Calculation excludes Judiciary, Congress and agencies with less than 10 people

[3] USF/Person = housing plan total USF divided by total personnel.

[4] R/U Factor = Max RSF divided by total USF

COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF JUSTICE, CIVIL DIVISION, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a replacement lease of up to 217,000 rentable square feet of space, including 2 official parking spaces, for the Department of Justice currently located at 1100 L Street, NW and 20 Massachusetts Avenue, NW in Washington, D.C., at a proposed total annual cost of $10,850,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply an overall utilization rate of 240 square feet or less per person.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in an overall utilization rate of 240 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

PROSPECTUS – LEASE
DEPARTMENT OF JUSTICE, CIVIL DIVISION
WASHINGTON, DC

Prospectus Number: PDC-02-WA15

Executive Summary

The General Services Administration (GSA) proposes a replacement lease of up to 217,000 rentable square feet (RSF) of space to house the U.S. Department of Justice (DOJ) currently located at 1100 L Street, NW, and 20 Massachusetts Avenue, NW, in Washington, DC.

The replacement lease will provide continued housing for DOJ and will improve DOJ office and overall utilization rates from 160 to 130 usable square feet (USF) per person and 292 to 240 USF per person, respectively. As a result of the improved utilization, the replacement lease will reduce the rentable square footage of the requirement by 15 percent, a 38,972 RSF reduction from DOJ's current occupancies.

Description

Occupant:	Department of Justice
Lease Type	Replacement
Current Rentable Square Feet (RSF):	255,972 (Current RSF/USF = 1.17)
Proposed Maximum RSF:	217,000 (Proposed RSF/USF = 1.20)
Expansion/Reduction RSF:	38,972 RSF reduction
Current Usable Square Feet/Person:	292
Proposed Usable Square Feet/Person:	240
Proposed Maximum Leasing Authority:	15 years
Expiration Dates of Current Lease(s):	1100 L Street NW – 5/19/2016 20 Massachusetts Avenue NW – 10/22/2016
Delineated Area:	Washington, DC, Central Employment Area
Number of Official Parking Spaces[1]:	2
Scoring:	Operating Lease
Maximum Proposed Rental Rate[2]:	$50.00 per RSF

[1] DOJ's security requirements may necessitate control of the parking at the leased location(s). This may be accomplished as a lessor-furnished service, under an operating agreement with the lessor, or as part of the Government's leasehold interest in the building(s).

[2] This estimate is for fiscal year 2017 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced—including all operating expenses—whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as a benchmark for the evaluation of competitive offers and as a basis for negotiating with offerors to ensure that the lease award is in the best interest of the Government. The lease award shall not exceed the maximum rental rate as specified in this prospectus.

PROSPECTUS – LEASE
DEPARTMENT OF JUSTICE, CIVIL DIVISION
WASHINGTON, DC

Prospectus Number: PDC-02-WA15

Proposed Total Annual Cost[3]:	$10,850,000
Current Total Annual Cost:	$10,960,719 (leases effective 5/20/1996 and 9/24/2002)

Acquisition Strategy

In order to acquire space that will meet DOJ's requirements, GSA may issue a single, multiple award solicitation that will allow offerors to provide blocks of space to meet the requirements in whole or in part. All offers must provide space consistent with the delineated area defined by this prospectus.

Justification

The current leases at 1100 L Street NW and 20 Massachusetts NW expire May 19, 2016, and October 22, 2016, respectively, which would leave DOJ without housing. Also, DOJ wants to take the opportunity presented by this proposed lease action to reduce its space footprint and increase its space use efficiency. The proposed lease will reduce DOJ's space by 38,972 RSF or 15.2 percent of its current 255,972 RSF of leased space. In the absence of this reduction, the status quo cost of continued occupancy at the proposed market rental rate would be $12,798,600 per year.

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Request for Lease Proposals and other documents related to the procurement of space based on the approved prospectus. GSA encourages offerors to exceed the minimum requirements in the procurement and to achieve an Energy Star performance rating of 75 or higher.

[3]New leases may contain an escalation clause to provide for annual changes in real estate taxes and operating costs.

PROSPECTUS – LEASE
DEPARTMENT OF JUSTICE, CIVIL DIVISION
WASHINGTON, DC

Prospectus Number: PDC-02-WA15

Resolutions of Approval

Resolutions approving this prospectus were adopted by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works. They will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

Interim Leasing

GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the proposed lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 29, 2014

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

April 2014

Housing Plan
Department of Justice
Civil Division

PDC-02-WA15
Washington, DC

Locations	CURRENT						PROPOSED					
	Personnel		Usable Square Feet (USF)[1]				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
1100 L Street, NW	548	548	122,121	2,019	27,747	151,887						
20 Massachusetts Avenue, NW	204	204	32,279	1,592	33,569	67,440						
Proposed Lease							752	752	125,333	2,000	53,147	180,480
Total	**752**	**752**	**154,400**	**3,611**	**61,316**	**219,327**	**752**	**752**	**125,333**	**2,000**	**53,147**	**180,480**

Office Utilization Rate (UR)[2]		
	Current	Proposed
Rate	160	130

UR = average amount of office space per person
Current UR excludes 33,968 usf of office support space
Proposed UR excludes 27,573 usf of office support space

Overall UR[3]		
	Current	Proposed
Rate	292	240

R/U Factor[4]	Total USF	RSF/USF	Max RSF
Current	219,327	1.17	255,972
Proposed	180,480	1.20	217,000

Special Space	USF
Conference/Training	8,985
ADP/Call Center	3,974
File Rooms	12,786
Break Rooms	2,962
Moot Court	1,419
Supply Room	1,562
Library	6,119
Mail Room	1,147
SCIF	11,991
Copy Rooms	2,201
Total	**53,147**

NOTES:

[1]USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

[2]Calculation excludes Judiciary, Congress and agencies with less than 10 people

[3]USF/Person = housing plan total USF divided by total personnel.

[4]R/U Factor = Max RSF divided by total USF

COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF JUSTICE, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a replacement lease of up to 382,000 rentable square feet of space, including 15 official parking spaces, for the Department of Justice currently located at 555 4th Street, NW and 501 3rd Street, NW in Washington, D.C., at a proposed total annual cost of $19,100,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply an overall utilization rate of 240 square feet or less per person.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in an overall utilization rate of 240 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

PROSPECTUS – LEASE
DEPARTMENT OF JUSTICE
WASHINGTON, DC

Prospectus Number: PDC-03-WA15

Executive Summary

The General Services Administration (GSA) proposes a replacement lease of up to 382,000 rentable square feet (RSF) for the U.S. Department of Justice (DOJ) currently located at 555 4th Street, NW, and 501 3rd Street, NW, in Washington, DC.

The replacement lease will provide continued housing for DOJ and improve DOJ office and overall utilization rates from 166 to 130 usable square feet (USF) per person and 290 to 240 USF per person, respectively. As a result of the improved utilization, the replacement lease will reduce the rentable square footage of the requirement by 8 percent, a 33,684 RSF reduction from DOJ's current occupancies.

Description

Occupant:	Department of Justice
Lease Type:	Replacement
Current Rentable Square Feet (RSF):	415,684 (Current RSF/USF = 1.11)
Proposed Maximum RSF:	382,000 (Proposed RSF/USF = 1.20)
Expansion/Reduction RSF:	33,684 RSF reduction
Current Usable Square Feet/Person:	290
Proposed Usable Square Feet/Person:	240
Proposed Maximum Leasing Authority:	15 Years
Expiration Dates of Current Leases:	12/31/2017 - 555 4th Street, NW 6/1/2019 - 501 3rd Street, NW
Delineated Area:	Washington, DC Central Employment Area
Number of Official Parking Spaces[1]:	15
Scoring:	Operating Lease
Maximum Proposed Rental Rate[2]:	$50.00 per RSF

[1] DOJ security requirements may necessitate control of the parking at the leased location(s). This may be accomplished as a lessor-furnished service, under an operating agreement with the lessor, or as part of the Government's leasehold interest in the building(s).

[2] This estimate is for fiscal year 2018 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including all operating expenses whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as a benchmark for the evaluation of competitive offers and as a basis for negotiating with offerors to ensure that lease award is made in the best interest of the government. Lease award shall not exceed the maximum rental rate as specified in this prospectus.

PROSPECTUS – LEASE
DEPARTMENT OF JUSTICE
WASHINGTON, DC

Prospectus Number: PDC-03-WA15

Proposed Total Annual Cost[3]:	$19,100,000
Current Total Annual Cost:	$18,404,286
	(555 4th St. – lease effective 01/01/1998)
	(501 3rd St. – lease effective 06/02/2004)

Acquisition Strategy

In order to maximize flexibility to acquire space that will house DOJ and meet their requirements, GSA may issue a single, multiple award solicitation that will allow offerors to provide blocks of space to meet the requirements in whole or in part. A multiple building solution must house DOJ in geographically proximate locations. All offers must provide space consistent with the delineated area defined by this prospectus.

Justification

The current leases at 555 4th Street, NW, and 501 3rd Street, NW, expire December 31, 2017, and June 1, 2019, respectively, and DOJ requires continued housing to carry out its mission. The total space requested will reduce DOJ's footprint by 33,684 RSF or 8.1 percent of the 415,684 RSF currently occupied. In the absence of this reduction, the status quo cost of continued occupancy at the proposed market rental rate would be $20,784,200 per year.

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Request for Lease Proposals and other documents related to the procurement of space based on the approved prospectus. GSA encourages offerors to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

[3] New leases may contain an escalation clause to provide for annual changes in real estate taxes and operating costs.

PROSPECTUS – LEASE
DEPARTMENT OF JUSTICE
WASHINGTON, DC

Prospectus Number: PDC-03-WA15

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

Interim Leasing

GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 29, 2014

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

September 2014

Housing Plan
Department of Justice

PDC-03-WA15
Washington, DC

Leased Locations	CURRENT						PROPOSED					
	Personnel		Usable Square Feet (USF)[1]				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
JCB 555 4th Street NW	1,148	1,148	227,162	3,146	83,208	313,516						
501 3rd Street NW	141	141	46,579	224	13,278	60,081						
Proposed Lease							1,324	1,324	220,667	5,566	91,527	317,760
Total	**1,289**	**1,289**	**273,741**	**3,370**	**96,486**	**373,597**	**1,324**	**1,324**	**220,667**	**5,566**	**91,527**	**317,760**

Office Utilization Rate (UR)[2]		
	Current	Proposed
Rate	166	130

UR = average amount of office space per person
Current UR excludes 60,223 usf of office support space
Proposed UR excludes 47,263 usf of office support space

Overall UR[3]		
	Current	Proposed
Rate	290	240

R/U Factor[4]			
	Total USF	RSF/USF	Max RSF
Current	373,597	1.11	415,684
Proposed	317,760	1.20	382,000

Special Space	USF
Conference/Trial Prep Rooms	18,250
ADP/Telecom Rooms	2,157
File Rooms	27,414
Break Rooms	4,600
USMS Evidence Room	1,000
Libraries	6,750
Moot Court/e-Court Rooms	5,006
Grand Jury Rooms	12,450
Training Rooms	4,500
Prisoner Holding Area	4,500
Copy Rooms	4,900
Total	**91,527**

NOTES:
[1]USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.
[2]Calculation excludes Judiciary, Congress and agencies with less than 10 people
[3]USF/Person = housing plan total USF divided by total personnel.
[4]R/U Factor = Max RSF divided by total USF

COMMITTEE RESOLUTION

LEASE—FEDERAL BUREAU OF INVESTIGATION, 85 10TH AVENUE, NEW YORK, NY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for lease extensions of up to 168,000 rentable square feet of space for the Federal Bureau of Investigation Joint Terrorism Task Force currently located at 85 10th Avenue in New York, New York at a proposed total annual cost of $13,776,000 for a lease term of up to 5 years, a prospectus, as amended by this resolution, for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply an overall utilization rate of 218 square feet or less per person.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in an overall utilization rate of 218 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

PROSPECTUS – LEASE
FEDERAL BUREAU OF INVESTIGATION
85 10TH AVENUE, NEW YORK, NY

Prospectus Number: PNY-02-NY15
Congressional District: 8

Executive Summary

The General Services Administration (GSA) proposes lease extensions of up to five years for 168,000 rentable square feet of space for the Federal Bureau of Investigation Joint Terrorism Task Force (FBI) currently located at 85 10th Avenue in New York, NY. FBI has occupied space in the building since 2005 under two leases that will expire January 17 and June 5, 2015. The long-term plan is to relocate FBI from 85 Tenth Avenue to government-owned space; a lease extension is needed as space is vacated and readied at the Government-owned location. GSA will attempt to secure flexibility and the right to terminate the entire lease periodically within the five year term.

Extension of the current leases will enable FBI to provide continued housing for its personnel and meet its current mission requirements. FBI will maintain its current office utilization rate of 148 USF per person and its overall utilization rate of 218 USF per person.

Description

Occupants:	Federal Bureau of Investigation
Lease Type:	Lease Extension
Current Rentable Square Feet (RSF):	168,000
Proposed Maximum RSF:	168,000
Expansion/Reduction RSF:	0
Current Usable Square Feet/Person:	218
Proposed Usable Square Feet/Person:	218
Proposed Maximum Lease Term:	5
Expiration Date of Current Leases:	1/17/ 2015 and 6/5/ 2015
Proposed Delineated Area:	85 Tenth Avenue New York, NY
Number of Official Parking Spaces:	0
Scoring:	Operating Lease
Maximum Proposed Rental Rate[1]:	$ 68.00 per RSF
Proposed Total Annual Cost[2]:	$ 11,424,000
Current Total Annual Cost:	$ 7,589,152 (leases effective 1/18/2005 and 6/06/2005)

[1]This estimate is for fiscal year 2015 and may be escalated by 1.9 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including all operating expenses whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as a benchmark for negotiating this lease extension to ensure that lease award is made in the best interest of the government. Lease award shall not exceed the maximum rental rate as specified in this prospectus.

[2]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

GSA PBS

PROSPECTUS – LEASE
FEDERAL BUREAU OF INVESTIGATION
85 10TH AVENUE, NEW YORK, NY

Prospectus Number: PNY-02-NY15
Congressional District: 8

Justification
The leases at 85 10th Avenue will expire January 17 and June 5, 2015. FBI requires continued housing at this location to carry out its mission until it can relocate its personnel and operations to government-owned space. A five-year lease extension is needed to protect occupancy until such time as space is vacated and readied for FBI at a government-owned facility.

Resolutions of Approval
Resolutions adopted by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

Interim Leasing
GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the extension. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 29, 2014

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

April 2014

Housing Plan
Federal Bureau of Investigation

PNY-02-NY15
New York, NY

Locations	CURRENT						PROPOSED					
	Personnel		Usable Square Feet (USF)[1]				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
85 10th Avenue, New York, NY	542	542	102,782	6,000	9,391	118,173						
Proposed Lease							542	542	102,782	6,000	9,391	118,173
Total	**542**	**542**	**102,782**	**6,000**	**9,391**	**118,173**	**542**	**542**	**102,782**	**6,000**	**9,391**	**118,173**

Office Utilization Rate (UR)[2]		
	Current	Proposed
Rate	148	148

UR=average amount of office space per person
Current UR excludes 22,612 usf of office support space
Proposed UR excludes 22,612 usf of office support space

Overall UR[3]		
	Current	Proposed
Rate	218	218

R/U Factor[4]	Total USF	RSF/USF	Max RSF
Current	118,173	1.42	168,000
Proposed	118,173	1.42	168,000

Special Space	USF
ADP	1,977
Break Room	731
Conference/Training	2,367
Health	488
Mug and Fingerprint	244
Physical Fitness	2,560
Mail Room	366
Interview rooms	512
Restroom	146
Total	**9,391**

NOTES:

[1]USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.
[2]Calculation excludes Judiciary, Congress and agencies with less than 10 people
[3]USF/Person = housing plan total USF divided by total personnel.
[4]R/U Factor = Max RSF divided by total USF

COMMITTEE RESOLUTION

LEASE—FEDERAL BUREAU OF INVESTIGATION, 601 WEST 26TH STREET, NEW YORK, NY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a lease extension of up to 79,792 rentable square feet of space, including 84 official parking spaces, for the Federal Bureau of Investigation currently located at 601 West 26th Street in New York, New York at a proposed total annual cost of $5,346,064 for a lease term of up to 3 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

PROSPECTUS – LEASE
FEDERAL BUREAU OF INVESTIGATION
601 WEST 26TH STREET, NEW YORK, NY

Prospectus Number: PNY-04-NY15
Congressional District: 10

Executive Summary

The General Services Administration (GSA) proposes a short-term lease extension of up to 79,792 rentable square feet for the Federal Bureau of Investigation (FBI), currently located at 601 West 26th Street, New York, NY (Starret Lehigh Building). The lease includes 84 structured parking spaces, radio maintenance facility, automotive maintenance facility, and ancillary office space for the FBI. FBI has occupied space in the Starret Lehigh building since November 1, 1993, under a single lease that will expire October 31, 2014. FBI has a long-term plan to relocate to another leased location in the Bronx, and currently is reviewing proposals of existing locations.

GSA is seeking a three-year lease extension to allow FBI to remain in place while providing enough time to award a long-term lease that is expected to be below the prospectus threshold. Extension of the current lease will enable FBI to provide continued housing for current personnel and meet its current mission requirements. FBI will maintain its current office utilization rate of 156 USF per person. An overall utilization rate is not applicable, since almost 94 percent of the space leased is light industrial space used for automotive and radio maintenance. GSA will attempt to negotiate termination rights into the lease agreement to accommodate the longer term housing solution for FBI.

Description

Occupants:	Federal Bureau of Investigation
Lease Type:	Lease Extension
Current Rentable Square Feet (RSF):	79,792
Proposed Maximum RSF:	79,792
Expansion/Reduction RSF:	0
Current Usable Square Feet/Person:	NA
Proposed Usable Square Feet/Person:	NA
Proposed Maximum Lease Term:	3
Expiration Date of Current Leases:	October 31, 2014
Proposed Delineated Area:	601 West 26th Street, New York, NY
Number of Official Parking Spaces:	84
Scoring:	Operating Lease
Maximum Proposed Rental Rate[1]:	$ 67 per RSF

[1]This estimate is for fiscal year 2015 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including all operating expenses whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as a benchmark for negotiating this lease extension to ensure that lease award is made in the best interest of the government. Lease award shall not exceed the maximum rental rate as specified in this prospectus.

PROSPECTUS – LEASE
FEDERAL BUREAU OF INVESTIGATION
601 WEST 26TH STREET, NEW YORK, NY

Prospectus Number: PNY-04-NY15
Congressional District: 10

Proposed Total Annual Cost[2]:	$ 5,346,064
Current Total Annual Cost:	$ 3, 449,920 (lease effective 11/01/1993)

Justification

The current lease for space at 601 West 26th Street will expire October 31, 2014. FBI requires continued housing at this location to carry out its mission until it can relocate its personnel to a new location in the Bronx market area. FBI has a long-term plan in place to relocate its existing operations at this location. The lease procurement for the relocation is in process, however, the procurement is projected to exceed the duration of the current lease. Prospectus approval is required to extend this lease and protect the occupancy until such time that a new lease can be awarded and FBI can relocate to the new location. It is anticipated that the cost to the Government will be substantially reduced after relocation to a more economically favorable real estate market.

GSA will attempt to secure a short-lease term, including the right to terminate the entire lease after one year.

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

Interim Leasing

GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

[2]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

GSA **PBS**

PROSPECTUS – LEASE
FEDERAL BUREAU OF INVESTIGATION
601 WEST 26TH STREET, NEW YORK, NY

Prospectus Number: PNY-04-NY15
Congressional District: 10

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 29, 2014

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

April 2014

Housing Plan
Federal Bureau of Investigation

PNY-04-NY15
New York, NY

Locations	CURRENT						PROPOSED					
	Personnel		Usable Square Feet (USF)[1]				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
601 West 26th Street	25	25	5,000	-	74,792	79,792						
Proposed Lease							25	25	5,000	-	74,792	79,792
Total	**25**	**25**	**5,000**	**-**	**74,792**	**79,792**	**25**	**25**	**5,000**	**-**	**74,792**	**79,792**

Office Utilization Rate (UR)[2]		
	Current	Proposed
Rate	156	156

UR=average amount of office space per person
Current UR excludes 1100 usf of office support space
Proposed UR excludes 1100 usf of office support space

Special Space	USF
Automotive maintenance	66,792
Radio Maintenance	8,000
Total	**74,792**

Overall UR[3]		
	Current	Proposed
Rate	NA	NA

R/U Factor[4]	Total USF	RSF/USF	Max RSF
Current	79,792	1.00	79,792
Proposed	79,792	1.00	79,792

NOTES:

[1]USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.
[2]Calculation excludes Judiciary, Congress and agencies with less than 10 people
[3]USF/Person = housing plan total USF divided by total personnel. Not applicable since 94 percent of the space is used for automotive and radio maintenance.
[4]R/U Factor = Max RSF divided by total USF

COMMITTEE RESOLUTION

LEASE—U.S. PROBATION OFFICE & U.S. PRETRIAL SERVICES OFFICE, 233 BROADWAY, NEW YORK, NY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a lease extension of up to 112,392 rentable square feet of space for the U.S. Probation Office and the U.S. Pretrial Services Office currently located at 233 Broadway in New York, New York, at a proposed total annual cost of $5,394,816 for a lease term of up to 2 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply an overall utilization rate of 379 square feet or less per person.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in an overall utilization rate of 379 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA PBS

PROSPECTUS – LEASE
U.S. PROBATION OFFICE & U.S. PRETRIAL SERVICES OFFICE
233 BROADWAY, NEW YORK, NY

Prospectus Number: PNY-06-NY15
Congressional District: 7

Executive Summary

The U.S. General Services Administration (GSA) proposes a short-term lease extension of up to 112,392 rentable square feet of space for the U.S. Probation Office and the U.S. Pretrial Services Office (Probation and Pretrial Services), currently located at 233 Broadway (Woolworth Building), New York, NY. They have occupied space in the Woolworth Building since November 1, 2005, under a single lease that will expire October 31, 2015. Both offices are planned to relocate to the Daniel P. Moynihan U.S. Courthouse in Manhattan, NY. Funding for this relocation/backfill and build-out of space at the Moynihan USCH has been secured by GSA. GSA is seeking a 2-year lease extension to provide sufficient time to synchronize the completion of the build-out of the new space and the relocation of Probation and Pretrial Services. GSA will attempt to negotiate a flexible lease term with early termination rights to mitigate vacancy risk while continuing to protect the Government's occupancy.

Extension of the current lease will enable Probation and the Pretrial Services to provide continued housing for their current personnel and meet their current mission requirements. They will maintain their current office utilization rate of 261 USF per person and overall utilization rate 379 USF per person.

Description

Occupants:	Probation & Pretrial Services
Lease Type:	Lease Extension
Current Rentable Square Feet (RSF):	112,392
Proposed Maximum RSF:	112,392
Expansion/Reduction RSF:	0
Current Usable Square Feet/Person:	379
Proposed Usable Square Feet/Person:	379
Proposed Maximum Lease Term:	2
Expiration Date of Current Leases:	October 31, 2015
Proposed Delineated Area:	233 Broadway, NY, NY
Number of Official Parking Spaces:	0
Scoring:	Operating Lease

PROSPECTUS – LEASE
U.S. PROBATION OFFICE & U.S. PRETRIAL SERVICES OFFICE
233 BROADWAY, NEW YORK, NY

Prospectus Number: PNY-06-NY15
Congressional District: 7

Maximum Proposed Rental Rate[1]:	$ 48 per RSF
Proposed Total Annual Cost[2]:	$ 5,394,816
Current Total Annual Cost:	$ 4,998,072 (lease effective 11/01/2005)

Justification

The current lease at 233 Broadway will expire on October 31, 2015, and Probation and Pretrial Services require continued housing at this location to carry out their missions until they can relocate their personnel to the Daniel P. Moynihan U.S. Courthouse. The plan for the relocation is in process, and GSA has obtained funding to build out the office space in the Moynihan USCH. The process, however, is projected to exceed the duration of the current lease. Therefore, prospectus approval is required to extend this lease and protect the occupancy until the space preparation is completed.

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

Interim Leasing

GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agencies prior to the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

[1]This estimate is for fiscal year 2015 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including all operating expenses whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as a benchmark for negotiating this lease extension to ensure that lease award is made in the best interest of the Government. Lease award shall not exceed the maximum rental rate as specified in this prospectus.

[2]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

GSA **PBS**

PROSPECTUS – LEASE
U.S. PROBATION OFFICE & U.S. PRETRIAL SERVICES OFFICE
233 BROADWAY, NEW YORK, NY

Prospectus Number: PNY-06-NY15
Congressional District: 7

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 29, 2014

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

April 2014

Housing Plan
U.S. Probation and U.S. Pretrial Services

PNY-06-NY15
New York, NY

Locations	CURRENT						PROPOSED					
	Personnel		Usable Square Feet (USF)[1]				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
233 Broadway	200	200	66,878	-	8,930	75,808						
Proposed Lease							200	200	66,878	-	8,930	75,808
Total	**200**	**200**	**66,878**	**-**	**8,930**	**75,808**	**200**	**200**	**66,878**	**-**	**8,930**	**75,808**

Office Utilization Rate (UR)[2]		
	Current	Proposed
Rate	261	261

UR=average amount of office space per person
Current UR excludes 14,713 usf of office support space
Proposed UR excludes 14,713 usf of office support space

Special Space	USF
Chambers	5,965
Library	2,965
Total	**8,930**

Overall UR[3]		
	Current	Proposed
Rate	379	379

R/U Factor[4]	Total USF	RSF/USF	Max RSF
Current	75,808	1.48	112,392
Proposed	75,808	1.48	112,392

NOTES:

[1]USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

[2]Calculation excludes Judiciary, Congress and agencies with less than 10 people

[3]USF/Person = housing plan total USF divided by total personnel.

[4]R/U Factor = Max RSF divided by total USF

COMMITTEE RESOLUTION

LEASE—INTERNAL REVENUE SERVICE, GUAYNABO, PR

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a replacement lease of up to 92,500 rentable square feet of space, including 21 official parking spaces, for the Internal Revenue Service currently located at the San Patricio Office Center at 7 Tabonuco Street in Guaynabo, Puerto Rico, at a proposed total annual cost of $4,625,000 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply an overall utilization rate of 146 square feet or less per person.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in an overall utilization rate of 146 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

PROSPECTUS – LEASE
INTERNAL REVENUE SERVICE
GUAYNABO, PR

Prospectus Number: PPR-02-GU15
Congressional District: AL

Executive Summary

The General Services Administration (GSA) proposes a replacement lease of up to 92,500 rentable square feet (RSF) of space for the Internal Revenue Service (IRS), currently located at the San Patricio Office Center, at 7 Tabonuco Street, Guaynabo, Puerto Rico, under a lease expiring November 5, 2015.

The replacement lease will provide continued housing for IRS and will improve office and overall utilization rates from 87 to 64 usable square feet (USF) per person and 160 to 146 USF per person, respectively. As a result of the improved utilization, the replacement lease will reduce the rentable square footage of the requirement by approximately 10 percent, a 10,201 RSF reduction from IRS's current occupancy.

Description

Occupant:	Internal Revenue Service
Lease Type	Replacement
Current Rentable Square Feet (RSF)	102,701
Proposed Maximum RSF:	92,500
Expansion/Reduction RSF:	10,201 RSF reduction
Current Usable Square Feet/Person:	160
Proposed Usable Square Feet/Person:	146
Proposed Maximum Lease Term:	20 Years
Expiration Dates of Current Leases:	11/05/2015
Delineated Area:	Guaynabo and Hato Rey within the San Juan metropolitan area.
Number of Official Parking Spaces:	21
Scoring:	Operating lease
Maximum Proposed Rental Rate[1]:	$50.00 per RSF
Proposed Total Annual Cost[2]:	$4,625, 000
Current Total Annual Cost:	$4,380,517 (lease effective 11/6/2000)

[1] This estimate is for fiscal year 2016 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including all operating expenses whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as a benchmark for the evaluation of competitive offers and as a basis for negotiating with offerors to ensure that lease award is made in the best interest of the Government. Lease award shall not exceed the maximum rental rate as specified in this prospectus.

[2] New leases may contain an escalation clause to provide for annual changes in real estate taxes and operating costs.

PROSPECTUS – LEASE
INTERNAL REVENUE SERVICE
GUAYNABO, PR

Prospectus Number: PPR-02-GU15
Congressional District: AL

Justification

IRS is currently located at the San Patricio Office Center in Guaynabo and the ability of its personnel to operate efficiently is hindered by the distribution of work functions over several floors. As a result, IRS would like to consolidate its operations by reducing its space requirements by 10,201 rentable square feet. In the absence of this reduction, the status quo cost of continued occupancy at the proposed market rental rate would be $5,135,050 per year. A new consolidated location will provide IRS with efficient space to meet its current requirements as well as their long-term housing needs in the San Juan/Guaynabo area.

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Request for Lease Proposals and other documents related to the procurement of space based on the approved prospectus. GSA encourages offerors to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

Interim Leasing

GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

GSA PBS

PROSPECTUS – LEASE
INTERNAL REVENUE SERVICE
GUAYNABO, PR

Prospectus Number: PPR-02-GU15
Congressional District: AL

Certification of Need

The proposed lease is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 29, 2014

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

April 2014

Housing Plan
Internal Revenue Service

PPR-02-GU15
Guaynabo, PR

Locations	CURRENT						PROPOSED					
	Personnel		Usable Square Feet (USF)[1]				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
7 Tobonuco Street, Guaynabo, PR	523	523	58,455	7,000	18,000	83,455						
Proposed Lease							515	515	42,023	16,875	16,305	75,203
Total	**523**	**523**	**58,455**	**7,000**	**18,000**	**83,455**	**515**	**515**	**42,023**	**16,875**	**16,305**	**75,203**

Office Utilization Rate (UR)[2]		
	Current	Proposed
Rate	87	64

UR=average amount of office space per person
Current UR excludes 12,860 usf of office support space
Proposed UR excludes 9,245 usf of office support space

Overall UR[3]		
	Current	Proposed
Rate	160	146

R/U Factor[4]	Total USF	RSF/USF	Max RSF
Current	83,455	1.23	102,701
Proposed	75,203	1.23	92,500

Special Space	USF
Health Unit	1,418
NTEU President	348
Mail Room	1,564
Conference/Training	11,850
ADP	625
Food Service Area	500
Total	**16,305**

NOTES:

[1]USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.
[2]Calculation excludes Judiciary, Congress and agencies with less than 10 people
[3]USF/Person = housing plan total USF divided by total personnel.
[4]R/U Factor = Max RSF divided by total USF

COMMITTEE RESOLUTION

LEASE—ENVIRONMENTAL PROTECTION AGENCY, DALLAS, TX

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a replacement lease of up to 229,000 rentable square feet of space, including 40 official parking spaces, for the U.S. Environmental Protection Agency currently located at 1445 Ross Street in Dallas, Texas, at a proposed total annual cost of $6,412,000 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided that, the Administrator of General Services and tenant agencies agree to apply an overall utilization rate of 188 square feet or less per person.

Provided that, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in an overall utilization rate of 188 square feet or higher per person.

Provided that, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA PBS

PROSPECTUS – LEASE
ENVIRONMENTAL PROTECTION AGENCY
DALLAS, TX

Prospectus Number: PTX-01-DA15
Congressional District: 30

Executive Summary

The U.S. General Services Administration (GSA) proposes a replacement lease of up to 229,000 rentable square feet (RSF) for the U.S. Environmental Protection Agency (EPA) currently located at 1445 Ross Street, Dallas, Texas.

The replacement lease will provide continued housing for EPA and will improve EPA's office and overall utilization rates from 153 to 102 usable square feet (USF) per person and 226 to 188 USF per person, respectively. As a result of the improved utilization, the replacement lease will reduce the rentable square footage of the requirement by 12 percent, a 30,432 RSF reduction from EPA's current occupancy.

Description

Occupant:	EPA
Lease Type	Replacement
Current Rentable Square Feet (RSF)	259,432 (Current RSF/USF = 1.08)
Proposed Maximum RSF:	229,000 (Proposed RSF/USF = 1.15)
Expansion/Reduction RSF:	30,432 RSF reduction
Current Usable Square Feet/Person:	226
Proposed Usable Square Feet/Person:	188
Proposed Maximum Lease Term:	20 Years
Expiration Dates of Current Leases:	2/8/2017
Delineated Area:	The Central Business District bounded by: North - Woodall Rogers Freeway South - R.L. Thornton Freeway East - Central Expressway West – Stemmons Freeway
Number of Official Parking Spaces:	40
Scoring:	Operating lease
Maximum Proposed Rental Rate[1]:	$28.00 per RSF
Proposed Total Annual Cost[2]:	$6,412,000
Current Total Annual Cost[3]:	$4,819,272(lease effective 2/09/1997)

[1] This estimate is for fiscal year 2015 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including all operating expenses whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as a benchmark for the evaluation of competitive offers and as a basis for negotiating with offerors to ensure that lease award is made in the best interest of the Government. Lease award shall not exceed the maximum rental rate as specified in this prospectus.

[2] New leases may contain an escalation clause to provide for annual changes in real estate taxes and operating costs.

[3] The current lease includes 13,215 rentable square feet of space that was vacated by EPA in 2010. The current total annual cost includes the rent associated with the vacancy. The entire lease is 272,647 rentable square feet.

PROSPECTUS – LEASE
ENVIRONMENTAL PROTECTION AGENCY
DALLAS, TX

Prospectus Number: PTX-01-DA15
Congressional District: 30

Acquisition Strategy

In order to maximize the flexibility in acquiring space to house EPA, GSA may issue a single, multiple award solicitation that will allow offerors to provide blocks of space able to meet the requirements in whole or in part. All offers must provide space consistent with the delineated area defined by this prospectus.

Justification

EPA has developed a program of requirements for replacement space to house its Region 6 Headquarters in Dallas, Texas. The proposed requirements utilize new space standards developed to improve space efficiency and employee productivity and will reduce EPA's footprint by 30,432 RSF. In the absence of this reduction, the status quo cost of continued occupancy at the proposed market rental rate would be $7,264,096 per year.

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Request for Lease Proposals and other documents related to the procurement of space based on the approved prospectus. GSA encourages offerors to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

Interim Leasing

GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

GSA PBS

PROSPECTUS – LEASE
ENVIRONMENTAL PROTECTION AGENCY
DALLAS, TX

Prospectus Number: PTX-01-DA15
Congressional District: 30

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 29, 2014

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

April 2014

Housing Plan
Environmental Protection Agency

PTX-01-DA15
Dallas, TX

Locations	CURRENT						PROPOSED					
	Personnel		Usable Square Feet (USF)[1]				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
1445 Ross Avenue, Dallas, TX	1,058	1,058	207,726	-	31,404	239,130						
Proposed Lease							1,058	1,058	137,785	1,810	59,144	198,739
Total	**1,058**	**1,058**	**207,726**	**-**	**31,404**	**239,130**	**1,058**	**1,058**	**137,785**	**1,810**	**59,144**	**198,739**

Office Utilization Rate (UR)[2]		
	Current	Proposed
Rate	153	102

UR=average amount of office space per person
Current UR excludes 48,380 usf of office support space
Proposed UR excludes 30,312 usf of office support space

Overall UR[3]		
	Current	Proposed
Rate	226	188

R/U Factor[4]	Total USF	RSF/USF	Max RSF
Current	239,130	1.08	259,432
Proposed	198,739	1.15	229,000

Special Space	USF
Secured records	26,722
Conference	8,626
ADP	5,670
Mail/copy	5,429
Fitness	4,222
Food Service	3,258
Secured office	3,106
Library	1,086
Health unit	724
Secured storage	301
Total	**59,144**

NOTES:

[1]USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.
[2]Calculation excludes Judiciary, Congress and agencies with less than 10 people
[3]USF/Person = housing plan total USF divided by total personnel.
[4]R/U Factor = Max RSF divided by total USF

There was no objection.

PUBLICATION OF COMMITTEE RULES

RULES OF THE HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE FOR THE 114TH CONGRESS

Mr. NUNES. Mr. Speaker, pursuant to clause 2(a)(2) of rule XI, the rules of procedure for the House Permanent Select Committee on Intelligence for the 114th Congress are transmitted herewith. They were adopted on January 28, 2015 by voice vote.

1. MEETING DAY

Regular Meeting Day for the Full Committee. The regular meeting day of the Committee for the transaction of Committee business shall be the first Thursday of each month, unless otherwise directed by the Chair.

2. NOTICE FOR MEETINGS

(a) Generally. In the case of any meeting of the Committee, the Chief Clerk of the Committee shall provide reasonable notice to every member of the Committee. Such notice shall provide the time, place, and subject matter of the meeting, and shall be made consistent with the provisions of clause 2(g)(3) of House rule XI.

(b) Hearings. Except as provided in subsection (d), a Committee hearing may not commence earlier than one week after such notice.

(c) Business Meetings. Except as provided in subsection (d), a Committee business meeting may not commence earlier than the third day on which Members have notice thereof

(d) Exception. A hearing or business meeting may begin sooner than otherwise specified in either of the following circumstances (in which case the Chair shall provide the notice at the earliest possible time):

(1) the Chair, with the concurrence of the Ranking Minority Member, determines there is good cause; or

(2) the Committee so determines by majority vote in the presence of the number of members required under the rules of the Committee for the transaction of business.

(e) Definition. For purposes of this rule, ''notice'' means:

(1) Written notification; or

(2) Notification delivered by facsimile transmission, regular mail, or electronic mail.

3. PREPARATIONS FOR COMMITTEE MEETINGS

(a) Generally. Designated Committee Staff, as directed by the Chair, shall brief members of the Committee at a time sufficiently prior to any Committee meeting in order to:

(1) Assist Committee members in preparation for such meeting; and

(2) Determine which matters members wish considered during any meeting.

(b) Briefing Materials.

(1) Such a briefing shall, at the request of a member, include a list of all pertinent papers and such other materials that have been obtained by the Committee that bear on matters to be considered at the meeting; and

(2) The Staff Director shall also recommend to the Chair any testimony, papers, or other materials to be presented to the Committee at the meeting of the Committee.

4. OPEN MEETINGS

(a) Generally. Pursuant to House Rule XI, but subject to the limitations of subsections (b) and (c), Committee meetings held for the transaction of business and Committee hearings shall be open to the public.

(b) Meetings. Any meeting or portion thereof for the transaction of business, including the markup of legislation, or any hearing or portion thereof shall be closed to the public if the Committee determines by record vote in open session, with a majority of the Committee present, that disclosure of the matters to be discussed may:

(1) Endanger national security;

(2) Compromise sensitive law enforcement information;

(3) Tend to defame, degrade, or incriminate any person; or

(4) Otherwise violate any law or Rule of the House.

(c) Hearings. The Committee may vote to close a Committee hearing pursuant to clause 11(d)(2) of House Rule X, regardless of whether a majority is present, so long as at least two members of the Committee are present, one of whom is a member of the Minority and votes upon the motion.

(d) Briefings. Committee briefings shall be closed to the public.

5. QUORUM

(a) Hearings. For purposes of taking testimony, or receiving evidence, a quorum shall consist of two Committee members, at least one of whom is a member of the Majority.

(b) Reporting Measures and Recommendations. For purposes of reporting a measure or recommendation, a quorum shall consist of a majority of the Committee's members.

(c) Other Committee Proceedings. For purposes of the transaction of all other Committee business, other than the consideration of a motion to close a hearing as described in rule 4(c), a quorum shall consist of one-third of the Committee's members.

6. PROCEDURES FOR AMENDMENTS AND VOTES

(a) Amendments. When a bill or resolution is being considered by the Committee, members shall provide the Chief Clerk in a timely manner with a sufficient number of written copies of any amendment offered, so as to enable each member present to receive a copy thereof prior to taking action. A point of order may be made against any amendment not reduced to writing. A copy of each such amendment shall be maintained in the public records of the Committee.

(b) Reporting Record Votes. Whenever the Committee reports any measure or matter by record vote, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of, and the votes cast in opposition to, such measure or matter.

(c) Postponement of Further Proceedings. In accordance with clause 2(h) of House Rule XI, the Chair is authorized to postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or adopting an amendment. The Chair may resume proceedings on a postponed request at any time after reasonable notice. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(d) Availability of Record Votes on Committee Website. In addition to any other requirement of the Rules of the House, the Chair shall make the record votes on any measure or matter on which a record vote is taken, other than a motion to close a Committee hearing, briefing, or meeting, available on the Committee's website not later than 2 business days after such vote is taken. Such record shall include an unclassified description of the amendment, motion, order, or other proposition, the name of each member voting in favor of, and each member voting in opposition to, such amendment, motion, order, or proposition, and the names of those members of the Committee present but not voting.

7. SUBCOMMITTEES

(a) Generally.

(1) Creation of subcommittees shall be by majority vote of the Committee.

(2) Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct.

(3) Subcommittees shall be governed by these rules.

(4) For purposes of these rules, any reference herein to the ''Committee'' shall be interpreted to include subcommittees, unless otherwise specifically provided.

(b) Establishment of Subcommittees. The Committee establishes the following subcommittees:

(1) Subcommittee on the Central Intelligence Agency;

(2) Subcommittee on the National Security Agency and Cybersecurity

(3) Subcommittee on Emerging Threats; and

(4) Subcommittee on Department of Defense Intelligence and Overhead Architecture.

(c) Subcommittee Membership.

(1) Generally. Each member of the Committee may be assigned to at least one of the subcommittees.

(2) *Ex Officio* Membership. In the event that the Chair and Ranking Minority Member of the full Committee do not choose to sit as regular voting members of one or more of the subcommittees, each is authorized to sit as an *ex officio* member of the subcommittees and participate in the work of the subcommittees. When sitting *ex officio*, however, they:

(A) Shall not have a vote in the subcommittee; and

(B) Shall not be counted for purposes of determining a quorum.

(d) Regular Meeting Day for Subcommittees. There is no regular meeting day for subcommittees.

8. PROCEDURES FOR TAKING TESTIMONY OR RECEIVING EVIDENCE

(a) Notice. Adequate notice shall be given to all witnesses appearing before the Committee.

(b) Oath or Affirmation. The Chair may require testimony of witnesses to be given under oath or affirmation.

(c) Administration of Oath or Affirmation. Upon the determination that a witness shall testify under oath or affirmation, any member of the Committee designated by the Chair may administer the oath or affirmation.

(d) Questioning of Witnesses.

(1) Generally. Questioning of witnesses before the Committee shall be conducted by members of the Committee.

(2) Exceptions.

(A) The Chair, in consultation with the Ranking Minority Member, may determine that Committee Staff will be authorized to question witnesses at a hearing in accordance with clause (2)(j) of House Rule XI.

(B) The Chair and Ranking Minority Member are each authorized to designate Committee Staff to conduct such questioning.

(e) Counsel for the Witness.

(1) Generally. Witnesses before the Committee may be accompanied by counsel, subject to the requirements of paragraph (2).

(2) Counsel Clearances Required. In the event that a meeting of the Committee has been closed because the subject to be discussed deals with classified information, counsel accompanying a witness before the Committee must possess the requisite security clearance and provide proof of such clearance to the Committee at least 24 hours prior to the meeting at which the counsel intends to be present.

(3) Failure to Obtain Counsel. Any witness who is unable to obtain counsel should notify the Committee. If such notification occurs at least 24 hours prior to the witness'

appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain counsel, however, will not excuse the witness from appearing and testifying.

(4) Conduct of Counsel for Witnesses. Counsel for witnesses appearing before the Committee shall conduct themselves ethically and professionally at all times in their dealings with the Committee.

(A) A majority of members of the Committee may, should circumstances warrant, find that counsel for a witness before the Committee failed to conduct himself or herself in an ethical or professional manner.

(B) Upon such finding, counsel may be subject to appropriate disciplinary action.

(5) Temporary Removal of Counsel. The Chair may remove counsel during any proceeding before the Committee for failure to act in an ethical and professional manner.

(6) Committee Reversal. A majority of the members of the Committee may vote to overturn the decision of the Chair to remove counsel for a witness.

(7) Role of Counsel for Witness.

(A) Counsel for a witness:

(i) Shall not be allowed to examine witnesses before the Committee, either directly or through cross-examination; but

(ii) May submit questions in writing to the Committee that counsel wishes propounded to a witness; or

(iii) May suggest, in writing to the Committee, the presentation of other evidence or the calling of other witnesses.

(B) The Committee may make such use of any such questions, or suggestions, as the Committee deems appropriate.

(f) Statements by Witnesses.

(1) Generally. A witness may make a statement, which shall be brief and relevant, at the beginning and at the conclusion of the witness' testimony.

(2) Length. Each such statement shall not exceed five minutes in length, unless otherwise determined by the Chair.

(3) Submission to the Committee. Any witness desiring to submit a written statement for the record of the proceeding shall submit a copy of the statement to the Chief Clerk of the Committee.

(A) Such statements shall ordinarily be submitted no less than 48 hours in advance of the witness' appearance before the Committee and shall be submitted in written and electronic format.

(B) In the event that the hearing was called with less than 24 hours notice, written statements should be submitted as soon as practicable prior to the hearing.

(g) Objections and Ruling.

(1) Generally. Any objection raised by a witness, or counsel for the witness, shall be ruled upon by the Chair, and such ruling shall be the ruling of the Committee.

(2) Committee Action. A ruling by the Chair may be overturned upon a majority vote of the Committee.

(h) Transcripts.

(1) Transcript Required. A transcript shall be made of the testimony of each witness appearing before the Committee during any hearing of the Committee.

(2) Opportunity to Inspect. Any witness testifying before the Committee shall be given a reasonable opportunity to inspect the transcript of the hearing, and may be accompanied by counsel to determine whether such testimony was correctly transcribed. Such counsel:

(A) May review the transcript only if he or she has the appropriate security clearances necessary to review any classified aspect of the transcript; and

(B) Should, to the extent possible, be the same counsel that was present for such classified testimony.

(3) Corrections.

(A) Pursuant to Rule XI of the House Rules, any corrections the witness desires to make in a transcript shall be limited to technical, grammatical, and typographical corrections.

(B) Corrections may not be made to change the substance of the testimony.

(C) Such corrections shall be submitted in writing to the Committee within 7 days after the transcript is made available to the witnesses.

(D) Any questions arising with respect to such corrections shall be decided by the Chair

(4) Copy for the Witness. At the request of the witness, any portion of the witness' testimony given in executive session shall be made available to that witness if that testimony is subsequently quoted or intended to be made part of a public record. Such testimony shall be made available to the witness at the witness' expense.

(i) Requests to Testify.

(1) Generally. The Committee will consider requests to testify on any matter or measure pending before the Committee.

(2) Recommendations for Additional Evidence. Any person who believes that testimony, other evidence, or commentary, presented at a public hearing may tend to affect adversely that person's reputation may submit to the Committee, in writing:

(A) A request to appear personally before the Committee;

(B) A sworn statement of facts relevant to the testimony, evidence, or commentary; or

(C) Proposed questions for the cross-examination of other witnesses.

(3) Committee Discretion. The Committee may take those actions it deems appropriate with respect to such requests.

(j) Contempt Procedures. Citations for contempt of Congress shall be forwarded to the House only if:

(1) Reasonable notice is provided to all members of the Committee of a meeting to be held to consider any such contempt recommendations;

(2) The Committee has met and considered the contempt allegations;

(3) The subject of the allegations was afforded an opportunity to state either in writing or in person, why he or she should not be held in contempt; and

(4) The Committee agreed by majority vote to forward the citation recommendations to the House.

(k) Release of Name of Witness.

(1) Generally. At the request of a witness scheduled to be heard by the Committee, the name of that witness shall not be released publicly prior to, or after, the witness' appearance before the Committee.

(2) Exceptions. Notwithstanding paragraph (1), the Chair may authorize the release to the public of the name of any witness scheduled to appear before the Committee.

9. INVESTIGATIONS

(a) Commencing Investigations. The Committee shall conduct investigations only if approved by the Chair, in consultation with the Ranking Minority Member.

(b) Conducting Investigations. An authorized investigation may be conducted by members of the Committee or Committee Staff designated by the Chair, in consultation with the Ranking Minority Member, to undertake any such investigation.

10. SUBPOENAS

(a) Generally. All subpoenas shall be authorized by the Chair of the full Committee, upon consultation with the Ranking Minority Member, or by vote of the full Committee.

(b) Subpoena Contents. Any subpoena authorized by the Chair of the full Committee or by the full Committee may compel:

(1) The attendance of witnesses and testimony before the Committee; or

(2) The production of memoranda, documents, records, or any other tangible item.

(c) Signing of Subpoena. A subpoena authorized by the Chair of the full Committee or by the full Committee may be signed by the Chair or by any member of the Committee designated to do so by the full Committee.

(d) Subpoena Service. A subpoena authorized by the Chair of the full Committee, or by the full Committee, may be served by any person designated to do so by the Chair.

(e) Other Requirements. Each subpoena shall have attached thereto a copy of these rules.

11. COMMITTEE STAFF

(a) Definition. For the purpose of these rules, ''Committee Staff' or ''Staff of the Committee'' means:

(1) Employees of the Committee;

(2) Consultants to the Committee;

(3) Employees of other Government agencies detailed to the Committee; or

(4) Any other person engaged by contract, or otherwise, to perform services for, or at the request of, the Committee.

(b) Appointment of Committee Staff and Security Requirements.

(1) Chair's Authority. Except as provided in paragraph (2), the Committee Staff shall be appointed, and may be removed, by the Chair and shall work under the general supervision and direction of the Chair.

(2) Staff Assistance to Minority Membership. Except as provided in paragraphs (3) and (4), and except as otherwise provided by Committee Rules, the Committee Staff provided to the Minority Party members of the Committee shall be appointed, and may be removed, by the Ranking Minority Member of the Committee, and shall work under the general supervision and direction of such member.

(3) Security Clearance Required. All offers of employment for prospective Committee Staff positions shall be contingent upon:

(A) The results of a background investigation; and

(B) A determination by the Chair that requirements for the appropriate security clearances have been met.

(4) Security Requirements. Notwithstanding paragraph (2), the Chair shall supervise and direct the Committee Staff with respect to the security and nondisclosure of classified information. Committee Staff shall comply with requirements necessary to ensure the security and nondisclosure of classified information as determined by the Chair in consultation with the Ranking Minority Member.

12. LIMIT ON DISCUSSION OF CLASSIFIED WORK OF THE COMMITTEE

(a) Prohibition.

(1) Generally. Except as otherwise provided by these rules and the Rules of the House of Representatives, members of the Committee and Committee Staff shall not at any time, either during that person's tenure as a member of the Committee or as Committee Staff, or anytime thereafter, discuss or disclose, or cause to be discussed or disclosed:

(A) The classified substance of the work of the Committee;

(B) Any information received by the Committee in executive session;

(C) Any classified information received by the Committee from any source; or

(D) The substance of any hearing that was closed to the public pursuant to these rules or the Rules of the House.

(2) Non-Disclosure in Proceedings.

(A) Members of the Committee and the Committee Staff shall not discuss either the substance or procedure of the work of the

Committee with any person not a member of the Committee or the Committee Staff in connection with any proceeding, judicial or otherwise, either during the person's tenure as a member of the Committee, or of the Committee Staff, or at any time thereafter, except as directed by the Committee in accordance with the Rules of the House and these rules.

(B) In the event of the termination of the Committee, members and Committee Staff shall be governed in these matters in a manner determined by the House concerning discussions of the classified work of the Committee.

(3) Exceptions.

(A) Notwithstanding the provisions of subsection (a)(1), members of the Committee and the Committee Staff may discuss and disclose those matters described in subsection (a)(1) with:

(i) Members and staff of the Senate Select Committee on Intelligence designated by the chair of that committee;

(ii) The chairmen and ranking minority members of the House and Senate Committees on Appropriations and staff of those committees designated by the chairmen of those committees; and,

(iii) The chair and ranking minority member of the Subcommittee on Defense of the House Committee on Appropriations and staff of that subcommittee as designated by the chair of that subcommittee, or Members of that subcommittee designated by the Chair pursuant to clause (g)(1) of Committee Rule 14.

(B) Notwithstanding the provisions of subsection (a)(1), members of the Committee and the Committee Staff may discuss and disclose only that budget-related information necessary to facilitate the enactment of the annual defense authorization bill with the chairmen and ranking minority members of the House and Senate Committees on Armed Services and the staff of those committees as designated by the chairmen of those committees.

(C) Notwithstanding the provisions of subsection (a)(1), members of the Committee and the Committee Staff may discuss with and disclose to the chair and ranking minority member of a subcommittee of the House Appropriations Committee with jurisdiction over an agency or program within the National Intelligence Program (NIP), and staff of that subcommittee as designated by the chair of that subcommittee, only that budget-related information necessary to facilitate the enactment of an appropriations bill within which is included an appropriation for an agency or program within the NIP.

(D) The Chair may, in consultation with the Ranking Minority Member, upon the written request to the Chair from the Inspector General of an element of the Intelligence Community, grant access to Committee transcripts or documents that are relevant to an investigation of an allegation of possible false testimony or other inappropriate conduct before the Committee, or that are otherwise relevant to the Inspector General's investigation.

(E) Upon the written request of the head of an Intelligence Community element, the Chair may, in consultation with the Ranking Minority Member, make available Committee briefing or hearing transcripts to that element for review by that element if a representative of that element testified, presented information to the Committee, or was present at the briefing or hearing the transcript of which is requested for review.

(F) Members and Committee Staff may discuss and disclose such matters as otherwise directed by the Committee.

(4) Records of Closed Proceedings. Any records or notes taken by any person memorializing material otherwise prohibited from disclosure by members of the Committee and Committee Staff under these rules, including information received in executive session and the substance of any hearing or briefing that was closed to the public, shall remain Committee material subject to these rules and may not be publicly discussed, disclosed, or caused to be publicly discussed or disclosed, unless authorized by the Committee consistent with these rules.

(b) Non-Disclosure Agreement.

(1) Generally. All Committee Staff must, before joining the Committee Staff agree in writing, as a condition of employment, not to divulge or cause to be divulged any classified information which comes into such person's possession while a member of the Committee Staff, to any person not a member of the Committee or the Committee Staff, except as authorized by the Committee in accordance with the Rules of the House and these Rules.

(2) Other Requirements. In the event of the termination of the Committee, members and Committee Staff must follow any determination by the House of Representatives with respect to the protection of classified information received while a member of the Committee or as Committee Staff.

(3) Requests for Testimony of Staff.

(A) All Committee Staff must, as a condition of employment, agree in writing to notify the Committee immediately of any request for testimony received while a member of the Committee Staff, or at any time thereafter, concerning any classified information received by such person while a member of the Committee Staff.

(B) Committee Staff shall not disclose, in response to any such request for testimony, any such classified information, except as authorized by the Committee in accordance with the Rules of the House and these rules.

(C) In the event of the termination of the Committee, Committee Staff will be subject to any determination made by the House of Representatives with respect to any requests for testimony involving classified information received while a member of the Committee Staff

13. CLASSIFIED MATERIAL

(a) Receipt of Classified Information.

(1) Generally. In the case of any information that has been classified under established security procedures and submitted to the Committee by any source, the Committee shall receive such classified information as executive session material.

(2) Staff Receipt of Classified Materials. For purposes of receiving classified information, the Committee Staff is authorized to accept information on behalf of the Committee.

(b) Non-Disclosure of Classified Information. Any classified information received by the Committee, from any source, shall not be disclosed to any person not a member of the Committee or the Committee Staff, or otherwise released, except as authorized by the Committee in accordance with the Rules of the House and these rules.

(c) Exception for Non-Exclusive Materials.

(1) Non-Exclusive Materials. Any materials provided to the Committee by the executive branch, if provided in whole or in part for the purpose of review by members who are not members of the Committee, shall be received or held by the Committee on a non-exclusive basis. Classified information provided to the Committee shall be considered to have been provided on an exclusive basis unless the executive branch provides a specific, written statement to the contrary.

(2) Access for Non-Committee Members. In the case of materials received on a non-exclusive basis, the Chair, in consultation with the Ranking Minority Member, may grant non-Committee members access to such materials in accordance with the requirements of Rule 14(f)(4), notwithstanding paragraphs (1), (2), and (3) of Rule 14.

14. PROCEDURES RELATED TO HANDLING OF CLASSIFIED INFORMATION

(a) Security Measures.

(1) Strict Security. The Committee's offices shall operate under strict security procedures administered by the Director of Security and Registry of the Committee under the direct supervision of the Staff Director.

(2) U.S. Capitol Police Presence Required. At least one U.S. Capitol Police officer shall be on duty at all times outside the entrance to Committee offices to control entry of all persons to such offices.

(3) Identification Required. Before entering the Committee's offices all persons shall identify themselves to the U.S. Capitol Police officer described in paragraph (2) and to a member of the Committee or Committee Staff.

(4) Maintenance of Classified Materials. Classified documents shall be segregated and maintained in approved security storage locations.

(5) Examination of Classified Materials. Classified documents in the Committee's possession shall be examined in an appropriately secure manner.

(6) Prohibition on Removal of Classified Materials. Removal of any classified document from the Committee's offices is strictly prohibited, except as provided by these rules.

(7) Exception. Notwithstanding the prohibition set forth in paragraph (6), a classified document, or copy thereof, may be removed from the Committee's offices in furtherance of official Committee business. Appropriate security procedures shall govern the handling of any classified documents removed from the Committee's offices.

(b) Access to Classified Information by Members. All members of the Committee shall at all times have access to all classified papers and other material received by the Committee from any source.

(c) Need-to-know.

(1) Generally. Committee Staff shall have access to any classified information provided to the Committee on a strict ''need-to-know'' basis, as determined by the Committee, and under the Committee's direction by the Staff Director.

(2) Appropriate Clearances Required. Committee Staff must have the appropriate clearances prior to any access to compartmented information.

(d) Oath.

(1) Requirement. Before any member of the Committee, or the Committee Staff, shall have access to classified information, the following oath shall be executed:

''I do solemnly swear (or affirm) that I will not disclose or cause to be disclosed any classified information received in the course of my service on the House Permanent Select Committee on Intelligence, except when authorized to do so by the Committee or the House of Representatives.''

(2) Copy. A copy of such executed oath shall be retained in the files of the Committee.

(e) Registry.

(1) Generally. The Committee shall maintain a registry that:

(A) Provides a brief description of the content of all classified documents provided to the Committee by the executive branch that remain in the possession of the Committee; and

(B) Lists by number all such documents.

(2) Designation by the Staff Director. The Staff Director shall designate a member of

the Committee Staff to be responsible for the organization and daily maintenance of such registry.

(3) Availability. Such registry shall be available to all members of the Committee and Committee Staff.

(f) Requests by Members of Other Committees. Pursuant to the Rules of the House, members who are not members of the Committee may be granted access to such classified transcripts, records, data, charts, or files of the Committee, and be admitted on a non-participatory basis to classified hearings of the Committee involving discussions of classified material in the following manner:

(1) Written Notification Required. Members who desire to examine classified materials in the possession of the Committee, or to attend Committee hearings or briefings on a non-participatory basis, must notify the Chief Clerk of the Committee in writing. Such notification shall state with specificity the justification for the request and the need for access.

(2) Committee Consideration. The Committee shall consider each such request by non-Committee members at the earliest practicable opportunity. The Committee shall determine, by record vote, what action it deems appropriate in light of all of the circumstances of each request. In its determination, the Committee shall consider:

(A) The sensitivity to the national defense or the confidential conduct of the foreign relations of the United States of the information sought;

(B) The likelihood of its being directly or indirectly disclosed;

(C) The jurisdictional interest of the member making the request; and

(D) Such other concerns, constitutional or otherwise, as may affect the public interest of the United States.

(3) Committee Action. After consideration of the member's request, the Committee may take any action it deems appropriate under the circumstances, including but not limited to:

(A) Approving the request, in whole or part;

(B) Denying the request;

(C) Providing the requested information or material in a different form than that sought by the member; or

(D) Making the requested information or material available to all members of the House.

(4) Chair and Ranking Member Consideration of Requests for Previously Granted Materials: If the Committee has granted a non-Committee member access to classified materials, the Chair and Ranking Member may jointly determine, in writing, what action they deem appropriate for subsequent requests for the same materials in the same Congress.

(A) In their determination, the Chair and Ranking Member shall consider the factors described in paragraph (2) and may take any action they deem appropriate, including, but not limited to, the actions described in paragraph (3) and referring the request to the Committee for consideration.

(B) If the Chair and Ranking Member are unable to reach a joint determination or if they refer a request to the Committee as described in subparagraph (A), the Committee shall consider the request at the earliest practicable opportunity in the manner described in paragraphs (2) and (3).

(5) Requirements for Access by Non-Committee Members. Prior to a non-Committee member being given access to classified information pursuant to this subsection, the requesting member shall:

(A) Provide the Committee a copy of the oath executed by such member pursuant to House Rule XXIII, clause 13; and

(B) Agree in writing not to divulge any classified information provided to the member, pursuant to this subsection, to any person not a member of the Committee or the Committee Staff, except as otherwise authorized by the Committee in accordance with the Rules of the House and these rules.

(6) Consultation Authorized. When considering a member's request, the Committee may consult the Director of National Intelligence and such other officials it considers necessary.

(7) Finality of Committee Decision.

(A) Should the member making such a request disagree with the determination by the Committee or the determination by the Chair and Ranking Member with respect to that request or any part thereof, that member must notify the Committee in writing of such disagreement.

(B) The Committee shall subsequently consider the matter and decide, by record vote, what further action or recommendation, if any, the Committee will take.

(g) Admission of Designated Members of the Subcommittee on Defense of the Committee on Appropriations. Notwithstanding the provisions of subsection (f), the Chair may admit no more than three designated Members of the Subcommittee on Defense of the Committee on Appropriations to classified hearings and briefings of the Committee involving discussions of classified material. Such Members may also be granted access to classified transcripts, records, data, charts or files of the Committee incident to such attendance.

(1) Designation. The Chair may designate three Members of the Subcommittee to be eligible for admission in consultation with the Ranking Minority Member, of whom not more than two may be from the same political party. Such designation shall be effective for the entire Congress.

(2) Admission. The Chair may determine whether to admit designated Members at each hearing or briefing of the Committee involving discussions of classified material. If the Chair admits any of the designated Members to a particular hearing or briefing, all three of the designated Members shall be admitted to that hearing or briefing. Designated Members shall not be counted for quorum purposes and shall not have a vote in any meeting.

(3) Requirements for Access. Prior to being given access to classified information pursuant to this subsection, a designated Member shall:

(A) Provide the Committee a copy of the oath executed by such Member pursuant to House Rule XXIII, clause 13; and

(B) Agree in writing not to divulge any classified information provided to the Member pursuant to this subsection to any person not a Member of the Committee or a designated Member or authorized Staff of the Subcommittee on Defense of the Committee on Appropriations, except as otherwise authorized by the Committee in accordance with the Rules of the House and these rules.

(h) Admission of the Chair and Ranking Member of the Committee on Armed Services. Notwithstanding the provisions of subsection (f), the Chair may admit the Chair and Ranking Member of the Committee on Armed Services to classified hearings and briefings of the Committee involving discussions of budget-related classified information necessary to facilitate the enactment of the annual defense authorization bill. Such members may also be granted access to classified transcripts, records, data, charts or files of the Committee incident to such attendance.

(1) Admission. The Chair may determine whether to admit the Chair and Ranking Member of the Committee on Armed Services at each hearing or briefing of the Committee. If the Chair admits either the Chair or Ranking Member of the Committee on Armed Services, both the Chair and Ranking Member shall be admitted to that hearing or briefing. The Chair and Ranking Member of the Committee on Armed Services shall not be counted for quorum purposes and shall not have a vote in any meeting.

(2) Requirements for Access. Prior to being given access to classified information pursuant to this subsection, the Chair and Ranking Member of the Committee on Armed Services shall:

(A) Provide the Committee a copy of the oath executed by such member pursuant to House Rule XXIII, clause 13; and

(B) Agree in writing not to divulge any classified or executive session information provided to the member pursuant to this subsection to any person not a member of the Committee or authorized staff of the Committee on Armed Services except as otherwise authorized by the Committee in accordance with the Rules of the House and these rules.

(i) Advising the House or Other Committees. Pursuant to Section 501 of the National Security Act of 1947 (50 U.S.C. 413), and to the Rules of the House, the Committee shall call to the attention of the House, or to any other appropriate committee of the House, those matters requiring the attention of the House, or such other committee, on the basis of the following provisions:

(1) By Request of Committee Member. At the request of any member of the Committee to call to the attention of the House, or any other committee, executive session material in the Committee's possession, the Committee shall meet at the earliest practicable opportunity to consider that request.

(2) Committee Consideration of Request. The Committee shall consider the following factors, among any others it deems appropriate:

(A) The effect of the matter in question on the national defense or the foreign relations of the United States;

(B) Whether the matter in question involves sensitive intelligence sources and methods;

(C) Whether the matter in question otherwise raises questions affecting the national interest; and

(D) Whether the matter in question affects matters within the jurisdiction of another Committee of the House.

(3) Views of Other Committees. In examining such factors, the Committee may seek the opinion of members of the Committee appointed from standing committees of the House with jurisdiction over the matter in question, or submissions from such other committees.

(4) Other Advice. The Committee may, during its deliberations on such requests, seek the advice of any executive branch official.

(j) Reasonable Opportunity to Examine Materials. Before the Committee makes any decision regarding any request for access to any classified information in its possession, or a proposal to bring any matter to the attention of the House or another committee, members of the Committee shall have a reasonable opportunity to examine all pertinent testimony, documents, or other materials in the Committee's possession that may inform their decision on the question.

(k) Notification to the House. The Committee may bring a matter to the attention of the House when, after consideration of the factors set forth in this rule, it considers the matter in question so grave that it requires the attention of all members of the House, and time is of the essence, or for any reason the Committee finds compelling.

(1) Method of Disclosure to the House.

(1) Should the Committee decide by record vote that a matter requires the attention of the House as described in subsection (i), it shall make arrangements to notify the House promptly.

(2) In such cases, the Committee shall consider whether:

(A) To request an immediate secret session of the House (with time equally divided between the Majority and the Minority); or

(B) To publicly disclose the matter in question pursuant to clause 11(g) of House Rule X.

(m) Requirement to Protect Sources and Methods. In bringing a matter to the attention of the House, or another committee, the Committee, with due regard for the protection of intelligence sources and methods, shall take all necessary steps to safeguard materials or information relating to the matter in question.

(n) Availability of Information to Other Committees. The Committee, having determined that a matter shall be brought to the attention of another committee, shall ensure that such matter, including all classified information related to that matter, is promptly made available to the chair and ranking minority member of such other committee.

(o) Provision of Materials. The Director of Security and Registry for the Committee shall provide a copy of these rules, and the applicable portions of the Rules of the House of Representatives governing the handling of classified information, along with those materials determined by the Committee to be made available to such other committee of the House or non-Committee member.

(p) Ensuring Clearances and Secure Storage. The Director of Security and Registry shall ensure that such other committee or non-Committee member receiving such classified materials may properly store classified materials in a manner consistent with all governing rules, regulations, policies, procedures, and statutes.

(q) Log. The Director of Security and Registry for the Committee shall maintain a written record identifying the particular classified document or material provided to such other committee or non-Committee member, the reasons agreed upon by the Committee for approving such transmission, and the name of the committee or non-Committee member receiving such document or material.

(r) Miscellaneous Requirements.

(1) Staff Director's Additional Authority. The Staff Director is further empowered to provide for such additional measures, which he or she deems necessary, to protect such classified information authorized by the Committee to be provided to such other committee or non-Committee member.

(2) Notice to Originating Agency. In the event that the Committee authorizes the disclosure of classified information provided to the Committee by an agency of the executive branch to a non-Committee member or to another committee, the Chair may notify the providing agency of the Committee's action prior to the transmission of such classified information.

15. LEGISLATIVE CALENDAR

(a) Generally. The Chief Clerk, under the direction of the Staff Director, shall maintain a printed calendar that lists:

(1) The legislative measures introduced and referred to the Committee;

(2) The status of such measures; and

(3) Such other matters that the Committee may require.

(b) Revisions to the Calendar. The calendar shall be revised from time to time to show pertinent changes.

(c) Availability. A copy of each such revision shall be furnished to each member, upon request.

(d) Consultation with Appropriate Government Entities. Unless otherwise directed by the Committee, legislative measures referred to the Committee may be referred by the Chief Clerk to the appropriate department or agency of the Government for reports thereon.

16. COMMITTEE WEBSITE

The Chair shall maintain an official Committee web site for the purpose of furthering the Committee's legislative and oversight responsibilities, including communicating information about the Committee's activities to Committee members and other members of the House.

17. MOTIONS TO GO TO CONFERENCE

In accordance with clause 2(a) of House Rule XI, the Chair is authorized and directed to offer a privileged motion to go to conference under clause 1 of House Rule XXII whenever the Chair considers it appropriate.

18. COMMITTEE TRAVEL

(a) Authority. The Chair may authorize members and Committee Staff to travel on Committee business.

(b) Requests.

(1) Member Requests. Members requesting authorization for such travel shall state the purpose and length of the trip, and shall submit such request directly to the Chair.

(2) Committee Staff Requests. Committee Staff requesting authorization for such travel shall state the purpose and length of the trip, and shall submit such request through their supervisors to the Staff Director and the Chair.

(c) Notification to Members.

(1) Generally. Members shall be notified of all foreign travel of Committee Staff not accompanying a member.

(2) Content. All members are to be advised, prior to the commencement of such travel, of its length, nature, and purpose.

(d) Trip Reports.

(1) Generally. A full report of all issues discussed during any travel shall be submitted to the Chief Clerk of the Committee within a reasonable period of time following the completion of such trip.

(2) Availability of Reports. Such report shall be:

(A) Available for review by any member or appropriately cleared Committee Staff; and

(B) Considered executive session material for purposes of these rules.

(e) Limitations on Travel.

(1) Generally. The Chair is not authorized to permit travel on Committee business of Committee Staff who have not satisfied the requirements of subsection (d) of this rule.

(2) Exception. The Chair may authorize Committee Staff to travel on Committee business, notwithstanding the requirements of subsections (d) and (e) of this rule.

(A) At the specific request of a member of the Committee; or

(B) In the event there are circumstances beyond the control of the Committee Staff hindering compliance with such requirements.

(f) Definitions. For purposes of this rule the term ''reasonable period of time'' means:

(1) No later than 60 days after returning from a foreign trip; and

(2) No later than 30 days after returning from a domestic trip.

19. DISCIPLINARY ACTIONS

(a) Generally. The Committee shall immediately consider whether disciplinary action shall be taken in the case of any member of the Committee Staff alleged to have failed to conform to any rule of the House of Representatives or to these rules.

(b) Exception. In the event the House of Representatives is:

(1) In a recess period in excess of 3 days; or

(2) Has adjourned sine die; the Chair of the full Committee, in consultation with the Ranking Minority Member, may take such immediate disciplinary actions deemed necessary.

(c) Available Actions. Such disciplinary action may include immediate dismissal from the Committee Staff.

(d) Notice to Members. All members shall be notified as soon as practicable, either by facsimile transmission or regular mail, of any disciplinary action taken by the Chair pursuant to subsection (b).

(e) Reconsideration of Chair's Actions. A majority of the members of the full Committee may vote to overturn the decision of the Chair to take disciplinary action pursuant to subsection (b).

20. BROADCASTING COMMITTEE MEETINGS

Whenever any hearing or meeting conducted by the Committee is open to the public, a majority of the Committee may permit that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, subject to the provisions and in accordance with the spirit of the purposes enumerated in the Rules of the House.

21. COMMITTEE RECORDS TRANSFERRED TO THE NATIONAL ARCHIVES

(a) Generally. The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with the Rules of the House of Representatives.

(b) Notice of Withholding. The Chair shall notify the Ranking Minority Member of any decision, pursuant to the Rules of the House of Representatives, to withhold a record otherwise available, and the matter shall be presented to the full Committee for a determination of the question of public availability on the written request of any member of the Committee.

22. CHANGES IN RULES

(a) Generally. These rules may be modified, amended, or repealed by vote of the full Committee.

(b) Notice of Proposed Changes. A notice, in writing, of the proposed change shall be given to each member at least 48 hours prior to any meeting at which action on the proposed rule change is to be taken.

ADJOURNMENT

Mr. KLINE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Friday, February 27, 2015, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

567. A letter from the Chairman and President, Export-Import Bank, transmitting a report on a transaction involving U.S. exports to Vietnam Airlines Corporation (Vietnam Airlines) of Hanoi, Vietnam, pursuant to Sec. 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

568. A letter from the Chairman and President, Export-Import Bank, transmitting a report on a transaction involving U.S. exports to Turk Hava Yollari, A.O. (Turkish

Airlines) of Istanbul, Turkey, pursuant to Sec. 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

569. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Physical Security Reliability Standard [Docket No.: RM14-15-000; Order No.: 802] received February 20, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

570. A letter from the Director, Office of Management, Department of Energy, transmitting pursuant to the provisions of the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105-270), the Department's FY 2013 Inherently Governmental Commercial Activities Inventory; to the Committee on Oversight and Government Reform.

571. A letter from the Director, Office of Management, Department of Energy, transmitting pursuant to the provisions of the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105-270), the Department's FY 2012 Inherently Governmental Commercial Activities Inventory; to the Committee on Oversight and Government Reform.

572. A letter from the Secretary/Treasurer, Resolution Funding Corporation, transmitting in accordance with the Chief Financial Officers Act of 1990, the Corporation's Statement on the System of Internal Controls and the 2014 Audited Financial Statements; to the Committee on Oversight and Government Reform.

573. A letter from the Assistant Administrator for Fisheries, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region; Amendment 20B [Docket No.: 131211999-5045-02] (RIN: 0648-BD86) received February 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

574. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Feet (18.3 Meters) Length Overall Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 131021878-4158-02] (RIN: 0648-XD749) received February 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

575. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary interim rule — Special Local Regulation; San Diego Crew Classic; Mission Bay, San Diego, CA [Docket No.: USCG-2014-1063] (RIN: 1625-AA08) received February 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

576. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Triathlon National Championships, Milwaukee Harbor, Milwaukee, Wisconsin [Docket No.: USCG-2014-0751] (RIN: 1625-AA00) received February 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

577. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Bradenton Area Riverwalk Regatta; Manatee River, Bradenton, FL [Docket No.: USCG-2014-0905] (RIN: 1625-AA08), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

578. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's interim rule — Moving Security Zone; Escorted Vessels; MM 90.0-106.0, Lower Mississippi River; New Orleans, LA [Docket No.: USCG-2014-0995] (RIN: 1625-AA87) received February 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

579. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's final rule — MARPOL Annex I Amendments [Docket No.: USCG-2010-0194] (RIN: 1625-AB57) received February 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

580. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Helicopters (Previously Eurocopter France) Helicopters [Docket No.: FAA-2015-0049; Directorate Identifier 2014-SW-037-AD; Amendment 39-18096; AD 2015-02-27] (RIN: 2120-AA64) received February 20, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

581. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Corporation Turboprop and Turboshaft Engines [Docket No.: FAA-2011-0961; Directorate Identifier 2011-NE-22-AD; Amendment 39-18090; AD 2015-02-22] (RIN: 2120-AA64) received February 20, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

582. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2014-0173; Directorate Identifier 2013-NM-069-AD; Amendment 39-18083; AD 2015-02-16] (RIN: 2120-AA64) received February 20, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

583. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2015-0082; Directorate Identifier 2014- NM-233-AD; Amendment 39-18092; AD 2015-02-23] (RIN: 2120-AA64) received February 20, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

584. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30997; Amdt. No.: 3625] received February 20, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

585. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30998; Amdt. No.: 3626] received February 20, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

586. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2014-0344; Directorate Identifier 2014-NM-034-AD; Amendment 39-18095; AD 2015-02-26] (RIN: 2120-AA64) received February 20, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

587. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc (RR) Turbofan Engines [Docket No.: FAA-2007-28059; Directorate Identifier 2007-NE-13-AD; Amendment 39-17526; AD 2013-15-10] (RIN: 2120-AA64) received February 20, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

588. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Corporation Turboprop and Turbofan Engines (Type Certificate previously held by Allison Engine Company) [Docket No.: FAA-2014-0462; Directorate Identifier 2014-NE-06; Amendment 39-18075; AD 2015-02-08] (RIN: 2120-AA64) received February 20, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

589. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Quest Aircraft Design, LLC Airplanes [Docket No.: FAA-2015-0099; Directorate Identifier 2014-CE-039-AD; Amendment 39-18082; AD 2015-02-15] (RIN: 2120-AA64) received February 20, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

590. A letter from the Chief Counsel, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting the Department's final rule — Tariff of Tolls (RIN: 2135-AA37) received February 20, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

591. A letter from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Establishment of The Rocks District of Milton-Freewater Viticultural Area [Docket No.: TTB-2014-0003; T.D. TTB-127; Ref: Notice No. 142] (RIN: 1513-AC05) received February 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); 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. SHUSTER. Committee on Transportation and Infrastructure. H.R. 749. A bill to reauthorize Federal support for passenger rail programs, and for other purposes (Rept. 114–30). Referred to the Committee of the Whole House on the state of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 129. Resolution providing for consideration of the joint resolution (H.J. Res. 35) making further continuing appropriations for fiscal year 2015, and for other purposes (Rept. 114–31). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CHABOT (for himself, Ms. FUDGE, Mr. RODNEY DAVIS of Illinois, Mr. WENSTRUP, Mr. SIMPSON, and Mr. DUNCAN of South Carolina):

H.R. 1093. A bill to direct the Administrator of the Environmental Protection Agency to carry out a pilot program to work with municipalities that are seeking to develop and implement integrated plans to meet their wastewater and stormwater obligations under the Federal Water Pollution Control Act, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WILLIAMS (for himself and Mr. BARTON):

H.R. 1094. A bill to authorize and request the President to award the Medal of Honor posthumously to Navy Seal Christopher Scott Kyle for acts of valor during Operation Iraqi Freedom; to the Committee on Armed Services.

By Mr. JOHNSON of Georgia (for himself, Mr. CARSON of Indiana, Mr. POLIS, Mr. HIMES, Mr. HONDA, Mr. GRIJALVA, Mr. CARTWRIGHT, Ms. LEE, Ms. DELAURO, Mr. RANGEL, Mr. COHEN, Ms. CLARKE of New York, Mr. GUTIÉRREZ, Mr. CLAY, Mr. LOWENTHAL, Mr. MCGOVERN, Mr. TONKO, Mr. FITZPATRICK, Ms. SLAUGHTER, Ms. SCHAKOWSKY, Mr. CONNOLLY, Mr. BLUMENAUER, Mr. CONYERS, Ms. LOFGREN, Ms. BROWN of Florida, Ms. NORTON, and Mrs. CAROLYN B. MALONEY of New York):

H.R. 1095. A bill to amend title 10, United States Code, to require the Secretary of Defense to use only human-based methods for training members of the Armed Forces in the treatment of severe combat injuries; to the Committee on Armed Services.

By Mr. BYRNE (for himself, Mr. ROGERS of Alabama, Mrs. ROBY, and Mr. ADERHOLT):

H.R. 1096. A bill to amend the Veterans Access, Choice, and Accountability Act of 2014 to clarify the distance requirements regarding the eligibility of certain veterans to receive medical care and services from non-Department of Veterans Affairs facilities; to the Committee on Veterans' Affairs.

By Mr. LYNCH:

H.R. 1097. A bill to amend the Securities Exchange Act of 1934 to prohibit trading on material inside information; to the Committee on Financial Services.

By Mr. ELLISON (for himself, Ms. BONAMICI, Mr. CAPUANO, Mr. CARTWRIGHT, Mr. CICILLINE, Mr. DEFAZIO, Ms. FRANKEL of Florida, Mr. GRIJALVA, Mr. HECK of Washington, Mr. HINOJOSA, Ms. LEE, Mr. LYNCH, Mr. MEEKS, Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. SWALWELL of California, Mr. TONKO, and Ms. TSONGAS):

H.R. 1098. A bill to amend the Securities Exchange Act of 1934 to prohibit mandatory pre-dispute arbitration agreements, and for other purposes; to the Committee on Financial Services.

By Mr. CRAWFORD (for himself, Mr. HILL, Mr. WESTERMAN, and Mr. WOMACK):

H.R. 1099. A bill to amend the Migratory Bird Treaty Act to provide certain exemptions relating to the taking of migratory game birds; to the Committee on Natural Resources.

By Mr. CARTWRIGHT (for himself, Mr. BRADY of Pennsylvania, Mr. LOEBSACK, Mr. JONES, Ms. BROWNLEY of California, Mr. VARGAS, Ms. TSONGAS, Mr. DOGGETT, Ms. CLARK of Massachusetts, Ms. PINGREE, Mr. HIMES, Mr. CARNEY, Mr. RODNEY DAVIS of Illinois, Mr. VAN HOLLEN, Mr. PALLONE, Mr. FARENTHOLD, Mr. CRENSHAW, Mr. KENNEDY, Mr. HECK of Washington, Ms. ESTY, Mrs. CAROLYN B. MALONEY of New York, Mr. HONDA, Ms. NORTON, Mr. FOSTER, Mr. LUETKEMEYER, Mr. MEEKS, Mr. CHABOT, Mr. COLE, Mr. WITTMAN, Ms. MOORE, Mr. GRIJALVA, Mr. LAMALFA, Ms. JACKSON LEE, Mr. KILMER, Mr. LANCE, Mr. JOLLY, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Ms. DELBENE, Mr. POCAN, Mr. BISHOP of Georgia, Mrs. LOWEY, Mr. KNIGHT, Mr. COOK, Mr. HASTINGS, Ms. BROWN of Florida, Mr. LYNCH, Mr. PAYNE, Mr. GIBSON, Mr. BISHOP of Utah, Mr. SARBANES, Mr. SESSIONS, Mrs. CAPPS, Mr. BROOKS of Alabama, Mrs. BUSTOS, Ms. KAPTUR, Mr. RUSH, Mr. FORBES, Mr. BEYER, Mr. COHEN, Mr. VEASEY, Mr. FARR, Mr. LIPINSKI, Mr. TAKANO, Mr. COURTNEY, Ms. FRANKEL of Florida, Mr. MCGOVERN, Mr. ELLISON, Ms. TITUS, Mr. HANNA, Mr. CASTRO of Texas, Mr. SCOTT of Virginia, Mr. TAKAI, Mr. HURT of Virginia, Mr. JOYCE, Mr. SEAN PATRICK MALONEY of New York, Mr. RICE of South Carolina, Mr. PRICE of North Carolina, Mr. ISRAEL, Mr. CONNOLLY, Ms. GABBARD, Mr. KEATING, Mr. JOHNSON of Ohio, Ms. BORDALLO, Ms. SINEMA, Mr. SIRES, Ms. SPEIER, Mr. POSEY, Mr. FITZPATRICK, Mr. MCDERMOTT, Mr. PEARCE, Mr. RUIZ, Mr. BARR, and Mr. STIVERS):

H.R. 1100. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Forces for a new State license or certification required by reason of a permanent change in the duty station of such member to another State; to the Committee on Ways and Means.

By Mr. GUTHRIE (for himself, Mr. HONDA, Mr. DENT, and Mr. JOHNSON of Georgia):

H.R. 1101. A bill to amend the Public Health Service Act to revise and extend the program for viral hepatitis surveillance, education, and testing in order to prevent deaths from chronic liver disease and liver cancer, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Veterans' Affairs, 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. JOHNSON of Georgia (for himself, Mr. RANGEL, Ms. NORTON, Mr. ELLISON, Mr. RUSH, Ms. BASS, Ms. JUDY CHU of California, Mr. PERLMUTTER, Mr. THOMPSON of Mississippi, Ms. WILSON of Florida, Ms. LEE, Mr. CLAY, and Mr. CLEAVER):

H.R. 1102. A bill to amend title 18, United States Code, to provide a penalty for assault or homicide committed by certain State or local law enforcement officers, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself and Mr. RUSH):

H.R. 1103. A bill to create jobs in the United States by increasing United States exports to Africa by at least 200 percent in real dollar value within 10 years, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, Small Business, and Financial Services, 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. ROSKAM:

H.R. 1104. A bill to amend the Internal Revenue Code of 1986 to provide a deduction from the gift tax for gifts made to certain exempt organizations; to the Committee on Ways and Means.

By Mr. BRADY of Texas (for himself, Mr. BISHOP of Georgia, Mrs. NOEM, and Mr. NUNES):

H.R. 1105. A bill to amend the Internal Revenue Code of 1986 to repeal the estate and generation-skipping transfer taxes, and for other purposes; to the Committee on Ways and Means.

By Mrs. BLACKBURN (for herself, Mr. POMPEO, Mr. PITTENGER, Mr. MEADOWS, Mrs. ELLMERS of North Carolina, and Mr. ROUZER):

H.R. 1106. A bill to amend section 706 of the Telecommunications Act of 1996 to provide that such section does not authorize the Federal Communications Commission to preempt the laws of certain States relating to the regulation of municipal broadband, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GOSAR (for himself, Mr. AMODEI, Mr. BARTON, Mr. CARTWRIGHT, Mr. COFFMAN, Mr. FRANKS of Arizona, Mr. GARAMENDI, Mr. HARDY, Mr. HECK of Nevada, Mr. HUFFMAN, Mrs. KIRKPATRICK, Mr. TED LIEU of California, Mrs. LUMMIS, Mr. MCCLINTOCK, Mr. MILLER of Florida, Mr. PEARCE, Mr. SALMON, Mr. TIPTON, Mr. ZINKE, Mr. DENHAM, Mrs. NAPOLITANO, and Ms. SINEMA):

H.R. 1107. A bill to require the Secretary of the Interior to submit to Congress a report on the efforts of the Bureau of Reclamation to manage its infrastructure assets; to the Committee on Natural Resources.

By Ms. TITUS:

H.R. 1108. A bill to amend the Internal Revenue Code of 1986 to exempt sports betting from the tax on authorized wagers; to the Committee on Ways and Means.

By Mrs. MIMI WALTERS of California:

H.R. 1109. A bill to amend title II of the Social Security Act to increase the maximum amount of the lump-sum death benefit; to the Committee on Ways and Means.

By Ms. WASSERMAN SCHULTZ (for herself and Mr. SMITH of Texas):

H.R. 1110. A bill to provide effective criminal prosecutions for certain identity thefts, and for other purposes; to the Committee on the Judiciary.

By Ms. LEE (for herself, Mr. GRIJALVA, Mr. CONYERS, Ms. EDWARDS, Mr. LEWIS, Ms. NORTON, Mr. ELLISON, Mr. SCOTT of Virginia, and Mrs. WATSON COLEMAN):

H.R. 1111. A bill to establish a Department of Peacebuilding; to the Committee on Oversight and Government Reform.

By Mr. MCGOVERN (for himself, Mr. PITTS, Ms. CLARK of Massachusetts, Ms. TSONGAS, Mr. ELLISON, and Mr. MARINO):

H.R. 1112. A bill to promote access for United States officials, journalists, and other citizens to Tibetan areas of the People's Republic of China, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, 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. BARR (for himself, Mr. WEBER of Texas, Mr. NEUGEBAUER, Mr. FINCHER, Mr. DOLD, Mr. TIPTON, Mr.

HILL, Mr. LUCAS, Mr. ROTHFUS, Mr. LUETKEMEYER, Mr. STIVERS, Mr. KING of New York, Mr. HULTGREN, Mr. DUFFY, Mr. STUTZMAN, Mr. GUINTA, and Mr. RIBBLE):

H.R. 1113. A bill to amend the Truth in Lending Act to provide a safe harbor from certain requirements related to qualified mortgages for residential mortgage loans held on an originating insured depository institution's portfolio, and for other purposes; to the Committee on Financial Services.

By Mr. ABRAHAM:

H.R. 1114. A bill to modify the definition of ''antique firearm''; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, 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. BEATTY (for herself and Mr. POE of Texas):

H.R. 1115. A bill to improve the response to missing children and victims of child sex trafficking; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, 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. BILIRAKIS (for himself and Mr. BUTTERFIELD):

H.R. 1116. A bill to amend title XVIII of the Social Security Act to provide comprehensive audiology services to Medicare beneficiaries, and for other purposes; to the Committee on Energy and 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 Ms. CASTOR of Florida (for herself and Mr. HECK of Nevada):

H.R. 1117. A bill to amend the Public Health Service Act to authorize grants for graduate medical education partnerships in States with a low ratio of medical residents relative to the general population; to the Committee on Energy and Commerce.

By Mr. CICILLINE:

H.R. 1118. A bill to include community partners and intermediaries in the planning and delivery of education and related programs, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. COMSTOCK (for herself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SMITH of Texas, and Mr. LIPINSKI):

H.R. 1119. A bill to improve the efficiency of Federal research and development, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. DUNCAN of Tennessee (for himself, Mr. HANNA, Mr. RODNEY DAVIS of Illinois, Mr. PAULSEN, and Mr. MEADOWS):

H.R. 1120. A bill to enhance interstate commerce by creating a National Hiring Standard for Motor Carriers; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, 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 Ms. EDWARDS:

H.R. 1121. A bill to encourage online workforce training; to the Committee on Education and the Workforce.

By Mr. FITZPATRICK (for himself and Mr. KEATING):

H.R. 1122. A bill to prioritize the payment of pay and allowances to members of the Armed Forces and Federal law enforcement officers in the event the debt ceiling is reached or there is a funding gap; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, Armed Services, and the Judiciary, 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. FOSTER (for himself, Mr. DEUTCH, Mr. HASTINGS, Ms. LEE, Ms. MOORE, Mr. MCGOVERN, Mr. TAKANO, Mr. CÁRDENAS, Mr. QUIGLEY, Mr. TONKO, Mr. ELLISON, Mr. LOWENTHAL, Ms. TITUS, Mrs. CAPPS, Mr. CICILLINE, Mr. RANGEL, Mr. VARGAS, Mr. VEASEY, Mr. POLIS, Ms. SCHAKOWSKY, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. COHEN, Ms. MENG, Mr. GUTIÉRREZ, Mr. DESAULNIER, Ms. DUCKWORTH, and Ms. NORTON):

H.R. 1123. A bill to provide for punishments for immigration-related fraud, and for other purposes; to the Committee on the Judiciary.

By Mr. AL GREEN of Texas (for himself and Mr. CLEAVER):

H.R. 1124. A bill to establish a grant program providing for the acquisition, operation, and maintenance of body-worn cameras for law enforcement officers, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, 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. HANNA (for himself and Mr. KIND):

H.R. 1125. A bill to amend the Internal Revenue Code of 1986 to provide for tax preferred savings accounts for individuals under age 18, and for other purposes; to the Committee on Ways and Means.

By Mr. KING of New York (for himself, Mrs. CAROLYN B. MALONEY of New York, Ms. JENKINS of Kansas, Ms. MOORE, Ms. ESTY, Mr. JONES, Mr. RANGEL, Mr. NUNES, and Mrs. COMSTOCK):

H.R. 1126. A bill to provide for free mailing privileges for personal correspondence and parcels sent to members of the Armed Forces serving on active duty in Iraq, Afghanistan, or other designated hostile fire areas; to the Committee on Armed Services.

By Mrs. KIRKPATRICK:

H.R. 1127. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to make certain grants to assist nursing homes for veterans located on tribal lands; to the Committee on Veterans' Affairs.

By Mrs. KIRKPATRICK:

H.R. 1128. A bill to amend title 38, United States Code, to make certain improvements in the information security of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. KIRKPATRICK:

H.R. 1129. A bill to amend title 38, United States Code, to establish within the Department of Veterans Affairs an Office of Whistleblower and Patient Protection; to the Committee on Veterans' Affairs.

By Mr. MARINO (for himself, Mr. LEWIS, and Mr. ROSKAM):

H.R. 1130. A bill to improve the understanding of, and promote access to treatment for, chronic kidney disease, and for other purposes; to the Committee on Energy and 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. MCDERMOTT:

H.R. 1131. A bill to amend the Higher Education Act of 1965 to provide for the refinancing of certain Federal student loans, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, and the Judiciary, 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. MCNERNEY (for himself, Mr. ROHRABACHER, Mr. VARGAS, Mrs. NAPOLITANO, Mr. SCHIFF, Mr. TAKANO, Mr. PETERS, Mr. FARR, Mr. CÁRDENAS, and Mr. LOWENTHAL):

H.R. 1132. A bill to designate the facility of the United States Postal Service located at 1048 West Robinhood Drive in Stockton, California, as the ''W. Ronald Coale Memorial Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. MILLER of Florida (for himself, Mr. TED LIEU of California, Ms. BROWNLEY of California, Ms. TITUS, Mr. TAKANO, Mr. AGUILAR, Mr. MACARTHUR, Mr. HUFFMAN, and Mr. ZELDIN):

H.R. 1133. A bill to amend the Federal Credit Union Act to exclude extensions of credit made to veterans from the definition of a member business loan; to the Committee on Financial Services.

By Mr. MILLER of Florida:

H.R. 1134. A bill to amend title 38, United States Code, to improve the submission of information by the Secretary of Veterans Affairs to Congress; to the Committee on Veterans' Affairs.

By Mrs. MILLER of Michigan (for herself, Mrs. DINGELL, Ms. SLAUGHTER, Mr. KELLY of Pennsylvania, Mr. HUIZENGA of Michigan, Mr. LEVIN, Ms. KAPTUR, Mr. CONYERS, Mr. MOOLENAAR, Mr. LATTA, Mr. WALBERG, Mr. BENISHEK, Mr. BISHOP of Michigan, Mr. UPTON, Mr. JOYCE, Mr. DUFFY, Mr. TROTT, Mr. NOLAN, and Mr. KILDEE):

H.R. 1135. A bill to provide an immediate measure to control the spread of aquatic nuisance species from the Mississippi River basin to the Great Lakes basin and to inform long-term measures to prevent the Interbasin transfer of aquatic nuisance species; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, 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. PEARCE (for himself, Mr. HARRIS, Mr. ROKITA, Mr. BABIN, Mr. GOSAR, Mr. ROE of Tennessee, Mr. LAMALFA, and Mr. CARTER of Texas):

H.R. 1136. A bill to amend title III of the Social Security Act to require States to implement a drug testing program for applicants for and recipients of unemployment compensation; to the Committee on Ways and Means.

By Mr. RICE of South Carolina:

H.R. 1137. A bill to provide for an 8.7 percent reduction in the annual rate of basic pay for certain employees, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, 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. SIMPSON:

H.R. 1138. A bill to establish certain wilderness areas in central Idaho and to authorize various land conveyances involving National

Forest System land and Bureau of Land Management land in central Idaho, and for other purposes; to the Committee on Natural Resources.

By Ms. SPEIER (for herself, Mr. RUSH, Ms. MOORE, Ms. SCHAKOWSKY, Mr. TONKO, Mrs. BUSTOS, Mr. CONYERS, Mr. HONDA, Mr. GARAMENDI, Mr. GRIJALVA, Ms. JACKSON LEE, and Ms. KAPTUR):

H.R. 1139. A bill to require the Consumer Product Safety Commission to establish a consumer product safety standard for liquid detergent packets to protect children under the age of five from injury or illness, and for other purposes; to the Committee on Energy and Commerce.

By Ms. SPEIER (for herself, Ms. PELOSI, Mr. HONDA, Mr. MCNERNEY, Mr. SWALWELL of California, Mr. GARAMENDI, Ms. ESHOO, Mr. HUFFMAN, Ms. LOFGREN, Mr. DESAULNIER, Mr. THOMPSON of California, and Ms. LEE):

H.R. 1140. A bill to amend the Federal Water Pollution Control Act to establish a grant program to support the restoration of San Francisco Bay; to the Committee on Transportation and Infrastructure.

By Mr. TAKANO:

H.R. 1141. A bill to amend title 38, United States Code, to consider certain time spent by members of reserve components of the Armed Forces while receiving medical care from the Secretary of Defense as active duty for purposes of eligibility for Post-9/11 Educational Assistance, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TIBERI (for himself, Mr. NEAL, Mr. NUNES, Mr. PASCRELL, Mr. PAULSEN, Mr. RANGEL, Mr. RENACCI, Mr. KIND, Mr. SCHOCK, Mr. MCDERMOTT, Mr. REED, Mr. LARSON of Connecticut, Mr. REICHERT, Mr. DANNY K. DAVIS of Illinois, Mr. YOUNG of Indiana, Mr. THOMPSON of California, Mr. BLUMENAUER, and Mr. BOUSTANY):

H.R. 1142. A bill to amend the Internal Revenue Code of 1986 to make permanent and expand the temporary minimum credit rate for the low-income housing tax credit program; to the Committee on Ways and Means.

By Mr. TURNER:

H.R. 1143. A bill to amend the Internal Revenue Code of 1986 to extend the credit for health insurance costs of certain Pension Benefit Guaranty Corporation pension recipients; to the Committee on Ways and Means.

By Mr. TURNER:

H.R. 1144. A bill to amend title 18, United States Code, to prevent discriminatory misconduct against taxpayers by Federal officers and employees, and for other purposes; to the Committee on the Judiciary, 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. WELCH (for himself and Mr. GIBSON):

H.R. 1145. A bill to amend the Internal Revenue Code of 1986 to include biomass heating appliances for tax credits available for energy-efficient building property and energy property; to the Committee on Ways and Means.

By Mr. ROGERS of Kentucky:

H.J. Res. 35. A joint resolution making further continuing appropriations for fiscal year 2015, and for other purposes; to the Committee on Appropriations.

By Ms. EDWARDS (for herself, Ms. BROWNLEY of California, Mr. JOHNSON of Georgia, Mr. HASTINGS, Mr. HIMES, Ms. LEE, Mr. LYNCH, Mr. NOLAN, Ms. SLAUGHTER, Mr. COHEN, Mr. SWALWELL of California, Mr. VAN HOLLEN, and Mr. WELCH):

H.J. Res. 36. A joint resolution proposing an amendment to the Constitution of the United States to clarify the authority of Congress and the States to regulate the expenditure of funds for political activity by corporations; to the Committee on the Judiciary.

By Mr. RIBBLE:

H.J. Res. 37. A joint resolution making continuing appropriations for the Transportation Security Administration for fiscal year 2015, and for other purposes; to the Committee on Appropriations.

By Mr. PAULSEN (for himself and Mr. KIND):

H. Con. Res. 19. Concurrent resolution expressing the sense of the Congress that tax-exempt fraternal benefit societies have historically and continue to provide critical benefits to Americans and United States communities; to the Committee on Ways and Means.

By Ms. ADAMS (for herself, Mr. WALKER, Mr. BUTTERFIELD, Mr. GUTIÉRREZ, Mr. BISHOP of Georgia, Ms. HAHN, Ms. JACKSON LEE, Mr. CARSON of Indiana, Mr. WILSON of South Carolina, Mrs. BEATTY, Mr. LEWIS, Mrs. ELLMERS of North Carolina, Mr. ELLISON, Mrs. WATSON COLEMAN, Mr. CLEAVER, Ms. CLARKE of New York, Ms. FUDGE, Mr. HASTINGS, Ms. BROWN of Florida, Mr. COHEN, Ms. NORTON, Mr. NADLER, Mr. DANNY K. DAVIS of Illinois, Mr. VARGAS, Mr. PRICE of North Carolina, Mrs. CAROLYN B. MALONEY of New York, Mr. VAN HOLLEN, Mr. CUMMINGS, Mr. CONYERS, Mr. BEYER, Mr. CLAY, Mr. TED LIEU of California, Mr. DAVID SCOTT of Georgia, Mr. CARNEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. NORCROSS, Mr. RUSH, Mr. SMITH of Washington, Mr. CONNOLLY, Ms. MATSUI, Ms. KAPTUR, Mr. FATTAH, Mr. BRADY of Pennsylvania, Mr. HONDA, Mr. CAPUANO, Mr. CLYBURN, Mr. JOHNSON of Georgia, Mr. SCOTT of Virginia, Mr. MCGOVERN, Ms. EDWARDS, Mr. LARSON of Connecticut, Ms. MCCOLLUM, Mr. KIND, Mr. CROWLEY, Mr. SARBANES, Mr. BECERRA, Ms. BROWNLEY of California, Mr. HUDSON, and Mr. GRIJALVA):

H. Res. 128. A resolution recognizing the significance of the Greensboro Four Sit In; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, 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.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. GUTIÉRREZ introduced a bill (H.R. 1146) for the relief of Simeon Simeonov, Stela Simeonova, Stoyan Simeonov, and Vania Simeonova; which was referred to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. CHABOT:

H.R. 1093.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 ''To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.''

By Mr. WILLIAMS:

H.R. 1094.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14

To make Rules for the Government and Regulation of the land and naval Forces.

By Mr. JOHNSON of Georgia:

H.R. 1095.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 (Clauses 1, 14, and 18), which grants Congress the power to provide for the common Defense and general Welfare of the United States; to make rules for the Government and Regulation of the land and naval Forces; and to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

By Mr. BYRNE:

H.R. 1096.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18 of the U.S. Constitution:

The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. LYNCH:

H.R. 1097.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 Clause 18 of the United States Constitution.

By Mr. ELLISON:

H.R. 1098.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. CRAWFORD:

H.R. 1099.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the enumerated powers listed in Article VI, Clause 2 of the United States Constitution as upheld by the Supreme Court in Missouri v. Holland 252 U.S. 416 (1920).

By Mr. CARTWRIGHT:

H.R. 1100.

Congress has the power to enact this legislation pursuant to the following:

Article I; Section 8; Clause 1 of the Constitution states The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States. . .

By Mr. GUTHRIE:

H.R. 1101.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. JOHNSON of Georgia:

H.R. 1102.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of section 8 of article I of the Constitution of the United States.

By Mr. SMITH of New Jersey:

H.R. 1103.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. ROSKAM:

H.R. 1104.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18, which states that ''The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.''

By Mr. BRADY of Texas:

H.R. 1105.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, which gives Congress the authority ''to lay and collect taxes, duties, imposts and excises . . .''

By Mrs. BLACKBURN:

H.R. 1106.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to the necessary and proper clause of Article I, Section 8.

By Mr. GOSAR:

H.R. 1107.

Congress has the power to enact this legislation pursuant to the following:

This legislation is constitutionally appropriate pursuant to Article 1, Section 8, Clause 1 (the Spending Clause). The Supreme Court, in South Dakota v. Dole (1987), reasoned that conditions and limitations on funds were consittuional and within the power of Congress under the Spending Clause.

Article 1 Section 8 Clause 3 (Commerce Clause) If the matter in quetion is not a purely local matter (intra-state) or if it has an impact on inter-state commerce, it falls within Congress' power to ''regulate commerce amng the severl states.''

Article 1 Section 8 Clause 18 (the Necessary and Proper Clause) which grants Congress the power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Consitutioon of the United satets, or in any Department or Officer thereof.''

By Ms. TITUS:

H.R. 1108.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution.

By Mrs. MIMI WALTERS of California:

H.R. 1109.

Congress has the power to enact this legislation pursuant to the following:

the Spending Clause in Article I, Section 8, of the Constitution.

By Ms. WASSERMAN SCHULTZ:

H.R. 1110.

Congress has the power to enact this legislation pursuant to the following:

The Constitutional authority on which this bill rests is the power of the Congress to provide for the general welfare of the United States, as enumerated in Article 1, Section 8, Clause 1 of the United States Constitution, and to make all laws which shall be necessary and proper for carrying into execution such power as enumerated in Article 1, Section 8, Clause 18 of the Constitution.

By Ms. LEE:

H.R. 1111.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. McGOVERN:

H.R. 1112.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. BARR:

H.R. 1113.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: ''The Congress shall have power . . . To regulate commerce with foreign nations, and among the several states, and with the Indian tribes.''

By Mr. ABRAHAM:

H.R. 1114.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mrs. BEATTY:

H.R. 1115.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution.

By Mr. BILIRAKIS:

H.R. 1116.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Ms. CASTOR of Florida:

H.R. 1117.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the United States Constitution

By Mr. CICILLINE:

H.R. 1118.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mrs. COMSTOCK:

H.R. 1119.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3:

The Congress shall have power to regulate commerce with foreign nations, and among the several states, and with Indian tribes.

Article I, Section 8, Clause 18:

The Congress shall have power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department of Officer thereof.

By Mr. DUNCAN of Tennessee:

H.R. 1120.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Ms. EDWARDS:

H.R. 1121.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section I.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. FITZPATRICK:

H.R. 1122.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. FOSTER:

H.R. 1123.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

By Mr. AL GREEN of Texas:

H.R. 1124.

Congress has the power to enact this legislation pursuant to the following:

Article 1 of the U.S. Constitution

By Mr. HANNA:

H.R. 1125.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Clause 1 of Section 8 of Article 1 of the United States Constitution.

By Mr. KING of New York:

H.R. 1126.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 6

The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mrs. KIRKPATRICK:

H.R. 1127.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department thereof.

By Mrs. KIRKPATRICK:

H.R. 1128.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department thereof.

By Mrs. KIRKPATRICK:

H.R. 1129.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department thereof.

By Mr. MARINO:

H.R. 1130.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8: ''To Make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.''

By Mr. McDERMOTT:

H.R. 1131.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. McNERNEY:

H.R. 1132.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 7

By Mr. MILLER of Florida:

H.R. 1133.

Congress has the power to enact this legislation pursuant to the following:

Article 1. Section 8.

By Mr. MILLER of Florida:

H.R. 1134.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mrs. MILLER of Michigan:

H.R. 1135.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States.

By Mr. PEARCE:

H.R. 1136.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution

By Mr. RICE of South Carolina:

H.R. 1137.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. SIMPSON:

H.R. 1138.

Congress has the power to enact this legislation pursuant to the following:

''The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).''

By Ms. SPEIER:

H.R. 1139.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8 of the United States Constitution.

By Ms. SPEIER:

H.R. 1140.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8 of the United States Constitution.

By Mr. TAKANO:

H.R. 1141.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution of the United States.

By Mr. TIBERI:

H.R. 1142.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 7 and Article 1, Section 8

By Mr. TURNER:

H.R. 1143.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution of the United States

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. TURNER:

H.R. 1144.

Congress has the power to enact this legislation pursuant to the following:

The 14th Amendment, Section 5; Article I, Section 8, Clauses 3 and 18 of the Constitution of the United States.

By Mr. WELCH:

H.R. 1145.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. GUTIÉRREZ:

H.R. 1146.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4 and Amendment I, Clause 3 of the Constitution.

By Mr. ROGERS of Kentucky:

H.J. Res. 35.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: ''No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . . .'' In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: ''The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . . .'' Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Ms. EDWARDS:

H.J. Res. 36.

Congress has the power to enact this legislation pursuant to the following:

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

By Mr. RIBBLE:

H.J. Res. 37.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: ''No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. . . .'' In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: ''The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States. . . .'' Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 27: Mr. JORDAN.

H.R. 48: Mr. CONYERS.

H.R. 91: Mr. COURTNEY.

H.R. 109: Mr. CARTER of Georgia.

H.R. 156: Mr. MCCLINTOCK.

H.R. 169: Mrs. MCMORRIS RODGERS.

H.R. 216: Mr. VAN HOLLEN.

H.R. 235: Mr. YARMUTH, Mr. COLLINS of New York, Mr. PRICE of North Carolina, Mr. LUCAS, Mr. KILMER, Mr. JORDAN, Mrs. BROOKS of Indiana, and Mr. HONDA.

H.R. 270: Mr. RODNEY DAVIS of Illinois.

H.R. 280: Mr. ROTHFUS.

H.R. 284: Mr. ADERHOLT and Mr. REED.

H.R. 303: Mr. SIMPSON, Ms. PINGREE, Ms. BORDALLO, Mr. FORTENBERRY, and Mr. BYRNE.

H.R. 313: Mr. GARAMENDI, Mr. LEVIN, Ms. JACKSON LEE, and Mr. SWALWELL of California.

H.R. 333: Mr. SCHOCK, Mr. RODNEY DAVIS of Illinois, Mr. HECK of Washington, and Mr. WITTMAN.

H.R. 344: Mr. SWALWELL of California.

H.R. 358: Mr. RANGEL, Mr. TAKANO, Mr. DAVID SCOTT of Georgia, and Mr. PIERLUISI.

H.R. 379: Mr. YOUNG of Alaska, Mr. HANNA, Mr. BEN RAY LUJÁN of New Mexico, and Mr. RUSH.

H.R. 402: Mr. MURPHY of Pennsylvania.

H.R. 445: Mr. YOUNG of Indiana and Mr. LUETKEMEYER.

H.R. 461: Mr. CARTER of Georgia.

H.R. 473: Mr. ROTHFUS.

H.R. 508: Mr. TONKO.

H.R. 539: Ms. SCHAKOWSKY, Ms. FUDGE, and Ms. CLARKE of New York.

H.R. 540: Ms. HERRERA BEUTLER.

H.R. 546: Mr. SMITH of Missouri and Mr. DENHAM.

H.R. 551: Mr. HONDA, Ms. SCHAKOWSKY, Mr. DEFAZIO, and Ms. SLAUGHTER.

H.R. 556: Mr. FARENTHOLD.

H.R. 559: Mr. NORCROSS.

H.R. 585: Mr. JONES.

H.R. 590: Miss RICE of New York.

H.R. 592: Mr. MURPHY of Florida, Mr. JOHNSON of Ohio, and Mr. REED.

H.R. 604: Mr. GRAVES of Georgia.

H.R. 605: Mr. GRIFFITH.

H.R. 606: Mr. CARTWRIGHT.

H.R. 613: Mr. MCGOVERN.

H.R. 624: Mr. HULTGREN and Ms. NORTON.

H.R. 631: Mr. RIBBLE, Mr. LANGEVIN, Mr. MULLIN, Ms. LOFGREN, Ms. ESTY, Mr. JOHNSON of Ohio, Mr. GUTHRIE, Mr. YOUNG of Alaska, and Mr. RUSH.

H.R. 654: Mr. HARPER.

H.R. 662: Mr. ROTHFUS, Mr. JOYCE, Mr. TURNER, Mr. CARTER of Texas, and Mr. SCHWEIKERT.

H.R. 663: Mr. CARTWRIGHT.

H.R. 681: Ms. BONAMICI.

H.R. 685: Mr. DUFFY.

H.R. 699: Mr. JOHNSON of Ohio.

H.R. 700: Mr. SMITH of Washington.

H.R. 706: Mr. RANGEL and Mr. COHEN.

H.R. 717: Mr. VARGAS.

H.R. 721: Mr. BUCSHON, Mr. FLEISCHMANN, Mr. MEEHAN, Mr. MCKINLEY, Mr. FARENTHOLD, Mr. DENHAM, Mr. Pittenger, Mr. GRAVES of Missouri, Mr. HINOJOSA, Mr. DESJARLAIS, Mr. MURPHY of Pennsylvania, Mr. HUELSKAMP, Mr. JOYCE, Mr. BROOKS of Alabama, Mr. DUNCAN of South Carolina, Mr. JONES, Mr. Emmer of Minnesota, Mr. WHITFIELD, Mr. BARLETTA, Mr. ROTHFUS, Mr. YODER, Mr. HASTINGS, Mr. CRENSHAW, Mr. WOMACK, Mr. TIPTON, Mr. WEBSTER of Florida, Mr. MICHAEL F. DOYLE of Pennsylvania, Mrs. MILLER of Michigan, Mr. HECK of Washington, Mr. REED, and Mr. SESSIONS.

H.R. 722: Mr. JOHNSON of Ohio.

H.R. 723: Mr. REICHERT.

H.R. 749: Mr. HANNA, Ms. NORTON, Mr. BARLETTA, Ms. BROWN of Florida, Mrs. NAPOLITANO, Ms. FRANKEL of Florida, Mrs. MIMI WALTERS of California, Mr. COSTELLO of Pennsylvania, and Mr. CURBELO of Florida.

H.R. 757: Mr. RIBBLE.

H.R. 781: Mr. TONKO.

H.R. 818: Mr. REED and Mr. WELCH.

H.R. 823: Mr. LIPINSKI, Mr. KEATING, and Ms. ROYBAL-ALLARD.
H.R. 824: Mr. MARCHANT.
H.R. 846: Ms. TITUS, Mr. JOHNSON of Georgia, Mr. AL GREEN of Texas, Mr. LARSEN of Washington, Mr. NOLAN, Mr. RUIZ, Mr. SCHRADER, and Mr. VEASEY.
H.R. 855: Ms. KAPTUR.
H.R. 863: Mr. VALADAO, Mrs. BROOKS of Indiana, and Mr. WITTMAN.
H.R. 868: Mr. ROTHFUS, Mr. JOHNSON of Ohio, and Mr. BISHOP of Utah.
H.R. 893: Mr. BOUSTANY, Mr. TONKO, Mr. FARENTHOLD, Mr. MEEHAN, Mr. HANNA, Mr. BUCHANAN, Mr. MURPHY of Pennsylvania, Mr. HUNTER, Ms. DELAURO, Mr. COLLINS of New York, Mr. MARINO, Mr. RANGEL, Ms. WILSON of Florida, Mr. MURPHY of Florida, Mr. HASTINGS, Mrs. ELLMERS of North Carolina, Mr. SCOTT of Virginia, Mr. POMPEO, Mr. GUTHRIE, Ms. WASSERMAN SCHULTZ, Mr. SCHOCK, Mr. DEUTCH, Mr. ROONEY of Florida, Mr. WALBERG, Mr. QUIGLEY, Mr. LONG, Ms. FRANKEL of Florida, and Mr. DIAZ-BALART.
H.R. 915: Mr. RUIZ.
H.R. 919: Mr. ASHFORD, Mrs. DINGELL, Mr. TAKANO, Mr. MCGOVERN, and Ms. FUDGE.
H.R. 921: Mr. HANNA.
H.R. 923: Mr. BABIN and Mr. WENSTRUP.
H.R. 932: Mr. DESAULNIER and Mr. WALZ.
H.R. 933: Ms. MCCOLLUM.
H.R. 957: Mr. HILL.
H.R. 967: Mr. LYNCH.
H.R. 976: Mrs. BROOKS of Indiana.
H.R. 977: Mr. WITTMAN.
H.R. 978: Ms. KUSTER, Mr. KELLY of Pennsylvania, Mr. LIPINSKI, Mr. JOHNSON of Ohio, and Mr. MARCHANT.
H.R. 989: Mr. POE of Texas and Mr. BENISHEK.
H.R. 990: Mr. WITTMAN.
H.R. 997: Mr. WITTMAN, Mr. MILLER of Florida, Mr. JONES, and Mr. STEWART.
H.R. 1013: Mr. HUFFMAN.
H.R. 1021: Mr. PAULSEN.
H.R. 1024: Mr. SCOTT of Virginia, Mr. WELCH, Mr. MCGOVERN, Mr. COOPER, Mr. O'ROURKE, Ms. BONAMICI, Mr. GARAMENDI, Ms. BROWNLEY of California, Ms. BORDALLO, Ms. JACKSON LEE, Mr. CUMMINGS, Mr. FORBES, Mr. KILMER, Mr. LARSON of Connecticut, Ms. WILSON of Florida, Mr. DEFAZIO, Ms. DUCKWORTH, Mr. HONDA, Mr. VELA, Mr. SARBANES, and Ms. CLARKE of New York.
H.R. 1029: Mr. GOODLATTE.
H.R. 1030: Mr. GOODLATTE.
H.R. 1031: Mr. CARSON of Indiana, Mr. RUSH, Ms. BORDALLO, Mr. LYNCH, Mr. DOGGETT, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. HIGGINS, Mr. NORCROSS, Mr. HINOJOSA, Mr. LARSON of Connecticut, Mr. CONNOLLY, Mr. CAPUANO, Ms. ESHOO, Mrs. LAWRENCE, Ms. CASTOR of Florida, Ms. TITUS, Mr. COSTA, Miss RICE of New York, Mr. MICHAEL F. DOYLE of Pennsylvania, Ms. BROWN of Florida, Mr. NEAL, Mrs. CAPPS, Ms. LINDA T. SÁNCHEZ of California, Mrs. LOWEY, and Mr. PETERSON.
H.R. 1054: Mr. COLLINS of Georgia, Mr. WEBER of Texas, Mr. GIBBS, Mr. POSEY, Mr. AUSTIN SCOTT of Georgia, and Mr. PITTENGER.
H.R. 1063: Mr. THOMPSON of California, Ms. LORETTA SANCHEZ of California, and Mr. MARCHANT.
H.J. Res. 22: Ms. WASSERMAN SCHULTZ and Mr. PERLMUTTER.
H. Con. Res. 14: Mr. DAVID SCOTT of Georgia and Mr. PAYNE.
H. Con. Res. 17: Mr. STIVERS, Mr. WESTERMAN, Mr. GRAVES of Missouri, Mr. SIMPSON, Mr. BLUM, Mrs. LUMMIS, Mr. NUNES, Mr. PEARCE, Mr. DUFFY, Ms. JENKINS of Kansas, Mrs. KIRKPATRICK, Mrs. NOEM, Mr. DEFAZIO, Mr. ZINKE, and Mrs. MCMORRIS RODGERS.
H. Res. 24: Mr. HURT of Virginia.
H. Res. 28: Mr. DEFAZIO, Mr. TED LIEU of California, Ms. MATSUI, Mr. KILMER, Mr. GARAMENDI, and Mr. CÁRDENAS.
H. Res. 50: Mr. SCHIFF, Mr. GIBSON, Mr. RANGEL, Mr. POLIS, Mr. LAMBORN, Mr. KEATING, and Mr. CONNOLLY.
H. Res. 53: Ms. NORTON, Mr. HASTINGS, Mr. MEEKS, Mr. RANGEL, Mr. ENGEL, and Mr. CICILLINE.
H. Res. 54: Ms. JACKSON LEE, Mr. GOODLATTE, Ms. LOFGREN, Mr. MEEKS, Mr. TAKAI, Mr. KILMER, Mr. GARAMENDI, and Mr. DANNY K. DAVIS of Illinois.
H. Res. 102: Mr. RANGEL.
H. Res. 108: Mr. COLE.
H. Res. 115: Mr. VARGAS.
H. Res. 116: Mr. VARGAS.
H. Res. 117: Mr. BURGESS.
H. Res. 122: Mr. PASCRELL.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. ROGERS OF KENTUCKY

H.J. Res. 35, a resolution making further continuing appropriations for fiscal year 2015, and for other purposes, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, FIRST SESSION

Vol. 161 WASHINGTON, THURSDAY, FEBRUARY 26, 2015 No. 33

Senate

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

We have thought, O God, of Your loving-kindness. You have blessed our Nation far more than we deserve. You have provided us with a goodly land of spacious skies and golden waves of grain. You have helped us create a durable government of, by, and for the people. You have protected us through wars and rumors of war.

May our lawmakers show their gratitude for Your loving-kindness by being responsible stewards of Your generous gifts. Give them the wisdom to protect the fragile gift of freedom. Lord, unite them in their commitment to do what is required to keep America one Nation controlled by Your sovereignty, with liberty and justice for all.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

DEPARTMENT OF HOMELAND SECURITY FUNDING

Mr. MCCONNELL. Mr. President, it was good to see Democrats finally bring an end to their weeks-long filibuster of the Homeland Security funding bill. Once the measure we voted on yesterday is complete, the Senate will consider sensible legislation from Senator COLLINS.

The Collins bill is really quite simple. It would protect our democracy from the most egregious example of Executive overreach we saw back in November. It is overreach described by President Obama himself as ''ignoring the law.'' The Collins measure simply takes the President at his word and helps him follow the law instead of ignoring it.

It is hard to see how any Senator could oppose such a good, commonsense idea. So we look forward to that vote.

NET NEUTRALITY RULE

Mr. MCCONNELL. Mr. President, on a different matter, later today the Obama administration's FCC will take up a proposal by the President to strike a blow to the future of innovation in our country. It is the so-called net neutrality rule.

The growth of the Internet and the rapid adoption of mobile technology have been a great American success story, and they were made possible by a light regulatory touch. In fact, it is this bipartisan light touch consensus that allowed innovators to develop and sell the products people want and to create the kind of high-quality jobs Americans need without waiting around for government permission.

The Obama administration needs to get beyond its 1930s rotary telephone mindset and embrace the future. That means encouraging innovation, not suffocating it under the weight of an outdated bureaucracy and poorly named regulations such as this one.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

DEPARTMENT OF HOMELAND SECURITY FUNDING

Mr. REID. Mr. President, the essential Department of Homeland Security faces a shutdown in less than 48 hours. At 12:01 a.m. Saturday morning the government will be forced to shut down the most essential part of our government set up to protect the homeland.

It is really unthinkable that America is less than 2 days away from letting its guard down in the midst of such rampant global terrorism. Yesterday, three Brooklyn men were arrested for joining ISIS. FBI Director Comey said yesterday that his agency is investigating suspected ISIS supporters in every State—all 50 States.

As Republican Congressman PETER KING said:

> We can't allow DHS not [to] be funded. People think we're crazy. There are terrorist attacks all over the world, and we're talking about closing down Homeland Security.

And listen to this sentence:

> This is like living in the world of the crazy people.

Republican Congressman PETER KING of New York has said that what is going on with the work of the Republicans here in the Senate and the House is like living in the world of crazy people.

Yesterday the Senate voted to begin the process of considering passing a clean Homeland Security funding bill. Without an agreement to speed up the process, a vote on final passage would take place on Sunday. As I said yesterday, we on this side of the aisle are willing to expedite passage of this bill by consent. We are ready to do it right now.

Once a clean full-year funding bill for the Department of Homeland Security is passed and signed into law, we look forward to debating how to best fix our Nation's broken immigration system, just as we did 20 months ago with the help of the Presiding Officer and others.

Would the Chair announce the business of the day.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. RUBIO). Under the previous order, the leadership time is reserved.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2015—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 240, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 5, H.R. 240, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RUBIO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. FISCHER). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. RUBIO. Madam President, I ask unanimous consent that the Senate recess from 12:45 p.m. until 1:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUBIO. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. Are we in morning business?

The PRESIDING OFFICER. We are on the motion to proceed.

Mrs. SHAHEEN. I will be speaking on the bill before us.

Madam President, we are just days away from an unthinkable government shutdown of the Department of Homeland Security. A government shutdown of the Department whose mission is to protect the citizens of this country is reckless and dangerous while we are under threat of attack by terrorist groups.

What kind of message does it send to ISIS, to cyber criminals, and to criminal drug gangs if Congress can't keep the Department of Homeland Security open?

This weekend we learned that a terror group from Somalia, al-Shabaab, released an online video calling for attacks on the Mall of America in Minnesota, as well as malls in Canada and England.

Just yesterday we learned that three Brooklyn, NY, men were arrested for plotting to travel to Syria to join ISIS. If they weren't successful in getting to Syria, they allegedly planned to commit an act of terrorism in the United States, and one even offered to kill President Obama if ordered to do so.

The role of the Department of Homeland Security in protecting our country from these threats and from so many others cannot be overstated. It is DHS that is working with State and local officials in Minnesota to coordinate a response to the Mall of America threat, and it is DHS and the Secret Service that help provide the counterterrorism and intelligence-gathering efforts that led to the arrests of the Brooklyn men who wanted to do harm in this country.

Referencing yesterday's arrests in Brooklyn, New York City Police Commissioner Bill Bratton said that this is not the time to engage in activities that would threaten our counterterrorism capabilities and effectively hold our counterterrorism agencies hostage to political machinations. This is not the time to be engaging in political rhetoric and political grandstanding.

I think Commissioner Bratton is right. Our Nation is already on high alert for terror threats after attacks in Sydney, Australia, and Ottawa, Canada, and in Paris. The Mall of America threat and the Brooklyn arrests reinforce the fact that we need our law enforcement community operating on all cylinders. Sadly, these aren't isolated threats.

A few weeks ago I spoke with the deputy commissioner of the New York City Police Department. He told me about the many terror attacks that have been thwarted in New York City since 9/11. He credited DHS, the funding, and programs that are coordinated through DHS and the personnel there for helping New York to prevent attacks from happening.

I have heard the same thing at home in New Hampshire from our law enforcement and first responders. I was in the town of Hampton, which is a coastal community, on Monday of this week. They talked about the importance of DHS support in developing a unified command for all of law enforcement in New Hampshire. They talked about the importance of the fusion center that is funded through the Department of Homeland Security because of the intelligence-gathering they do there and how they share that information with law enforcement agencies all across New Hampshire. Then they took me in and showed me a diagram of a human trafficking case that they are working on with the help of the Department of Homeland Security.

So this is not just about the big cities in the United States, it is about our rural communities, and it is about States across this country that rely on the Department of Homeland Security to help with their internal security. Yet here we are, less than 2 days away from shutting down the Department of Homeland Security because of unrelated ideological disagreements.

I am, however, very encouraged by recent developments here in the Senate, with yesterday's 98-to-2 vote to allow the Senate at some point in the future—hopefully sometime today—to pass a clean, full-year funding bill for DHS. I again applaud Senators MCCONNELL and REID for their efforts to get us to this point. I think we need leaders who are willing to work together, who are willing to encourage us here in the Senate. We saw that in the last few days with Senators MCCONNELL and REID.

Once the Senate acts, however, we will need the House of Representatives to join us in putting aside our ideological and political differences and passing a bill without controversial riders, a bill that will fund the Department of Homeland Security.

As we have discussed in this Chamber, there are disagreements about immigration and about the President's Executive action. I am certainly happy to have debate about that. I know there are others who are happy to have a debate. But first we need to fund the Department of Homeland Security. We need to put safety and security ahead of our ideological differences. We are just 2 days away from a devastating shutdown of DHS. We do not have time to waste. I certainly hope that we will act quickly here and that the House will also act quickly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

NET NEUTRALITY

Mr. MARKEY. Madam President, a battle has been raging online in the past year. Millions of citizens, companies, innovators, and entrepreneurs have been sounding an alarm calling us to electronic arms. These 21st-century Netizens took to the street and they took to the Net. They raised their voices and demanded that the FCC protect the world's greatest platform for communications and commerce.

Today we declare victory. Today we say the economy and the free expression of ideas depend on Net neutrality. Today we say an open and free Internet is as important as keeping our air and water clean and our roads and highways safe. Today we say Net neutrality is here to stay. Today is Internet freedom and innovation day.

Just today the Federal Communications Commission is making historic decisions to enshrine Net neutrality protections. The Commission is voting to use its power to protect the tremendous power of the Internet. This battle for Net neutrality means that the Internet is protected for decades to come. It is protected for all the students and startups, for all the businesses and online buyers, for all of the inventors, the innovators, and the Internet users.

By banning paid prioritization, blocking, and throttling, the FCC is applying the principles of nondiscrimination—which is what Net neutrality really is—nondiscrimination to the

broadband world. This is the next chapter in the history of American innovation. It is our country's declaration of innovation. Chairman Wheeler and the FCC are on the right side of history.

This battle for Net neutrality was not fought without opposition. The deep-pocketed broadband barons want to turn the Internet into a set of gated communities. They say it will raise taxes. They say it is an overreach. They say it will not stand up in court. Some claim it will harm investment. But then companies such as Sprint and Verizon say it will not, in fact, influence how they invest. So I say to the critics: Do you want to return to the days when a few telecommunications giants—which today we would call big broadband barons—control the vital wires and spectrum we use to communicate or do we want a free, dynamic, open market where the best in ideas survives and thrives? The choice is clear.

The FCC Commissioners supporting the open Internet order have made the right choice. Today the people won. I applaud the FCC and Chairman Wheeler for standing up for students in their dorm rooms, engineers in their basements, and innovators in their garages. I applaud the FCC for standing up for the best ideas, not merely the best funded ideas. The FCC has chosen the right path forward. I commend the Commission for that action.

Reclassifying broadband under title II is a major victory for consumers, for our democracy, and for our economy. Consider that in 2013, 62 percent of the venture capital funds invested in this country went toward Internet-specific and software companies. The free flow of ideas supported by the Internet are creating the companies launching the global revolution and supporting the communications that we rely on every day. We want a free, dynamic, open market where the best in ideas survives and thrives.

Today is a historic, revolutionary day for consumers, innovators, entrepreneurs—anyone who counts on the Internet to connect to the world. I applaud and I thank the millions of American revolutionaries who stood up and fought for Net neutrality. The fight is not over. There is much more work to be done. But today is a historic victory. It is Internet freedom and innovation day.

Let's celebrate this transformative power of the Internet today and for generations to come. We are going to ensure that the architecture of the Internet remains one where the smallest entrepreneurs who can go to the capital markets and raise the funding for the new ideas, for the follow-on ideas to Google and eBay and Amazon and Hulu and YouTube, are able to be joined by new companies like Dwolla, like Etsy, like Vimeo, and like hundreds and thousands of others whose names we do not yet know, because now they are going to have the capacity to be able to say to their investors: We now have the capacity to reach a market. With our ideas, we can transform some part of the way in which people communicate in this country and on this planet.

That is what we are celebrating today—the power of the Net, the power of individuals to come up with the capital so they can then transform some part of the way in which we communicate in this life.

So just remember that when the 1996 Telecommunications Act passed, there were no companies like the ones I just mentioned. That was because it was an old world. But in the blink of an eye, a technological eye, we have moved to this new world where each of us is carrying a device in our pockets. Each of us is wondering how we ever got along without the capacity to be able to tap into all of these wonderful new companies and the products they provide. That is what today is all about—Net neutrality day. It will not impact the investments of the big companies, but it will ensure that the small companies—those that received 62 percent of all venture capital in America in the last year—will be able to provide their new products, their new innovations, their new challenges to the way in which we communicate. I think that is the whole key. We need to maintain the Darwinian paranoia-inducing competition that the Net has introduced. If we do that, then I think America will be No. 1, looking over its shoulder at Nos. 2, 3, and 4 in the world in terms of our innovation in the communications sector.

Congratulations to the Federal Communications Commission, and congratulations to all entrepreneurs across America. Today is a day when you should be celebrating.

RECESS

Mr. MARKEY. Madam President, I ask unanimous consent that the Senate recess until 1:45 p.m., as provided under the previous order.

There being no objection, the Senate, at 12:30 p.m., recessed until 1:47 p.m. and reassembled when called to order by the Presiding Officer (Mr. BARRASSO).

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2015—MOTION TO PROCEED—Continued

The PRESIDING OFFICER (Mr. SASSE). The Senator from Hawaii.

Mr. SCHATZ. Mr. President, with 1 day before the funding expires for the Department of Homeland Security, I rise to urge the adoption of a clean funding bill.

It seems we are on a path to ensure that, at least in the Senate, we are going to adopt a bill that funds the critical safety and national security functions of the Department of Homeland Security without extraneous immigration riders. I encourage my colleagues in both Chambers to embrace what Members on both sides of the aisle have acknowledged is the best way to resolve this issue—avoid a shutdown, enact the clean bipartisan Homeland Security bill, and address the immigration policies through regular order on the floor.

By now, we have all heard from a host of people spelling out the many negative impacts of a shutdown—our colleagues, Secretary Johnson, previous Secretaries, and many of our Nation's mayors. We would be unnecessarily disrupting funding which all of our States' emergency managers rely on and which allows for programs that function to keep us safe and keep people and goods moving securely and efficiently throughout our country.

My home State of Hawaii is 2,500 miles from the closest landmass. It hosts the Nation's fourth largest airport for international arrivals and is currently responding to and recovering from presidentially declared disasters related to lava threats and tropical storms.

For these and many other reasons, I am concerned that Congress would consider risking timely funding for the agencies that keep our airports safe, our coasts and waters secure, and provide for critical planning and response support to our States' first responders.

Additionally, I don't think anyone should attempt to trivialize a shutdown based on the argument that many Department of Homeland Security employees will have to report to work regardless. What an insult. For the thousands of Hawaii residents employed by the Department of Homeland Security, this is significant. These are middle-class jobs helping to support middle-class families. These employees will still have to make rent, pay a mortgage, buy gas, food, childcare and the like, and the Coast Guard's men and women will have to report for duty—not for pay. We owe them better than that. We shouldn't subject these families to uncertainty about their next paycheck.

Our path forward is actually totally simple: pass the original funding bill that was negotiated in good faith by both parties and both Chambers last December. Because of where we are right now, it is important to remember that the underlying Department of Homeland Security funding bill was the result of a bipartisan negotiation and compromise between both Chambers and both parties.

That means we have to resist the temptation in either Chamber to make political decisions that have no chances of success in the Senate or would be vetoed by the President. For example, reinserting partisan immigration riders into this bill is a nonstarter. The Senate has not wavered on this point, and that dynamic is not going to change.

Let's just do our jobs. Let's fund the Department of Homeland Security, and

then we can debate comprehensive immigration policy any time the leadership desires to bring it to the floor.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HOEVEN). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, tomorrow, on February 27, the Department of Homeland Security will run out of money and be forced to at least partially shut down. This is the Department responsible for protecting America against terrorism. It faces a government shutdown in about 24 hours.

Last year the congressional Republicans insisted that when we pass the overall Federal budget we cut out of it the Department of Homeland Security and not fully fund the Department. They insisted on this so they could enter into a debate with the President over the issue of immigration, and the House of Representatives sent us funding for this Department contingent on five anti-immigration riders going after the President's position on immigration. They have created an artificial, unnecessary, dangerous funding crisis.

I have come to the floor over the last several weeks while this has been under consideration in the Senate urging the passage of a clean appropriations bill for the Department of Homeland Security. I was heartened yesterday by the overwhelming vote of 98 to 2 to move toward passing this clean appropriations bill. It appears we have finally come together on a bipartisan basis to fund this critical agency at the eleventh hour.

Sadly, there is no response from the House of Representatives as to whether they will even consider the timely funding for this Department, so we run the real risk we will have to shut down this Department and put America at risk as a result. That is unfortunate because we know how important this Department is and we know the threats are real.

It was just last weekend when we disclosed intelligence gathered that there were extremist groups threatening the malls of America. There were specific threats to malls that were owned by Jewish enterprises, whatever that meant, but that is what they said. That is what we are up against. We see it around the world, real terrorism and real extremism, and now the question is, Does the Speaker of the House see this threat? Do the Republicans who are in the majority in the House see this threat? Do they see it enough to want to fund this critical agency?

This morning on television there was an interview of one of the Republican Congressmen from Alabama. He said: No, this is really a debate about the Constitution, not about convenience.

Convenience? I don't understand that word when we talk about protecting America from terrorism. This is not a convenience, this is a necessity. This is part and parcel of why we exist as a Congress—to keep America safe.

So now the ball is in the court of the Republicans in the House. I think we will pass a clean bill here, and I think it will be overwhelmingly positive and bipartisan.

What is the issue that is sticking in their craw over there that troubles them so much that the House Republicans would jeopardize funding the agency assigned to keep America safe? It is the issue of immigration, particularly Executive orders issued by the President.

One particular part just absolutely gnaws at them as they think about the possibility the President's order of 2012—the so-called DACA order—will be carried out in the future. What is that order? It is an order which said: If someone was brought to the United States as a child—an infant, a toddler, a small child—undocumented, and they went to school in this country and they have no criminal record, we are going to give them a chance to stay here and not be subject to deportation. They can go to school here, they can work here, and they are protected by the President's Executive order—the so-called DACA.

The Republicans in the House hate this idea like the devil hates holy water. They can't understand why these young people who had no wrongdoing in coming to this country should be given this chance, and they are prepared to shut down the Department of Homeland Security if we don't relent.

I come to the floor regularly to tell stories about these young people, and today I want to tell you the story of one of these DREAMers. Her name is Maria Ibarra-Frayre. She was brought to the United States from Mexico at the age of 9, grew up in Detroit, MI, and is an excellent student. She spent a lot of her spare time in community service and as a member of the National Honor Society, the Key Club, and the school newspaper. She volunteered twice a week tutoring middle school students, performed over 300 hours of community service, and graduated from high school with a 3.97 grade point average. There aren't too many of us in the Senate who can boast that kind of grade point average.

Maria was admitted to the University of Michigan, one of the top State colleges in the Nation. She couldn't attend because she is undocumented. Instead, she entered the University of Detroit Mercy, a private Catholic school. She was elected vice president of the student senate. She also helped found the Campus Kitchen, taking leftover meals from the school cafeteria and delivering them to seniors who had difficulty staying in homes.

She participated in the alternative spring break, where she spent her vacation time helping those in need. One year, she went to South Carolina and helped rebuild an elderly couple's house, and another year she worked with the homeless in Sacramento, CA.

Maria graduated as valedictorian of her class, with a major in English and social work. After graduation, her options were limited because she was undocumented. I might add that she didn't have a penny of government assistance going through college—undocumented students don't qualify. But she dedicated herself to community service and volunteered for the Jesuit Volunteer Corps, a Catholic nonprofit organization.

Then in 2012 President Obama issued his order to give protection to a young person like herself. She was able to get a temporary work permit to work in the United States. She didn't run out and get a high-paying corporate job. She continued her community service, and now she is a full-time program coordinator for the Jesuit Volunteer Corps. She has applied to graduate school for social work. She wants to become an advocate for victims of domestic violence.

She wrote me a letter and talked about this Executive order which many House Republicans can't wait to rescind and defund. Here is what she said:

> DACA means showing the rest of the country, society, and my community what I can do. I have always known what I'm capable of, but DACA has allowed me to show others that the investment and opportunity that DACA provides is worth it.

If the Republicans have their way, Maria will be deported. Having spent the majority of her life in this country, pledging allegiance to that flag, singing our national anthem—the only one she knows—they want her out of this country as quickly as possible.

America is better if Maria can stay. People will get a helping hand from her as they have throughout her entire life. I cannot understand this mean-spirited political strategy that cannot wait to deport this wonderful, amazing young woman from America. And 600,000 young people, many just like her, are only asking for a chance to make this a better Nation.

I hope that we do have a debate on immigration. I hope Members of the Senate and Congress will reflect on the fact that we are a nation of immigrants. Our diversity is our strength. Young people such as this who come to America make us a better Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, 3 weeks ago I came to the Senate floor to speak on an amendment which I had hoped would provide a framework that would accomplish three goals:

First, to provide funding for the Department of Homeland Security so that it could perform its vital mission of protecting the people of our country;

Second, to put the Senate on record as opposing the President's extraordinarily broad immigration actions

issued by Executive order in November of 2014;

And, third, to ensure that individuals who were brought to this country as children and qualify for treatment under the June 2012 Executive order on Deferred Action for Childhood Arrivals—the so-called DREAMers that Senator DURBIN has just spoken of—could continue to benefit under that program.

I am very pleased that it looks like we are moving forward on a bill to fully fund the Department of Homeland Security. We had a very strong vote on that yesterday. Indeed, I have not heard a single Senator on either side of the aisle say that we should shut down the Department of Homeland Security. Each of us recognizes its vital mission.

As someone who served as the chairman or ranking member of the Homeland Security and Governmental Affairs Committee for a decade, I certainly understand how vital the mission of this Department is.

I am keenly aware, as a member of the Intelligence Committee, of the threats against our country and the risks that we face from those who would do us harm.

At the same time, as members of the legislative branch, we have an obligation to speak out and to register our opposition when we believe that the President has exceeded his grant of Executive authority under the Constitution in a way that would undermine the separation of powers doctrine. I wish to read what a constitutional scholar has said about the President's Executive order and how far the President could or could not go. This is what this constitutional scholar says:

> Congress has said ''here is the law'' when it comes to those who are undocumented. . . . What we can do is to carve out the DREAM Act, saying young people who have basically grown up here are Americans that we should welcome. . . . But if we start broadening that, then essentially I would be ignoring the law in a way that I think would be very difficult to defend legally. So that's not an option.

Who was that constitutional scholar? It was the President of the United States, Barack Obama. He said this in September of 2013. President Obama got it right back then. I believe that he was within the scope of his Executive authority when he issued the 2012 Executive orders that created DACA, which allowed for the DREAMers to stay here.

Let me also make clear that I am a supporter of comprehensive immigration reform. While I was disappointed that immigration reform legislation of some sort did not become law when we passed it a few years ago, I reject the notion that its failure can serve as justification for the actions taken by the President last November. He simply cannot do by Executive fiat what Congress has refused to pass regardless of the wisdom of Congress's decision. Such unilateral action is contrary to how our constitutional system is supposed to work, and it risks undermining the separation of powers doctrine, which is central to our constitutional framework.

That is really what this debate is about. It is about the proper constitutional constraints on unilateral Executive action. It happens to be an Executive action that deals with immigration, but it could be an Executive action on any other issue. That is why it is important that we draw those lines.

Indeed, the legislation I proposed, which we will be voting on at some point, is fully consistent with the court ruling in Texas, which my colleague, the senior Senator from Texas, is very familiar with and knows much more about than I do. But it is fully consistent with that ruling which lets stand the 2012 Executive order but stayed the implementation of the 2014 Executive order. There is a difference.

Now, I consider the Senator from Illinois to be an excellent Senator and a dear friend, and it truly pains me to disagree with his analysis of my amendment. I know that he acts in good faith. But there are either misunderstandings or misinterpretations or just plain disagreements. So I would like to go through some of the points that he has made about my amendment.

One of the chief objections of the Senator from Illinois to my bill is that it strikes provisions of the November 2014 immigration action that would expand—that is the key word; it would expand—the 2012 DACA Program to add certain individuals who are not eligible under that program.

He talks about expanding the age limit, for example.

Now, let's take a look at exactly what the criteria are for DREAMers under the 2012 Executive order. These are criteria that were praised by my friend from Illinois and numerous other Senators on the Democratic side of the aisle when the President issued his Executive order. I, too, agree with these criteria.

In order to qualify, an individual has to have come to the United States under the age of 16, has to have continually resided in the United States for at least 5 years preceding the date of this memorandum, and has to be present on the date of the June 15, 2012, memorandum.

The individual has to be currently either in school, have graduated from high school, have obtained a general education development certificate or has to be an honorably discharged member of the Coast Guard or our military. In addition, the individual has to have a pretty good record. The person cannot have been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses or otherwise pose a threat to national security or public safety. And they cannot be above the age of 30.

These are reasonable criteria that the President came up with.

Frankly, I am not enthralled with the one that allows for multiple misdemeanors, and the Executive order also states that the individual cannot have multiple misdemeanors. The form that is used by DHS says the individual can have up to three misdemeanors. I personally would require an absolutely clean record. But these are reasonable criteria, and these are not changed by the Collins bill in any way. The 2012 Executive order stands.

So the argument of my friend from Illinois is focused on the fact that he wants an expansion of these criteria and to add other categories of individuals, and that is what the November 2014 immigration action does. It has nothing to do with the status of the individuals who were allowed to stay in this country as a result of the 2012 Executive order. My amendment protects the 2012 Executive order and those who benefited from it.

So we have a sincere disagreement over what is appropriate to be done by Executive action and what needs to be done by legislation. Even though I support many of the policies that are in the 2014 Executive order, I just don't think the President can unilaterally proclaim those changes.

Mr. DURBIN. Will Senator yield for a question?

Ms. COLLINS. If the Senator's question is a brief one, I will be very happy to yield.

Mr. DURBIN. I will make it very brief. If the Senator acknowledges—and I believe she does—that the President had the authority in 2012 to issue an Executive order under DACA and to spell out the criteria, which includes, at the very bottom of her chart, that the person is not above the age of 30, why does the Senator disagree with this situation: someone who was 29 years old in June 2012, eligible for DACA, the Executive order, and now it is 2½ years later, and the President tried to amend in November 2014 that last line to expand it so that those who have aged out would still have a chance because Congress has not acted otherwise. Why would the Senator from Maine draw that distinction saying that the President has the authority to write this order but not the authority to amend this order?

Ms. COLLINS. Mr. President, I am happy to respond to the point made by the Senator from Illinois.

The point is that the President's 2014 Executive order goes far beyond those who would ''age out,'' in his words; it adds entirely new categories of people. In fact, the estimates are that some 5 million undocumented individuals would be covered by the 2014 Executive order. Should the President unilaterally be allowed to make that kind of Executive order, that kind of change in our immigration law? The court has said no, and I believe the court is right about that. In fact, when these criteria were issued in 2012, the Senator from Illinois said in a press release as recently as June of last year, before the November Executive order, that this was a smart and lawful approach.

So the answer is, how do you draw the line, and what is the appropriate role of the executive branch vis-a-vis the legislative branch? And I say that as someone who believes and hopes that later this year we will take up a comprehensive immigration bill, and I hope to be able to support it again. But this is an issue of what is the proper role of Congress vis-a-vis the President under our constitutional system. And I was not surprised when the Texas court kept the 2012 Executive order but blocked the 2014 Executive order.

There is another issue the Senator from Illinois has raised that I think is a very important point to make. He has said that my bill could bar some of those who received the ability to stay in this country through the 2012 Executive order from renewing their status.

That is simply not how I read the Executive order, and I think it is very clear. Let's look at the 2012 Executive order. This is what it says. This is what Janet Napolitano talked about in ''exercising prosecutorial discretion.'' The June 15, 2012, DACA Executive order grants deferred action ''for a period of two years''—here are the key words—''subject to renewal.'' So there is nothing in my amendment that prevents children and young adults—people up to age 30—from getting a renewal of the deferred status that they have been granted through this Executive order. It says it right there: ''subject to renewal.''

But let's look further at the data. This is on DHS's Web site. According to the data from U.S. Citizenship and Immigration Services, the government has renewed more than 148,000 2012 applications as of the first quarter of this fiscal year, and many of them were completed before the November 2014 Executive orders were even issued.

So there is nothing in my bill that prevents the renewal of those individuals who received this status. It is very clear—148,000 of them have had their applications renewed.

The Senator from Illinois has said that I would prevent DHS from issuing a memorandum that allows for the renewal. There is no need for such a memorandum; otherwise, 148,000 of these young people would not have been able to get a renewal—and before the 2014 Executive order was even issued.

The Senator has also said that my bill calls into question the very legality of the 2012 DACA order because it is a ''very similar program to the 2014 Executive action.''

To restate my basic point, my bill does not affect the 2012 DACA Program. It is substantially different from the 2014 Executive order. In fact, if you read the language of the 2014 Executive order, it embraces that distinction. It specifically states that it does not rescind or supersede the 2012 DACA order.

Let me say that again. The 2014 Executive order specifically states that it does not rescind or supersede the Executive order that was issued in 2012. Instead, it says it seeks to supplement or amend it.

Mr. CORNYN. Mr. President, will the Senator yield for a question?

Mr. HOEVEN. The Senator from Texas.

Ms. COLLINS. I will be happy to yield to the Senator from Texas.

Mr. CORNYN. I appreciate the leadership of the Senator from Maine on this issue, and in her typical diligence and attention to detail, I think she has shown that the objections to a vote on the Collins amendment, which would be scheduled for Saturday unless moved up, are not well-taken.

I would ask the Senator from Maine whether her interpretation of the President's Executive action in November of 2014 is any different from what the President himself said 22 different times, when he said he did not have the authority to issue such an Executive action?

Ms. COLLINS. Mr. President, if I could respond to the senior Senator from Texas, he raises an excellent point. I would bring up a quote that is just one of those 22 quotes in which the President has said over and over again that he would like to do more on immigration, that he was very disappointed the House didn't take up the comprehensive immigration bill but that his hands were tied. I believe at one point he even said, ''I am not a king.''

Mr. CORNYN. Mr. President, will the Senator yield for a further question?

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I would ask the Senator from Maine—you are not alone—and the President is not alone—in stating your objections to the 2014 order. Your amendment would seek to get a vote and to put Senators on record. Is the Senator aware that there are a number—perhaps seven or eight Senators on the other side of the aisle who at different times around the November 2014 order said they were uncomfortable with the President taking this authority unto himself? In other words, I think the junior Senator from Maine was one who said that while he may agree with the outcome, this is not the right way to do it. Are you familiar with the fact that there are many of our Democratic friends who have expressed similar concerns about the illegality of the President's Executive action?

Ms. COLLINS. Mr. President, it doesn't surprise me that there are both Democratic Senators and Republican Senators who are extremely uncomfortable with what the President did last November because it is so outside of the scope of his authority as President that I think that most of my colleagues, in their hearts, on the other side of the aisle must have qualms and misgivings about what the President did. In fact, I would almost guarantee that if a Republican President had exceeded his Executive authority to that degree, there would have been an uproar. So I think this is important in terms of our protecting the checks and balances that our Founding Fathers so wisely incorporated into the Constitution. And I do believe there are even more Senators on the other side who may not have said what they were thinking but who really do have qualms about it even if they agree with the policy.

We need to distinguish between the policy—whether or not some Members agree with the policy; some Members don't—but the question is, Does the President's frustration with Congress's failure to pass immigration reform allow him to unilaterally write the law?

The Senator from Texas is a former Supreme Court justice in Texas, and through the Chair I would pose that question to him.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. I have to say to my friend, the Senator from Maine, that the Constitution is written in a way that divides government's authority between the executive, legislative, and judicial branches. And I, of course, agree that there can be no justification on the part of the President that somehow Congress hadn't acted enough or quickly enough or expansively enough to justify the extension of his authority under the Constitution.

I wish to ask my friend from Maine another question in order to drill down on her earlier point. It seems to me that the Senator from Illinois, the distinguished minority whip, is making the suggestion that we are mad about people benefiting from this Executive action, which, to my mind, could not be further from the truth. We all understand the aspirations of people wanting a better way of life and to have opportunities, but isn't it true that when we all take an oath to uphold the constitutional laws of the United States—whether you are the President or a Senator—we have a sacred obligation to make sure no branch, including the President, usurps the authority of another branch or violates those constitutional limitations?

Ms. COLLINS. Mr. President, the Senator from Texas, who has a fine legal mind and has served on the Texas Supreme Court, is exactly right.

Moreover, I wish to read what President Obama himself said about the very point the Senator from Texas made about the oath when we held up our right hand and were sworn into this body, and the oath the President took when he became President. Here is what the President said in July 2011:

> I swore an oath to uphold the laws on the books . . . Now, I know some people want me to bypass Congress and to change the laws on my own . . . But that's not how our system works. That's not how our democracy functions. That's not how our Constitution is written.

President Obama had it exactly right when he stated that reality.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. The Senator from Maine has been very patient with me. If I could ask two final questions.

Given the 22 different public statements the President of the United States himself said about his lack of authority to do what he did in November of 2014, given the reservations publicly expressed and reported by a number of Members on that side of the aisle about what the President has done, and given the fact there are 11 Democratic Senators who come from States that filed a lawsuit to block the President's Executive action, can the Senator from Maine understand why the Democratic minority would try to block the Senator's amendment, which would put all Senators on record as to whether they agree with the President when he said that 22 times, whether they agree with the court that issued the preliminary injunction, and whether they agree with their own States that participated in this litigation to block the implementation of this unlawful order?

Can the Senator think of any reason why they would try to block or defeat the Senator's amendment and put all Members of the Senate on record?

Ms. COLLINS. Mr. President, to respond to the Senator from Texas, I hope that will not happen. I have put forth a way forward for this body. I want to ensure that the Department of Homeland Security is fully funded throughout the fiscal year. I want to ensure that we do not overturn the 2012 DACA Executive order, which is narrow enough that it does not raise the very troubling issues the Senator from Texas has so eloquently outlined. But I do believe it is important for each of us to take a stand against the President's overreach here. This is important. This matters.

It is our job to protect the Constitution and to uphold our role, and that is what I am trying to do here—accomplish those three goals—and that is what the Senator from Texas is discussing.

Mr. CORNYN. Mr. President, if I could ask the Senator from Maine one final question.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. My friend has been enormously patient with me. We are trying to drill this issue down here so all of the Members of the Senate understand exactly what the Collins amendment does and does not do.

We have talked about the fact that not only are there Members of the Senate who are on record saying what the President did was an overreach, there are 11 Democratic Senators who come from States that filed a suit claiming irreparable damages to their States and will have an opportunity to vote for the Collins amendment—hopefully here soon.

I wish to ask the Senator: There is one part of what the President's Executive order does that, to me, stands out above and beyond the constitutional issues, and that is the ability of people who have committed domestic violence, child exploitation, sexual abuse, and child molestation to somehow get kicked back to the end of the line when it comes to being repatriated to their state.

For example, we all understand, as I said earlier, immigrants come here for a better life. We all understand that. We would hope they would come and play by the rules as opposed to not playing by the rules. Why in the world would the President want to reward, in effect, people who have committed domestic violence, child exploitation, sexual abuse, and child molestation by moving them down to a second-tier status of priority when it comes to repatriation?

Is the Senator familiar with what I am referring to? Perhaps my friend can enlighten us further on that.

Ms. COLLINS. Mr. President, I am familiar with the issue the Senator from Texas refers to, and I kept a provision included in the bill that we will be voting on at some point, on that issue. It seems to me, if you are a convicted sex offender, why do we want you in this country?

The irony is that just this week the Senate Judiciary Committee held a hearing on sex trafficking, and we heard heartbreaking stories of very young girls who had been abused by men, who had been taken from State to State, coerced into prostitution. I do not want those individuals, if they come from another country, to be allowed to stay here. All 20 of the women of the Senate requested this hearing from the Judiciary Committee, and the Senator from Texas and the Senator from Minnesota have bills that deal with this kind of human trafficking. We are trying to send a message that these individuals should be a high priority for deportation, but I want to make it clear that contrary to allegations that have been made about my bill—and, frankly, it is a completely specious argument—there is nothing in my bill that deprives the Department of Homeland Security of the authority it needs to pursue those who would seek to harm our country—those, for example, who are terrorists or belong to gangs or pose some sort of public safety or national security threat.

Indeed, the public safety threat is big enough to cover the people we are talking about, but we think they merit special mention in our bill. Why would we want to keep someone in our country who is deportable, who is a sex offender, who has been convicted of child molestation or domestic violence? It makes no sense.

Mr. CORNYN. Mr. President, if I could close with a followup question.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. I thank the Senator from Maine for her leadership on this important amendment. To me it is unthinkable that Senators would block a vote on the Collins amendment at some point in the process this week because what it does, as the Senator has pointed out, is basically reinforce what the President said himself 22 different times when he said he didn't have the authority. It reaffirms what the Federal District Court held in Brownsville recently, and which 26 States filed suit on. I share the Senator's bewilderment, really, at how on one hand we can be condoning people coming into the country and showing disrespect not only for our immigration laws but compounding that disrespect with these heinous offenses, such as domestic violence, child exploitation, sexual abuse, and child molestation, particularly after we voted unanimously out of the Senate Judiciary Committee on a bipartisan basis these anti-trafficking bills the Senator spoke about.

I want to close by thanking the Senator and the women of the Senate for leading us toward passage of this anti-trafficking legislation, but to also point out, once again, the complete unacceptability of this idea that somehow we are going to play games by blocking the Collins amendment vote and somehow condoning the same conduct on one hand and on the other hand we are condemning them through the passage of this anti-trafficking legislation.

I thank the Senator and the Presiding Officer.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the Senator from Texas for his contributions to this very important debate. I believe he helped to clarify a lot of important issues that I hope Members on both sides of the aisle will consider as they cast their votes.

I am for comprehensive immigration reform. I have voted that way. That is not what this is about. My bill simply prevents the executive branch from usurping the legislative power by creating categorical exceptions from the law for whole classes of people. That power belongs to Congress. Whether Congress was wrong or whether Congress was right, it does not give the President the authority to write the law on his own, and that is what he has done with his November 2014 Executive order.

I wish to make two other points before I close. The first point is there is nothing in my legislation that in any way undoes the more limited 2012 Executive order that applies to the DREAMers—nothing. It doesn't prevent them from being renewed nor does it take away their status. There is nothing that changes that Executive order. The first version of the House bill did, and I opposed that provision and it is not in my bill.

The second point I will make is that this debate is not about immigration. It really is about the power of the President versus the powers delineated in our Constitution for Congress and the judicial branch.

I will close, once again, with President Obama's own words, because he

got it right back in September of 2013. He said:

Congress has said ''here is the law'' when it comes to those who are undocumented . . . What we can do is to carve out the DREAM Act—

And that is what he did with his 2012 Executive order.

saying young people who have basically grown up here are Americans that we should welcome . . . But if we start broadening that—

Which is exactly what he did in his 2014 Executive order.

then essentially I would be ignoring the law in a way that I think would be very difficult to defend legally. So that's not an option.

That is why the court stayed the implementation of the 2014 Executive order.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

NET NEUTRALITY

Ms. CANTWELL. Mr. President, I rise today to speak about a historic decision by the Federal Communications Commission. It was a 3-to-2 decision in a landmark case that will go down as a way to protect an open Internet economy. Consumers all across America should applaud this decision—and I know they will in the Pacific Northwest—because we will be protecting an aspect of our economy that has created thousands of jobs and millions of dollars.

This decision, known as Net neutrality, simply says that cable companies and telecom companies cannot artificially charge more on the Internet, thereby slowing down traffic or making a two-tier system in which some applications would be given access to faster service and others not, based on what they paid for.

This is an important decision because it champions an open Internet economy that has built so many new aspects of the way we communicate, the way we educate, and the way we continue to transact business around the globe. In 2010 the Internet economy accounted for 4.7 percent, or approximately $68 billion, of America's gross domestic product. Next year that Internet economy is expected to pass $100 billion and comprise 5.4 percent of our country's estimated $18 trillion GDP. So in 6 years the Internet's value has climbed over 30 percent.

What this decision says is: Let's protect the Internet. Let's not artificially tax it, let's not artificially slow it down, and let's not artificially create two tiers of an Internet system and stymie innovation. So many of us now know and enjoy the benefits the Internet provides when we buy a Starbucks coffee and use an app to pay for it or use an app to get on an airplane—and so many other ways that we communicate in an information age. Slowing all that down by just one second causes big problems and curtails an economy of growth.

We all know we have questions about the way cable companies and phone companies charge us for data. Let's make sure the Federal Communications Commission does its job by overseeing those companies that might want to charge more for those services than they need to charge. Let's keep an open Internet. Let's have Net neutrality be the law of the land.

I applaud the FCC for this historic decision today.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

CELEBRATING BLACK HISTORY MONTH

Mr. BOOKER. Mr. President, I rise today in partnership with Senator THAD COCHRAN from Mississippi having just submitted a resolution recognizing and celebrating Black History Month here in the United States of America.

I wish to take a few moments before that to address an issue that very poignantly has been anguishing my heart for my entire life. From the time I was growing up in the small town of Harrington Park, NJ, through my career in school and college, this has been grieving my heart. It has been grieving my heart since I started working in a predominantly minority city—a city I love—Newark, NJ.

I bring this up in the context of a previous speech I gave about our broken criminal justice system that makes us singular, among all of humanity on planet Earth, for the amount of our population that we incarcerate. We have 5 percent of the globe's population but about 25 percent of all of the globe's imprisoned people. This explosion is not consistent with our history. In fact, it is inconsistent with our history. It is incongruent with our values. To be very specific, the explosion of our prison population is because of the war on drugs.

The bottom line is that there were fewer people incarcerated in 1980 for any reason than there are today in prison and jails for drug offenses alone. Let me say that again, we have more people incarcerated today, either in prisons or in jails, just for drug crimes than all of the people incarcerated in the year 1980. In fact, due to this drug war our Federal prison population has exploded about 800 percent.

In the context of what I am about to talk about in this resolution recognizing African-American history, I wish to particularly point to today this grievous reality that our war on drugs has disproportionately affected African Americans, Latinos, minorities, and the poor in general.

It is painful for me to have seen in my lifetime, in the town I grew up in or at Stanford or Yale, many of my friends using drugs such as marijuana, many of them buying drugs such as marijuana, and many of them selling drugs such as marijuana. But the reality is the justice system they experienced for breaking the law was very different than the justice system I saw in Newark, NJ. The reality is we don't have a system of equal justice under law, but a system that disproportionately affects minorities in a way that is stunning and an affront to our nation's values. Arrest rates for drug use have a disparate impact on people of color. There is no questioning that. This is unacceptable. When it comes to people who break the law in America, there is actually no difference between blacks and whites who have committed drug crimes—none whatsoever, but African Americans, for example, when it comes to marijuana, are arrested at 3.7 times the rate that whites are in this country. While their usages were similar in Newark or Stanford, law enforcement has arrested and incarcerated far more minorities living in urban communities than whites living in suburban communities.

Between 2007 and 2009, drug sentences for African American men were longer than those for white men. Drug sentences for black men were 13.1 percent longer for the same crime than those for white men. So not only are more African Americans and Latinos and people of color being targeted and arrested at higher rates than whites for the same crimes, but they are also getting and serving longer sentences.

Human Rights Watch put it simply. They found that even though the majority of illegal drug users and dealers nationwide are white, three-quarters of all people imprisoned for drug offenses are minorities. This should call out to the conscience of everyone in our country.

We believe fundamentally, at the core of our American values, in this ideal of equal justice under the law. The punishing thing about this is that not only are arrest rates higher, not only are they receiving longer sentences, but when we get such a disproportionate amount of people being arrested and incarcerated, the collateral consequences which they see at the end of the system become even more punishing on those communities. We now have cities in America that for certain age demographics, almost 50 percent of African American men have been arrested, and over 40 percent of Latino men have been arrested. And what that means is that once someone has a felony conviction for the nonviolent use of drugs, one's ability to go to college, to get a Pell grant, to get a job, and even to get many business licenses, is undermined.

Right now we see this punishing impact destroying many communities. Instead of empowering people to succeed, we are getting people trapped in our criminal justice system. Instead of the solid rock of success, people are being sucked into the quicksand of a broken criminal justice system. For example, the blacks and Latinos in the United States are 29 percent of the population but make up almost 60 percent of the prison population. In New Jersey, blacks and Latinos are 32 percent of

the total State population, but blacks and Latinos make up 81 percent of our prison population.

An often overlooked group in this discussion on the disproportionate impact on minorities is Native Americans. For instance, in North Dakota, Native Americans make up 5 percent of the total State population but 29 percent of the prison population. These numbers, again, go against the truth of who we are as a country.

So at this moment, when we are celebrating our history, when blacks and whites and Christians, Jews, and Muslims come together to advance our Nation—indeed, I stand here today because of the collective conviction of this country to live up to its values and ideals that all of us are created equal under God and that all of us should have an equal opportunity to succeed and be seen equally by our government.

It is at this moment that I say we can and must do better. In fact, many States, including red States, led by Republicans, are showing that there is a different way. For example, States such as Texas, Georgia, and North Carolina are leading on this issue. Texas is known for its law and order, but it has made tremendous strides in adopting policies that have decreased its prison population and positively affected minorities in the State. In fact, the Governor of Georgia continually talks about the fact that he has been able to lower his black male incarceration rate by about 20 percent over the past 5 years.

So as I prepare to join with the great Senator from Mississippi, I just want to say from the bottom of my heart that it is time to reform our legal system to make it truly a justice system. We want it so that everyone under the law faces equal treatment and so that we empower our entire community in America to be successful, not tie them up unnecessarily when even though they have paid the price for their crime. Punishment should not haunt someone for the rest of their existence.

I remember these words spoken by the great Langston Hughes, one of our great American poets, an African-American man who once said: There is a dream in this land with its back against the wall; to save this dream for one, we must save it for all.

This is the dream of America. We can do better. Indeed, many communities are committing themselves to creating a justice system which we can be proud of. We know in the Senate—Members on both sides of the political aisle; whether it is Senator LEE or Senator DURBIN or whether it is Senator CORNYN or Senator WHITEHOUSE—that together we can evidence these values.

With that, I recognize and yield for a moment to a friend and an ally, the Senator from Mississippi, THAD COCHRAN.

Mr. COCHRAN. Mr. President, I am very pleased to join my friend in introducing legislation celebrating Black History Month. This opportunity provides us with an excuse, if we need one, to remember the challenges and the failures of the past, and the embarrassments and the criminalities, and so many challenging and horrible things that have characterized the treatment of citizens in the United States with injustice, with discrimination, with segregation, and all of the horribles we can remember as we contemplate this subject.

Today, the Senator from Mississippi is joining the Senator from New Jersey and others in giving us another opportunity to not only remember past injustice and celebrate victories over it but also to commemorate contributions being made today throughout our country to ensure equality and justice and opportunity for all Americans.

The rich history we have as a nation should include a promise for the future carved by African Americans as central contributors. They were here during the darkest times. They are still here, and they are continuing to make huge and important contributions to our Nation.

So I am pleased to join my friend, the distinguished Senator from New Jersey, to support the adoption of our resolution.

The PRESIDING OFFICER (Mr. CASSIDY). The Senator from New Jersey.

Mr. BOOKER. Mr. President, I cannot tell you how grateful I am for those good words from my colleague. Truly, they resonate with my heart and my spirit. The gravity of this historic moment is not lost on me. It is a tribute to his character that he cosponsored this with me, as he understands, as he said so clearly, that American history is a beautiful mosaic, with contributions from every corner of the globe being made in this great country that we call the United States of America.

It is with that spirit and that recollection of our past, with a commitment to forge an even brighter future, that I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 88, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 88) Celebrating Black History Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BOOKER. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 88) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

Mr. BOOKER. Mr. President, I am grateful for that. Again, I thank my colleague for his partnership.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2015—MOTION TO PROCEED—Continued

ORDER OF PROCEDURE

Mr. BOOKER. Mr. President, I ask unanimous consent that the Republicans control the next hour and that the Democrats control the following hour.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Under the previous order, the majority will control the next hour, and the Democrats will control the following hour.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, on July 14 of last year, I wrote a letter to lawmakers on both sides of the aisle warning that the President was planning to issue an Executive amnesty for 5 million illegal aliens—people unlawfully in America. Congress was at the time considering a supplemental funding measure for the Department of Homeland Security.

I wrote:

> Congress must not acquiesce to spending more taxpayer dollars until the President unequivocally rescinds his threat of more illegal executive action... If Congress simply passes a supplemental spending bill without these preconditions, it is not a question of if the President will suspend more immigration laws, but only how many he will suspend.

Executive amnesty became a major issue in the election last November. Many Members of the Senate and House who had supported these immigration policies of the President didn't come back. They were sent home, and many returning on both sides of the aisle said during their campaigns that they opposed these policies.

Still, on November 20, after a historic midterm election defeat, President Obama defied the will of the American people and Congress and issued his Executive amnesty for 5 million persons. This amnesty included not just the right to stay in America but an explicit photo ID, work authorization, work permits, Social Security numbers and Social Security benefits, Medicare benefits, cash tax credits, and the right to basically take any job in America—at a time of high unemployment and falling wages, as economists have told us is happening.

Each of these measures had been considered and explicitly rejected by Congress. It wasn't as if this was something the President just conceived. It had been considered and rejected. Congress acted decisively to oppose the President's legislation and to maintain in effect the current laws of the United States as codified in the Immigration and Nationality Act. President Obama's Executive action nullified the immigration laws we do have and replaced them with the very measures Congress and the American people have time and time again rejected.

Not even King George III had the power to act without Parliament. President Obama himself described such an action as being something only an emperor could do. Those were his words. Twenty-two times the President declared such an action would be illegal. President Obama ignored his own warnings and issued an edict that defies the Congress, the Constitution, and centuries of legal heritage that gave birth to our present Republic.

The Founders, in their wisdom, gave the Congress the tools it would need to stop a President who overreaches. First, it gave the power to pass laws to the Congress, as every child in school knows. Congress passes the laws, not the President. This is a matter of great fundamental importance. Then it gave the Congress the tools it would need to stop a President because they anticipated Presidents may overreach in the future. Chief among those powers is the power of the purse, and that is what we are talking about today: Should Congress fund the President's actions that are contrary to law, contrary to congressional wishes, and contrary to the American people's wishes? That is the question.

Let me now read from the Federalist Papers, Federalist 58, authored by the great Father of the Constitution, James Madison. He is talking about the House of Representatives, and the House of Representatives now has funded Homeland Security fully. Everything that needs to be passed to fund the Homeland Security operations they passed. They simply said: You cannot spend money to provide amnesty and these benefits and these Social Security and ID cards. You can't spend money on that. We don't approve spending money on that.

So what has happened in the Senate? Our Democratic colleagues have filibustered the bill. They will not even let it come up on the floor, not even to vote on amendments. Senator MCCONNELL told them they would have amendments. It has put the Congress and the country in a very difficult position.

This is what Madison said:

> The House of Representatives cannot only refuse, but they alone can propose, the supplies requisite for the support of government. They, in a word, hold the purse, that powerful instrument, by which we behold, in the history of the British Constitution, an infant and humble representation of the people gradually enlarging the sphere of its activity and importance, and finally reducing, as far as it seems to have wished, all the overgrown prerogatives of the other branches of government. This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people, for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure.

It is a complete power of the elected representatives by the people of America. First of all, the American people through their elected representatives rejected the President's policies on immigration. They chose to keep current law, but this did not satisfy the President. He asked Congress to change it, and Congress refused. They refused in 2006, 2007, 2010, 2013, 2014. It has been rejected by Congress repeatedly. So that is where we are.

Congress has no duty to do this. Congress has no obligation to fund those actions which it believes simply are unwise. It has an absolute duty, it seems to me, not to fund actions which are unlawful and unconstitutional. Congress cannot fund an action which dissolves its own powers.

Congress shouldn't fund Presidential actions that are against the law, and Congress certainly cannot fund an action which dissolves its own powers. Congress cannot become a museum piece, a marble building that tourists visit to hear about great debates from long ago, but which now exists merely to approve that which the President demands. It doesn't have to approve one thing the President asks for if it is not a correct thing.

So consider the precedent being established here: Congress passes a law, just as Congress passed the Immigration and Nationality Act. A President proposes a new law to replace the current one. Hearing vast public opposition, Congress rejects the new law the President has proposed. Frustrated, the President then issues an edict eliminating the current law and replacing it with measures he has proposed but which the people's representatives had rejected. The President then demands Congress provide him with the money to execute his unlawful program. The Congress says no. The President then accuses Congress of shutting down the government for not funding his unlawful program. Congress surrenders, quits, gives up, and the President gets what he wants.

Have the people of the United States been served in that fashion? Has the Constitution of the United States been served? Has the Congress of the United States not acquiesced in its own diminishment, violating its duty to ensure that every dollar spent by the Government of the United States is spent on policies that are appropriate?

Well, is this to be the new normal? Congress must provide the President with the funds he wants for any project he dreams up, no matter how illegal or unconstitutional? Is the power of the purse now a historic concept never to be used again when it is needed most? There is no more basic application of congressional power than to establish where funds may or may not be spent. Indeed, that is the very definition of an appropriations bill. There could never be a more important time to exercise such a power than when free government, our republican heritage itself, is at stake.

We cannot let this Congress go down in the history books as the Congress that established a new precedent that we will fund any imperial decree that violates established American law.

And this is not a minor constitutional violation; it is an explosive violation. It threatens our very sovereignty, the extent of which exceeds anything I have ever seen in my time in the Senate. I cannot imagine and cannot recall one in the past—so blatant a violation. Essential to any sovereign nation is the enforcement of its borders, the application of uniform rules for exit and entry, and the delivery of consequences for any who violate those rules.

But the President has suspended those borders, erased those rules, and replaced consequences with rewards. People who have entered unlawfully, stayed here unlawfully, are being rewarded with work permits, Social Security benefits and Medicare benefits, ID cards, legal status. He has arrogated for himself the sole and absolute power to decide who comes to the United States. That is, in effect, what it is. He gets to decide unilaterally who can stay and live in the United States and who works in the United States.

At this very moment, he continues—despite a court order—to allow new illegal immigrants by the thousands to stream across the border, to violate their visas, and to wait for their amnesty too, which they expect will occur sometime in the future. Why not? Every officer and expert in the Border Patrol and USCIS has told us if this stands, it will encourage more illegal immigration in the future.

I cannot vote for any legislation that funds this illegal amnesty. There must be a line in the sand and a moment where people say: This is where it stops. That is why I will oppose the legislation if these amnesty restrictions are removed from the House bill. I will support the House bill, but I cannot support the bill if the restrictions are removed. I will urge my colleagues to do the same.

Look, the American people are right and just and good and decent people. They have asked of Congress, begged of Congress, pleaded with Congress for years for our laws to be enforced. They want us to have a lawful system of immigration that serves the national interests, one they can be proud of, one that people can rely on when they apply to come to the United States.

They have demanded—and Congress responded and has passed laws over the years to protect the jobs and the wages of the American people. They have elected lawmaker after lawmaker,

however, who has pledged to do this and make this system work, and to end the lawlessness.

But each time their will has been nullified. Each time their laws that have been passed have been ignored. Each time the special interests, the open-border billionaires, the global elites, get their way.

In the simplest of terms, here is where we stand now, truly: Six of our Democratic colleagues need to switch their votes and end the filibuster of the House bill. Six Senate Democrats are standing in the way of the interests of 300 million Americans. Six Senate Democrats are keeping from protecting American workers and American borders.

They are uniform, in lockstep, blocking the consideration of the House bill that funds Homeland Security but does not fund the unlawful actions of the President. So we will have to take this case to the American people and see whether it is indeed possible these Democrats are able to defy the hopes, dreams, and sacred rights of every law-abiding American citizen.

AWARDING A CONGRESSIONAL GOLD MEDAL TO THE FOOT SOLDIERS WHO PARTICIPATED IN BLOODY SUNDAY, TURNAROUND TUESDAY, OR THE FINAL SELMA TO MONTGOMERY VOTING RIGHTS MARCH IN MARCH OF 1965

Mr. SESSIONS. Mr. President, I am excited about an event today. I had the honor—Senator BOOKER was on the floor earlier today. He is a cosponsor with me. We celebrate today the passage of a gold medal bill.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 24, S. 527.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 527) to award a Congressional Gold Medal to the Foot Soldiers who participated in Bloody Sunday, Turnaround Tuesday, or the final Selma to Montgomery Voting Rights March in March of 1965, which served as a catalyst for the Voting Rights Act of 1965.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 527) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 527

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

SECTION 1. FINDINGS.

The Congress finds the following:

(1) March 7, 2015, will mark 50 years since the brave Foot Soldiers of the Voting Rights Movement first attempted to march from Selma to Montgomery on ''Bloody Sunday'' in protest against the denial of their right to vote, and were brutally assaulted by Alabama state troopers.

(2) Beginning in 1964, members of the Student Nonviolent Coordinating Committee attempted to register African-Americans to vote throughout the state of Alabama.

(3) These efforts were designed to ensure that every American citizen would be able to exercise their constitutional right to vote and have their voices heard.

(4) By December of 1964, many of these efforts remained unsuccessful. Dr. Martin Luther King, Jr., working with leaders from the Student Nonviolent Coordinating Committee and the Southern Christian Leadership Conference, began to organize protests throughout Alabama.

(5) On March 7, 1965, over 500 voting rights marchers known as ''Foot Soldiers'' gathered on the Edmund Pettus Bridge in Selma, Alabama in peaceful protest of the denial of their most sacred and constitutionally protected right—the right to vote.

(6) Led by John Lewis of the Student Nonviolent Coordinating Committee and Rev. Hosea Williams of the Southern Christian Leadership Conference, these Foot Soldiers began the march towards the Alabama State Capitol in Montgomery, Alabama.

(7) As the Foot Soldiers crossed the Edmund Pettus Bridge, they were confronted by a wall of Alabama state troopers who brutally attacked and beat them.

(8) Americans across the country witnessed this tragic turn of events as news stations broadcasted the brutality on a day that would be later known as ''Bloody Sunday.''

(9) Two days later on Tuesday, March 9, 1965, nearly 2,500 Foot Soldiers led by Dr. Martin Luther King risked their lives once more and attempted a second peaceful march starting at the Edmund Pettus Bridge. This second attempted march was later known as ''Turnaround Tuesday.''

(10) Fearing for the safety of these Foot Soldiers who received no protection from federal or state authorities during this second march, Dr. King led the marchers to the base of the Edmund Pettus Bridge and stopped. Dr. King kneeled and offered a prayer of solidarity and walked back to the church.

(11) President Lyndon B. Johnson, inspired by the bravery and determination of these Foot Soldiers and the atrocities they endured, announced his plan for a voting rights bill aimed at securing the precious right to vote for all citizens during an address to Congress on March 15, 1965.

(12) On March 17, 1965, one week after ''Turnaround Tuesday'', U.S. District Judge Frank M. Johnson ruled the Foot Soldiers had a First Amendment right to petition the government through peaceful protest, and ordered federal agents to provide full protection to the Foot Soldiers during the Selma to Montgomery Voting Rights March.

(13) Judge Johnson's decision overturned Alabama Governor George Wallace's prohibition on the protest due to public safety concerns.

(14) On March 21, 1965, under the court order, the U.S. Army, the federalized Alabama National Guard, and countless federal agents and marshals escorted nearly 8,000 Foot Soldiers from the start of their heroic journey in Selma, Alabama to their safe arrival on the steps of the Alabama State Capitol Building on March 25, 1965.

(15) The extraordinary bravery and sacrifice these Foot Soldiers displayed in pursuit of a peaceful march from Selma to Montgomery brought national attention to the struggle for equal voting rights, and served as the catalyst for Congress to pass the Voting Rights Act of 1965, which President Johnson signed into law on August 6, 1965.

(16) To commemorate the 50th anniversary of the Voting Rights Movement and the passage of the Voting Rights Act of 1965, it is befitting that Congress bestow the highest civilian honor, the Congressional Gold Medal, in 2015, to the Foot Soldiers who participated in Bloody Sunday, Turnaround Tuesday or the final Selma to Montgomery Voting Rights March during March of 1965, which served as a catalyst for the Voting Rights Act of 1965.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of Congress, of a gold medal of appropriate design to the Foot Soldiers who participated in Bloody Sunday, Turnaround Tuesday, or the final Selma to Montgomery Voting Rights March during March of 1965, which served as a catalyst for the Voting Rights Act of 1965.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

(c) AWARD OF MEDAL.—Following the award of the gold medal described in subsection (a), the medal shall be given to the Selma Interpretative Center in Selma, Alabama, where it shall be available for display or temporary loan to be displayed elsewhere, as appropriate.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

Mr. SESSIONS. Mr. President, this marks the 50th anniversary of the Voting Rights Act of 1965, and that historic event in Selma, AL, in March of 1965. So this bill, I believe, is a fitting honor that recognizes the courage and determination of the civil rights marches at Selma 50 years ago.

The Selma-to-Montgomery march was a pivotal event in the drive to achieve the right to vote for all Americans, a right which was being systematically denied in that area and other places in the country. This action was historic. It dealt a major blow to deliberate discrimination. It produced a positive and lasting change for Americans.

Those who stood tall for freedom on that fateful day deserve to be honored with the Congressional Gold Medal. It is a rare thing. We do not give it out often. But this is a very special occasion. I think these courageous individuals are greatly worthy of this high recognition from the Congress.

I would note that two Alabama Congresswomen, new, younger Members of the House of Representatives, MARTHA ROBY, a Republican, and TERRI SEWELL, a Democrat, introduced similar bills in the House of Representatives, which passed unanimously, 420 to 0. The Senate bill today that Senator BOOKER and I have moved out of the Senate banking committee, which my colleague from Alabama, Senator SHELBY, chairs—it moved out of that committee unanimously. It now has been passed through the Senate.

It was a very historic day. It marked an alteration in the history of America. It changed an unacceptable abuse of American rights, the right to vote, and it created a more positive world, country, and region. I grew up not too far from there. I was in high school or junior high school when that happened. I remember reading about it, thinking about it, but I do not think I fully understood the significance of it until time had gone by.

I think this is a very fitting honor. I am pleased it has passed today. I am pleased for those who will receive the honor.

I yield the floor.

Mr. MENENDEZ. Mr. President, I support S. 527, a bill to honor the foot soldiers of the historic civil rights march that led thousands from Selma to Montgomery in a peaceful protest for their right to vote.

I am proud to cosponsor this bill, which would award the Congressional Gold Medal to those who gave their blood, sweat, and tears in the name of ending unfathomable injustices in our country. In honor of the 50th anniversary of the march, this award will recognize those whose groundbreaking efforts acted as a catalyst for the Voting Rights Act and made our Nation a more free and equitable place.

Bloody Sunday, Turnaround Tuesday, and the final 54-mile march from Selma to the Alabama state capitol in Montgomery were defining moments in the never-ending struggle for equal treatment under the law. On Bloody Sunday, peaceful marchers at the Edmund Pettus Bridge by Selma were met by State troopers and locals, resulting in a brutal conflict. Seventeen members of the march were hospitalized, and shameful images of protesters being beaten with nightsticks focused national and worldwide attention on the event. Following Turnaround Tuesday, in which 2,500 marchers held a silent prayer at the same bridge, and a court battle to stop police interference with the march, a final march took place with over 25,000 people flooding the State capitol.

The Bloody Sunday, Turnaround Tuesday, and Montgomery marches created undeniable momentum for change, and the events left an indelible mark on our national consciousness. President Johnson presented the Voting Rights Act to Congress shortly after Turnaround Tuesday, and by August of the same year, the bill passed Congress.

This bill would provide the plainly warranted recognition to these brave men and women. It would provide a Congressional Gold Medal to be displayed at the Selma Interpretive Center near the Edmund Pettus Bridge, a fitting tribute to the Foot Soldiers who made that fateful march.

Our country was founded on the precept that the power of government is derived from the people it governs. The primary form of expressing opinions in our democracy is through voting. The marchers who risked everything were committed to ensuring our democracy was truly representative, leaving a lasting and positive effect on our Nation. I salute these Foot Soldiers today, and I urge the Senate to swiftly pass this important legislation.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2015—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized to speak as in morning business for such time as I shall consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be permitted to use a visible example of the cold weather during my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLIMATE CHANGE

Mr. INHOFE. Mr. President, I am reminiscent, with the snow on the ground, of 5 years ago. The Presiding Officer was not here at that time. He does not have the advantage of knowing the story of what is behind this. The story that is behind this is that back when they started all the hysteria on global warming, there happened to be another snowstorm that was unprecedented. It set a record that year.

There is a charming family of six, I say to my friend in the chair, who built this. Their picture is here. That happens to be my daughter and her family of six. At that time it got a lot of attention. It actually got a lot of national attention.

In case we have forgotten, because we keep hearing that 2014 has been the warmest year on record, I ask the Chair: Do you know what this is? It is a snowball. That is just from outside here. So it is very cold out, very unseasonable. So, Mr. President, catch this.

We hear the perpetual headline that 2014 has been the warmest year on record. Now the script has flipped. I think it is important, since we hear it over and over and over again on the floor of this Senate. Some outlets are referring to the recent cold temperatures as the ''Siberian Express,'' as we can see with the snowball out there. This is today. This is reality.

Others are printing pictures of a frozen Niagara Falls. And 4,700 square miles of ice have formed on the Great Lakes in 1 night. That has never happened before.

Let's talk more about the warmest year claim. On January 16, NASA's Goddard Institute for Space Studies and the National Oceanic and Atmospheric Administration, NOAA, concluded that 2014 was the warmest year in modern record, which starts in 1880.

NASA relied on readings from over 3,000 measuring stations worldwide, and only found an increase of just two one-hundredths of a degree over the previous record. Now an important point that was left out of the NASA press release was that the margin of error, which on average is 0.1 degree Celsius, was several times greater than the amount of warming. So, in reality, it is so far within the margin of error that it is not really recordable. This discrepancy was questioned at a press conference, and NASA's GISS Director backtracked.

This is the Goddard Institute for Space Studies. He backtracked on the warmest year headline saying there was only a 38-percent chance that 2014 was the warmest year on the record. Another recent report issued by the Berkeley Earth surface temperature project, using data from more than 30,000 temperature stations, concluded that if 2014 was the warmest year on record, it was by less than 0.01 degrees Celsius—again, below the margin of error ultimately making it possible to conclude that 2014 was the warmest record on year.

Additional climate experts, including University of Oklahoma geophysicist David Deming, have stated that the warmest year on record statement is only as relevant as when the record actually began. Others state that record-setting conclusions issued in January require the use of incomplete data because the preponderance of the data arrives much later from underdeveloped and developing nations.

The media was quick to ditch the warmest year on record claim as cold weather has left most of the country experiencing record low temperatures.

Tuesday's Washington Post highlighted all of the longstanding records that were broken in the Northeast and Midwest.

My State is Oklahoma and that is not even included in this article. But we set 146 records—alltime records—in my State of Oklahoma just during that time.

According to the National Weather Service, 67 record lows were broken on Monday and Tuesday of this week.

Whether news cycles or climate cycles, variations in hot and cold are really nothing new. Recent climate change discussions like to focus on climate trends post-1880, but the reality is that climate change has been occurring since the beginning of time.

The chart behind me is very interesting because it shows two things that everyone agrees with. The first is that we had the medieval warm period. This

is a period of time starting about 1000 A.D. and going to about 1400 A.D. This is a major warming period that led into what they call the little ice age, which was about 1500 A.D. to about 1900 A.D.

The interesting thing is that many of us in this room remember that when they first started talking about global warming, a scientist named Michael Mann developed what they call the hockey stick theory, and that had a hockey stick showing that for a long period of time we had temperatures that were level, and then all of a sudden they started going up like the blade of a hockey stick.

The problem was they neglected to note that the two periods were, in reality, in his sketch of a hockey stick. So in his opinion then, as portrayed by the hockey stick, there was no medieval warm period or little ice age.

By the way, this Michael Mann is the same one who was featured as the main person who was guilty of violations that created this term called the climate change, which was characterized as the most outrageous. I don't have it in my notes, but one of the publications in England talked about the worst scientific disgrace in national history.

Time magazine had a chart, and this is interesting because people who look at the weather and get concerned about all the warming periods and the cold, to them the world is coming to an end. This one shows that in 1974 another ice age was coming. That is the actual cover of the magazine. So everyone is concerned that the world is coming to an end, and at the same time they were talking about the fact that there is going to be another ice age.

In the past 2000 years there was the medieval warm period followed immediately by the little ice age. These two climate events are widely recognized in scientific literature. No one has refuted these. These are incontrovertible.

In 2006 the National Academy of Sciences released its study ''Surface Temperature Reconstructions for the Last 2000 Years,'' and that acknowledged that there were relatively warm conditions during that period of time.

So that is history, and that is behind us.

While that is still up, I will go on and fast forward. That same magazine, Time magazine, had as its cover a short time after that this poor, typical, polar bear that is standing on the last piece of ice—and we are all going to die because global warming is coming.

This is something that has been happening over long periods of time. Every time it does, everyone tries to say that the world is coming to an end and that somehow man is so important and so powerful that he can change that.

In 1975 Newsweek published an article titled ''The Cooling World,'' which argued that global temperatures were falling and terrible consequences for food production were on the horizon—and all of that. Well, we know about that.

This highlights that the climate is changing, and it always has been changing.

In fact, our recent vote during the Keystone XL Pipeline debate showed that 97 of us in this Chamber—Democrats and Republicans—agreed that climate has always been changing. I made a little talk on the floor at that time and I said: You know, I think this is something on which we can all agree. If we look at archaeological diggings, history, the Scriptures, climate has always been in changing.

Despite a long list of unsubstantiated global warming claims, climate activists and environmental groups will cling to any extreme weather-related headline to their case for global warming and to instill the fear of global warming in the American people. People sometimes ask me why. Why do you suppose they are doing this, spending all this time?

They tried it through legislation. We defeated it. Now it is through regulations that would cost between $300 billion and $400 billion a year. Yet it wouldn't have any effect on what they perceive to be global warming. So that is the question. Why is it?

There is a scientist by the name of Richard Lindzen. Richard Lindzen is with MIT. Some of us have argued he is the most knowledgeable of all the climate scientists. He answered that question. He said: You know, regulating carbon is like regulating life. If you regulate carbon, it is a bureaucrat's dream, because regulating carbon regulates life. So it is a power struggle.

I think that is probably the best answer. I am not a scientist. I don't claim to be. But I quote scientists, and they have the answers to these questions.

TERRORISM

Now, President Obama is using a similar tactic in order to scare Americans into supporting his extreme climate change agenda. In a recent interview, President Obama agreed that the media overstates the dangers of terrorism while downplaying the risks of climate change. His Press Secretary, Josh Earnest, later reiterated that President Obama believes climate change affects far more Americans than terrorists.

Now, that is the first time we heard that. But wait until we hear later what the President himself and his Secretary of State said. According to the President, the biggest challenge we face is not the spread of Islamic extremist terrorism in Syria, Iraq, Egypt, Algeria, Libya, Tunisia, Afghanistan, Pakistan, Somalia, Yemen or Nigeria. The greatest threat that we face is not Russian aggression in NATO and the United States, as well as its invasion of Georgia and Ukraine. It is not the expansion of Iranian influence and sponsorship of terrorism throughout the Middle East or its pursuit of a nuclear weapons system to deliver it and to be able to hit the United States of America. The greatest threat is not North Korea's continued development of its nuclear weapons stockpile and the improving of their delivery systems to include the January 23 launch of a sea-launched ballistic missile that was called the KN–11. I think we are all aware of that. And the greatest threat is not the continued capture and killing of reporters, missionaries, businessmen, Christians, and other non-Muslims in what has clearly been a religious confrontation being pursued. The President's position is that global warming is our greatest threat—greater than all the things I just mentioned. It is underscored by the fact that he won't even publicly state that the 21 Egyptians executed by ISIL in Libya were Christians. He won't recognize that, and he won't recognize that it has anything to do with radical Islam.

He goes out of his way to downplay the actions and dangers of ISIS even though the group continues to terrorize the world. Just this past weekend, ISIS abducted over 70 Syrian Christians, including women and children from villages in eastern Syria. To my knowledge, we don't know what they have done with them yet. But there are 70 of them, and the previous 21 were killed because of their Christianity.

According to the President, our biggest threat is not the continued threats made by extremists against the United States and its citizens. It is not the successful attacks carried out in the United States and other places such as New York, Boston, Fort Hood or potential attacks of lone wolves or sleeper cells against soft targets such as the Mall of America, which is the most recent subject of an ISIL threat. Even as these atrocities are taking place, President Obama is telling the world that climate change is a greater threat to our Nation than terrorists. This is just another illustration that this President and his administration are detached from the realities that we are facing today and into the future.

His repeated failure to understand the real threat to our national security and his inability to develop a coherent national security strategy has put this Nation at a level of risk that has been unknown for decades.

His failure of leadership and his gutting of our military have weakened our ability to influence and respond to crises. This all comes at a tremendous cost to our national security.

The President has accused the media of overstating the problem, heightening the fears of the population. As he downplays the threats, we see photos of young children standing in military-like formation, being brainwashed into ISIS or ISIL extremism. We shouldn't be surprised. It is a natural outgrowth of the President's failed leadership.

In 2012 and 2013 President Obama spoke of helping Libya and Yemen fight terrorism. Yet as he addressed

this Nation, both countries spiraled toward chaos, creating terrorist safe havens. Just days after his speech, Yemen's Prime Minister and his Cabinet resigned amidst a coup by the Iranian-backed Houthi rebels.

The administration aided instability in Afghanistan by releasing the most senior leaders of the Taliban, the Taliban dream team. We all remember that.

We had just passed a law saying that the President cannot release anyone from Gitmo—from Guantanamo Bay—without giving 30 days' notice to Congress. Yet he totally ignored that and let these people go. Some of the terrorists out of Gitmo—I carry this card with me because it is really not believable. Of the five that he turned loose, one was named Mohammed Fazil, and the Taliban commander said that Mohammed Fazil's release ''is like pouring 10,000 Taliban fighters into the battle on the side of jihad. Now the Taliban have the right lion to lead them in the final moment before victory against Afghanistan.''

Now, I don't know where these are. I suggest that all five have returned to the battle. The record is that of those who have been released, some 29 percent have gone back to the battle.

So that is taking place. Mullah Omar, the Taliban's leader, called the release a great victory.

This action allowed these men to rejoin the fight against our service men and women. This is a big deal.

The President quickly withdrew from Iraq, leaving a vacuum for ISIS to fill, which is now requiring our military to return. The President wants to repeat our errors with a speedy withdrawal from Afghanistan, and that is despite the advice of his commanders on the ground and the request by Afghanistan's newest President, Ashraf Ghani, to reexamine our withdrawal plan.

He has de-Reaganized Europe by drastically cutting our forces, acquiescing to Russian influences by cutting our ballistic missile defense site in Poland and our radar in the Czech Republic. I remember when that happened. I was so concerned about that because we put the radar site and the ballistic missile defense site in Poland and the Czech Republic because—that was for the protection of Western Europe and Eastern United States because we don't have the capacity to offer protection the American people should expect. But the President did that anyway. He failed to provide assistance—apart from the MREs and blankets. Instead of sending weapons to the Ukrainians, he sends blankets.

We had Poroshenko, the President of Ukraine, come in and give a speech to a joint session of Congress. In that speech he said we need to have some defense against what Putin and the Russians are doing with the separatists in his country of Ukraine.

I happened to be over there. I was over there during the parliamentary elections. Not many people in America realize that in the Ukraine—our very good friends in Ukraine had their parliamentary elections in October, and President Poroshenko looked me in the eyes and said very proudly how good the outcome was. This was the first time in 96 years that the Ukraine had parliamentary elections and didn't elect one Communist to a seat in the Parliament. That was the first time that had ever happened. Yet the President said in his State of the Union message:

> We're upholding the principle that bigger nations can't bully the small—by opposing Russian aggression, supporting Ukraine's democracy, and reassuring our NATO allies.

That is what he said, standing in the House Chamber, in his State of the Union speech. Yet, under the President's failed leadership, we have seen two ceasefire failures in the Ukraine, thousands of civilians displaced, and approximately 5,000 people killed.

America's assistance is vital to denying Putin's attempts to destabilize the region. Yet it is not happening. It is not happening under the Obama administration. This administration is overwhelmed by world events and blind to the fact that terrorists are at war with America and our way of life. We now live in a world where our allies don't trust us and our enemies don't fear us. When will the President and his administration take the steps required to minimize the risk to Americans and our allies by providing this country with a national security strategy—one that addresses today's global security environment, grows back our military and its readiness, and deals with our enemies from a position of strength, not weakness and not appeasement?

These are the biggest threats facing our Nation today. It is decidedly not global warming. The threat of war, terrorism, and extremism has plagued the Earth for centuries. The United States is not immune. We must take all threats seriously and take every responsible action to secure our freedom. Threats to our national security are always the most serious threats we face. Issues such as global warming or global cooling 40 years ago are simply not what we need to be worrying about in the same breath when we are talking about national defense.

I say this because I have a deep concern. I was the ranking member on the Senate Armed Services Committee, and I am in a position to see what is happening around the world. The threats we are facing are unprecedented.

Just yesterday we had a hearing, and we had James Clapper, the Director of National Intelligence. This is one of the things he has been quoted as saying:

> Looking back over my now more than half a century in intelligence, I've not experienced a time when we've been beset by more crises and threats around the globe.

In the hearing we held yesterday, the Director said:

> When the final accounting is done, 2014 will have been the most lethal year for global terrorism in the 45 years such data has been compiled.

So this goes on and on. This is what the military says. This is the threat we face. Everyone understands it except the White House.

On February 25, just yesterday, Secretary of State Kerry said—and keep in mind he said this with all these threats we are facing:

> Today is actually, despite ISIL, despite the visible killings that you see and how horrific they are, we are actually living in a period of less daily threat to Americans and to people in the world than normally—less deaths, less violent deaths today than through the last century.

We all know better than that. We know how threatened we are. Everyone knows it except the White House, and they are going to have to wake up to save our Nation.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent that I be allowed to speak for 3 minutes notwithstanding the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO LOUIS STOKES

Mr. BROWN. Mr. President, at a quarter after, I am leading a group of seven or eight Senators to talk about the trade promotion authority and the transpacific partnership, but I would like to take this opportunity while the floor is empty—and I thank my Republican colleagues—to talk about Ohio civil rights pioneer Congressman Louis Stokes. I have known him for 35 years. We celebrated his 90th birthday on Monday, and I had the opportunity to speak to him.

Lou Stokes is a proud son of Cleveland, the city in which I live. He was born in that city nine decades ago and grew up in one of the first Federal housing projects in the country.

Lou rose to prominence as a lawyer and a legislator. His father worked in a laundromat and his mother cleaned houses. Lou himself shined shoes to earn extra money. He served in the Army during World War II and went to college at night on the GI bill. He is the American success story.

Lou was stationed in the Deep South during segregation. He was appalled by the discrimination he witnessed, even for those wearing the uniform and serving our country. That experience compelled him to dedicate his life to fighting injustice.

He handled matters big and small in his legal practice. He argued the landmark case of Terry v. Ohio before the U.S. Supreme Court. The Court's ruling

in Terry addressed the police stop-and-frisk policy and defined what constitutes a reasonable search and seizure.

As the first African American to represent Ohio in the U.S. Congress and the first African American to serve on the Committee on Appropriations, his mere presence was groundbreaking. But Lou never rested on his laurels. While serving as a Congressman for 15 terms, he was a fierce advocate for the city he loves and for civil rights. Lou didn't use his success to seek glory for himself; he used his powerful position to expand opportunities for men and women, for people of all colors, and young people and old people.

After retiring from Congress, he didn't retire; he returned home to Cleveland and played a key role in Cleveland's civic life. His role at Squire Sanders was instrumental in the firm's growth. Working alongside his longtime friend and my friend John Lewis—the lawyer John Lewis in Cleveland, not Congressman JOHN LEWIS in Washington—he made a difference in so many ways.

Lou served on the Ohio Task Force on Community-Police Relations. He is known always to fight for his neighborhood, the projects where he and his brother Carl, who was the first Black mayor of a major American city, grew up. Carl was elected as mayor right before Lou was elected to Congress. It has been their labor of love to work to improve schools and opportunities in Cleveland.

The Cleveland VA center is named after Lou Stokes, as are buildings throughout the Nation. They illustrate his hard work and his dedication. It is fitting that as we celebrate his milestone birthday this week, the final week of Black History Month, we renew our commitment to the cause of Lou Stokes's 90 years.

Lou means so much to me personally, he means so much to Cleveland, and he means so much to our country. I know the Presiding Officer, Senator INHOFE, got to serve with him in the House, as I did, and it was an honor to do that and a privilege to call Lou Stokes my friend.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASSIDY). Without objection, it is so ordered.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, before we get underway with this colloquy on trade, I wish to respond briefly to what I understand was a presentation made by one of the Republican Senators suggesting that the continued existence of snow disproves climate change.

First, that is not the only measure. We can take a look at sea-level rise, which we can measure from Fort Pulaski in Georgia up to Alaska where LISA MURKOWSKI has acknowledged that climate change is causing sea-level rise, eroding her native villages, to the sea-level rise in my hometown State at the naval station. We can look at the pH changes in the ocean which we actually measure. It is not complicated. Kids measure the pH in their aquarium all the time. We can measure ocean temperature, which is absolutely clear. It involves something called a thermometer. It really isn't all that complicated.

And if we want to understand why the existence of snow might actually be consistent with climate change, I urge people to get their personal device here—their iPad, whatever it is they have—and load up the EarthNow! app. The EarthNow! app is run by a group called NASA. NASA is pretty capable. They are driving a rover around on Mars right now. These are folks who know a little bit about what they are talking about. They map the temperature of the planet, and we can see the cold arctic air drawn down to New England, drawn down to our area, and it is in large part because the ocean is warming offshore that we have this snow.

So not only does the continued existence of snow not disprove global warming—if you actually know what is going on and take the least bit of effort to understand it—you would see it is completely consistent with global warming as it is understood by scientists such as those from NASA.

I will have more later, but let's get on with this other business.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

TRADE PROMOTION AUTHORITY AND THE TRANS-PACIFIC PARTNERSHIP

Mr. BROWN. Mr. President, I know there is a UC order for seven or eight Senators. Senators CASEY, MERKLEY, WHITEHOUSE, MARKEY, WARREN, BALDWIN, and SANDERS we believe will be here for the next 45 minutes under an agreed-to order to talk about our concerns with trade promotion authority and the Trans-Pacific Partnership. I will lead off, then Senator CASEY will speak, and then Senators MERKLEY and WHITEHOUSE.

We know a number of things. We know that American workers are the most competitive and productive in the world. We also know that far too many have been left behind because of wrong-headed trade deals.

In the 20th century, we built the strongest economy in the history of the world by building the strongest middle class in the history of the world. We invested in the health and safety of our workforce, guaranteed workers the right to bargain for fairer pay and reasonable hours. It was a fight to do so and more remains to be done. We expanded opportunity for women and people of color, which society had never done, to realize their full potential in the labor force.

Americans up and down the income spectrum reaped the awards. Workers got more productive, wages went up, profits were good, communities were strong. We led the world with a booming economy fueled by a skilled and powered workforce.

The talent and tenacity of American workers has not changed, but our leaders'—including in this body—commitment to those workers, frankly, and, unfortunately, has.

Nowhere has that abandonment been more clear than the free trade agreements we now approve with little oversight and minimal debate. These binding trade agreements affect all American workers. They cut into small business and industry, and they cut to the heart of the values we hold dear—or say we hold dear—as a sovereign democracy. Too often they are pushed through this body so quickly that the corporations pushing them hope we won't notice these agreements are loaded with corporate handouts that weaken our Nation's ability to chart its own course.

The last thing we need is another NAFTA. We know what the North American Free Trade Agreement did to us 20 years ago when it passed. We know the damage it did to workers in Philadelphia. We know the damage it did to small companies in Oregon. We know what it did to communities in Rhode Island. And I know up close what it has done to far too many communities—from Troy to Piqua to Toledo to Dayton—in my State.

We always talk about American exceptionalism. We give lip service to American exceptionalism. Our Nation is exceptional. We see these same people who always talk about American exceptionalism—and criticize anyone who doesn't talk about it—pushing trade agreements that undermine American laws and bypass our legal system. For what end? To benefit big companies that can't get what they want through our democratic system.

I urge my colleagues and anyone else to read the article today written by Senator WARREN of Massachusetts about something called ''investor-state dispute settlement.'' This is what I want to talk about for a moment.

Take the issue of tobacco. Tobacco use is the world's leading cause of preventable death. Tobacco companies have been one of the most successful group of companies of any in American history. More trade deals give Big Tobacco a new tool to peddle its poison.

How does that work? Big Tobacco turns to trade deals as the most fertile avenue for defeating international public health efforts. Big Tobacco knows it can't win in this body, even with a conservative majority that too often does the bidding of Wall Street and large companies. Senator MERKLEY and Senator BLUMENTHAL have helped to lead

this charge to make our tobacco law strong.

So what do tobacco companies do if they can't win in a democratic body here? They use a trade provision called investor-state dispute settlement. In the case of Big Tobacco, it uses ISDS to challenge public health measures around the globe. Let me give an example.

Big Tobacco and its supporters are suing Australia for its Tobacco Plain Packaging Act 2011. They are challenging under Australian-Hong Kong bilateral investment. They have good lawyers. They know how to do darned near anything to use these laws—that they helped write under trade policy—to benefit them and sell more cigarettes and poison our young people in far too many cases.

The Tobacco Plain Packaging Act in Australia—passed by a democratically elected legislative body, signed onto by the executive branch in Australia—simply says that tobacco companies can't use their market-tested logos; they have to use plain black-and-white packaging. Also on the tobacco packet they put pictures of diseased lungs or pictures of people who have been sick from tobacco, so when people pick that packet up, they get the message.

Big Tobacco sued Australia under the World Trade Organization despite the fact that the Australian courts had already ruled in favor of the country of the public health law.

Tobacco companies have launched similar cases against Uruguay over its proposed graphic warnings on cigarette packages. Think about this: A big tobacco company is threatening to sue a small, relatively poor country such as Uruguay, saying: If you pass a public health law, we are going to sue you in court—not in one of your courts, but in some international court made up of mostly trade lawyers.

So what does a country the size of Uruguay often do? They give up. They say: We can't afford to defend ourselves in an expensive court proceeding. Fortunately for Uruguay, Michael Bloomberg—one of the richest men in the world—stepped in and helped them fight back.

Togo—one of the ten poorest countries in the world, West Africa—simply gave up when Philip Morris sued them. The people of Togo wanted a law to protect their children from the big marketing of tobacco companies. Philip Morris came in, threatened to sue them, and the Government of Togo backed off. What is good about that? It is appalling. It is antidemocratic. It has been left to a comedy show to expose the practice of Big Tobacco. Watch John Oliver talk about this on HBO.

Trade policy should ensure a level playing field for all companies competing in a global economy, not serve as a tool for the richest corporation to overturn laws enacted by sovereign governments—particularly not when, in this country, we are facing stagnating wages, increased middle-class anxiety and insecurity, and rising inequality at home.

So we are going to pass a trade agreement as CEOs' pay reaches record highs, as average wages stagnate, as profits go up, as unionization goes down, as wages fall as a share of GDP.

Think about this. Productivity has increased in our country 85 percent in the past 30 years. It used to be, as productivity went like that, wages went like that. But now, productivity goes up 85 percent, wages went up 6 percent. The minimum wage in the United States today has 30-percent less buying power than it had 35 years ago. That is why this trade agreement is a bad idea. We know what has happened to manufacturing. We lost 5 million manufacturing jobs between 2000 and 2010.

Just look at the impact of trade on U.S. manufacturing for more than 16 million jobs. It dropped here. We had the auto rescue here, which meant a little bit of an increase, but it increases only back to 12 million manufacturing jobs.

We know bad trade agreements, bad policies on globalization, bad policies on taxes, mean lost jobs—lost manufacturing jobs. That is the ticket to the middle class.

Ever since NAFTA in 1993, taking effect in 1994, we have seen the acceleration of that decline in manufacturing jobs. It is bad for our communities, it is bad for our families, it is bad for our workers, it is bad for the States of Pennsylvania and Oregon and Ohio and Rhode Island, and it is bad for our country.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise to speak about the same topic Senator BROWN just spoke to. I appreciate what my colleague from Ohio brought to this Senate floor today when talking about trade. I especially commend him for not just his advocacy and his passion for standing up for workers, but for the persuasive case he makes against some of our trade policies—not just now but over time.

We stand now poised to debate a set of issues which we haven't debated all that much in the 8 years I have been in the Senate—in this case first trade promotion authority, and then of course the Trans-Pacific Partnership.

The people I represent in Pennsylvania know what is at stake here. Each of us, as American people, will have the chance to review the details of these proposals. But based upon past experience with trade agreements in our lifetime, and especially in the last 25 years, that past experience causes me grave concerns about what is in store, first and foremost for our workers, which of course means our economy. Time and again Pennsylvania workers and Pennsylvania businesses of all sizes have ended up with the short end of the stick on trade deals. The question they ask now is, what is in it for them? What is in it for workers? What is in it for companies across Pennsylvania and across the country? And, therefore, what is in it for all of us when it comes to our economic bottom line?

Take the free trade agreement with South Korea just as a recent example. That was passed in 2011. I didn't support it. But here is what we were told before that. In December of 2010, the administration said the agreement would support 70,000 additional American jobs, and it would increase American exports by $10 billion to $11 billion.

During the first 2 years that the agreement took effect, exports actually fell by $3.1 billion and imports grew by $5.6 billion, contributing to the loss of thousands of jobs. So that is one agreement, one example.

Let's take the impact on a particular industry, the steel industry. By any measure, any review of World War II would indicate very clearly that the American steel industry and steelworkers played a substantial role in our ability to win World War II, to prevail in the most difficult of conflicts. What has happened since then? Well, we know that, for example, import surges from South Korea caused real damage to the steel industry in recent years, which has led directly to job losses in places such as Pennsylvania, for example.

So workers want to know where the benefit is that is promised to them. Over and over again we hear these assertions: ''If we pass this agreement, this will be the impact on exports and imports'' and ''If we pass this agreement, this will be the net benefit to job creation and therefore to workers.'' Too often the result is otherwise.

If you look at the numbers—if you look at the agreement, the industry, and then look at the numbers, in the United States we had a $66.5 billion deficit with free trade agreement partners in 2013. Our trade balance with our largest free trade agreement partners—Canada, Mexico, and Korea—is decidedly negative, not positive. So how is this time going to be different?

I am concerned and a lot of Americans are concerned that past experience suggests broadly negative impacts on jobs, especially—as Senator BROWN made reference to by way of the chart and in other ways—especially as it relates to manufacturing jobs, the ones on which you can support a family, the jobs that lead to the kind of innovation that allows us to be one step ahead of the world.

The Economic Policy Institute, for example, estimates that 26,300 jobs were lost due to the trade deficit with Mexico between 1994 and 2011 in the aftermath of NAFTA, as Senator BROWN referred to, and 122,600 jobs were lost to China in the 12 years since China joined the World Trade Organization. Between these two countries alone, the average impact on Pennsylvania was some 148,900 jobs lost in Pennsylvania. So we have lost almost 150,000 jobs in Pennsylvania directly attributable to two factors: the impact

of China joining the World Trade Organization and the impact of the trade deficit with Mexico.

When we look at the big picture, we have two possible areas of concern with the so-called TPP—the Trans-Pacific Partnership—and by proxy the trade promotion authority as a part of that. There are labor and human rights concerns as well as currency manipulation.

Members of Congress and labor groups across the country have expressed concerns about the so-called TPP and the countries we are negotiating with, in particular Malaysia, Vietnam, Brunei, and Mexico. Vietnam, as an example, does not offer the establishment of independent labor unions and has opposed the inclusion of any provision that would change this aspect of domestic law. The State Department has noted that basic labor freedoms are often restricted in both Mexico and Malaysia. Brunei has recently implemented a harsh form of sharia law that violates basic human rights standards.

How about currency manipulation? American manufacturers feel the pain from undervalued foreign currencies all the time, and they time and again have demanded action from both parties and both Houses of Congress. Currency manipulation concerns are urgent not just because of Japan's policies and the potential future inclusion of China in TPP down the road but also because virtually every negotiating partner has a currency that is undervalued relative to the U.S. dollar—every partner in the proposed TPP.

As of January of this year, according to the Economist, 10 of the 11 negotiating partners of the United States had undervalued currency. Seven of those countries, including Japan, had currencies that were at least 25 percent undervalued relative to the U.S. dollar.

For far too long this administration has allowed foreign countries to stack the deck against U.S. workers when it comes to currency policies by manipulating their currencies. We have a chance in the TPP negotiations to do something about this. All of us believe our workers could out-compete any workers in the world if they were given the chance, if they were given basic fairness and a level playing field.

Pennsylvanians want Congress and the administration to focus on policies that lead to both good jobs and good wages. So let's give our workers the kind of support we gave past generations. Give our workers a level playing field so that they can out-compete and therefore out-produce any workers in the world. I am afraid these agreements are not a step in that direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Thank you, Mr. President.

I appreciate the points that have been made by my colleagues from Ohio and Pennsylvania and the remarks yet to be made by my colleague from Rhode Island.

We are here on the floor together to raise fundamental issues that should be part of the discussion about a proposed trade deal or a fast track to a trade deal.

I love the concept of trade, the idea that our particular economy, based on our natural resources and based on our skills, can do certain things very well, and we would like to be able to sell those products to the world. Other nations do other things very well, and we can benefit from their expertise and their products. That is a win-win on a level playing field between nations that have roughly the same structure of environmental laws, roughly the same structure of labor laws, and roughly the same level of wages. That is a win-win for nations involved in agreements.

Indeed, our trade agreements after World War II were very much along those lines as we expanded to the economies of Europe. We saw substantial prosperity that affected people throughout our economy.

My parents couldn't believe the difference between their experience as children and their experience during the 1950s and 1960s as they started to raise children in terms of going from extraordinarily humble means—lack of electricity, running water, insulation, and all the things that became a part of the basic housing structure in post-World War II when they were raising their children. That prosperity came from a nation producing things and sharing the wealth throughout its economy. My father was a working man, a blue-collar mechanic. He brought those mechanical skills to the mill and became a millwright. He loved that job keeping the machinery in the mill running and loved other jobs. He was able to live the American dream.

Our recent trade deals have created something quite different. They have been based on an unequal relationship. They have been based on a relationship between our Nation with strong environmental and labor laws and good wages and high enforcement and countries with the exact opposite—such as China, for example. Indeed, the result in the period since NAFTA—and my colleagues spoke to it, but let me re-emphasize it—there has been a loss of 50,000 factories, a loss of 5 million manufacturing jobs. That is logical. If you are a manufacturing company making products, you will move that manufacturing to the places where it is cheapest to make them.

This is how the vision works out. There is a conversation about reducing barriers, and companies say: Look at all the additional products we can sell to that emerging economy in China. We can make a lot more in the United States and sell to China.

That is stage one.

Stage two: Hey, now we can move our manufacturing overseas and produce things at a much lower price and not only sell them to the foreign nation but also sell them back to the customers in the United States.

That is exactly what we have seen, and that is why we have lost these 5 million jobs.

So the initial publicity campaign is all about creating jobs through increasing American manufacturing, but the reality in an unequal relationship is the opposite.

Let's make sure we create a standard for the consideration of future trade deals, a standard that will evaluate whether this deal will create good-paying jobs here in America, will expand prosperity to the middle class in America or will do the opposite. This is the standard we should apply. I would like to evaluate the provisions of the proposed deal in that light, but I can't because the negotiations are secret. The draft text is secret. We need to demand that there not be secrecy about something as important as creating jobs or destroying jobs in America—my standard for evaluating what is to come.

Let's talk for a minute about these eroding promises of enforcement. A couple of years ago a group of 10 U.S. Senators took a trip to China to meet with the Ambassador. We asked how the Ambassador felt about enforcement against China and their currency manipulation. He basically said: Here is the deal. We have broad strategic concerns that involve China, and we don't want to put ripples in the water.

So can you really have a level playing field in a situation where you are not willing to enforce even the provisions that are on the books? Can you really have a fair deal for America?

During the conversations a couple years ago, I proposed legislation that would require China to actually honor what it was responsible for doing under the WTO. Under the WTO, it was to notify Americans about all the subsidies it provided for items of export, deductions and credits. But China had not honored that responsibility. So I proposed that we exercise another part of WTO, which was counter-notifications by our Trade Representative. Within 2 weeks of putting this idea forward, guess what. Our Trade Representative put forward a list of 200 subsidies through the counter-notification process.

Looking at those notifications carefully revealed a vast strategy in renewable energy to subsidize exports—not allowed under the WTO; to subsidize paper—not allowed to subsidize exports of paper under the WTO. The result is that paper plants are going out of business in the United States of America. The Blue Heron plant most recently has gone out of business on the Willamette River at a place where paper has been made for a very long period of time. In fact, the energy from the water wheel that was first there provided some of the first electricity in America. Longtime industrial production, but those jobs are gone. So that is a real concern.

My colleague mentioned the interstate dispute settlement and the fact that it gives a foreign investor rights that a domestic investor does not have. It puts constraints on consumer protections that can be overrun—consumer protections done by a State can be overrun by an investor from a foreign nation.

For example, you have a bill in America to stop producing toxic flame retardants and putting them into our carpet. Well, the foreign investor says: We built a plant to produce that chemical. Sorry, you can't have that consumer protection even though the result would be a lot more cancer for American citizens. That is an example of the concerns about handing over the sovereignty of our Nation, of our consumer law, our environmental law, to an independent board that operates outside of our constitutional framework. That is a legitimate concern which needs to be addressed in this conversation.

So on issues of enforcement and issues of secrecy, issues of whether we are creating jobs or destroying jobs, I encourage Americans to become as familiar as possible with the provisions that have been leaked about the Trans-Pacific Partnership and to think carefully and give concerns to us here in Congress that we will work to address. When we have the legitimate text before us, then we can engage in a more detailed debate. But right now we need to push to end this secrecy on an issue that is so important to the future prosperity of our Nation and of our families.

Thank you, Mr. President. It is my pleasure to yield the floor in anticipation of remarks from my colleague.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. I thank the distinguished Senator from Oregon.

I wish to start by sharing the experience I had when I first started running for the Senate and asking people around Rhode Island to give me the chance to represent them here.

One unforgettable day was when I was walking along a factory floor and, as I was walking along, I looked down and I noticed there were holes in the concrete pad of the factory floor, and I asked: Why are the holes there?

They explained: Oh, well, we used to have manufacturing machinery here. Those are the bolt holes, and we unbolted the machinery and shipped it overseas to a Central American country where the same product is made for the same buyers on the same machine, but it is made by foreign workers.

That is the memory I have when I think about these trade agreements, and it is not just that one machine that went overseas. Rhode Island, not a big State, has lost more than 50,000 good-paying manufacturing jobs since 1990. Our State has been on the losing end of these trade deals.

People say they are going to enforce the environmental and human rights and labor and safety requirements of these agreements. I have not seen it. I am at the stage where I don't believe it. You will have to prove it to me. You will have to establish a record of enforcing these things before I will believe it. I have been told that for too long. I don't believe the enforcement any longer.

I have to say I don't like the process very much either. It is secret. We are kept out of it. Who is in it are a lot of big corporations, and they are up to, I think, no good in a lot of these deals. Look at these private deals in private forums where they can litigate against a government. They secure that right through these treaty agreements. It is outrageous.

First of all, a lot of it is done for the sake of pollution. It is the big folks, such as Chevron, ExxonMobil, Dow Chemical, and Cargill, that brought nearly 600 disputes, pursuing billions of dollars in damages against governments.

A former member of the WTO's appellate body said in 2005 the WTO agreements ''allow Member Nations to challenge almost any measure to reduce greenhouse gas emissions enacted by any other Member.'' So the war on the environment continues through this mechanism.

In March 2013, more than one-third of the disputes pending before the World Bank's investment dispute settlement tribunal were related to oil, mining, or gas. Guess what they want. The public health around the world is suffering because of this.

In Africa, the tobacco industry has brought these types of claims against the Governments of Gabon, Namibia, Togo, and Uganda. They probably add up to about $100 billion in total GDP—all 4 countries—which is probably about a quarter of the revenues of Big Tobacco worldwide. So this is a question of pure, raw economic power by massive corporate interests being used to make governments knuckle under on public health issues such as tobacco. That is just wrong. And it can displace the regular governing systems of courts.

Chevron was asked to clean up contamination it left behind. It lost in the courts in Ecuador, it lost in the courts in America, and so it went and got a third bite at the apple in front of three private lawyers in one of these forums.

Where do you think the motivation is of private lawyers? Who are their clients going to be next? Another government? I don't think so. It will be the big corporate companies.

After many States in the United States created a ban on something called MMT, a gasoline additive, as a probable carcinogen, U.S. Ethyl Corporation filed a NAFTA investor-state case against Canada which then reversed its national ban on the potentially carcinogenic chemical.

They pick on themselves as well. Under NAFTA provisions, a Canadian company sued the Quebec government over a decision to put a moratorium on fracking. I guess Quebec can't make a decision about fracking any longer because some company can sue it under these agreements which involve private lawyers and were cooked up in the dark in these trade agreements. It is preposterous.

Mr. BROWN. Think about what Senator WHITEHOUSE just said. A U.S. company that made an additive to gasoline filed suit against a public health law that the Canadian legislative body passed because they believed in clean air, and under NAFTA that company in the United States sued the Canadians. The Canadian taxpayers had to pay the company and repeal their public health law.

I thought this was a democracy. Think about that multiplied by how many times—about what Senator WARREN talked about her in piece in the Washington Post today.

Mr. WHITEHOUSE. How long is it until they sue the State of Louisiana or the State of Rhode Island or the State of Massachussetts or the State of Ohio? It is up for grabs. This is just a private remedy.

Since I am on Senator WARREN's subject, and since her piece in the Washington Post is something we have all read today, I yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, the United States is in the final stages of negotiating the Trans-Pacific Partnership, a massive free-trade agreement with Mexico, Canada, Japan, Singapore, and seven other countries.

I come to the floor today to ask a fundamental question: Who will benefit from the TPP? American workers, consumers, small businesses, taxpayers, or the biggest national corporations in the world?

One strong hint is buried down in the fine print of the closely guarded draft. The provision, an increasingly common feature of international trade agreements, is called investor-state dispute settlement, or ISDS. The name may sound mild, but this provision fundamentally tilts the playing field further in favor of big multinational corporations. Worse yet, it undermines U.S. sovereignty.

ISDS allows foreign companies to challenge American laws and potentially pick up huge payouts from taxpayers without ever stepping foot in an American court.

Here is how it works. Imagine that the United States bans a toxic chemical that is often added to gasoline. We ban it because we believe it is dangerous for people's health or harmful to the environment. If a foreign company that makes this toxic chemical wants to sell it in the United States, it would normally have to challenge that in a U.S. court. But with ISDS, the company could skip the U.S. court and go before an international panel of arbitrators. If the company wins, the ruling cannot be challenged in U.S.

courts, and the arbitration panel could require the American taxpayers to cough up millions, even billions, of dollars in damages.

ISDS has the power to impose gigantic fines, but it doesn't have independent judges. Instead, highly paid corporate lawyers go back and forth between representing corporations one day and sitting in judgment of corporations the next day.

Now I don't know, maybe that makes sense in an arbitration between two corporations, but not in cases between corporations and governments. We should have real doubts about how likely it is that a lawyer looking to attract high-paying corporate clients will rule against those corporations when it is his or her turn to sit in the judge's seat.

It is also a real problem that only international investors—only international investors—get to use these courts, investors that are, by and large, large corporations.

If a Vietnamese company with American operations wants to challenge an increase in the U.S. minimum wage, it can use ISDS, but if an American labor union believes the Vietnamese companies are paying slave labor wages in violation of trade commitments, the union has to try to wind itself through the Vietnamese courts. Good luck with that.

These rigged pseudocourts were created after World War II because investors worried about putting money into developing countries where the legal systems were not as dependable. They were concerned that a corporation might build a plant today only to watch a dictator confiscate it tomorrow. ISDS was born to encourage foreign investment in countries with weak legal systems.

Now, look, I don't know if these justifications made sense back then, but they sure don't make sense now. Countries in the TPP are hardly emerging economies with weak legal systems. Australia and Japan have well-developed and well-respected legal systems, and multinational corporations navigate those legal systems every single day, but ISDS would preempt their courts too. And to the extent there are countries that are riskier politically, market competition can solve that problem.

Countries that respect property rights and the rule of law, such as the United States, should be more competitive. If a company wants to invest in a country with a weak legal system, then it should buy political risk insurance, which is available.

The use of ISDS is on the rise. From 1959 to 2002, there were fewer than 100 ISDS claims worldwide, but by 2012 alone, there were 58 cases. That was in 1 year.

Here are some examples of recent cases under various treaties with ISDS provisions:

A French company sued Egypt because Egypt raised its minimum wage.

A Swedish company sued Germany because Germany decided to phase out nuclear power after the Fukushima disaster.

A Dutch company sued the Czech Republic because the Czech Republic didn't bail out a bank the Dutch company partially owned.

American corporations are getting in on the action too. Philip Morris is trying to use ISDS to stop Uruguay from implementing new tobacco regulations aimed at cutting domestic smoking rates.

ISDS advocates point out that so far this process has not hurt the United States. Our negotiators, who refuse to make the text of this trade agreement public, claim it will include a bigger, better version of ISDS that will protect our ability to regulate in the public interest.

But with ISDS cases exploding in the last several years and more and more multinational corporations headquartered abroad, it is only a matter of time before such a challenge does serious damage here. Letting a panel of arbitrators replace the U.S. legal system with a complex and unnecessary alternative on the assumption that nothing could possibly go wrong seems like a really bad idea.

This is not a partisan issue. I don't often agree with the conservative Cato Institute, and I suspect they don't often agree with me, but this morning the head of Cato's trade policy program said that ISDS ''raises serious questions about democratic accountability, sovereignty, checks and balances, and the separation of power.'' He went on to say that these concerns about ISDS are ''one[s] that libertarians and other free market advocates should share.'' I think that is right.

Conservatives who believe in American sovereignty are outraged that ISDS shifts power from American courts as envisioned by our Constitution to unaccountable international tribunals. Libertarians are offended that ISDS effectively offers a free taxpayer subsidy to countries with weaker legal systems, and progressives should oppose ISDS because it allows big multinationals to weaken labor and environmental rules.

Giving foreign corporations special rights to challenge our laws outside of our legal system is a bad deal. So long as TPP includes investor-state dispute settlement, the only winners will be international corporations.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Mr. President, I thank Senator BROWN for putting this group together to discuss the important trade issues facing our Nation.

In Massachusetts, we know what a good trade deal looks like and what a bad trade deal looks like. Remember, we are the ones that traded Babe Ruth, so we know a bad trade deal when we see one. Right now in Massachusetts, we are seeing the United States negotiate two significant agreements—the Trans-Pacific Partnership in Asia and the Transatlantic Trade and Investment Partnership in Europe.

Both of these agreements would establish binding rules on a wide range of issues, such as labor rights, energy, the environment, medicine pricing, patents, Internet freedom, and innovation. The scope goes far beyond the previous trade deals that focused on tariffs or access to markets.

These trade deals need to meet several criteria in order to be acceptable:

No. 1, workers rights. It is critically important that both trade deals protect workers rights. When we put goods on a ship, we can't do it by casting off workers rights. These deals need to benefit the middle class in our country and protect the rights of workers of our trading partners. They must also have robust and fully enforceable labor provisions that ensure compliance with international core labor standards.

No. 2, protect our environment. If companies want to make more green, great, but they have to be green, too, and follow the environmental laws to protect our resources and our planet. Both trade deals must include new and robust commitments from member countries to protect and conserve forests, oceans, wildlife, and obligate member companies to comply with both domestic environmental laws and meet their commitments under multilateral environmental agreements. These commitments must be strong and binding and enforceable.

No. 3, don't export our oil. Longstanding U.S. law prohibits the export of crude oil except in instances in which the President determines that exports are consistent with the national interests. There should not be any language in the Trans-Pacific Partnership agreement requiring the United States to automatically approve exports of oil without such a determination. We shouldn't be sending oil abroad even as we send young men and women in the military to dangerous regions of the world to protect oil shipments coming into our country. We still import 5 million barrels of oil a day. We are the largest importer in the world. We should not be exporting oil.

No. 4, no fishy stuff. The Trans-Pacific Partnership should eliminate harmful fishery subsidies. It should maintain the ability of governments to support conservation of ocean resources, promote sustainable development and viable fishing industries and the coastal communities that depend on them, and the Trans-Pacific Partnership should include strong measures that address illegal fishing.

No. 5, don't try to sneak through bad sneaker deals. It is my understanding that the current Trans-Pacific Partnership agreement includes a provision that eliminates all trade barriers for sneakers and shoes. This provision would endanger more than 1,350 critical

manufacturing jobs at the New Balance facilities in Massachusetts and Maine. New Balance has decided to keep its manufacturing in the United States, despite economic pressures and additional costs. As the last remaining U.S. manufacturer of running shoes, New Balance already has smaller profit margins on the U.S.-made shoes than most of its competitors have on their imported shoes. They should be congratulated for making a commitment to American workers, but if the TPP agreement is passed by the Congress in its current form, we will not be making that same commitment and that is because New Balance will be forced to immediately compete with Vietnam running shoe companies which have a dramatic advantage with low hourly wages and subsidized businesses. Those 1,350 jobs might be lost. That is wrong, and we must do better for our manufacturers.

No. 6, don't go around the U.S. courts. Both the Trans-Pacific Partnership and Transatlantic Trade and Investment Partnership have provisions to allow other countries to take legal action if they do not like the decisions made by our government and do it outside of our own courts. These separate panels could subject American taxpayers to billions in taxes, and when they have a problem with decisions in other countries, we will have to argue in an independent court or even in their home country courts. This double standard is wrong and it should not be included. We need trade deals that don't ship workers' rights overseas along with their jobs. We need trade deals that don't cloud our skies with more pollution or plunder our seas with illegal fishing. We need trade deals that keep our oil and manufacturing jobs here at home. We need trade deals that don't outsource justice or jobs overseas.

That is why we need to make sure, just as when Babe Ruth was traded, that we don't put a curse on our own economy by passing trade bills that do not protect the American worker.

Finally, I understand my good friend from Oklahoma Senator INHOFE came to the floor to argue that the existence of winter disproves global warming. I know some in my home State of Massachusetts might be thinking the same thought right now, because after the first snowstorm people look for a good place to sled. After the second snowstorm, people look for a place to pile the snow. After the third and fourth snowstorms, people stop looking for things to do and just start asking, Why? Why so much snow? Why such intense storms? Why won't it stop?

What if I told my colleagues that it was all part of climate change; that the winters we have known have now been supercharged by warmer waters and stronger storms; that the carbon pollution that is making our summers hotter is also making our winters more unpredictable.

Here are three facts I want my colleagues to know.

No. 1, the waters off Massachusetts—and indeed up and down the Atlantic coast—have been at record warm levels; in one case, off Cape Cod, 21 degrees warmer than normal. Warmer water gives storms more moisture. That moisture has to drop at some point, and when it does, it means more snow. That is what is going on.

No. 2, cold air is part of winter. We are New England, after all. But new research is suggesting that the melting of the Arctic icecap is causing more of those polar vortex situations that send frigid air rushing down to Canada and then down to us. That is global warming.

No. 3, more intense precipitation events have increased by 71 percent in New England since 1958—71 percent more intense precipitation. Supercharged storms from climate change are a little like Rob Gronkowski. They are bigger, they are stronger, and whether they spike the ball or drop their snow, it is going to come down harder—a lot harder.

Across the globe temperatures are going up. It is called global warming. This last year was the warmest on record across the globe. A few weeks of cold in one place does not mean global warming isn't happening. That is the difference between weather and climate. Global warming does not cancel the seasons. We will still have winter. Sometimes it will be still very cold, but overall it is going to be warmer—a lot warmer. When warmer water makes more moisture and it goes into the clouds, it has to come down, and when it does and it is cold, it should be no surprise that we will get more snow. If there is one issue we can all agree on regarding the climate, it is that every person in Massachusetts would rather be in Florida at Red Sox spring training camp right now because this snow is still coming down. But it is not just weather, it is climate change as well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, let me congratulate and applaud Senator BROWN of Ohio for organizing this colloquy on trade. In my view, if we look at why the middle class of this country has been in decline for the last 40 years, why millions of Americans are working longer hours with lower wages, why we have seen a huge shift in the economy from a manufacturing economy where people earn good wages to a Walmart economy where people are working for very low wages and minimal benefits, one—not the only one, but one of the significant factors has been our disastrous trade policies for a number of decades.

If people are watching this discussion, there may be some people who will say, Trans-Pacific Partnership, what is that? What is that trade agreement? What are they talking about? One of the reasons they may ask that question is that a study came out recently which looked at how the major networks are covering the TPP—the Trans-Pacific Partnership. It turns out the major television networks are not covering the TPP. Incredible as it may sound, this trade agreement—the largest trade agreement in the history of the United States of America—has received virtually no coverage—no coverage—on the major networks. That, to me, is very amazing.

I think it was Albert Einstein who made the point that doing the same thing over and over again and expecting different results is sometimes called insanity. If we think a new trade agreement, based on the same principles of the old trade agreements, is going to bring different results, I think we are very wrong.

I remember, because I have been in Congress for many of the major debates on trade, that way back when we had a discussion about unfettered free trade with China and the argument was, well, look at the huge market in China, look at all the jobs we will create in America selling to China. In fact, we were told that permanent normal trade relations with China would create hundreds of thousands of American jobs. Well, not quite. It turns out, as everybody who goes into a department store knows, most of the products we buy are made in China, and it turns out the permanent normal trade relations trade agreement with China has led to the loss of more than 3 million good-paying American jobs. The reason for that is obvious. Why is a major corporation going to pay an American worker $15, $20 an hour, provide decent benefits, and obey environmental laws when that corporation can shut down here, go to China, pay people very low wages, and bring their products back to America? That is why, when we go shopping, most of what we buy is made in China.

We were told that the North American Free Trade Agreement—NAFTA—would create at least 200,000 American jobs in just a few years. Well, not quite. It turns out that NAFTA has led to the loss of about 1 million American jobs.

We were told that the Korean Free Trade Agreement would increase American jobs. Well, it turns out that it has led to the loss of over 60,000 American jobs.

Since we signed NAFTA, the United States has a cumulative trade deficit of $8.8 trillion—$8.8 trillion. That is wealth that has left the United States and gone overseas.

While the full text of the Trans-Pacific Partnership has not been made public, there have been some leaks of what is included in it, and what these leaks tell us is in fact very disturbing. I think it is obvious to anyone who has taken a look at this issue that the TPP is just a new, easy way for corporations to shut down in America and to send jobs abroad. It is estimated the United States would lose more than 130,000 jobs to Vietnam and Japan alone if the Trans-Pacific Partnership goes into effect. The reason for that is, when we

are dealing with a country such as Vietnam, my understanding is the minimum wage there is 56 cents an hour—56 cents an hour. Maybe I am old-fashioned, but I don't think American workers should be forced to compete against people who are working for 56 cents an hour.

At a time when corporations have already outsourced over 3 million service sector jobs in the United States, the Trans-Pacific Partnership includes rules that will make it easier for corporate America to outsource call centers, computer programming, engineering, accounting, and medical diagnostic drugs. Under the TPP, Vietnamese companies will be able to compete with American companies for Federal contracts funded by U.S. taxpayers, undermining ''Buy American'' laws.

If the United States is to remain a major industrial power, producing real products and creating good-paying jobs, we must develop a new set of trade policies which work for the ordinary American worker and not for large corporations and big campaign donors.

Let me be very frank as an Independent. This is not just the Republicans who have been supporting these unfettered free-trade agreements; there have been Democratic Presidents as well. Corporate America has said we want these trade policies, and the leaders of both political parties have said, yes, that is what we will do. But I think it is time to stand up and say enough is enough.

This country now is in a major race to the bottom. Workers are working longer hours for lower wages. No American worker should be forced to compete against desperate people around the world who are making pennies an hour. Corporate America, every night on television in every ad we see, tells us buy this product, buy that product. Well, you know what. If they want us to buy these products, maybe it is high time they started manufacturing those products in the United States of America.

I am opposed to the TPP, Trans-Pacific Partnership trade agreement. That is my view, but I would hope every Member is opposed to the fast-track process which gives the authority to negotiate these agreements in the final terms. That is because nobody has had the opportunity to even see what is in the proposed agreement right now. Transparency has been minimal, absolutely minimal.

I think if we are serious about creating decent-paying jobs in this country, if we are serious about raising wages, if we are serious about dealing with the other issues that have surfaced in terms of sovereignty, the idea we would make it easier for tobacco companies to sell their deadly products to children around the world and make it harder for governments to protect the health of their citizens is an absolute outrage. It is an outrage.

I again thank Senator BROWN for helping to organize this event. I hope the American people stand and tell the Congress enough is enough. We need to create decent-paying jobs in this country for a change and not just in other countries around the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, as President Obama has noted in his State of the Union, the American economy is growing again. We are creating jobs at the fastest pace since 1999, and unemployment is lower than before the financial crisis. American businesses are posting large profits and boosting the stock market along with them.

Yet for many working Americans, this good news is only that, news—something they see in the paper or on TV, not in their paychecks or at the kitchen table. Many of the Wisconsin workers I hear from every day are struggling to make ends meet. They are working more, taking home less, and worried that for the first time in American history their kids will have fewer opportunities than they did.

For the last 5 years the Obama administration has been negotiating with 11 nations in the Asia-Pacific region on a free-trade agreement known as the Trans-Pacific Partnership. Some of these countries have values similar to ours and some do not. I fear this agreement could allow some nations to take advantage of the values we as Americans place on our environment, on labor laws, on human rights, and on free enterprise rules. These nations would be competing against American workers on an uneven playing field. This unfair game would continue the downward pressure on wages that has plagued American workers since before NAFTA.

The interests of Wisconsin workers are being represented in these negotiations by unelected officials in the Office of the U.S. Trade Representative. I am here to let these negotiators know that Wisconsinites don't want more of the same failed promises from free-trade deals.

Wisconsin workers make things. We have been one of the top manufacturing States for generations. If we hope to continue making things, we think we should continue to have our own government as a customer. That is why I have been a big and strong supporter of ''Buy American'' provisions that require Federal agencies that use taxpayer dollars to purchase American-made products.

Free-trade agreements have historically allowed foreign nations too much leeway when bidding for our government projects and contracts, while not affording American companies that fair access, that same access. I have asked the GAO to study this and report back to Congress so we can know the effect skirting ''Buy American'' laws have and the cost it has to American manufacturers.

Currencies that reflect their true value are also vital to the conduct of global trade. When foreign countries cheat by manipulating their currencies to price their goods cheaper, Wisconsin workers—in fact all American workers—lose.

Seven years ago, then-Senator Obama, speaking about the Bush administration's inaction on currency manipulation said it best:

> Refusing to acknowledge this problem will not make it go away. . . . The Administration's refusal to take strong action against China's currency manipulation will also make it more difficult to obtain congressional approval for renewed Trade Promotion Authority, as well as additional trade agreements.

That statement is as true today with the Obama administration as it was with the Bush administration. Currency manipulation is essentially cheating. That is why I support including strong and enforceable currency manipulation provisions in any trade agreement. Without these rules, we will allow countries to engage in a race to the bottom that leaves everybody worse off.

One of the things that has made America great is our entrepreneurial spirit. This spirit has attracted immigrant entrepreneurs from all over the world, but all too often I hear from Wisconsin businesses whose patented ideas are being stolen and replicated in Asia.

I believe any agreement must include high standards for protecting intellectual property to encourage risk-taking investments that turn into profitable companies and jobs in the United States. In the same way, I believe our ideas should be protected, I also believe that what we call our foods should be protected from foreign interference.

Let me explain what I mean by that. In fact, the European Union has sought to restrict the use of cheese, meat, and alcohol names that American producers have used for generations. For instance, cheese producers in Wisconsin would not able to call their cheese ''feta'' because it is not made in Greece, while a brewer in Wisconsin couldn't label his dark beer a ''Bavarian Black'' because it isn't made in Bavaria, in Germany.

I have worked hard to urge the U.S. Trade Representative to reject any attempt by the European Union or any foreign nation to restrict the use of common food names in order to protect our food manufacturers and processors across this country—and especially as Wisconsin is a major producer of beer and brats and cheese, this is an issue that is very close to home.

Finally, I have concerns about the value systems of some of the nations that are party to the TPP. By way of example, Brunei recently adopted new sharia laws that include death by stoning for acts of adultery, homosexuality, and forced amputations for other offenses, including consuming alcohol. These laws go so far as to outlaw

public Christmas celebrations. In fact, the act of wearing a Santa Claus hat in public could lead to a fine of more than $15,000, a 5-year imprisonment sentence or both.

Amnesty International has called the new rules in Brunei ''shocking.'' They have been declared illegal by the U.N. High Commissioner For Human Rights. We should not be affording our highest trading privileges to nations that do not value basic human rights.

I have heard from so many constituents who are rightly skeptical of the promises this new generation of trade agreements offer. I appreciate having this opportunity to express my concerns about free-trade agreements that are currently under negotiation. After seeing decades of jobs going overseas while the ones that are left pay less, who can blame the critics? Until it is clear to me that the gains from these agreements will go to the middle class and not just multinational corporations, millionaires or billionaires, I will continue to oppose them.

I thank my colleagues for organizing this opportunity to speak on trade.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I rise to talk about the historic vote the FCC took today to preserve Net neutrality and maintain a free and open Internet. But before I turn to that exciting news, I want to take just a moment to talk about the urgent need to pass funding for the Department of Homeland Security.

The Republican leadership has wasted a lot of time over the past month politicizing this issue, and now we find ourselves on the brink of a completely preventable shutdown of DHS. I think every American agrees that funding for Homeland Security is too important to play politics with. Last year Democrats and Republicans came together and passed a clean bill to fund the Department for a full year, and we should do the same this year. I am pleased the Senate Republicans have agreed to take up a clean funding bill, and I hope the House Republicans will quickly do the same.

NET NEUTRALITY

Turning to today's good news, I am thrilled to report that this morning the Federal Communications Commission voted to adopt new rules to preserve a free and open Internet. This is a big win for the 280 million Americans who use the Internet. I want to congratulate FCC Chairman Tom Wheeler and thank him for his leadership on Net neutrality.

The FCC has taken a crucial step to ensure that the Internet remains the platform for free expression, innovation, investment, and economic growth that it has always been. The new rules will offer meaningful protections for all Internet users. They promise to preserve the Internet's status as an open marketplace, a place where everyone can participate on equal footing, free from discrimination by broadband providers—the companies such as Comcast, Verizon, and AT&T that provide consumers with access to the Internet.

That is what Net neutrality is all about. Net neutrality isn't some radical new idea. It is the simple and longstanding principle that all lawful content on the Internet should receive equal treatment from broadband Internet service providers, regardless of who owns the content or how much money he or she has in the bank. It means broadband providers can't pick and choose which Internet traffic reaches consumers and which doesn't. This idea has been part of the architecture of the Internet from its very start.

Because of Net neutrality, an email from my constituent in rural Minnesota reaches me as quickly as an email from my bank. Because of Net neutrality, the Web site for my local pizzeria loads as quickly as the Web site for a national chain. Because of Net neutrality I can stream videos of my amazingly cute grandson just as easily I can stream a hit TV show, and he is amazingly cute. It is because of Net neutrality that companies such as Amazon, Facebook, and YouTube are household names. Once startups, these are now billion-dollar companies employing thousands. Net neutrality gave them the chance to compete on a level playing field. Their success is a testament to both American innovation and the power of a free and open Internet.

For me, the bottom line is this. The Internet is a vital part of our daily lives. Net neutrality is at the core of how the Internet operates. It is critical to our democracy and to our economy that it continue to operate in this manner. All of the amazing innovation and growth on the Internet did not just happen while we had Net neutrality; it happened because of Net neutrality.

This is not the first time the FCC has sought to protect Net neutrality. Twice before they have tried to implement rules which were then challenged by the big broadband providers and basically struck down by the DC Circuit. It was not that the Court thought that the rules were bad policy, but rather that the FCC had not invoked the proper legal basis.

Since the second court decision last year, we have seen a lot of debate about what the FCC should do. Many of us have called for stronger rules. We have argued that those rules must be grounded in the FCC's authority under title II of the Communications Act if they are going to survive judicial scrutiny and withstand the test of time.

Of course, the big broadband providers pushed for the FCC to move in the opposite direction, to take a weaker approach. Why? Well, without Net neutrality they stood to make a ton of extra money. These guys wanted the FCC to allow them to charge Web sites access to fast lanes to reach consumers. Then only those sites that could afford to pay would see their content delivered at the fastest speed ever. Everyone else would be relegated to a slow lane. Only those with very deep pockets would be able to afford to pay for the fast lanes, and the broadband providers would have profited at the expense of everybody else.

I fiercely opposed this. Millions and millions of my fellow Americans did too. Consumers and business owners spoke out and urged the FCC to adopt rules that would protect—not destroy—Net neutrality.

They made the case for Net neutrality in clear and compelling terms, arguing that strong rules are essential for the future of the Internet. With today's vote, the FCC has provided those much-needed rules. The new rules are strong, clear, and enforceable. They will prevent broadband providers from blocking or throttling lawful online content.

The rules will stop providers from charging Web sites for access to fast lanes. The FCC is implementing these rules within a time-tested legal framework that will allow the agency to respond to challenges to Net neutrality that arise in the future. Following the commonsense path that I and a number of my colleagues have long urged, the FCC has recognized that broadband Internet access is a title II service, a telecommunications service.

Last spring, I could not have predicted that we would be celebrating this victory today. The best principles of our democracy have won out. It is clear that the voices of the American people have been heard. I have often called Net neutrality the free speech issue of our time. I believe that exercising our free speech right has been key to our success and will continue to be the key to our success.

Today does not mark the end of our work—the work of all Net neutrality supporters to safeguard our free and open Internet. Some of my Republican colleagues have decried the very idea of Net neutrality. More recently others have purported to embrace the concept but at the same time have tried to stop the FCC from taking meaningful action.

My friend Senator JOHN THUNE has drafted legislation that would strip the FCC of authority to regulate access to broadband Internet services. Along with many of my colleagues, I made clear that I regard this as a nonstarter. In the weeks and months ahead, I and other Net neutrality supporters will need to continue to speak out, to make sure everyone understands what is at stake, why we stand by the strong rules adopted by the FCC and why we oppose efforts to strip the FCC of its authority or to weaken Net neutrality protections.

This will take a lot of hard work. Some folks really just do not get it. Back in November, my friend Senator TED CRUZ referred to Net neutrality as ''ObamaCare for the Internet.'' It was a statement that seemed to demonstrate just a basic misunderstanding of what

Net neutrality is and how the Internet works. For that matter, tens of thousands have seen a YouTube video of Senator CRUZ attacking FCC efforts to protect Net neutrality.

I will just pause to note that the video reached many viewers, and the reason it did was that it was uploaded to YouTube, a site that would not have flourished were it not for Net neutrality. It was because of Net neutrality that YouTube, a company founded by three guys in an office over a pizzeria in San Mateo, CA, was able to compete against and ultimately overtake the well-funded competitor, Google Video.

In his video Senator CRUZ compared an old rotary phone to a modern cell phone. He claimed that the landline was an example of stagnation due to FCC regulation under title II, while cell phone innovation was a product of noninvolvement by the government.

The attempted comparison fails for many reasons, not least because the telephone services on cell phones have long been subject to title II. In fact, the FCC is taking the same kind of approach to applying title II to broadband access services as they have taken in applying it to mobile voice services, where I think we all agree there has been robust investment and innovation under title II.

In the coming months, I expect that we are going to confront a lot of this kind of confusion and misinformation or disinformation. We are going to encounter plenty of people who oppose Net neutrality because they do not understand how the Internet works or do not understand the relevant legal authorities or, frankly, are willing to personally obfuscate to advance their own agenda. I hope the American people will remain engaged on this issue, that they remain willing to speak up, to use the Internet to spread solid information, to organize support, and ultimately to counter the deep-pocketed ISPs and the politicians who may seek to undermine Net neutrality.

I do believe that with the same energy and determination that has gotten us this far, Net neutrality supporters can make today's historic vote a lasting win for the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I will yield the floor when the next speaker comes. But while we have a quiet moment, I just want to complete my remarks related to the Senator from Oklahoma and his snowball.

I ask unanimous consent to show the Earth-Now Web site on the iPad device that I have.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. If you go to Earth-Now, it is actually quite easy to load. You can see how that polar vortex measurably brings the cold air down to New England. If you do not want—this is produced by NASA. These are pretty serious people. So you can believe NASA and you can believe what their satellites measure on the planet or you can believe the Senator with the snowball.

The U.S. Navy takes this very seriously, to the point where Admiral Locklear, who is the head of the Pacific Command, has said that climate change is the biggest threat that we face in the Pacific. He is a career military officer, and he is deadly serious. You can either believe the U.S. Navy or you can believe the Senator with the snowball.

The religious and faith groups are very clear on this, by and large. I would particularly salute the U.S. Conference of Catholic Bishops, which has made very, very clear strong statements. We are going to hear more from Pope Francis about this when he releases his encyclical and when he speaks to the joint session of Congress on September 24.

I think it will be quite clear that you can either believe the U.S. Conference of Catholic Bishops and Pope Francis or you can belief the Senator with the snowball.

In corporate America there is an immense array of major, significant, intelligent, and responsible corporations that are very clear that climate change is real. They are companies such as Coke and Pepsi; companies such as Ford, GM, and Caterpillar; companies such as Walmart and Target; companies such as VF Industries, which makes a wide array of clothing products; Nike; companies such as Mars and Nestle.

So, we have our choice. We can believe Coke and Pepsi and Ford and GM and Walmart and Target and VF Industries and Nike and Mars and Nestle; or we can believe the Senator with the snowball.

Every major American scientific society has put itself on record—many of them a decade ago—that climate change is deadly real. They measure it. They see it. They know why it happens. The predictions correlate with what we see, as they increasingly come true. The fundamental principles—that it is derived from carbon pollution, which comes from burning fossil fuels—are beyond legitimate dispute to the point where the leading scientific organizations on the planet calls them ''unequivocal.''

So you can believe every single major American scientific society or you can believe the Senator with the snowball.

I would submit the following. I would submit that, if you looked at the American population and you removed the conspiracy theorists—there are always conspiracy theorists in the American population that come out and deny that the moon landing was real. They have their hobgoblins from time to time. If you remove the conspiracy theorists—and there are people who simply do not accept a lot of scientific truths. They think the Earth is only 6,000 years old. They deny that evolution is real. Fine, they are entitled to that point of view. But it is not one you would want to make much of a bet on. It is not a point of view that is likely to get, for instance, a rover onto the surface of Mars and driven around successfully by scientists. But if people want to have that point of view, they have the right to do it. I just would not put very many bets on how productive that point of view is when you are trying to accomplish something important.

Also, remove the people who have financial ties to the fossil fuel industry. So take out the conspiracy theorists, take out the evolution deniers, take out the people who have a financial tie to the fossil fuel industry, and I would be very surprised if you found virtually anybody left who was not prepared to be responsible about climate change.

Too many of us see it happening right in front of our faces. The science has been too clear for too long. Frankly, what we are seeing is the rollout of the famous tobacco strategy to delay and deny the day of reckoning because they are making money selling tobacco in the meantime while they create false doubt about the damage their product is doing.

Now is an interesting time for that because in Washington, at the U.S. Court of Appeals for the District, we just had oral argument on the enforcement of a decision rendered by a U.S. district judge finding that that tobacco scam—the deliberate pattern of lies by the tobacco industry to convince people tobacco really wasn't responsible for cancer and other ill health effects—that that campaign was a civil racketeering conspiracy. That is the law of the United States of America. I would submit that if we look at the civil racketeering conspiracy that the tobacco industry ran, that has been called out by a court of law, and we compare that to what the polluters are saying about climate change, we will see more similarities than differences.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANCHIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING MIKE PERRY

Mr. MANCHIN. Mr. President, I rise today to honor a dear friend whom we have just lost in West Virginia, Mr. Mike Perry. He was a beloved community leader, a dear friend to all of us, and truly an inspiring West Virginian.

Mike was a native of Huntington, WV, which is located in beautiful Cabell County. He was a tireless champion for his community, for Marshall University, and for the entire State of West Virginia.

Upon graduating from Marshall University in 1958, Mike attended WVU School of Law and graduated first in his class. He then spent 20 years as a dedicated lawyer with the firm of Huddleston Bolen in his hometown of Huntington, becoming partner after only 5 short years. In 1981 he entered the banking business and was chairman of the board and CEO of the First Huntington National Bank until his retirement in 2001.

Mike never failed to give back to the Huntington community that he loved, which had rewarded him with so much throughout the years—an education, endless opportunities to make a successful life for himself and his family, and a truly special place he could always call home.

He served as interim president of Marshall University in 1999, donating his entire salary to the university's general scholarship fund. His performance at the university was so highly regarded that the board of trustees voted to remove the word ''interim'' from his title when listing Marshall's presidents.

Mike woke up every day aspiring to make his community an even better place to work and live and consistently encouraged others to do the same.

Throughout the years he was a great confidant of mine. I enjoyed speaking to Mike on countless occasions on an array of issues, ranging from worldly national and State policies to very localized matters concerning beautiful Cabell County.

Remarkably, despite battling cancer for 1½ years, Mike never stopped working on community projects. He served on countless boards throughout the tri-state area, including those for the Huntington Area Development Council, the Tri-State Airport Authority, and St. Mary's Medical Center, among many others.

Above all, he was a dedicated family man who was truly devoted to his wife Henriella, his three children, and his eight grandchildren. Mike met Henriella in the fifth grade, and he was certain then that he had met the girl of his dreams. He knew even as a youngster that they would spend the rest of their lives together. The two married in 1958, and I think Mike would agree that Henriella always brought out the best in him and made him a better man.

Together, the Perrys moved to Harveytown in 1973, which was the future Heritage Farm Museum and Village. They transported old log structures and began reassembling buildings and accumulating a unique collection of antiques. Today the farm consists of five houses, a zoo, a church, and several buildings that showcase rich Appalachian heritage.

In 2010 both Mike and Henriella were honored with the Donald R. Myers Humanitarian Award, which recognizes individuals who have enriched Appalachia through their extensive leadership and community service endeavors.

Heritage Farm Museum and Village has become a true mainstay within West Virginia and will forever serve as a reminder of a man who lived to make his community and the Mountain State a better place, a man who was an inspiring leader, a selfless friend, a loving husband, father, grandfather, and so much more. He was a friend to all, and I personally will always value his friendship and his guidance, as will everybody who ever came in contact with Mike Perry.

So I say farewell to my dear friend and God bless to the State of West Virginia and the Perry family.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SULLIVAN). Without objection, it is so ordered.

WELCOMING THE PRIME MINISTER OF ISRAEL TO THE UNITED STATES FOR HIS ADDRESS TO A JOINT SESSION OF CONGRESS

Mr. CORNYN. Mr. President, on Tuesday of next week, Israeli Prime Minister Benjamin Netanyahu will make an historic address before the Congress. This is his third address as Prime Minister of Israel. At the invitation of Speaker BOEHNER, he is coming to discuss Iran's nuclear ambitions and the ongoing P5+1 negotiations, as well as the rise of the Islamic State terrorist group and other jihadist groups across the Middle East.

These are obviously serious issues of national security, both for Israel but also for us here in the United States, and Prime Minister Netanyahu and the citizens of Israel have a unique perspective on those issues. In the interest of staying fully informed and aligned with our closest ally in the region, Israel, Congress needs to listen to what Prime Minister Netanyahu has to say, and I look forward to doing so.

I believe the Prime Minister's speech will be both informative and timely, as the Obama administration is reportedly trying to lock down a questionable nuclear deal with the Iranians by the March 24 deadline.

That is why I have introduced S. Res. 76 that welcomes the Prime Minister of Israel to the United States for his address to Congress. This resolution explains just a few of the reasons why the U.S.-Israel alliance is so powerful and so enduring, and it states in part that we welcome the Prime Minister and eagerly await his address before Congress. This resolution reaffirms our commitment to stand with Israel in times of uncertainty, strongly supports Israel's right to self-defense, and finally reaffirms our support and the friendship between our two countries. These sentiments are widely shared in Congress, but in an increasingly perilous global security environment in which we find ourselves, I think it is important to remind people of how and why the United States stands with Israel.

A majority of Senators have cosponsored this resolution, and I believe today it is time for the Senate to pass it, to reaffirm there will be no daylight between the United States and Israel when it comes to common issues of national security.

Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 76.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 76) welcoming the Prime Minister of Israel to the United States for his address to a joint session of Congress.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CORNYN. Mr. President, I ask unanimous consent that the Cornyn amendment be agreed to, the resolution, as amended, be agreed to, the preamble be agreed to, the Cornyn amendment to the title be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 262) was agreed to, as follows:

(Purpose: To make a technical correction)

On page 3, line 4, strike ''joint session'' and insert ''joint meeting''.

The resolution (S. Res. 76), as amended, was agreed to.

The preamble was agreed to.

S. RES. 76

Whereas, since its founding in 1948, Israel has been a strong and steadfast ally to the United States in the Middle East, a region characterized by instability and violence;

Whereas the United States-Israel relationship is built on mutual respect for common values, including a commitment to democracy, the rule of law, individual liberty, free-market principles, and ethnic and religious diversity;

Whereas the strong cultural, religious, and political ties shared by the United States and Israel help form a bond between our countries that should never be broken;

Whereas Israel continues to serve as a shining model of democratic values by regularly holding free and fair elections, promoting the free exchange of ideas, and vigorously exercising a form of democratic government that is fully representative of its citizens;

Whereas nations such as Iran and Syria, as well as designated foreign terrorist organizations such as Hezbollah and Hamas, refuse to recognize Israel's right to exist, continually call for its destruction, and have repeatedly attacked Israel either directly or through proxies;

Whereas, in particular, the Government of Iran's ongoing pursuit of nuclear weapons poses a tremendous threat both to the United States and Israel;

Whereas the negotiations between the so-called P5+1 countries and Iran over its illicit nuclear weapons program are entering a key phase, and Congress has heard the perspectives, both publicly and privately, of a number of close allies involved in the negotiations; and

Whereas the United States is committed to ensuring that Israel, as a strong and trusted ally, maintains its qualitative military edge: Now, therefore, be it

Resolved, That the Senate—

(1) warmly welcomes the Prime Minister of Israel, Benjamin Netanyahu, on his visit to the United States, which provides a timely opportunity to reinforce the United States-Israel relationship;

(2) eagerly awaits the address of Prime Minister Netanyahu before a joint meeting of the United States Congress;

(3) reaffirms its commitment to stand with Israel during times of uncertainty;

(4) continues to strongly support Israel's right to defend itself from threats to its very survival; and

(5) reaffirms its unequivocal and bipartisan support for the friendship between the people and Governments of the United States and Israel.

The amendment (No. 263) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: ''A resolution welcoming the Prime Minister of Israel to the United States for his address to a joint meeting of Congress.''.

Mr. CORNYN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2015—MOTION TO PROCEED—Continued

Mr. MCCONNELL. Mr. President, I yield back all time on the motion to proceed.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to the motion.

The motion was agreed to.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2015

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 240) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes.

AMENDMENT NO. 255

(Purpose: in the nature of a substitute)

Mr. MCCONNELL. I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. COCHRAN, Ms. MIKULSKI, and Mrs. SHAHEEN, proposes an amendment numbered 255.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. MCCONNELL. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 256 TO AMENDMENT NO. 255

Mr. MCCONNELL. I have a second degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 256 to amendment No. 255.

The amendment is as follows:

At the end, add the following:

This act shall become effective 1 day after enactment.

AMENDMENT NO. 257

Mr. MCCONNELL. I have an amendment to the text proposed to be stricken.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 257 to the language proposed to be stricken by amendment No. 255.

The amendment is as follows:

At the end, add the following:

This act shall become effective 6 days after enactment.

Mr. MCCONNELL. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 258 TO AMENDMENT NO. 257

Mr. MCCONNELL. I have a second degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 258 to amendment No. 257.

The amendment is as follows:

In the amendment, strike ''6 days'' and insert ''5 days''.

MOTION TO COMMIT WITH AMENDMENT NO. 259

Mr. MCCONNELL. I have a motion to commit H.R. 240 with instructions, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to commit the bill to the Committee on Appropriations with instructions to report back forthwith with an amendment numbered 259.

The amendment is as follows:

At the end, add the following:

This act shall become effective 4 days after enactment.

Mr. MCCONNELL. I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 260

Mr. MCCONNELL. I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 260 to the instructions of the motion to commit H.R. 240.

The amendment is as follows:

In the amendment, strike ''4 days'' and insert ''3 days''.

Mr. MCCONNELL. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 261 TO AMENDMENT NO. 260

Mr. MCCONNELL. I have a second degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 261 to amendment No. 260.

The amendment is as follows:

In the amendment, strike ''3 days'' and insert ''2 days''.

CLOTURE MOTION

Mr. MCCONNELL. I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on H.R. 240, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015.

Mitch McConnell, Orrin G. Hatch, Susan M. Collins, Lindsey Graham, Daniel Coats, Thad Cochran, Roger F. Wicker, John Barrasso, Jeff Flake, John McCain, Mark Kirk, Kelly Ayotte, Lamar Alexander, Lisa Murkowski, Bob Corker, John Cornyn.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

IMMIGRATION RULE OF LAW ACT OF 2015—MOTION TO PROCEED

Mr. MCCONNELL. I move to proceed to S. 534.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 22, S. 534, a bill to prohibit funds from being used to carry out certain Executive actions related to immigration and for other purposes.

CLOTURE MOTION

Mr. MCCONNELL. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 534, a bill to prohibit funds from being used to carry out certain Executive actions related to immigration and for other purposes.

Mitch McConnell, Susan M. Collins, John Thune, Cory Gardner, Lamar Alexander, Daniel Coats, James Lankford, John Barrasso, John McCain, Bill Cassidy, Roger F. Wicker, John Hoeven, Lisa Murkowski, Jeff Flake, Shelley Moore Capito, Ron Johnson, Richard Burr.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, at 10 a.m. on Friday, February 27, the Senate vote on the motion to invoke cloture on H.R. 240; that if cloture is invoked, all postcloture time be yielded back with the exception of 10 minutes for Senator LEE or his designee; and that following the use or yielding back of that time, the pending amendments, with the exception of amendment No. 255, be withdrawn and the Senate vote on amendment No. 255; I further ask that the bill, as amended, if amended, then be read a third time and the Senate vote on passage, and that there then be 2 minutes of debate equally divided prior to a vote on the motion to invoke cloture on the motion to proceed to S. 534.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING COLONEL DEWEY LEE SMITH

Mr. MCCONNELL. Mr. President, I rise today to mourn the passing of a great Kentuckian and an American hero, Col. Dewey Lee Smith. Colonel Smith of Fairdale, KY, was a U.S. Air Force veteran. He passed away on February 9, 2015, and was 85 years old.

Colonel Smith bravely served his country during the Vietnam war and was taken prisoner on June 2, 1967, as an F–105 pilot who was forced to eject over North Vietnam. He was held as a POW and not released until March 4, 1973, near the end of the Vietnam war. He spent 2,103 days in captivity and was released during Operation Homecoming.

Colonel Smith was not reluctant to talk about his POW experience, and often spoke about it on Veterans Day at area churches. He also frequently spoke to newly commissioned military officers at Fort Knox.

Among Colonel Smith's many various medals, awards, and decorations, he received the Silver Star, the Distinguished Flying Cross, and the Purple Heart. He later received a Bronze Oak Leaf Cluster, in lieu of a second Silver Star, for gallantry while a POW.

Colonel Smith was born, fittingly, on Veterans Day in 1929 in Louisville. He played football at Fairdale High School and was a linebacker and a fullback on the football team at Western Kentucky University.

He was commissioned as a second lieutenant through the Air Force ROTC program at Western Kentucky in 1953. He was awarded his pilot wings at Vance AFB, OK, in June 1954. He served in South Korea, and at the time of his capture he was stationed in Thailand.

In his retirement, Colonel Smith could frequently be seen playing golf at South Park Country Club, and he served at least once as the grand marshal of the Fairdale Fair parade. He will be greatly missed by his wife Elaine, his sons Dewey Smith Jr., Jonathan Smith, and Joshua Russell Smith, and his daughters Vicki Boyd and Sandra Smith. I know my U.S. Senate colleagues join me in expressing condolences to Colonel Smith's family.

The Louisville Courier-Journal published an obituary for Colonel Smith. I ask unanimous consent that said obituary be printed in the RECORD.

There being no objection, the obituary was ordered to appear as follows:

COLONEL DEWEY LEE SMITH

OBITUARY

Smith, Colonel Dewey Lee, 85, passed while in the nursing home in Luverne, AL, on February 9, 2015. A highly decorated veteran of the Cold War and the Vietnam War and a POW of the Vietnam War, he was awarded numerous medals for valor and citations for achievement including but not limited to the Silver Star (2), Legion of Merit, Distinguished Flying Cross for Valor (2), Bronze Star for Valor, Purple Heart (2), and Prisoner of War Medal.

Colonel Smith was a courageous, honorable and loyal airman, as well as a patient and loving father, a humble family man, and a faithful servant of God. He married Elaine Hall in Glenwood, Alabama in 1974. As a natural at the game of football, he coached little league, played his senior year at Fairdale High School in Fairdale, Kentucky and received a scholarship to play at Western Kentucky, where he played from 1948 to 1953, and served as a student coach in 1953.

Colonel Smith was born on November 11, 1929 in Louisville, KY, to John and Edna Smith.

He is survived by his wife of 40 years, Elaine Hall Smith; his daughters, Vicki Boyd of Chattanooga and Sandy Smith of Louisville; his sons, Lieutenant Colonel Dewey L. Smith, Jr. ''Chip'' of Missoula, MT, Captain Jonathan Smith (April) and Sergeant Joshua Smith (Samlong) of Louisville; his grandchildren, Mike, Halle, Mahalia, Kaden, Kellan, Samara, and Serena; his sister, Mildred Davis of Shepherdsville; and many nieces and nephews who adored their Uncle Dewey. Colonel Dewey was preceded in death by his parents, John and Edna; his brothers, Homer Smith and Johnny Ray Smith (Louisville), Cedar Smith of Charlestown, IN; his sisters, Alice Oney of Louisville, Elizabeth Trotter of Chattanooga, and Mary Stewart of Evarts, KY; daughter, Donna.

A viewing will take place at Fairdale-McDaniel Funeral Home, Friday 3–8 p.m. and Saturday 11 a.m.—1 p.m., with the burial immediately following at Bethany Cemetery at 2 p.m. The service will be officiated by Brother David Brading and Jack Davis.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

RULES OF PROCEDURE

Mr. JOHNSON. Mr. President, Senate Standing Rule XXVI, paragraph 2 requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 24, 2015, a majority of the members of the Committee on Homeland Security and Governmental Affairs' Permanent Subcommittee on Investigations adopted subcommittee rules of procedure.

I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a copy of the rules of procedure of the Permanent Subcommittee on Investigations.

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

RULES OF PROCEDURE FOR THE SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS AS ADOPTED

1. No public hearing connected with an investigation may be held without the approval of either the Chairman and the Ranking Minority Member or a majority of the Members of the Subcommittee. In all cases, notification to all Subcommittee Members of the intent to hold hearings must be given at least 7 days in advance to the date of the hearing. The Ranking Minority Member should be kept fully apprised of preliminary inquiries, investigations, and hearings. Preliminary inquiries may be initiated by the Subcommittee Majority staff upon the approval of the Chairman and notice of such approval to the Ranking Minority Member,

Minority Staff Director, or the Minority Chief Counsel. Preliminary inquiries may be undertaken by the Minority staff upon the approval of the Ranking Minority Member and notice of such approval to the Chairman, Staff Director, or Chief Counsel. Investigations may be undertaken upon the approval of the Chairman and the Ranking Minority Member with notice of such approval to all Members of the Subcommittee.

No public hearing shall be held if the Minority Members of the Subcommittee unanimously object, unless the Committee on Homeland Security and Governmental Affairs (the ''Committee'') approves of such public hearing by a majority vote.

Senate Rules will govern all closed sessions convened by the Subcommittee (Rule XXVI, Sec. 5(b), Standing Rules of the Senate).

2. Subpoenas for witnesses, as well as documents and records, may be authorized and issued by the Chairman, or any other Member of the Subcommittee designated by him or her, with notice to the Ranking Minority Member. A written notice of intent to issue a subpoena shall be provided to the Chairman and Ranking Minority Member of the Committee, or staff officers designated by them, by the Chairman or a staff officer designated by him or her, immediately upon such authorization, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member of the Committee waive the 48 hour waiting period or unless the Chairman certifies in writing to the Chairman and Ranking Minority Member of the Committee that, in his or her opinion, it is necessary to issue a subpoena immediately.

3. The Chairman shall have the authority to call meetings of the Subcommittee. This authority may be delegated by the Chairman to any other Member of the Subcommittee when necessary.

4. If at least three Members of the Subcommittee desire the Chairman to call a special meeting, they may file, in the office of the Subcommittee, a written request therefor, addressed to the Chairman. Immediately thereafter, the clerk of the Subcommittee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Subcommittee Members may file in the office of the Subcommittee their written notice that a special Subcommittee meeting will be held, specifying the date and hour thereof, and the Subcommittee shall meet on that date and hour. Immediately upon the filing of such notice, the Subcommittee clerk shall notify all Subcommittee Members that such special meeting will be held and inform them of its date and hour. If the Chairman is not present at any regular, additional or special meeting, the Ranking Majority Member present shall preside.

5. For public or executive sessions, one Member of the Subcommittee shall constitute a quorum for the administering of oaths and the taking of testimony in any given case or subject matter.

One-third of the Members of the Subcommittee shall constitute a quorum for the transaction of Subcommittee business other than the administering of oaths and the taking of testimony, provided that at least one member of the minority is present.

6. All witnesses at public or executive hearings who testify to matters of fact shall be sworn.

7. If, during public or executive sessions, a witness, his or her counsel, or any spectator conducts himself or herself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing, the Chairman or presiding Member of the Subcommittee present during such hearing may request the Sergeant at Arms of the Senate, his or her representative, or any law enforcement official to eject said person from the hearing room.

8. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing and to advise such witness while he or she is testifying of his or her legal rights; provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, corporation, or association, or by counsel representing another witness, creates a conflict of interest, and that the witness may only be represented during interrogation by Subcommittee staff or during testimony before the Subcommittee by personal counsel not from the government, corporation, or association, or by personal counsel not representing another witness. This rule shall not be construed to excuse a witness from testifying in the event his or her counsel is ejected for conducting himself or herself in such a manner so as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of the hearings; nor shall this rule be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from complying with a subpoena or deposition notice.

9. Depositions.

9.1 Notice. Notices for the taking of depositions in an investigation authorized by the Subcommittee shall be authorized and issued by the Chairman. The Chairman of the Committee and the Ranking Minority Member of the Subcommittee shall be kept fully apprised of the authorization for the taking of depositions. Such notices shall specify a time and place of examination, and the name of the Subcommittee Member or Members or staff officer or officers who will take the deposition. The deposition shall be in private. The Subcommittee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Subcommittee subpoena.

9.2 Counsel. Witnesses may be accompanied at a deposition by counsel to advise them of their legal rights, subject to the provisions of Rule 8.

9.3 Procedure. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Subcommittee Members or staff. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Subcommittee Members or staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or such Subcommittee Member as designated by him or her. If the Chairman or designated Member overrules the objection, he or she may refer the matter to the Subcommittee or he or she may order and direct the witness to answer the question, but the Subcommittee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify after he or she has been ordered and directed to answer by the Chairman or designated Member.

9.4 Filing. The Subcommittee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review pursuant to the provisions of Rule 12. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the Subcommittee clerk. Subcommittee staff may stipulate with the witness to changes in this procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his or her obligation to testify truthfully.

10. Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Chairman, Staff Director, or Chief Counsel 48 hours in advance of the hearings at which the statement is to be presented unless the Chairman and the Ranking Minority Member waive this requirement. The Subcommittee shall determine whether such statement may be read or placed in the record of the hearing.

11. A witness may request, on grounds of distraction, harassment, personal safety, or physical discomfort, that during testimony, television, motion picture, and other cameras and lights, shall not be directed at him or her. Such requests shall be ruled on by the Subcommittee Members present at the hearing.

12. An accurate stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his or her own testimony, whether in public or executive session, shall be made available for inspection by the witness or his or her counsel under Subcommittee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness at his or her expense if he or she so requests.

13. Interrogation of witnesses at Subcommittee hearings shall be conducted on behalf of the Subcommittee by Subcommittee Members and authorized Subcommittee staff personnel only.

14. Any person who is the subject of an investigation in public hearings may submit to the Chairman questions in writing for the cross-examination of other witnesses called by the Subcommittee. With the consent of a majority of the Members of the Subcommittee present and voting, these questions, or paraphrased versions of them, shall be put to the witness by the Chairman, by a Member of the Subcommittee, or by counsel of the Subcommittee.

15. Any person whose name is mentioned or who is specifically identified, and who believes that testimony or other evidence presented at a public hearing, or comment made by a Subcommittee Member or counsel, tends to defame him or her or otherwise adversely affect his or her reputation, may (a) request to appear personally before the Subcommittee to testify in his or her own behalf, or, in the alternative, (b) file a sworn statement of facts relevant to the testimony or other evidence or comment complained of. Such request and such statement shall be submitted to the Subcommittee for its consideration and action.

If a person requests to appear personally before the Subcommittee pursuant to alternative (a) referred to herein, said request shall be considered untimely if it is not received by the Chairman, Staff Director, or Chief Counsel in writing on or before thirty (30) days subsequent to the day on which said person's name was mentioned or he or she

was otherwise specifically identified during a public hearing held before the Subcommittee, unless the Chairman and the Ranking Minority Member waive this requirement.

If a person requests to file his or her sworn statement pursuant to alternative (b) referred to herein, the Subcommittee may condition the filing of said sworn statement upon said person agreeing to appear personally before the Subcommittee and to testify concerning the matters contained in his or her sworn statement, as well as any other matters related to the subject of the investigation before the Subcommittee.

16. All testimony taken in executive session shall be kept secret and will not be released for public information without the approval of a majority of the Members of the Subcommittee.

17. No Subcommittee report shall be released to the public unless approved by a majority of the Subcommittee and after no less than 10 days' notice and opportunity for comment by the Members of the Subcommittee unless the need for such notice and opportunity to comment has been waived in writing by a majority of the Minority Members of the Subcommittee.

18. The Ranking Minority Member may select for appointment to the Subcommittee staff a Chief Counsel for the Minority and such other professional staff and clerical assistants as he or she deems advisable. The total compensation allocated to such Minority staff shall be not less than one-third the total amount allocated for all Subcommittee staff salaries during any given year. The Minority staff shall work under the direction and supervision of the Ranking Minority Member. The Minority Staff Director and the Minority Chief Counsel shall be kept fully informed as to preliminary inquiries, investigations, and hearings, and shall have access to all material in the files of the Subcommittee.

19. When it is determined by the Chairman and Ranking Minority Member, or by a majority of the Subcommittee, that there is reasonable cause to believe that a violation of law may have occurred, the Chairman and Ranking Minority Member by letter, or the Subcommittee by resolution, are authorized to report such violation to the proper State, local and/or Federal authorities. Such letter or report may recite the basis for the determination of reasonable cause. This rule is not authority for release of documents or testimony.

SUBCOMMITTEE ON FEDERAL SPENDING OVERSIGHT AND EMERGENCY MANAGEMENT

RULES OF PROCEDURE

Mr. JOHNSON. Mr. President, Senate Standing Rule XXVI, paragraph 2 requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 26, 2015, a majority of the members of the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Spending Oversight and Emergency Management adopted subcommittee rules of procedure.

I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a copy of the rules of procedure of the Subcommittee on Federal Spending Oversight and Emergency Management.

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

Rules of Procedure of the Committee on Homeland Security and Governmental Affairs

SUBCOMMITTEE ON FEDERAL SPENDING OVERSIGHT AND EMERGENCY MANAGEMENT

1. Subcommittee rules. The Subcommittee shall be governed, where applicable, by the rules of the full Committee on Homeland Security and Government Affairs and the Standing Rules of the Senate.

2. Quorums.

A. Transaction of routine business. One-third of the membership of the Subcommittee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term ''routine business'' includes the convening of a meeting and the consideration of any business of the Subcommittee other than reporting to the full Committee on Homeland Security and Government Affairs any measures, matters or recommendations.

B. Taking testimony. One Member of the Subcommittee shall constitute a quorum for taking sworn or unsworn testimony.

C. Proxies prohibited in establishment of quorum. Proxies shall not be considered for the establishment of a quorum.

3. Subcommittee subpoenas. The Chairman of the Subcommittee, with the approval of the Ranking Minority Member of the Subcommittee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 48 hours, excluding Saturdays and Sundays and legal holidays in which the Senate is not in session, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided herein, the subpoena may be authorized by vote of the Members of the Subcommittee.

Immediately upon authorization of the issuance of a subpoena under these rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Government Affairs, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Government Affairs waive the 48-hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member of the full Committee that, in his or her opinion, it is necessary to issue a subpoena immediately.

When the Subcommittee or its Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Subcommittee designated by the Chairman.

SUBCOMMITTEE ON REGULATORY AFFAIRS AND FEDERAL MANAGEMENT

RULES OF PROCEDURE

Mr. JOHNSON. Mr. President, Senate Standing Rule XXVI, paragraph 2 requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 26, 2015, a majority of the members of the Committee on Homeland Security and Governmental Affairs' Subcommittee on Regulatory Affairs and Federal Management adopted subcommittee rules of procedure.

I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a copy of the rules of procedure of the Subcommittee on Regulatory Affairs and Federal Management.

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

Rules of Procedure of the Committee on Homeland Security and Governmental Affairs

SUBCOMMITTEE ON REGULATORY AFFAIRS AND FEDERAL MANAGEMENT

(1) SUBCOMMITTEE RULES. The Subcommittee shall be governed, where applicable, by the rules of the Committee on Homeland Security and Governmental Affairs and the Standing Rules of the Senate.

(2) QUORUMS. For public or executive sessions, one Member of the Subcommittee shall constitute a quorum for the administering of oaths and the taking of testimony in any given case or subject matter. One-third of the Members of the Subcommittee shall constitute a quorum for the transaction of business other than the administering of oaths and the taking of testimony, provided that one Member of the minority is present. Proxies shall not be considered for the establishment of a quorum.

(3) TAKING TESTIMONY. All witnesses at public or executive hearings who testify to matters of fact shall be sworn.

(4) SUBCOMMITTEE SUBPOENAS. Subpoenas for witnesses, as well as documents and records, may be authorized and issued by the Chairman, or any other Member of the Subcommittee designated by him or her, with the approval of the Ranking Minority Member of the Subcommittee, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 24 hours excluding Saturdays and Sundays, of being notified of the subpoena. If the subpoena is disapproved by the Ranking Minority Member as provided herein, the subpoena may be authorized by a vote of the Members of the Subcommittee.

A written notice of intent to issue a subpoena shall be provided to the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Governmental Affairs, or staff officers designated by them, by the Subcommittee Chairman, or a staff officer designated by him or her, immediately upon such authorization, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to appropriate offices, unless the

Chairman and Ranking Minority Member waive the 48 hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member that, in his or her opinion, it is necessary to issue the subpoena immediately.

NOMINATION OF CHRISTOPHER A. HART

Mr. BOOKER. Mr. President, I strongly support the nomination of Christopher A. Hart to serve as Chairman of the National Transportation Safety Board, NTSB. Today I joined the Commerce Committee's unanimous approval of his nomination and urge my colleagues to move quickly to confirm Mr. Hart as Chair of the NTSB.

The NTSB plays a critical role in objectively evaluating accidents in aviation, railroad, highway, marine, and pipeline transportation services. The NTSB forms extensive recommendations on future enhancements in transportation safety and is a great asset in improving the national standard for transportation security. Given how critical the NTSB is to public safety, I cannot stress enough the importance of the full Senate approving this role. As Chairman, Mr. Hart will provide needed leadership to guide the NTSB's work.

In New Jersey, the NTSB serves an essential role in improving public safety. Just last year, the NTSB moved quickly to launch a thorough investigation of a high-profile truck accident in June 2014. In addition, in response to the 2012 Paulsboro, NJ train derailment, the NTSB issued a comprehensive report with a number of needed safety recommendations. The NTSB's thorough analysis and review of these accidents significantly aids local governments, first responders, and Federal lawmakers in making important policy decisions to avoid future catastrophes.

Given the importance of the NTSB to New Jersey and across the country, I am proud to support a nominee to lead this organization with a breadth of experience in senior leadership roles in aviation and highway safety. Mr. Hart's proven leadership of the NTSB makes him uniquely qualified to lead this organization. I am proud to offer my full support for Mr. Hart, who I am honored to note upon approval by this body, will serve as the first African-American Chairman of the NTSB. Mr. Hart continues the tradition of his great uncle James Herman Banning, the first African American to receive a pilot's license issued by the U.S. Government in 1926. As a pilot himself, and a true public servant, Mr. Hart will help the NTSB continue making a substantial positive impact on American public safety. Thank you.

TRIBUTE TO TYLER STEPHENS

Mr. BURR. Mr. President, I wish to pay special tribute to Tyler Stephens, a key member of my staff on the Select Committee on Intelligence. Tyler will leave us shortly to join the private sector. I am honored to have the opportunity to publicly thank Tyler and note my appreciation for his outstanding service to the United States Senate during the past 8 years, including his last 4 years of dedicated service to the Select Committee on Intelligence.

Tyler is one of the brightest and most talented individuals on Capitol Hill. He is also among the best connected, a testament to the high regard in which he is held. Beginning as a staff assistant for Senator JOHNNY ISAKSON in January 2007, he learned the Senate from the ground up and quickly rose through the ranks to his current position as a senior policy advisor on the Intelligence Committee. Tyler spent most of his time in the Senate as a close personal adviser to Senator Saxby Chambliss, my dear friend and colleague, on both his personal staff and throughout Saxby's tenure as the vice chairman of the Intelligence Committee. Tyler worked hard to establish his expertise as a policy and appropriations advisor on foreign relations, defense, homeland security, commerce, transportation, energy, environmental, and technology issues. On the Intelligence Committee, he quickly became a respected subject matter expert on a wide range of national security issues, including counterterrorism, covert action, and cybersecurity. As impressive as Tyler's resume and experience are, it is his personal dedication and quick wit that often carry the day. In an environment filled with threat briefings, hostile nation states, and post-9/11 conflict, it is often easy for some to dwell on the negative. Not Tyler—the consummate team player and totally mission-oriented—no challenge has been too great and no objective too small. His great sense of humor, contagious chuckles, and mischievous grin often lightened the mood and helped those around him perform better during stressful situations. With his boundless energy and enthusiasm, he made it all look easy.

My colleagues and I trust Tyler's judgment implicitly. He has played a key role in helping committee members develop successful legislative strategies for resolving difficult national security issues. He was also particularly helpful to me during my transition as the chairman of the Select Committee on Intelligence at the beginning of this Congress. Tyler's dedicated public service and exceptional day-to-day performance on the job have earned our respect and admiration, and it inspired a generation of staff who had the privilege to work alongside him. There is no doubt that Tyler has a bright future in the private sector; however, should the right opportunity present itself, I would strongly encourage my Senate colleagues to entice him back into public service. We will miss Tyler deeply, but his legacy will remain a part of the Senate Select Committee on Intelligence for years to come.

ADDITIONAL STATEMENTS

TRIBUTE TO NEIL ROBERTSON

• Mr. BLUMENTHAL. Madam President, I wish to pay tribute to a Connecticut resident who recently demonstrated extraordinary capability and heroism. Officer Neil Robertson of the Norwalk Police Department was on patrol this past Tuesday, February 24, when he drove by a railroad crossing and noticed a vehicle partially stopped on the tracks. He also saw that a train was approaching. The driver of the vehicle, who may not have been aware of the train, was unable to move forward because of gridlock in the intersection ahead. Officer Robertson quickly and accurately judged the impending danger. He immediately leapt from his car and directed traffic to move forward, allowing the driver of the stuck vehicle to escape the path of the oncoming train just seconds before it passed through the crossing.

Officer Robertson is a 4-year veteran of the Norwalk Police Department. He deserves the highest praise not just for his choice to enter a career in public service but for his speedy and decisive actions to avert a potentially disastrous accident. I know that all of Connecticut joins me in honoring and thanking him for his exemplary performance in the line of duty.•

INDIANAPOLIS CHAMBER OF COMMERCE 125TH ANNIVERSARY

• Mr. DONNELLY. Mr. President, today I wish to congratulate the hardworking members of the Indianapolis Chamber of Commerce as they celebrate 125 years of creating jobs, building Indiana's economy, and improving the lives of Hoosiers all across our State.

Originally called the Indianapolis Commercial Club, the Indianapolis Chamber of Commerce was founded in 1890 by COL Eli Lilly to address needs brought on by urban expansion in Central Indiana. The rapid expansion of industry and transportation in the region at the time left what had been a rural population with insufficient infrastructure to meet the needs of the growing city. The steadfast response of these leaders to remedy this situation represents the determination and ingenuity that the Indy Chamber continues to exhibit today.

The 1912 merger of this group with like-minded business organizations, including the Manufacturers, Trade and Merchants Associations, became what is today known as the Indy Chamber. While the economic landscape has changed significantly, the Indy Chamber of today stays true to its earliest vision of boosting area businesses and growing industry and investment throughout the Indianapolis area.

With a bold civic agenda, Colonel Lilly and the early founders of the Indy Chamber invested their efforts in building up its membership and increasing the quality of life for residents and businesses alike—including advocating for better roadways so citizens and visitors could easily travel to their jobs and places of leisure; providing relief programs for citizens hit by economic depression; and serving as an adviser to elected and appointed officials on issues addressed at all levels of governing.

In 2013, the Indy Chamber merged with three area economic development organizations—Indy Partnership, Develop Indy, and Business Ownership Initiative—putting an even greater emphasis on the organization's mission to strengthen the metro economy. Today, the Indy Chamber's commitment to urban and rural metro strength can be seen in the ever-expanding resources they offer to large corporations and entrepreneurial startups alike.

As a leading advocate for business in the Indy area today, the Indy Chamber's mission remains true to its roots while at the same time adapting to accommodate the ever-growing landscape of today's business world. Their core mission includes keeping a keen eye on education and workforce development, supporting strong, fiscally responsible governing, and investment in regional infrastructure including roads and waterways—all areas that have an immense impact on the region's ability to attract jobs, talent, and capital.

On behalf of the citizens of Indiana, I sincerely congratulate each and every member of the Indianapolis Chamber of Commerce team on their 125th anniversary, and I wish them continued success and growth in the years to come.●

TRIBUTE TO ED GUTHRIE

● Mr. HELLER. Mr. President, today I wish to recognize Ed Guthrie, executive director at Opportunity Village, for his tireless efforts to enhance the lives of those around him. Mr. Guthrie has dedicated 20 years to working for Opportunity Village, helping thousands with disabilities. The organization gives students a positive social environment and provides support to families and loved ones. Mr. Guthrie has contributed greatly to the city of Las Vegas by working to make Opportunity Village the best it can be.

He stands as a shining example of someone who has devoted his life to the betterment of others. Throughout his 20 years with Opportunity Village, Guthrie has grown the organization to be recognized internationally, receiving numerous awards. It was named one of the country's top five rehabilitation service providers in the United States by the Social Security Administration and was distinguished as Las Vegas' Best Community Organization.

Mr. Guthrie has had great influence in expanding the facilities over the years, pushing to open the Walters Family Campus of Opportunity Village and the North Campus of Opportunity Village. I have personally taken a tour of the Ralph and Betty Engelstad Campus and witnessed the importance of space specifically laid out for the needs of the organization. Opportunity Village now has three employment training center campuses and a thrift store, and it services 1,990 people every day. Mr. Guthrie's dedication to these students and families is without limit and stands as a pristine example of selflessness.

Opportunity Village offers vocational training, community employment, day services, advocacy, arts, and social recreation, creating a productive environment for those who participate. This gives students the opportunity to create friendships and pursue independence to become part of the local community. I have seen firsthand, after attending Opportunity Village events such as the 10th annual Job Discovery Program graduation ceremony and hosting meetings with Mr. Guthrie, the positive atmosphere that the organization offers to the community.

I extend my deepest gratitude to Mr. Guthrie for his noble contributions to the Las Vegas community and to the individuals that have benefited from Opportunity Village. His service to Nevada places him among the outstanding men and women of the State.

Today, I ask my colleagues and all Nevadans to join me in recognizing Mr. Guthrie and his work for Opportunity Village, a program with a mission that is both honorable and necessary. I wish the program the best of luck in all of its future endeavors.●

TRIBUTE TO DAVID MORTON

● Mr. HELLER. Mr. President, today I congratulate David Morton on his retirement after 26 years of service with the Housing Authority of the City of Reno. It gives me great pleasure to recognize the years of hard work and dedication he has committed to the City of Reno and the Silver State.

Mr. Morton earned his bachelor of arts from Auburn University in Alabama and then went on to complete his graduate studies in history and political science at Vanderbilt University in Nashville, TN. Upon completion of his studies, Mr. Morton began his career as a community organization officer at the Metropolitan Development and Housing Agency in Nashville. After 20 years of working for two successful housing agencies in Nashville and Dallas, TX, Mr. Morton moved to the city of Reno to utilize his experience in a new location, benefitting the great State of Nevada. His work within the community shines as an outstanding example of true commitment to bettering the State.

During his tenure, Mr. Morton also served as president of the Public Housing Authorities Directors Association, secretary and treasurer of the board of directors of the Housing Authorities Risk Retention Pool, trustee of the Legislative Committee for the Public Housing Authorities Directors Association, and member of the Housing Committee for the National Association of Housing and Redevelopment Officials. His work throughout these many organizations demonstrates his dedication to honorably representing Nevada on a larger scale. He currently serves as president of the Washoe Affordable Housing Corporation, which administers project-based contracts with the Department of Housing and Urban Development for the State of Nevada. Although he is retiring, his legacy within these organizations will continue for years to come.

The Reno community has greatly benefitted from the hard work of Mr. Morton. He exemplifies the highest standards of leadership and community service and should be proud of his long and meaningful career. Today, I ask that all of my colleagues join me in congratulating David Morton on his retirement, and I offer my deepest appreciation for all that he has done to make Nevada an even better place. I offer my best wishes for many successful and fulfilling years to come.●

RECOGNIZING DARRELL'S

● Mr. VITTER. Mr. President, in many cases small businesses are the best representatives of their communities. If you were to ask folks from Lake Charles, LA for the best po-boy in town, locals would agree that Darrell's is the spot to be. All about great food and good times, Darrell's has provided its patrons with genuine Louisiana fare for over 30 years, which is why Darrell's is this week's Small Business of the Week.

Open Monday through Saturday, Darrell's has become a staple in the Lake Charles community and the surrounding southwest Louisiana area. A go-to for locals of all ages and walks of life, Darrell's menu includes mouth-watering po-boys piled high with a variety of fresh, delicious Louisiana ingredients. Most popular on the menu is the Darrell's Special po-boy, which comes piled high with fresh-sliced ham, turkey, and roast beef cooked in and covered with homemade roast beef gravy. Locals would recommend adding a schmear of Darrell's own jalapeno mayo, a side of chips, and an ice-cold glass of sweet tea. Darrell's has also upped the ante with baking their crusty French bread in-house and serving a specialty barbeque sauce. Darrell's also takes advantage of Louisiana's successful seafood industry by serving up a spicy Cajun shrimp po-boy option. It is always great to see local establishments tap into the rich resources our State has to offer because that is when we begin to see economic growth across the board.

Beyond mouth-watering po-boys, Darrell's also serves as a local watering-hole where customers can enjoy a cold beverage while cheering on their

favorite sports team. After the dinner rush, Darrell's turns into a full-service bar. It even stays open until 2 a.m. on Tuesdays to accommodate their loyal patrons. The Southwest Louisiana community was saddened by the passing of the original beloved owner Darrell Derouen in 2013. However, his wife Susie Derouen proudly continues the family tradition of quality food, service, and authenticity at the famous Lake Charles location.

Establishments like Darrell's are vital members of their communities and are well-deserving of our continued support and encouragement as they grow and thrive. Congratulations again to Darrell's, Small Business of the Week, for 30 years of service to the Lake Charles community. I wish you continued success, great food, and good times in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, 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 messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:42 a.m., a message from the House of Representatives, delivered by Mrs. Cole, 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. 529. An act to amend the Internal Revenue Code of 1986 to improve 529 plans.

H.R. 1020. An act to define STEM education to include computer science, and to support existing STEM education programs at the National Science Foundation.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1020. An act to define STEM education to include computer science, and to support existing STEM education programs at the National Science Foundation; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–708. A communication from the President of the United States, transmitting, pursuant to law, the Economic Report of the President together with the 2015 Annual Report of the Council of Economic Advisers; to the Joint Economic Committee.

EC–709. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Establishment of The Rocks District of Milton-Freewater Viticultural Area'' (RIN1513–AC05) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–710. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Removal of Special Federal Aviation Regulation No. 87—Prohibition Against Certain Flights Within the Territory and Airspace of Ethiopia'' (RIN2120–AK59) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–711. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Automatic Dependent Surveillance - Broadcast (ADS—B) Out Performance Requirements to Support Air Traffic Control (ATC) Service; Technical Amendment'' (RIN2120–AI92) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–712. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (Embraer) Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–0622)) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–713. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls Royce Corporation Turboprop and Turboshaft Engines'' ((RIN2120–AA64) (Docket No. FAA–2011–0961)) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–714. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–0173)) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–715. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–0082)) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–716. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–0231)) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–717. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–0188)) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–718. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dassault Aviation Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–0527)) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–719. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–0525)) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–720. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–0079)) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–721. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–0624)) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–722. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Technify Motors GmbH (Type Certificate Previously Held by Thielert Aircraft Engines GmbH) Reciprocating Engines'' ((RIN2120–AA64) (Docket No. FAA–2010–0683)) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–723. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–0230)) received

during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–724. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Viking Air Limited Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–0096)) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–725. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Costruzioni Aeronautiche Tecnam srl Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–0876)) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–726. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–0078)) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–727. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–0146)) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–728. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–0750)) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–729. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Helicopters (formerly Eurocopter France)'' ((RIN2120–AA64) (Docket No. FAA–2015–0133)) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–730. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–0142)) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–731. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Agusta S.p.A. (Type Certificate Currently Held By AgustaWestland S.p.A.) (Agusta) Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2014–0465)) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–732. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–0087)) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–733. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Sikorsky Aircraft Corporation Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2009–1088)) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–734. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–0344)) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–735. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc (RR) Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2007–28059)) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–736. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce Corporation Turboprop and Turbofan Engines (Type Certificate previously held by Allison Engine Company)'' ((RIN2120–AA64) (Docket No. FAA–2014–0462)) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–737. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Quest Aircraft Design, LLC Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–0099)) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–738. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Lycoming Engines Reciprocating Engines (Type Certificate previously held by Textron Lycoming Division, AVCO Corporation)'' ((RIN2120–AA64) (Docket No. FAA–2014–0540)) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–739. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–0446)) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–740. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–0138)) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–741. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Take-off Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (31); Amdt. No. 3625'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–742. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Take-off Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (172); Amdt. No. 3626'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–743. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Groundfish Fishery; Framework Adjustment 52'' (RIN0648–BE22) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2015; to the Committee on Commerce, Science, and Transportation.

EC–744. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Reef Fish Fishery of the Gulf of Mexico; 2015 Recreational Accountability Measures for Gray Triggerfish in the Gulf of Mexico; Reduced Annual Catch Limit and Annual Catch Target and Closure'' (RIN0648–XD723) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–745. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone

Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XD747) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–746. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XD750) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–747. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region; Amendment 20B'' (RIN0648–BD86) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–748. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Feet (18.3 Meters) Length Overall Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XD749) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–749. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2015 Commercial Accountability Measure and Closure for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic'' (RIN0648–XD709) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–750. A communication from the Census Bureau Federal Register Liaison Officer, Census Bureau, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Foreign Trade Regulations (FTR): Clarification on Uses of Electronic Export Information'' (RIN0607–AA52) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2015; to the Committee on Commerce, Science, and Transportation.

EC–751. A communication from the Chief Counsel, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Seaway Regulations and Rules: Periodic Update, Various Categories'' (RIN2135–AA36) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–752. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation; San Diego Crew Classic; Mission Bay, CA'' ((RIN1625–AA08) (Docket No. USCG–2014–1063)) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2015; to the Committee on Commerce, Science, and Transportation.

EC–753. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation; Bradenton Area Riverwalk Regatta; Manatee River, Bradenton, FL'' ((RIN1625–AA08) (Docket No. USCG–2014–0905)) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2015; to the Committee on Commerce, Science, and Transportation.

EC–754. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''MARPOL Annex I Amendments'' ((RIN1625–AB57) (Docket No. USCG–2010–0194)) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2015; to the Committee on Commerce, Science, and Transportation.

EC–755. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Triathlon National Championships, Milwaukee Harbor, Milwaukee, Wisconsin'' ((RIN1625–AA00) (Docket No. USCG–2014–0751)) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2015; to the Committee on Commerce, Science, and Transportation.

EC–756. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Moving Security Zone; Escorted Vessels; MM 90.0—106.0, Lower Mississippi River; New Orleans, LA'' ((RIN1625–AA87) (Docket No. USCG–2014–0995)) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2015; to the Committee on Commerce, Science, and Transportation.

EC–757. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Vessel Requirements for Notices of Arrival and Departure, and Automatic Identification System'' ((RIN1625–AA99) (Docket No. USCG–2005–21869)) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2015; to the Committee on Commerce, Science, and Transportation.

EC–758. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Revision of Auxiliary Regulations'' ((RIN1625–AB66) (Docket No. USCG–1999–6712)) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2015; to the Committee on Commerce, Science, and Transportation.

EC–759. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Temporary Exemption from the Requirement of a Tolerance'' (FRL No. 9922–53) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–760. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fomesafen; Pesticide Tolerance'' (FRL No. 9922–82) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–761. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Dimethenamid; Pesticide Tolerances'' (FRL No. 9922–08) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–762. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus subtilis strain IAB/BS03; Exemption from the Requirement of a Tolerance'' (FRL No. 9920–62) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–763. A communication from the Chairman, Broadcasting Board of Governors, transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act; to the Committee on Appropriations.

EC–764. A communication from the Assistant Director, Senior Executive Management Office, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary of Defense (Operational Energy, Plans and Programs), Department of Defense, received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2015; to the Committee on Armed Services.

EC–765. A communication from the Assistant Director, Senior Executive Management Office, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary of Defense (Reserve Affairs), Department of Defense, received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2015; to the Committee on Armed Services.

EC–766. A communication from the Assistant Director, Senior Executive Management Office, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of General Counsel of the Department of the Army, received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Armed Services.

EC–767. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a report entitled, ''Report to Congress on Fiscal Year 2016 Staff Years of Technical Effort and Estimated Funding for Department of Defense Federally Funded Research and Development Centers''; to the Committee on Armed Services.

EC–768. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Patricia E. McQuistion, United States Army, and her advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–769. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 14–146); to the Committee on Foreign Relations.

EC–770. A communication from the General Counsel, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits'' (29 CFR

Part 4022) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Health, Education, Labor, and Pensions.

EC–771. A communication from the Secretary of Education, transmitting, pursuant to law, a report entitled ''U.S. Department of Education Fiscal Year 2014 Annual Performance Report and Fiscal Year 2016 Annual Performance Plan''; to the Committee on Health, Education, Labor, and Pensions.

EC–772. A communication from the Acting Assistant Secretary, Office of Legislation and Congressional Affairs, Department of Education, transmitting, pursuant to law, a report entitled ''U.S. Department of Education Fiscal Year 2014 Annual Performance Report and Fiscal Year 2016 Annual Performance Plan''; to the Committee on Health, Education, Labor, and Pensions.

EC–773. A communication from the Chief Information Security Officer, Department of Homeland Security, transmitting, pursuant to law, the Department's 2014 Federal Information Security Management Act (FISMA) and Agency Privacy Management Report; to the Committee on Homeland Security and Governmental Affairs.

EC–774. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, a report entitled ''U.S. Merit Systems Protection Board Annual Performance Report for FY 2014 and Annual Performance Plan for FY 2015 (Final) and FY 2016 (Proposed)''; to the Committee on Homeland Security and Governmental Affairs.

EC–775. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the second quarter of fiscal year 2014 quarterly report of the Department of Justice's Office of Privacy and Civil Liberties; to the Committee on the Judiciary.

EC–776. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Air Emissions Reporting Requirements: Revisions to Lead (Pb) Reporting Threshold and Clarifications to Technical Reporting Details'' ((RIN2060–AR29) (FRL No. 9922–27–OAR)) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2015; to the Committee on Environment and Public Works.

EC–777. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Albuquerque-Bernalillo County Air Quality Control Board'' (FRL No. 9923–05–Region 6) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2015; to the Committee on Environment and Public Works.

EC–778. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Texas; Revision to Control of Air Pollution from Volatile Organic Compounds; Alternative Leak Detection and Repair Work Practice'' (FRL No. 9923–24–Region 6) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2015; to the Committee on Environment and Public Works.

EC–779. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Illinois; VOM Definition'' (FRL No. 9921–44–Region 5) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2015; to the Committee on Environment and Public Works.

EC–780. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Attainment Redesignation for Missouri Portion of the St. Louis MO–IL Area; 1997 8-Hour Ozone Standard and Associated Maintenance Plan'' (FRL No. 9923–14–Region 7) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2015; to the Committee on Environment and Public Works.

EC–781. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Texas; Emissions Inventories for the Dallas-Fort Worth and Houston-Galveston-Brazoria Ozone Nonattainment Areas'' (FRL No. 9923–19–Region 6) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2015; to the Committee on Environment and Public Works.

EC–782. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Pacific Whiting Allocations and Fishery Closure; Pacific Whiting Seasons'' (RIN0648–XD640) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2015; to the Committee on Commerce, Science, and Transportation.

EC–783. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran as declared in Executive Order 12957 of March 15, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–784. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Turkey; to the Committee on Banking , Housing, and Urban Affairs.

EC–785. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Vietnam; to the Committee on Banking, Housing, and Urban Affairs.

EC–786. A communication from the Assistant Director for Regulatory Affairs, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Sudanese Sanctions Regulations'' (31 CFR Part 538) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–787. A communication from the Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Regulation SBSR—Reporting and Dissemination of Security-Based Swap Information'' (RIN3235–AK80) received during adjournment of the Senate in the Office of the President of the Senate on February 13, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–788. A communication from the Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Security-Based Swap Data Repository Registration, Duties, and Core Principles'' (RIN3235–AK79) received during adjournment of the Senate in the Office of the President of the Senate on February 13, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–789. A communication from the Chair of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Board's semiannual Monetary Policy Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. THUNE for the Committee on Commerce, Science, and Transportation.

*Tho Dinh-Zarr, of Texas, to be a Member of the National Transportation Safety Board for the remainder of the term expiring December 31, 2018.

*Carlos A. Monje, Jr., of Louisiana, to be an Assistant Secretary of Transportation.

*Manson K. Brown, of the District of Columbia, to be an Assistant Secretary of Commerce.

*William P. Doyle, of Pennsylvania, to be a Federal Maritime Commissioner for a term expiring June 30, 2018.

*Christopher A. Hart, of Colorado, to be Chairman of the National Transportation Safety Board for a term of two years.

Mr. THUNE. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nominations beginning with George F. Adams and ending with Andrew H. Zuckerman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 26, 2015.

By Mr. GRASSLEY for the Committee on the Judiciary.

Loretta E. Lynch, of New York, to be Attorney General.

Michelle K. Lee, of California, to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

Alfred H. Bennett, of Texas, to be United States District Judge for the Southern District of Texas.

George C. Hanks, Jr., of Texas, to be United States District Judge for the Southern District of Texas.

Jill N. Parrish, of Utah, to be United States District Judge for the District of Utah.

Jose Rolando Olvera, Jr., of Texas, to be United States District Judge for the Southern District of Texas.

Nancy B. Firestone, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Thomas L. Halkowski, of Pennsylvania, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Patricia M. McCarthy, of Maryland, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Jeri Kaylene Somers, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Armando Omar Bonilla, of the District of Columbia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. TOOMEY (for himself and Mr. WARNER):

S. 576. A bill to increase the threshold for disclosures required by the Securities and Exchange Commission relating to compensatory benefit plans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TOOMEY (for himself, Mrs. FEINSTEIN, and Mr. FLAKE):

S. 577. A bill to amend the Clean Air Act to eliminate the corn ethanol mandate for renewable fuel; to the Committee on Environment and Public Works.

By Ms. COLLINS (for herself and Mr. SCHUMER):

S. 578. A bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mrs. MCCASKILL, and Mr. JOHNSON):

S. 579. A bill to amend the Inspector General Act of 1978 to strengthen the independence of the Inspectors General, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WHITEHOUSE:

S. 580. A bill to include community partners and intermediaries in the planning and delivery of education and related programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WHITEHOUSE:

S. 581. A bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in secondary school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WICKER (for himself, Mr. ROBERTS, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. BURR, Mr. CASSIDY, Mr. COATS, Mr. COCHRAN, Mr. CORKER, Mr. CORNYN, Mr. COTTON, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. ENZI, Mrs. ERNST, Mrs. FISCHER, Mr. FLAKE, Mr. GRAHAM, Mr. GRASSLEY, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. LANKFORD, Mr. LEE, Mr. MCCAIN, Mr. MORAN, Mr. PAUL, Mr. PERDUE, Mr. PORTMAN, Mr. RISCH, Mr. RUBIO, Mr. SCOTT, Mr. SESSIONS, Mr. THUNE, Mr. VITTER, Mr. SASSE, and Mr. SHELBY):

S. 582. A bill to prohibit taxpayer funded abortions; to the Committee on Finance.

By Mr. RISCH:

S. 583. A bill to establish certain wilderness areas in central Idaho and to authorize various land conveyances involving National Forest System land and Bureau of Land Management land in central Idaho, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THUNE (for himself and Mr. WARNER):

S. 584. A bill to amend title XVIII of the Social Security Act to provide the option to receive Medicare Summary Notices electronically, to increase the flexibility and transparency of contracts with medicare administrative contractors, and for other purposes; to the Committee on Finance.

By Mr. MARKEY (for himself, Mr. FRANKEN, Mr. SANDERS, and Mrs. BOXER):

S. 585. A bill to amend the Natural Gas Act with respect to the exportation of natural gas, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. SHAHEEN (for herself, Ms. COLLINS, Mr. BROWN, Mr. MARKEY, Mr. KIRK, Ms. AYOTTE, Mrs. BOXER, Mr. NELSON, Mr. DONNELLY, Mr. CARPER, Mr. BOOKER, Mr. GRASSLEY, and Mr. PETERS):

S. 586. A bill to amend the Public Health Service Act to foster more effective implementation and coordination of clinical care for people with pre-diabetes, diabetes, and the chronic diseases and conditions that result from diabetes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself and Mr. PETERS):

S. 587. A bill to amend title 10, United States Code, to require the Secretary of Defense to use only human-based methods for training members of the Armed Forces in the treatment of severe combat injuries, and for other purposes; to the Committee on Armed Services.

By Mr. DURBIN (for himself, Mr. NELSON, Mr. BLUMENTHAL, Mr. MARKEY, and Ms. KLOBUCHAR):

S. 588. A bill to require the Consumer Product Safety Commission to establish a consumer product safety standard for liquid detergent packets to protect children under the age of five from injury or illness, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. STABENOW (for herself, Mr. PORTMAN, Mr. BROWN, Mr. PETERS, Ms. BALDWIN, Ms. KLOBUCHAR, Mr. FRANKEN, and Mr. SCHUMER):

S. 589. A bill to provide an immediate measure to control the spread of aquatic nuisance species from the Mississippi River basin to the Great Lakes basin and to inform long-term measures to prevent the Interbasin transfer of aquatic nuisance species; to the Committee on Environment and Public Works.

By Mrs. MCCASKILL (for herself, Mr. HELLER, Mr. BLUMENTHAL, Mr. GRASSLEY, Mrs. GILLIBRAND, Ms. AYOTTE, Mr. WARNER, Mr. RUBIO, Mr. PETERS, Mrs. CAPITO, Mr. WHITEHOUSE, Mr. BLUNT, Mrs. BOXER, Mr. REED, Ms. STABENOW, and Mrs. SHAHEEN):

S. 590. A bill to amend the Higher Education Act of 1965 and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act to combat campus sexual violence, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BLUNT (for himself, Mr. SCHUMER, Mr. DAINES, and Mr. CARDIN):

S. 591. A bill to amend the Internal Revenue Code of 1986 to permanently extend the new markets tax credit, and for other purposes; to the Committee on Finance.

By Mr. RUBIO (for himself, Mr. HEINRICH, and Mr. UDALL):

S. 592. A bill to improve the transition between experimental permits and commercial licenses for commercial reusable launch vehicles; to the Committee on Commerce, Science, and Transportation.

By Mr. BARRASSO (for himself and Mr. SCHATZ):

S. 593. A bill to require the Secretary of the Interior to submit to Congress a report on the efforts of the Bureau of Reclamation to manage its infrastructure assets; to the Committee on Energy and Natural Resources.

By Mr. DONNELLY (for himself, Mr. CRUZ, Mr. BLUNT, and Mr. LEAHY):

S. 594. A bill to establish a tiered hiring preference for members of the reserve components of the Armed Forces; to the Committee on Homeland Security and Governmental Affairs.

By Mr. COTTON (for himself and Mr. BOOZMAN):

S. 595. A bill to amend the Migratory Bird Treaty Act to prohibit baiting exemptions on certain land; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 596. A bill to amend the Federal Water Pollution Control Act to establish a grant program to support the restoration of San Francisco Bay; to the Committee on Environment and Public Works.

By Mr. TILLIS:

S. 597. A bill to amend section 706 of the Telecommunications Act of 1996 to provide that such section does not authorize the Federal Communications Commission to preempt the laws of certain States relating to the regulation of municipal broadband, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CARDIN (for himself, Mr. CRAPO, and Mr. NELSON):

S. 598. A bill to improve the understanding of, and promote access to treatment for, chronic kidney disease, and for other purposes; to the Committee on Finance.

By Mr. CARDIN (for himself, Mr. TOOMEY, and Ms. COLLINS):

S. 599. A bill to extend and expand the Medicaid emergency psychiatric demonstration project; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself, Mr. HOEVEN, Ms. STABENOW, Mr. RISCH, Mr. BLUNT, and Mr. SCHATZ):

S. 600. A bill to require the Secretary of Energy to establish an energy efficiency retrofit pilot program; to the Committee on Energy and Natural Resources.

By Ms. HEITKAMP (for herself and Mr. KAINE):

S. 601. A bill to direct Federal investment in carbon capture and storage and other clean coal technologies, and for other purposes; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. BOOZMAN):

S. 602. A bill to amend title 38, United States Code, to consider certain time spent by members of reserve components of the Armed Forces while receiving medical care from the Secretary of Defense as active duty for purposes of eligibility for Post-9/11 Educational Assistance, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TESTER (for himself and Mrs. MURRAY):

S. 603. A bill to amend title 38, United States Code, to make permanent the authority of the Secretary of Veterans Affairs to

transport individuals to and from facilities of the Department of Veterans Affairs in connection with rehabilitation, counseling, examination, treatment, and care, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TESTER (for himself and Mr. NELSON):

S. 604. A bill to reauthorize and improve a grant program to assist institutions of higher education in establishing, maintaining, improving, and operating Veteran Student Centers; to the Committee on Veterans' Affairs.

By Mr. BENNET (for himself and Mr. SCHATZ):

S. 605. A bill to amend the Elementary and Secondary Education Act of 1965 to invest in innovation for education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TESTER (for himself and Mr. SCHATZ):

S. 606. A bill to extend the right of appeal to the Merit Systems Protection Board to certain employees of the United States Postal Service; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BOOKER (for himself, Mr. COCHRAN, Mrs. GILLIBRAND, Mr. ISAKSON, Mr. DURBIN, Ms. MURKOWSKI, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. PAUL, Mr. MERKLEY, Mr. COONS, Mr. PORTMAN, Ms. STABENOW, Mr. MURPHY, Mr. WICKER, Ms. AYOTTE, Mr. BURR, Mr. CARDIN, Mr. REED, Mr. PERDUE, Mr. TILLIS, Mr. PETERS, and Mr. SASSE):

S. Res. 88. A resolution celebrating Black History Month; considered and agreed to.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. Res. 89. A resolution congratulating the Oregon Shakespeare Festival on its 80th year; considered and agreed to.

By Ms. HIRONO (for herself, Ms. MURKOWSKI, Mrs. CAPITO, Ms. HEITKAMP, Mrs. FEINSTEIN, Ms. BALDWIN, Mr. DURBIN, Ms. WARREN, Mrs. BOXER, Ms. STABENOW, Ms. MIKULSKI, Ms. CANTWELL, Ms. COLLINS, Ms. AYOTTE, Mrs. SHAHEEN, Mrs. MURRAY, Mrs. FISCHER, and Ms. KLOBUCHAR):

S. Res. 90. A resolution designating February 2015 as ''American Heart Month'' and February 6, 2015, as ''National Wear Red Day''; considered and agreed to.

By Ms. COLLINS (for herself, Mr. REED, and Mr. DURBIN):

S. Res. 91. A resolution designating March 2, 2015, as ''Read Across America Day''; considered and agreed to.

By Mr. MCCAIN (for himself and Mr. REID):

S. Con. Res. 6. A concurrent resolution expressing the sense of Congress that John Arthur ''Jack'' Johnson should receive a posthumous pardon for the racially motivated conviction in 1913 that diminished the athletic, cultural, and historic significance of Jack Johnson and unduly tarnished his reputation; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 141

At the request of Mr. CORNYN, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 141, a bill to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board.

S. 153

At the request of Mr. HATCH, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 153, a bill to amend the Immigration and Nationality Act to authorize additional visas for well-educated aliens to live and work in the United States, and for other purposes.

S. 166

At the request of Ms. KLOBUCHAR, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 166, a bill to stop exploitation through trafficking.

S. 207

At the request of Mr. MORAN, the names of the Senator from Arizona (Mr. FLAKE) and the Senator from North Dakota (Ms. HEITKAMP) were added as cosponsors of S. 207, a bill to require the Secretary of Veterans Affairs to use existing authorities to furnish health care at non-Department of Veterans Affairs facilities to veterans who live more than 40 miles driving distance from the closest medical facility of the Department that furnishes the care sought by the veteran, and for other purposes.

S. 226

At the request of Mr. PAUL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 226, a bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

S. 233

At the request of Mr. LEE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 233, a bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector.

S. 235

At the request of Mr. WYDEN, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 235, a bill to provide for wildfire suppression operations, and for other purposes.

S. 258

At the request of Mr. ROBERTS, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 258, a bill to amend title XVIII of the Social Security Act to remove the 96-hour physician certification requirement for inpatient critical access hospital services.

S. 262

At the request of Mr. LEAHY, the names of the Senator from North Dakota (Ms. HEITKAMP), the Senator from Hawaii (Ms. HIRONO), the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 262, a bill to reauthorize the Runaway and Homeless Youth Act, and for other purposes.

S. 271

At the request of Mr. REID, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 271, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 298

At the request of Mr. BENNET, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 298, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option of providing services to children with medically complex conditions under the Medicaid program and Children's Health Insurance Program through a care coordination program focused on improving health outcomes for children with medically complex conditions and lowering costs, and for other purposes.

S. 338

At the request of Mr. BURR, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 338, a bill to permanently reauthorize the Land and Water Conservation Fund.

S. 358

At the request of Mrs. SHAHEEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 358, a bill to amend title 10, United States Code, to ensure that women members of the Armed Forces and their families have access to the contraception they need in order to promote the health and readiness of all members of the Armed Forces, and for other purposes.

S. 371

At the request of Ms. MURKOWSKI, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 371, a bill to remove a limitation on a prohibition relating to permits for discharges incidental to normal operation of vessels.

S. 388

At the request of Mr. BOOKER, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 388, a bill to amend the Animal Welfare Act to require humane treatment of animals by Federal Government facilities.

S. 396

At the request of Mr. DURBIN, the names of the Senator from Rhode Island (Mr. REED) and the Senator from

Hawaii (Mr. SCHATZ) were added as cosponsors of S. 396, a bill to establish the Proprietary Education Oversight Coordination Committee.

S. 431

At the request of Mr. THUNE, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 431, a bill to permanently extend the Internet Tax Freedom Act.

S. 474

At the request of Mr. TOOMEY, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Nevada (Mr. HELLER) were added as cosponsors of S. 474, a bill to require State educational agencies that receive funding under the Elementary and Secondary Education Act of 1965 to have in effect policies and procedures on background checks for school employees.

S. 498

At the request of Mr. CORNYN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 498, a bill to allow reciprocity for the carrying of certain concealed firearms.

S. 517

At the request of Mr. WYDEN, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 517, a bill to extend the secure rural schools and community self-determination program, to restore mandatory funding status to the payment in lieu of taxes program, and for other purposes.

S. 524

At the request of Mr. WHITEHOUSE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 524, a bill to authorize the Attorney General to award grants to address the national epidemics of prescription opioid abuse and heroin use.

S. 532

At the request of Mr. BLUMENTHAL, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 532, a bill to improve highway-rail grade crossing safety, and for other purposes.

S. 546

At the request of Ms. HEITKAMP, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 546, a bill to establish the Railroad Emergency Services Preparedness, Operational Needs, and Safety Evaluation (RESPONSE) Subcommittee under the Federal Emergency Management Agency's National Advisory Council to provide recommendations on emergency responder training and resources relating to hazardous materials incidents involving railroads, and for other purposes.

S. 554

At the request of Mr. CARDIN, the names of the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from California (Mrs. FEINSTEIN), the Senator from New Jersey (Mr. BOOKER), the Senator from New Mexico (Mr. HEINRICH) and the Senator from Massachusetts (Mr. MARKEY) were added as cosponsors of S. 554, a bill to provide for the compensation of Federal employees affected by a lapse in appropriations.

S. 568

At the request of Mr. BROWN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Michigan (Mr. PETERS), the Senator from Minnesota (Mr. FRANKEN) and the Senator from Virginia (Mr. KAINE) were added as cosponsors of S. 568, a bill to extend the trade adjustment assistance program, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Mr. SCHUMER):

S. 578. A bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today on behalf of myself and Senator SCHUMER to introduce legislation to ensure that our seniors and disabled citizens have timely access to home health services under the Medicare program.

Nurse practitioners, physician assistants, certified nurse midwives and clinical nurse specialists are all playing increasingly important roles in the delivery of health care services, particularly in rural and medically underserved areas of our country where physicians may be in scarce supply. In recognition of their growing role, Congress, in 1997, authorized Medicare to begin paying for physician services provided by these health professionals as long as those services are within their scope of practice under State law.

Despite their expanded role, these advanced practice registered nurses and physician assistants are currently unable to order home health services for their Medicare patients. Under current law, only physicians are allowed to certify or initiate home health care for Medicare patients, even though they may not be as familiar with the patient's case as the non-physician provider. In fact, in many cases, the certifying physician may not even have a relationship with the patient and must rely upon the input of the nurse practitioner, physician assistant, clinical nurse specialist or certified nurse midwife to order the medically necessary home health care. At best, this requirement adds more paperwork and a number of unnecessary steps to the process before home health care can be provided. At worst, it can lead to needless delays in getting Medicare patients the home health care they need simply because a physician is not readily available to sign the form.

The inability of advanced practice registered nurses and physician assistants to order home health care is particularly burdensome for Medicare beneficiaries in medically underserved areas, where these providers may be the only health care professionals available. For example, needed home health care was delayed by more than a week for a Medicare patient in Nevada because the physician assistant was the only health care professional serving the patient's small town, and the supervising physician was located 60 miles away.

A nurse practitioner told me about another case in which her collaborating physician had just lost her father and was not available. As a consequence, the patient experienced a 2 day delay in getting needed care while they waited to get the paperwork signed by another physician.

Another nurse practitioner pointed out that it is ridiculous that she can order physical and occupational therapy in a subacute facility but cannot order home health care. One of her patients had to wait eleven days after being discharged before his physical and occupational therapy could continue simply because the home health agency had difficulty finding a physician to certify the continuation of the same therapy that the nurse practitioner had been able to authorize when the patient was in the facility.

The Home Health Care Planning Improvement Act will help to ensure that our Medicare beneficiaries get the home health care that they need when they need it by allowing physician assistants, nurse practitioners, clinical nurse specialists and certified nurse midwives to order home health services. Our legislation is supported by a broad coalition of organizations, including the AARP, the National Council on Aging, the American Geriatrics Society, the National Association for Home Care and Hospice, the American Nurses Association, the American Association of Nurse Practitioners, the American Academy of Physician Assistants, the American College of Nurse Midwives, and the Visiting Nurse Associations of America. I urge my colleagues to join us as cosponsors of this important legislation.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

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

FEBRUARY 25, 2015.

Hon. SUSAN COLLINS,
U.S. Senate, Washington, DC.
Hon. CHUCK SCHUMER,
U.S. Senate, Washington, DC.

DEAR SENATOR COLLINS AND SENATOR SCHUMER: Thank you for introducing the bipartisan Home Health Care Planning Improvement Act of 2015. We, the undersigned groups, pledge our continued support of your efforts to obtain passage of this important legislation in the 114th Congress. As you know, the bill authorizes nurse practitioners, clinical nurse specialists, certified nurse-midwives and physician assistants as eligible health care professionals who can certify patient eligibility for home health care services under Medicare. This critical

change would improve access to important home health care services, and potentially prevent additional hospital, sub-acute care facility and nursing home admissions—all of which are costly to the consumer, the taxpayer and Medicare.

The undersigned organizations are committed to ensuring that consumers have access to health care providers who are qualified, educated, and certified to provide high quality primary care, chronic care management, and other services that keep them living a high quality life, with dignity, in locations of their choice.

Although current law has long recognized advanced practice registered nurses and physician assistants as authorized Medicare providers, and allows these clinicians to certify eligibility for nursing home care for their patients, it precludes these same practitioners from certifying patient eligibility for home health care services. This is an unnecessary barrier to care and adds at least one more step in the process of accessing home health care services by requiring the provider to find a physician to certify eligibility. In addition, time delays to locate a physician to certify eligibility, particularly in rural and underserved areas, can result in an extended hospital stay or nursing home admission because the beneficiary could not be moved back to or remain at home without home health care services.

There are decades of data supporting the ability of these providers to deliver high quality care to people of all ages, including Medicare recipients with multiple chronic conditions. Advanced practice registered nurses are often the only care providers available in health professional shortage areas such as urban, rural, and frontier regions. Given the existing and future projected primary care physician shortages, and the coming of increased numbers of Medicare eligible patients, the need will be even greater for all qualified providers to be allowed to certify home health care eligibility.

The Home Health Care Planning Improvement Act would help to ensure that Medicare beneficiaries in need of home health care services whose providers are nurse practitioners, clinical nurse specialists, certified nurse midwives, and physician assistants would be able to directly access home health care by referral from their providers. This bill would provide beneficiaries continued access to care and increase the likelihood that they would experience better health and a higher quality of life. Additionally, outside experts assessed the impact of the bill earlier last year and projected a Medicare savings of $7.1 million in 2015 and up to a ten-year savings of $252.6 million. This analysis also notes the potential to reduce beneficiary admissions to and lengths of stay in institutional settings under the policy change.

We appreciate your continued leadership and are committed to working with you to ensure that this bipartisan legislation is passed and placed on the President's desk for signature at the first opportunity. The time is now to ensure that patients have timely access to the quality, cost effective care they need. For any questions, please contact governmentaffairs@aanp.org or 703–740–2529.

Thank you for your help.

Sincerely,

AARP, AFT Nurses and Health Professionals, AMDA-The Society for Post-Acute and Long-Term Care Medicine, Alzheimer's Foundation of America, American Academy of Nursing, American Academy of Physician Assistants, American Association of Colleges of Nursing, American Association of Heart Failure Nurses, American Association of Nurse Practitioners, American Association of Occupational Health Nurses, American College of Nurse-Midwives, American Geriatrics Society, American Nephrology Nurses' Association, American Nurses Association, American Organization of Nurse Executives.

American Pediatric Surgical Nurses Association, American Psychiatric Nurses Association, Association of Community Health Nursing Educators, Association of Public Health Nurses, Association of Rehabilitation Nurses, Center for Medicare Advocacy, Gerontological Advance Practice Nurses Association, International Society of Psychiatric-Mental Health Nurses, The Jewish Federations of North America, Justice in Aging, Leading Age, Medicare Rights Center, National Academy of Elder Law Attorneys, National Association for Home Care & Hospice.

National Association of Clinical Nurse Specialists, National Association of Neonatal Nurses, National Association of Neonatal Nurse Practitioners, National Association of Pediatric Nurse Practitioners, National Association of Professional Geriatric Care Managers, National Black Nurses Association, National Committee to Preserve Social Security and Medicare, National Consumer Voice for Quality Long-Term Care, National Council on Aging, National Organization of Nurse Practitioner Faculties, Organization for Associate Degree Nursing, OWL—The Voice of Women 40+, Public Health Nursing Section, American Public Health Association, VNAA—The Visiting Nurse Associations of America, Women's Institute for a Secure Retirement.

By Mr. DURBIN (for himself, Mr. NELSON, Mr. BLUMENTHAL, Mr. MARKEY, and Ms. KLOBUCHAR):

S. 588. A bill to require the Consumer Product Safety Commission to establish a consumer product safety standard for liquid detergent packets to protect children under the age of five from injury or illness, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 588

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 ''Detergent Poisoning And Child Safety Act of 2015'' or the ''Detergent PACS Act of 2015''.

SEC. 2. SPECIAL PACKAGING AND OTHER REQUIREMENTS FOR LIQUID DETERGENT PACKETS.

(a) DEFINITIONS.—In this Act:

(1) COMMISSION.—The term ''Commission'' means the Consumer Product Safety Commission.

(2) CONSUMER PRODUCT.—The term ''consumer product'' has the meaning given such term in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052(a)).

(3) DETERGENT PACKET.—The term ''detergent packet'' means a consumer product that consists of a detergent enclosed in a water soluble outer layer.

(4) LIQUID DETERGENT PACKET.—The term ''liquid detergent packet'' means a consumer product that consists of a substantially liquid or gel detergent enclosed in a water soluble outer layer.

(5) SPECIAL PACKAGING.—The term ''special packaging'' has the meaning given that term in section 2 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471).

(b) SAFETY STANDARDS REQUIRED.—

(1) IN GENERAL.—Except as provided in subsection (c)(1), not later than 540 days after the date of the enactment of this Act, the Commission shall promulgate a final rule that establishes safety standards for liquid detergent packets to protect children who are younger than 5 years of age from injury or illness caused by exposure to such packets.

(2) ELEMENTS.—The final rule promulgated under paragraph (1) shall—

(A) require special packaging for liquid detergent packets;

(B) include standards to address the design and color of liquid detergent packets to—

(i) make them less attractive to children;

(ii) reduce the likelihood of exposure to detergent; and

(iii) otherwise reduce risks related to the ingestion or aspiration of, or ocular contact with, detergent and other potential injury risks of liquid detergent packets;

(C) include standards to address the composition of liquid detergent packets to make the consequences of exposure less severe; and

(D) prescribe warning labels that—

(i) adequately inform consumers of the potential risks of injury and death caused by liquid detergent packets;

(ii) are conspicuous and visible at the point of sale;

(iii) clarify hazard patterns, including known consequences of such hazards; and

(iv) identify actions needed to avoid injury.

(3) TREATMENT AS CONSUMER PRODUCT SAFETY STANDARD.—A rule promulgated under paragraph (1) shall be treated as a consumer product safety standard described in section 7(a) of the Consumer Product Safety Act (15 U.S.C. 2056(a)).

(4) RULEMAKING.—

(A) IN GENERAL.—A rule under paragraph (1) shall be promulgated in accordance with section 553 of title 5, United States Code.

(B) INAPPLICABILITY OF CERTAIN REQUIREMENTS.—Section 9 of the Consumer Product Safety Act (15 U.S.C. 2058) shall not apply to a rulemaking under paragraph (1).

(c) ADOPTION OF VOLUNTARY STANDARD.—

(1) IN GENERAL.—Subsection (b)(1) shall not apply if the Commission determines that—

(A) a voluntary standard pertaining to liquid detergent packets manufactured or imported for use in the United States protects children as described in subsection (b)(1);

(B) such voluntary standard is or will be in effect not later than 1 year after the date of the enactment of this Act; and

(C) such voluntary standard is developed by ASTM International Subcommittee F15.71 on Liquid Laundry Packets, or such other entity as the Commission considers a successor to ASTM International Subcommittee F15.71.

(2) PUBLICATION OF DETERMINATION.—If the Commission makes a determination under paragraph (1), the Commission shall publish such determination in the Federal Register.

(3) TREATMENT OF VOLUNTARY STANDARD.—If the Commission determines that a voluntary standard meets the conditions in paragraph (1), such standard shall be treated as a consumer product safety standard described in section 7(a) of the Consumer Product Safety Act (15 U.S.C. 2056(a)) beginning on the date that is the later of—

(A) the date that is 180 days after the date of the publication under paragraph (2) of such determination; or

(B) the effective date specified in the voluntary standard.

(4) REVISION OF VOLUNTARY STANDARD.—

(A) NOTICE OF REVISION.—If a voluntary standard is treated as a consumer product safety standard under paragraph (3) and such standard is revised by ASTM International

after the Commission makes a determination under paragraph (1), ASTM International shall notify the Commission of such revision not later than 60 days after making such revision.

(B) TREATMENT OF REVISIONS.—A voluntary standard with respect to which the Commission receives notice under subparagraph (A) shall be treated as a consumer product safety standard described in section 7(a) of the Consumer Product Safety Act (15 U.S.C. 2056(a)), promulgated in lieu of the prior version, effective 180 days after the date the Commission is notified of the revision under subparagraph (A), unless not later than 90 days after receiving that notice the Commission determines that the revised voluntary standard does not meet the requirements of paragraph (1)(A), in which case the Commission shall continue to enforce the prior version.

(d) FUTURE RULEMAKING.—

(1) IN GENERAL.—The Commission may, at any time after promulgating a final rule under subsection (b)(1) or making a determination under subsection (c)(1), promulgate such rules in accordance with section 553 of title 5, United States Code, as the Commission considers appropriate to protect, to the maximum degree practicable, children as described in subsection (a)(1).

(2) TREATMENT AS CONSUMER PRODUCT SAFETY STANDARD.—A rule promulgated under paragraph (1) shall be treated as a consumer product safety standard described in section 7(a) of the Consumer Product Safety Act (15 U.S.C. 2056(a)).

(3) INAPPLICABILITY OF CERTAIN REQUIREMENTS.—Section 9 of the Consumer Product Safety Act (15 U.S.C. 2058) shall not apply to a rulemaking under paragraph (1).

(e) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 4 years after the date of the enactment of this Act, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on risks posed by detergent packets to young children and how the Commission is working to protect such children from such risks.

(2) MATTERS COVERED.—The report required by paragraph (1) shall include the following:

(A) A quantitative assessment of annual national pediatric exposure to detergent packets, including the number of exposure incidents, the means of exposure (whether by ingestion, aspiration, or ocular contact), the clinical effects of the exposures, and medical outcomes.

(B) An assessment as to whether the rule promulgated under subsection (b)(1) or the voluntary standard adopted under subsection (c), as the case may be, has been effective in protecting young children from injury or illness caused by exposure to detergent packets.

(C) Such recommendations for legislative or administrative action as the Commission may have to protect young children as described in subparagraph (B).

(3) PUBLICATION.—The Commission shall make the report required by paragraph (1) available to the public on Internet website of the Commission.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 596. A bill to amend the Federal Water Pollution Control Act to establish a grant program to support the restoration of San Francisco Bay; to the Committee on Environment and Public Works.

Mrs. FEINSTEIN. Mr. President, I rise on behalf of myself and Senator BOXER to introduce legislation to further the restoration of the San Francisco Bay.

San Francisco Bay is truly a national treasure. Encompassing approximately 550 square miles, it is the largest estuary on the west coast, and is vital to the Nation for both ecological and economic reasons. It is home to more than 1,000 plant and wildlife species, roughly 77 percent of California's remaining perennial estuarine wetlands, and an important stopover for birds along the Pacific Flyway. Marshes around the bay help prevent flooding, protecting more than 40 cities in nine counties, one of the Nation's busiest seaports, and two international airports. The bay is critical to the region's economy, which if it were its own nation, would be the world's 19th largest economy.

Over the last 150 years, the water quality and health of the San Francisco Bay Estuary have been diminished by pollution, invasive species, loss of wetland habitat and other factors. The degradation has not only impacted fish and wildlife, but has also reduced the estuary's ability to support important economic activities such as commercial and sport fishing, shipping, agriculture, recreation, and tourism.

Federal funding in recent years has started the Bay's recovery process by investing in projects that improve water quality and restore critical habitat. These investments, $43 million between 2008 and 2015, were critical to leveraging $145 million from other partners. But much work remains.

That is why I am pleased to introduce the San Francisco Bay Restoration Act with Senator BOXER, Ranking Member of the Senate Environment and Public Works Committee. Companion legislation has also been introduced in the U.S. House of Representatives by Congresswoman JACKIE SPEIER.

This bill was first introduced in the 112th Congress. The Senate Committee on Environment and Public Works reported favorably on the bill in both the 112th and 113th Congresses and recommended its passage.

This bill recognizes the important restoration work that must be done to restore and protect the iconic San Francisco Bay. It authorizes $5 million a year for restoration work between 2015 and 2019, prioritizing funding for projects that will protect and restore vital estuarine habitat for migratory waterfowl, shorebirds, and wildlife; improve and restore water quality and rearing habitat for fish; and in turn reinvigorate recreation, tourism, and agricultural activities in and around the bay.

I urge my colleagues to join me in their support for this measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 596

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 ''San Francisco Bay Restoration Act''.

SEC. 2. SAN FRANCISCO BAY RESTORATION GRANT PROGRAM.

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. 123. SAN FRANCISCO BAY RESTORATION GRANT PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) ANNUAL PRIORITY LIST.—The term 'annual priority list' means the annual priority list compiled under subsection (b).

''(2) COMPREHENSIVE PLAN.—The term 'comprehensive plan' means—

''(A) the comprehensive conservation and management plan approved under section 320 for the San Francisco Bay estuary; and

''(B) any amendments to that plan.

''(3) ESTUARY PARTNERSHIP.—The term 'Estuary Partnership' means the San Francisco Estuary Partnership, the entity that is designated as the management conference under section 320.

''(b) ANNUAL PRIORITY LIST.—

''(1) IN GENERAL.—After providing public notice, the Administrator shall annually compile a priority list identifying and prioritizing the activities, projects, and studies intended to be funded with the amounts made available under subsection (c).

''(2) INCLUSIONS.—The annual priority list compiled under paragraph (1) shall include—

''(A) activities, projects, or studies, including restoration projects and habitat improvement for fish, waterfowl, and wildlife, that advance the goals and objectives of the approved comprehensive plan;

''(B) information on the activities, projects, programs, or studies specified under subparagraph (A), including a description of—

''(i) the identities of the financial assistance recipients; and

''(ii) the communities to be served; and

''(C) the criteria and methods established by the Administrator for selection of activities, projects, and studies.

''(3) CONSULTATION.—In developing the priority list under paragraph (1), the Administrator shall consult with and consider the recommendations of—

''(A) the Estuary Partnership;

''(B) the State of California and affected local governments in the San Francisco Bay estuary watershed; and

''(C) any other relevant stakeholder involved with the protection and restoration of the San Francisco Bay estuary that the Administrator determines to be appropriate.

''(c) GRANT PROGRAM.—

''(1) IN GENERAL.—Pursuant to section 320, the Administrator may provide funding through cooperative agreements, grants, or other means to State and local agencies, special districts, and public or nonprofit agencies, institutions, and organizations, including the Estuary Partnership, for activities, studies, or projects identified on the annual priority list.

''(2) MAXIMUM AMOUNT OF GRANTS; NON-FEDERAL SHARE.—

''(A) MAXIMUM AMOUNT OF GRANTS.—Amounts provided to any individual or entity under this section for a fiscal year shall not exceed an amount equal to 75 percent of the total cost of any eligible activities that are to be carried out using those amounts.

''(B) NON-FEDERAL SHARE.—The non-Federal share of the total cost of any eligible activities that are carried out using amounts provided under this section shall be—

''(i) not less than 25 percent; and

''(ii) provided from non-Federal sources.

''(d) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section $5,000,000 for each of fiscal years 2015 through 2019.

''(2) ADMINISTRATIVE EXPENSES.—Of the amount made available to carry out this section for a fiscal year, the Administrator shall use not more than 5 percent to pay administrative expenses incurred in carrying out this section.

''(3) RELATIONSHIP TO OTHER FUNDING.—Nothing in this section limits the eligibility of the Estuary Partnership to receive funding under section 320(g).

''(4) PROHIBITION.—No amounts made available under subsection (c) may be used for the administration of a management conference under section 320.''.

By Mr. TILLIS:

S. 597. A bill to amend section 706 of the Telecommunications Act of 1996 to provide that such section does not authorize the Federal Communications Commission to preempt the laws of certain States relating to the regulation of municipal broadband, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. TILLIS. Mr. President, I rise today to announce that along with my colleague in the House of Representatives, Representative MARSHA BLACKBURN, have introduced legislation that prohibits the Federal Communications Commission from pre-empting States with municipal broadband laws already on the books, or any other States that subsequently adopt such municipal broadband laws. The bill also includes a Sense of Congress stating that the FCC should not impose municipal broadband regulations on any state.

Earlier today, the FCC took an unprecedented and legally questionable step to allow Wilson, North Carolina, to ignore North Carolina law when expanding its municipal broadband network.

The North Carolina law the FCC preempted is intended to protect taxpayers and consumers from the financial risks we have seen many municipalities, including Wilson, face when venturing into broadband ventures that are best left to the private market to provide.

After witnessing how some local governments wasted taxpayer dollars and accumulated millions in debt through poor decision making, the legislatures of states like North Carolina and Tennessee passed commonsense, bipartisan laws that protect hardworking taxpayers and maintain the fairness of free-market competition. Representative BLACKBURN and I recognize the need for Congress to step in and take action to keep unelected bureaucrats from acting contrary to the expressed will of the American people through their State legislatures.

By Mr. CARDIN (for himself, Mr. CRAPO, and Mr. NELSON):

S. 598. A bill to improve the understanding of, and promote access to treatment for, chronic kidney disease, and for other purposes; to the Committee on Finance.

Mr. CARDIN. Mr. President, I rise in support of the bipartisan Chronic Kidney Disease Improvement in Research and Treatment Act of 2015, which I am introducing with Senators CRAPO and NELSON today. This legislation seeks to make a real difference in the lives of Americans suffering from kidney disease and end-stage renal disease.

Kidney disease is the 9th leading cause of death in the United States, and unfortunately, more than one in ten Americans today suffer from some form of kidney disease. More than 615,000 Americans are living with kidney failure or end-stage renal disease, which is an irreversible condition that can be fatal without a kidney transplant or life-sustaining dialysis. 430,000 patients in our country rely on life-sustaining dialysis care to survive.

This legislation seeks to promote research, expand patient choice, and improve care coordination for these hundreds of thousands of patients. Specifically, it would identify the gaps in research and improve the coordination of Federal research efforts. The bill would require the Government Accountability Office to submit a comprehensive report analyzing current federally funded research projects regarding chronic kidney disease and identifying knowledge gaps that are not being addressed through those research efforts. It would also direct the Department of Health and Human Services to evaluate and report on the biological, social, and behavioral factors related to kidney disease and efforts to slow the progression of disease in minority populations disproportionately affected by this disease.

This legislation would improve access to pre-dialysis kidney education programs to better manage patients' kidney disease and even prevent kidney failure in some cases. Nephrologists and other health professionals would be incentivized to work in underserved rural and urban areas, and current payment policies would be modified to encourage home dialysis, which is not incentivized under the current Medicare payment structure. Patients with acute kidney injury would also be allowed to receive treatments through dialysis providers, therefore reducing costs associated with care provided in the more expensive hospital outpatient setting. Perhaps most importantly, our legislation would establish a voluntary coordinated care program that would incentivize doctors and dialysis facilities to work together to improve the coordination of care and reduce costly hospitalization.

Lastly, the bill would expand the options for patients by allowing individuals diagnosed with kidney failure to enroll in the Medicare Advantage program and reauthorizing on a permanent basis the Medicare Advantage Special Needs Plan for patients with kidney failure.

I urge my colleagues to join me, Senator CRAPO and Senator NELSON in supporting the Chronic Kidney Disease Improvement in Research and Treatment Act of 2015, which will improve the care of patients who suffer from kidney disease and end-stage renal disease.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 598

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 ''Chronic Kidney Disease Improvement in Research and Treatment Act of 2015''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
TITLE I—IMPROVING UNDERSTANDING OF CHRONIC KIDNEY DISEASE THROUGH EXPANDED RESEARCH AND COORDINATION
Sec. 101. Identifying gaps in chronic kidney disease research.
Sec. 102. Coordinating research on chronic kidney disease.
Sec. 103. Understanding the progression of kidney disease and treatment of kidney failure in minority populations.
Sec. 104. Identifying Medicare payment disincentives for transplant and post-transplant care.
TITLE II—PROMOTING ACCESS TO CHRONIC KIDNEY DISEASE TREATMENTS
Sec. 201. Increasing access to Medicare kidney disease education benefit.
Sec. 202. Improving access to chronic kidney disease treatment in underserved rural and urban areas.
Sec. 203. Promoting access to home dialysis treatments.
Sec. 204. Expanding access for patients with acute kidney injury.
TITLE III—CREATING ECONOMIC STABILITY FOR PROVIDERS CARING FOR INDIVIDUALS WITH CHRONIC KIDNEY DISEASE
Sec. 301. Stabilizing Medicare payments for services provided to beneficiaries with stage V chronic kidney disease receiving dialysis services.
Sec. 302. Providing individuals with kidney failure access to managed care and coordinated care programs.

TITLE I—IMPROVING UNDERSTANDING OF CHRONIC KIDNEY DISEASE THROUGH EXPANDED RESEARCH AND COORDINATION

SEC. 101. IDENTIFYING GAPS IN CHRONIC KIDNEY DISEASE RESEARCH.

(a) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General of the United States shall develop and submit to Congress a comprehensive report assessing the adequacy of Federal expenditures in chronic kidney disease research relative to Federal expenditures for chronic kidney disease care.

(b) CONTENTS.—The report required by this section shall—

(1) analyze the current chronic kidney disease research projects being funded by Federal agencies;

(2) identify, including by surveying the kidney care community, areas of chronic kidney disease knowledge gaps that are not part of current Federal research efforts;

(3) report on the level of Federal expenditures on kidney research as compared to the amount of Federal expenditures on treating individuals with chronic kidney disease; and

(4) identify areas of kidney failure knowledge gaps in research to assess treatment patterns associated with providing care to minority populations that are disproportionately affected by kidney failure.

SEC. 102. COORDINATING RESEARCH ON CHRONIC KIDNEY DISEASE.

(a) INTERAGENCY COMMITTEE.—The Secretary of Health and Human Services shall establish and maintain an interagency committee for the purpose of improving the coordination of chronic kidney disease research.

(b) REPORTS.—For the purpose described in subsection (a), the interagency committee established under such subsection shall issue public reports that—

(1) include a strategic plan, including recommendations for—

(A) improving communication and coordination among Federal agencies;

(B) procedures for monitoring Federal chronic kidney disease research activities; and

(C) ways to maximize the efficiency of the Federal chronic kidney disease research investment and minimize the potential for unnecessary duplication;

(2) include a portfolio analysis that provides information on chronic kidney disease research projects, organized by the strategic plan objectives; and

(3) address such other topics as the interagency committee determines appropriate.

(c) MEETINGS.—The interagency committee established under subsection (a) shall meet not less frequently than semi-annually.

SEC. 103. UNDERSTANDING THE PROGRESSION OF KIDNEY DISEASE AND TREATMENT OF KIDNEY FAILURE IN MINORITY POPULATIONS.

Not later than one year after the date of enactment of this Act, the Secretary of Health and Human Services shall—

(1) complete a study on—

(A) the social, behavioral, and biological factors leading to kidney disease;

(B) efforts to slow the progression of kidney disease in minority populations that are disproportionately affected by such disease; and

(C) treatment patterns associated with providing care, under the Medicare program under title XVIII of the Social Security Act, the Medicaid program under title XIX of such Act, and through private health insurance, to minority populations that are disproportionately affected by kidney failure; and

(2) submit to Congress a report on the results of such study.

SEC. 104. IDENTIFYING MEDICARE PAYMENT DISINCENTIVES FOR TRANSPLANT AND POST-TRANSPLANT CARE.

Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on any disincentives in the payment systems under the Medicare program under title XVIII of the Social Security Act that create barriers to kidney transplants and post-transplant care for beneficiaries with end-stage renal disease.

TITLE II—PROMOTING ACCESS TO CHRONIC KIDNEY DISEASE TREATMENTS

SEC. 201. INCREASING ACCESS TO MEDICARE KIDNEY DISEASE EDUCATION BENEFIT.

(a) IN GENERAL.—Section 1861(ggg) of the Social Security Act (42 U.S.C. 1395x(ggg)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting '' or stage V'' after ''stage IV'';

(B) in subparagraph (B), by inserting ''or of a physician assistant, nurse practitioner, or clinical nurse specialist (as defined in section 1861(aa)(5)) assisting in the treatment of the individual's kidney condition'' after ''kidney condition''; and

(2) in paragraph (2)—

(A) by striking subparagraph (B); and

(B) in subparagraph (A)—

(i) by striking ''(A)'' after ''(2)'';

(ii) by striking ''and'' at the end of clause (i);

(iii) by striking the period at the end of clause (ii) and inserting ''; and'';

(iv) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(v) by adding at the end the following:

''(C) a renal dialysis facility subject to the requirements of section 1881(b)(1) with personnel who—

''(i) provide the services described in paragraph (1); and

''(ii) is a physician (as defined in subsection (r)(1)) or a physician assistant, nurse practitioner, or clinical nurse specialist (as defined in subsection (aa)(5)).''.

(b) PAYMENT TO RENAL DIALYSIS FACILITIES.—Section 1881(b) of such Act (42 U.S.C. 1395rr(b)) is amended by adding at the end the following new paragraph:

''(15) For purposes of paragraph (14), the single payment for renal dialysis services under such paragraph shall not take into account the amount of payment for kidney disease education services (as defined in section 1861(ggg)). Instead, payment for such services shall be made to the renal dialysis facility on an assignment-related basis under section 1848.''.

(c) EFFECTIVE DATE.—The amendments made by this section apply to kidney disease education services furnished on or after January 1, 2016.

SEC. 202. IMPROVING ACCESS TO CHRONIC KIDNEY DISEASE TREATMENT IN UNDERSERVED RURAL AND URBAN AREAS.

(a) DEFINITION OF PRIMARY CARE SERVICES.—Section 331(a)(3)(D) of the Public Health Service Act (42 U.S.C. 254d(a)(3)(D)) is amended by inserting ''and includes renal dialysis services'' before the period at the end.

(b) NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM.—Section 338A(a)(2) of the Public Health Service Act (42 U.S.C. 254l(a)(2)) is amended by inserting '', including nephrologists and non-physician practitioners providing renal dialysis services'' before the period at the end.

(c) NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM.—Section 338B(a)(2) of the Public Health Service Act (42 U.S.C. 254l–1(a)(2)) is amended by inserting '', including nephrologists and non-physician practitioners providing renal dialysis services'' before the period at the end.

SEC. 203. PROMOTING ACCESS TO HOME DIALYSIS TREATMENTS.

Section 1834(m)(4)(C)(ii) of the Social Security Act (42 U.S.C. 1395m(m)(4)(C)(ii)) is amended by adding at the end the following new subclause:

''(IX) A renal dialysis facility (as defined in section 1881).''.

SEC. 204. EXPANDING ACCESS FOR PATIENTS WITH ACUTE KIDNEY INJURY.

Section 1881(b) of the Social Security Act (42 U.S.C. 1395rr(b)) is amended—

(1) in paragraph (1), by inserting ''or acute kidney injury'' after ''individuals who have been determined to have end stage renal disease'';

(2) in paragraph (2)(A), by inserting ''or acute kidney injury'' after ''end stage renal disease'';

(3) in paragraph (2)(B), by inserting ''or acute kidney injury'' after ''end stage renal disease'';

(4) in paragraph (3), in the matter preceding subparagraph (A), by inserting ''or acute kidney injury'' after ''end stage renal disease'';

(5) in paragraph (11)(A), by inserting ''or acute kidney injury'' after ''end stage renal disease'';

(6) in paragraph (11)(B), by inserting ''or acute kidney injury'' after ''end stage renal disease'';

(7) in paragraph (14)(B)—

(A) in clause (ii), by inserting ''or acute kidney injury'' after ''end stage renal disease'';

(B) in clause (iii), by inserting ''or acute kidney injury'' after ''end stage renal disease''; and

(C) in clause (iv), by inserting ''or acute kidney injury'' after ''end stage renal disease''; and

(8) in paragraph (14)(H)(i), by inserting ''or acute kidney injury'' after ''end stage renal disease''.

TITLE III—CREATING ECONOMIC STABILITY FOR PROVIDERS CARING FOR INDIVIDUALS WITH CHRONIC KIDNEY DISEASE

SEC. 301. STABILIZING MEDICARE PAYMENTS FOR SERVICES PROVIDED TO BENEFICIARIES WITH STAGE V CHRONIC KIDNEY DISEASE RECEIVING DIALYSIS SERVICES.

Section 1881(b)(14) of the Social Security Act (42 U.S.C. 1395rr(b)(14)) is amended—

(1) in subparagraph (D), in the matter preceding clause (i), by striking ''Such system'' and inserting ''Subject to subparagraph (J), such system''; and

(2) by adding at the end the following new subparagraph:

''(J)(i) For payment for renal dialysis services furnished on or after January 1, 2016, under the system under this paragraph—

''(I) the payment adjustment described in clause (i) of subparagraph (D) shall not take into account comorbidities;

''(II) the payment adjustment described in clause (ii) of such subparagraph shall not be included;

''(III) the standardization factor described in the final rule published in the Federal Register on November 8, 2012 (77 Fed. Reg. 67470), shall be established using the most currently available data (and not historical data) and adjusted on an annual basis, based on such available data, to account for any change in utilization of drugs and any modification in adjustors applied under this paragraph; and

''(IV) the Secretary shall take into account reasonable costs consistent with paragraph (2)(B) when calculating such payments.

''(ii) Not later than January 1, 2016, the Secretary shall amend the ESRD facility cost report to—

''(I) include the per treatment network fee (as described in paragraph (7)) as an allowable cost; and

''(II) eliminate the limitation for reporting medical director fees on such reports in order to take into account the wages of a board-certified nephrologist.''.

SEC. 302. PROVIDING INDIVIDUALS WITH KIDNEY FAILURE ACCESS TO MANAGED CARE AND COORDINATED CARE PROGRAMS.

(a) EXPANDING ACCESS TO MEDICARE ADVANTAGE.—

(1) ELIGIBILITY UNDER MEDICARE ADVANTAGE.—

(A) IN GENERAL.—Section 1851(a)(3) of the Social Security Act (42 U.S.C. 1395w–21(a)(3)) is amended—

(i) by striking subparagraph (B); and

(ii) by striking ''ELIGIBLE INDIVIDUAL.—'' and all that follows through ''In this title''

and inserting ''ELIGIBLE INDIVIDUAL.—In this title''.

(B) CONFORMING AMENDMENT.—Section 1852(b)(1) of the Social Security Act (42 U.S.C. 1395w–22(b)(1)) is amended—

(i) by striking subparagraph (B); and

(ii) by striking ''BENEFICIARIES.—'' and all that follows through ''A Medicare+Choice organization'' and inserting ''BENEFICIARIES.—A Medicare Advantage organization''.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply with respect to plan years beginning on or after January 1, 2016.

(2) EDUCATION.—Section 1851(d)(2)(A)(iii) of the Social Security Act (42 U.S.C. 1395w–21(d)(2)(A)(iii)) is amended by inserting before the period at the end the following '', including any additional information that individuals determined to have end stage renal disease may need to make informed decisions with respect to such an election''.

(3) QUALITY METRICS.—Section 1852(e)(3)(A) of the Social Security Act (42 U.S.C. 1395w–22(e)(3)(A)) is amended by adding at the end the following new clause:

''(v) REQUIREMENTS WITH RESPECT TO INDIVIDUALS WITH ESRD.—In addition to the data required to be collected, analyzed, and reported under clause (i) and notwithstanding the limitations under subparagraph (B), as part of the quality improvement program under paragraph (1), each MA organization shall provide for the collection, analysis, and reporting of data, determined in consultation with the kidney care community, that permits the measurement of health outcomes and other indices of quality with respect to individuals determined to have end stage renal disease.''.

(b) PERMANENT EXTENSION OF MEDICARE ADVANTAGE ESRD SPECIAL NEEDS PLANS AUTHORITY.—Section 1859(f)(1) of the Social Security Act (42 U.S.C. 1395w–28(f)(1)) is amended by inserting '', in the case of a specialized MA plan for special needs individuals who have not been determined to have end stage renal disease,'' before ''for periods before January 1, 2017''.

(c) VOLUNTARY ESRD COORDINATED CARE GAINSHARING PROGRAM.—

(1) IN GENERAL.—Section 1881(b) of the Social Security Act (42 U.S.C. 1395rr(b)) is amended by adding at the end the following new paragraph:

''(15)(A) Not later than January 1, 2017, the Secretary shall, in accordance with this paragraph, establish an ESRD Care Coordination gainsharing program for nephrologists, renal dialysis facilities, and providers of services that develop coordinated care organizations to provide a full range of clinical and supportive services (as described in subparagraph (D)) to individuals determined to have end stage renal disease.

''(B) Under such program, subject to subparagraph (C), the payment amounts renal dialysis facilities and providers of services described in subparagraph (A) would otherwise receive under paragraph (14) and nephrologists described in subparagraph (A) would otherwise receive under section 1848 with respect to dialysis services furnished by such a facility, provider, or nephrologist during a year, shall be increased by a portion of the amount (as determined by the Secretary) of actual reductions in expenditures under this title attributable to the coordinated care organization developed by such facility, provider, or nephrologist involved, taking into account non-dialysis expenditures under parts A and B, during the preceding calendar year. The payment amount under this subparagraph shall be provided to a nephrologist, renal dialysis facility, and provider of services that developed the coordinated care organization not later than March 31 of the year after the year during which such services are provided by such nephrologist, facility, or provider.

''(C) The aggregate incentive payment amounts provided under such program for a year may not exceed the amount equal to 2 percent less than the estimated total amount of non-dialysis expenditures under parts A and B for 2017 for items and services that are not related to dialysis or transplant services.

''(D) For purposes of subparagraph (A), the full range of clinical and supportive services includes at least the following:

''(i) Primary care and other preventative services.

''(ii) Specialty care for co-morbidities or non-renal acute conditions, including at least podiatry, cardiology, and orthopedics.

''(iii) Vascular access.

''(iv) Laboratory testing and diagnostic imaging.

''(v) Pharmacy care management.

''(vi) Patient, family, and caregiver education.

''(vii) Psychiatric, behavioral therapy, and counseling services.

''(E) In providing payment incentive amounts under such program, the Secretary shall apply a risk adjustment methodology that—

''(i) uses risk adjuster factors applied under part C; and

''(ii) adjusts such payments to exclude the top 2 percent of outliers.

''(F) In establishing such program, the Secretary shall ensure that each of the following is satisfied:

''(i) The program allows for all types and sizes of renal dialysis facilities and providers of services described in subparagraph (A), including profit and not-for-profit, urban and rural, as well as all other types and sizes of such facilities and providers, to participate.

''(ii) The program rewards high quality, efficient facilities and providers through gainsharing.

''(iii) For purposes of determining the actual reductions in expenditures under this title attributable to a coordinated care organization described in subparagraph (A), the program includes a market-based benchmark system that will not be rebased against which such expenditures shall be compared.

''(iv) The program results in reductions of expenditures under parts A and B for services that are not dialysis-related services.

''(v) The program allows new applicants to participate in the program after the initial implementation period.

''(vi) The program establishes clear quality metrics in consultation with the kidney care community.

''(vii) The program provides for waivers of Federal laws or requirements, in consultation with interested stakeholders.

''(viii) Under such program the Secretary attributes individuals described in subparagraph (A) who receive treatment through a care coordination organization described in such subparagraph to such organization rather than to any other payment model that requires beneficiary attribution.

''(ix) Under such program the Secretary provides quarterly Medicare parts A and B claims data to facilities and providers described in subparagraph (A) participating in such program.

''(G) Not later than 3 years after the date of the implementation of the ESRD Care Coordination gainsharing program, the Secretary shall submit to Congress a report on the waivers granted under subparagraph (F)(vii) and the effectiveness of such waivers in allowing the coordination of care.''.

(2) CONFORMING AMENDMENTS.—

(A) SECTION 1881.—Section 1881(b) of the Social Security Act (42 U.S.C. 1395rr(b)) is amended—

(i) in each of paragraphs (12)(A) and (13)(A), by striking ''paragraph (14)'' and inserting ''paragraphs (14) and (15)''; and

(ii) in paragraph (14)(A)(i), by inserting ''and paragraph (15)'' after ''Subject to subparagraph (E)''.

(B) SECTION 1848.—Section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended by adding at the end the following new subsection:

''(q) VOLUNTARY ESRD COORDINATED CARE PROGRAM.—For provisions related to incentive payment amounts to nephrologists under the ESRD Care Coordination gainsharing program, see section 1881(b)(15).''.

(d) PATIENT INFORMATION REQUIREMENT.—The Secretary of Health and Human Services shall require hospitals that furnish items and services to individuals entitled to benefits under part A of title XVIII of the Social Security Act or eligible for benefits under part B of such title and who subsequently receive dialysis services at a renal dialysis facility (as defined in section 1881 of such Act (42 U.S.C. 1395rr)) to provide to such facility health information with respect to such individual, including a discharge summary and co-morbidity information, upon request of the facility, not later than 7 days after notification by the hospital of the provision of such services to such individual or of the determination that such individual has end stage renal disease, as applicable.

Mr. CRAPO. Mr. President, I rise to speak on the importance of the Chronic Kidney Disease Improvement in Research and Treatment Act being introduced today. This legislation will not only pave the way for enhanced research opportunities and allow physicians greater flexibility in how and where they treat patients, but, importantly, will provide increased access to care for those with chronic and end-stage kidney disease, particularly in rural and underserved areas. As our Nation continues to face dangerously high levels of debt, it is imperative we prioritize initiatives such as this while simultaneously ensuring we do not worsen our already fragile fiscal picture. Prior to passage, as with any piece of legislation, a responsible offset that is budget neutral must be included.

By Mr. CARDIN (for himself, Mr. TOOMEY, and Ms. COLLINS):

S. 599. A bill to extend and expand the Medicaid emergency psychiatric demonstration project; to the Committee on Finance.

Mr. CARDIN. Mr. President, today Senators TOOMEY and COLLINS and I are introducing the Improving Access to Emergency Psychiatric Care Act of 2015, which will build on the current 3-year Medicaid Emergency Psychiatric Demonstration Project to provide timely and cost-effective treatment to people who are experiencing an emergency psychiatric crisis.

We know that emergency psychiatric care delivered in general hospitals and freestanding psychiatric hospitals is a life-saving service for individuals with severe mental illnesses. In addition, a Government Accountability Office report, GAO–09–347, on hospital emergency departments concluded the difficulties in transferring, admitting, or

discharging psychiatric patients from the emergency department contribute to overcrowding in our Nation's emergency rooms.

Community-based psychiatric hospitals, like Sheppard Pratt Health System in my home State of Maryland, could help relieve these back-ups in emergency departments; however, due to a longstanding Medicaid statutory provision called the Institution for Mental Disease, IMD, exclusion, patients receiving care in these freestanding psychiatric hospitals are not covered if the patients are between the ages of 21 and 64, and the hospitals cannot get Medicaid Federal matching payments for these services.

In response to this problem, bipartisan legislation was first introduced in the Senate in 2003 by Senators Olympia Snowe and Kent Conrad, who were joined by Senators SUSAN COLLINS and RON WYDEN, to address this problem by allowing Federal Medicaid matching payments to freestanding psychiatric hospitals for emergency psychiatric cases. In 2010, based on this legislation, Congress authorized a three-year demonstration that was intended to expand the number of emergency inpatient psychiatric beds available in communities. Currently, 11 States, including my State of Maryland, and the District of Columbia are participating in this demonstration.

The purpose of the demonstration is to determine whether allowing Federal Medicaid matching payments to freestanding psychiatric hospitals for emergency psychiatric cases improves access to and quality of medically necessary care, improves discharge planning for demonstration beneficiaries, and has a positive impact on Medicaid cost and utilization. The preliminary data shows that, of the total number of Medicaid beneficiaries admitted to these freestanding psychiatric hospitals, 84 percent had just one admission during the entire first year of the demonstration. The average length of stay was a short 8.2 days and, in 88 percent of the admissions, the patients were discharged home.

The current demonstration project would end no later than December 31, 2015; however, the final evaluation of this project by CMS is not expected to be completed until 1 year later, in the fall of 2016.

The purpose of the bipartisan legislation we are introducing today is to allow the Secretary of Health and Human Services to continue the current demonstration project until the Secretary submits a report to Congress with her recommendations, based on the final evaluation, regarding whether the current demonstration should be extended for an additional 3 years and whether additional States should be allowed to participate in the demonstration, or September 30, 2016, whichever occurs first.

Importantly, in order to extend the current demonstration project until the report is submitted, the Secretary must determine that overall Medicaid spending in the participating state is not expected to increase during the extension of the demonstration project for a maximum of nine months, and the Chief Actuary of CMS must also certify that the extension is not projected to result in an increase in net Medicaid program spending. If, in her report, the Secretary recommends extending the demonstration project for an additional three years and/or expanding it to include other States, the same requirements regarding Medicaid spending would need to be met, ensuring budget neutrality. At the completion of those additional 3 years, the demonstration project would come to a close unless Congress passes authorizing legislation to continue and/or expand the demonstration project.

We have a real crisis in this country for millions of Americans who cannot get timely access to life-saving emergency inpatient psychiatric treatment. The Medicaid program is a vital source of support for people with mental disorders, funding more than 50 percent of state and local spending on mental health services. This outdated IMD policy is penalizing the disabled and poor. It is also contributing to inefficiencies in our health care system and likely adding to the cost of care. The legislation introducing today would help ensure that the neediest have access to hospital care when they need it and strengthen our Nation's health care system. It is an incremental, targeted approach with built-in cost safeguards, so I hope my colleagues will join with me to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 599

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 ''Improving Access to Emergency Psychiatric Care Act''.

SEC. 2. EXTENSION AND EXPANSION OF MEDICAID EMERGENCY PSYCHIATRIC DEMONSTRATION PROJECT.

(a) IN GENERAL.—Subsection (d) of section 2707 of Public Law 111–148 (42 U.S.C. 1396a note) is amended to read as follows:

''(d) LENGTH OF DEMONSTRATION PROJECT.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the demonstration project established under this section shall be conducted for a period of 3 consecutive years.

''(2) TEMPORARY EXTENSION OF PARTICIPATION ELIGIBILITY FOR SELECTED STATES.—

''(A) IN GENERAL.—Subject to paragraph (3), a State selected as an eligible State to participate in the demonstration project on or prior to March 13, 2012, shall, upon the request of the State, be permitted to continue to participate in the demonstration project through the date described in subparagraph (B) if—

''(i) the Secretary determines that the continued participation of the State in the demonstration project is not expected to increase spending under title XIX of the Social Security Act; and

''(ii) the Chief Actuary of the Centers for Medicare & Medicaid Services certifies that such extension for that State is projected to reduce (or is projected not to result in any increase in) net program spending under title XIX of the Social Security Act.

''(B) DATE DESCRIBED.—The date described in this subparagraph is the earlier of—

''(i) the date on which Secretary submits the recommendations required under subsection (f)(3); or

''(ii) September 30, 2016.

''(3) EXTENSION AND EXPANSION OF DEMONSTRATION PROJECT.—

''(A) ADDITIONAL EXTENSION.—Taking into account the recommendations submitted to Congress pursuant to subsection (f)(3), the Secretary may, if the Secretary determines that extension and expansion of the demonstration project satisfies the criteria for the temporary extension under subparagraphs (A) and (B) of paragraph (2)—

''(i) extend the demonstration project through December 31, 2019; and

''(ii) permit any eligible State participating in the demonstration project as of the date such recommendations are submitted to continue to participate in the project.

''(B) OPTION FOR EXPANSION TO ADDITIONAL STATES.—Taking into account the recommendations submitted to Congress pursuant to subsection (f)(3), the Secretary may expand (including on a nationwide basis) the number of eligible States participating in the demonstration project during the extension period established under subparagraph (A) if, with respect to any new eligible State—

''(i) the Secretary determines that the participation of the State in the demonstration project is not expected to increase spending under title XIX of the Social Security Act; and

''(ii) the Chief Actuary of the Centers for Medicare & Medicaid Services certifies that the participation of the State in the demonstration project is projected to reduce (or is projected not to result in any increase in) net program spending under title XIX of the Social Security Act.

''(4) AUTHORITY TO ENSURE BUDGET NEUTRALITY.—The Secretary annually shall review each participating State's demonstration project expenditures to ensure compliance with the requirements of paragraphs (2)(A), (2)(B), (3)(B)(i), and (3)(B)(ii) (as applicable). If the Secretary determines with respect to a State's participation in the demonstration project that the State's net program spending under title XIX of the Social Security Act has increased as a result of the State's participation in the project, the Secretary shall treat the demonstration project excess expenditures of the State as an overpayment under title XIX of the Social Security Act.''.

(b) FUNDING.—Subsection (e) of section 2707 of such Act (42 U.S.C. 1396a note) is amended—

(1) in the subsection heading, by striking ''LIMITATIONS ON FEDERAL'';

(2) in paragraph (2)—

(A) in the paragraph heading, by striking ''5-YEAR''; and

(B) by striking ''through December 31, 2015'' and inserting ''until expended'';

(3) by striking paragraph (3);

(4) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(5) in paragraph (3) (as so redesignated), by striking ''and the availability of funds'' and inserting ''(other than States deemed to be eligible States through the application of subsection (c)(4))''; and

(6) in paragraph (4) (as so redesignated)—

(A) in the first sentence—

(i) by inserting ''(other than a State deemed to be an eligible State through the

application of subsection (c)(4))'' after ''eligible State''; and

(ii) by striking ''paragraph (4)'' and inserting ''paragraph (3)''; and

(B) by inserting after the first sentence the following ''In addition to any payments made to an eligible State under the preceding sentence, the Secretary shall, during any period in effect under paragraph (2) or (3) of subsection (d), or during any period in which a law described in subsection (f)(4)(C) is in effect, pay each eligible State (including any State deemed to be an eligible State through the application of subsection (c)(4)), an amount each quarter equal to the Federal medical assistance percentage of expenditures in the quarter during such period for medical assistance described in subsection (a). Payments made to States under this paragraph shall be considered to have been made under, and are subject to, the requirements of section 1903 of the Social Security Act (42 U.S.C. 1396b).''.

(c) RECOMMENDATIONS TO CONGRESS.—Subsection (f) of section 2707 of such Act (42 U.S.C. 1396a note) is amended by adding at the end the following:

''(3) RECOMMENDATION TO CONGRESS REGARDING EXTENSION AND EXPANSION OF PROJECT.—Not later than September 30, 2016, the Secretary shall submit to Congress and make available to the public recommendations based on an evaluation of the demonstration project, including the use of appropriate quality measures, regarding—

''(A) whether the demonstration project should be continued after December 31, 2016; and

''(B) whether the demonstration project should be expanded (including on a nationwide basis).

''(4) RECOMMENDATION TO CONGRESS REGARDING PERMANENT EXTENSION AND NATIONWIDE EXPANSION.—

''(A) IN GENERAL.—Not later than April 1, 2019, the Secretary shall submit to Congress and make available to the public recommendations based on an evaluation of the demonstration project, including the use of appropriate quality measures, regarding—

''(i) whether the demonstration project should be permanently continued after December 31, 2019, in 1 or more States; and

''(ii) whether the demonstration project should be expanded (including on a nationwide basis).

''(B) REQUIREMENTS.—Any recommendation submitted under subparagraph (A) to permanently continue the project in a State, or to expand the project to 1 or more other States (including on a nationwide basis) shall include a certification from the Chief Actuary of the Centers for Medicare & Medicaid Services that permanently continuing the project in a particular State, or expanding the project to a particular State (or all States) is projected to reduce (or is projected not to result in any increase in) net program spending under title XIX of the Social Security Act. If the Secretary determines with respect to a State's participation in the demonstration project that net program spending under title XIX of such Act has increased as a result of the project, the Secretary shall treat the demonstration project excess expenditures of the State as an overpayment under title XIX of the Social Security Act.

''(C) CONGRESSIONAL APPROVAL REQUIRED.—The Secretary shall not permanently continue the demonstration project in any State after December 31, 2019, or expand the demonstration project to any additional State after December 31, 2019, unless Congress enacts a law approving either or both such actions.

''(5) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Centers for Medicare & Medicaid Services Program Management Account to carry out this subsection, $100,000 for fiscal year 2015, to remain available until expended.''.

(d) CONFORMING AMENDMENTS.—Section 2707 of such Act (42 U.S.C. 1396a note) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking ''An eligible State'' and inserting ''Except as otherwise provided in paragraph (4), an eligible State'';

(B) in paragraph (3), by striking ''A State shall'' and inserting ''Except as otherwise provided in paragraph (4), a State shall''; and

(C) by adding at the end the following:

''(4) NATIONWIDE AVAILABILITY.—In the event that the Secretary makes a recommendation pursuant to subsection (f)(4) that the demonstration project be expanded on a national basis, any State that has submitted or submits an application pursuant to paragraph (2) shall be deemed to have been selected to be an eligible State to participate in the demonstration project.''; and

(2) in the heading for subsection (f), by striking ''AND REPORT'' and inserting '', REPORT, AND RECOMMENDATIONS''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 88—CELEBRATING BLACK HISTORY MONTH

Mr. BOOKER (for himself, Mr. COCHRAN, Mrs. GILLIBRAND, Mr. ISAKSON, Mr. DURBIN, Ms. MURKOWSKI, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. PAUL, Mr. MERKLEY, Mr. COONS, Mr. PORTMAN, Ms. STABENOW, Mr. MURPHY, Mr. WICKER, Ms. AYOTTE, Mr. BURR, Mr. CARDIN, Mr. REED, Mr. PERDUE, Mr. TILLIS, Mr. PETERS, and Mr. SASSE) submitted the following resolution; which was considered and agreed to:

S. RES. 88

Whereas in 1776, people imagined the United States as a new country dedicated to the proposition stated in the Declaration of Independence that ''all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness . . .'';

Whereas the first Africans were brought involuntarily to the shores of America as early as the 17th century;

Whereas African Americans suffered enslavement and subsequently faced the injustices of lynch mobs, segregation, and denial of the basic and fundamental rights of citizenship;

Whereas in 2015, the vestiges of these injustices and inequalities remain evident in the society of the United States;

Whereas in the face of injustices, people of the United States of good will and of all races have distinguished themselves with a commitment to the noble ideals on which the United States was founded and have courageously fought for the rights and freedom of African Americans;

Whereas African Americans, such as Lieutenant Colonel Allen Allensworth, Constance Baker Motley, James Baldwin, James Beckwourth, Clara Brown, Ralph Bunche, Shirley Chisholm, Frederick Douglass, W. E. B. Du Bois, Ralph Ellison, Medgar Evers, Alex Haley, Dorothy Height, Lena Horne, Charles Hamilton Houston, Mahalia Jackson, Martin Luther King, Jr., the Tuskegee Airmen, Thurgood Marshall, Rosa Parks, Bill Pickett, Jackie Robinson, Aaron Shirley, Sojourner Truth, Harriet Tubman, Homer Plessy, the Greensboro Four, Maya Angelou, Arthur Ashe Jr., Booker T. Washington, Stephanie Tubbs Jones, Hiram Revels, and Blanche Bruce, along with many others, worked against racism to achieve success and to make significant contributions to the economic, educational, political, artistic, athletic, literary, scientific, and technological advancements of the United States, including the westward expansion;

Whereas the contributions of African Americans from all walks of life throughout the history of the United States reflect the greatness of the United States;

Whereas many African Americans lived, toiled, and died in obscurity, never achieving the recognition they deserved, and yet paved the way for future generations to succeed;

Whereas African Americans continue to serve the United States at the highest levels of government and military;

Whereas the birthdays of Abraham Lincoln and Frederick Douglass inspired the creation of Negro History Week, the precursor to Black History Month;

Whereas Negro History Week represented the culmination of the efforts of Dr. Carter G. Woodson, the ''Father of Black History'', to enhance knowledge of Black history through the Journal of Negro History, published by the Association for the Study of African American Life and History, which was founded by Dr. Carter G. Woodson and Jesse E. Moorland;

Whereas Black History Month, celebrated during the month of February, dates back to 1926 when Dr. Carter G. Woodson set aside a special period in February to recognize the heritage and achievement of Black people of the United States;

Whereas Dr. Carter G. Woodson stated: ''We have a wonderful history behind us. . . . If you are unable to demonstrate to the world that you have this record, the world will say to you, 'You are not worthy to enjoy the blessings of democracy or anything else.' '';

Whereas since the founding of the United States, the country imperfectly progressed towards noble goals; and

Whereas the history of the United States is the story of people regularly affirming high ideals, striving to reach such ideals but often failing, and then struggling to come to terms with the disappointment of such failure, before committing to trying again: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges that all people of the United States are the recipients of the wealth of history provided by Black culture;

(2) recognizes the importance of Black History Month as an opportunity to reflect on the complex history of the United States, while remaining hopeful and confident about the path ahead;

(3) acknowledges the significance of Black History Month as an important opportunity to recognize the tremendous contributions of African Americans to the history of the United States;

(4) encourages the celebration of Black History Month to provide a continuing opportunity for all people in the United States to learn from the past and understand the experiences that have shaped the United States; and

(5) agrees that, while the United States began as a divided Nation, the United States must—

(A) honor the contribution of all pioneers in the United States who have helped to ensure the legacy of the great United States; and

(B) move forward with purpose, united tirelessly as ''one Nation . . . indivisible, with liberty and justice for all.''.

SENATE RESOLUTION 89—CONGRATULATING THE OREGON SHAKESPEARE FESTIVAL ON ITS 80TH YEAR

Mr. WYDEN (for himself and Mr. MERKLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 89

Whereas 2015 marks the 80th anniversary of the Oregon Shakespeare Festival, a major theater arts organization in Ashland, Oregon, founded by Angus L. Bowmer in 1935;

Whereas the Oregon Shakespeare Festival is one of the oldest and largest professional nonprofit theaters in the United States;

Whereas Samuel Johnson wrote that William Shakespeare is ''above all writers, at least above all modern writers . . . the poet that holds up to his readers a faithful mirror of manners and of life'';

Whereas William Shakespeare has had an extraordinary impact on culture and politics in the United States, including in the Senate;

Whereas the Tony Award-winning Oregon Shakespeare Festival includes performances not only of the works of Shakespeare but also of the works of classic and contemporary playwrights;

Whereas since its founding, the Oregon Shakespeare Festival has presented, on its Ashland, Oregon stages, 29,300 performances to more than 15,000,000 audience members;

Whereas the Oregon Shakespeare Festival serves as a cornerstone of the economy of southwest Oregon and the entire Pacific Northwest, providing jobs for more than 500 individuals and nearly 700 volunteers and attracting tourists throughout the United States and the world; and

Whereas the Oregon Shakespeare Festival is committed to the inclusion of diverse people, ideas, cultures, and traditions: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Oregon Shakespeare Festival on its 80th year;

(2) recognizes and commends the cultural, economic, and social value provided by the work of the Oregon Shakespeare Festival; and

(3) expresses support for the continued success of the Oregon Shakespeare Festival.

SENATE RESOLUTION 90—DESIGNATING FEBRUARY 2015 AS ''AMERICAN HEART MONTH'' AND FEBRUARY 6, 2015, AS ''NATIONAL WEAR RED DAY''

Ms. HIRONO (for herself, Ms. MURKOWSKI, Mrs. CAPITO, Ms. HEITKAMP, Mrs. FEINSTEIN, Ms. BALDWIN, Mr. DURBIN, Ms. WARREN, Mrs. BOXER, Ms. STABENOW, Ms. MIKULSKI, Ms. CANTWELL, Ms. COLLINS, Ms. AYOTTE, Mrs. SHAHEEN, Mrs. MURRAY, Mrs. FISCHER, and Ms. KLOBUCHAR) submitted the following resolution; which was considered and agreed to:

S. RES. 90

Whereas heart disease affects men, women, and children of every age and race in the United States;

Whereas heart disease continues to be the leading cause of death in the United States, taking the lives of approximately 600,000 individuals in the United States each year and accounting for 1 in 4 deaths in the United States;

Whereas congenital heart defects are the most common birth defect in the United States, as well as the leading killer of infants with birth defects;

Whereas more than 1 in 3 adult men and women have some form of cardiovascular disease;

Whereas every year an estimated 735,000 individuals in the United States have a heart attack;

Whereas heart disease and stroke account for $320,000,000,000 in health care expenditures and lost productivity annually;

Whereas heart disease and stroke will account for $918,000,000,000 in health care expenditures and lost productivity annually by 2030;

Whereas individuals in the United States have made great progress in reducing the death rate for coronary heart disease, but this progress has been more modest with respect to such death rate of women and minorities;

Whereas many people do not recognize that heart disease is the number 1 killer of women in the United States, taking the lives of more than 290,000 such women in 2010, and nearly 2/3 of women who unexpectedly die of heart disease have no previous symptoms of disease;

Whereas nearly half of all African-American adults have some form of cardiovascular disease, including 48 percent of African-American women and 46 percent of African-American men;

Whereas many minority women, including African-American, Hispanic, Asian-American, and Native-American women and women from indigenous populations, have a greater prevalence of risk factors or are at a higher risk of death from heart disease, stroke, and other cardiovascular diseases, but such women are less likely to know of this risk;

Whereas between 1965 and 2015, treatment of cardiovascular disease for women has largely been based on medical research on men;

Whereas due to the differences in heart disease between males and females, more research and data on the effects of heart disease treatments for women is vital;

Whereas extensive clinical and statistical studies have identified major and contributing factors that increase the risk of heart disease;

Whereas the major risk factors, identified by such studies, include high blood pressure, high blood cholesterol, smoking tobacco products, exposure to tobacco smoke, physical inactivity, obesity, and diabetes mellitus;

Whereas an individual can greatly reduce the risk of cardiovascular disease through lifestyle modification coupled with medical treatment when necessary;

Whereas greater awareness and early detection of risk factors of heart disease can improve and save the lives of thousands of individuals in the United States each year;

Whereas under the Joint Resolution entitled ''Joint Resolution to provide for the designation of the month of February in each year as 'American Heart Month' '', approved December 30, 1963 (36 U.S.C. 101), Congress requested that the President issue an annual proclamation designating February as ''American Heart Month'';

Whereas the National Heart, Lung, and Blood Institute of the National Institutes of Health, the American Heart Association, and many other organizations celebrate ''National Wear Red Day'' during February by ''going red'' to increase awareness about heart disease as the leading killer of women; and

Whereas every year since 1964, the President has issued a proclamation designating the month of February as ''American Heart Month'': Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of ''American Heart Month'' and ''National Wear Red Day'';

(2) recognizes and reaffirms the commitment in the United States to fighting heart disease and stroke by—

(A) promoting awareness about the causes, risks, and prevention of heart disease and stroke;

(B) supporting research on heart disease and stroke; and

(C) expanding access to medical treatment;

(3) commends the efforts of States, territories and possessions of the United States, localities, nonprofit organizations, businesses, and other entities, and the people of the United States who support ''American Heart Month'' and ''National Wear Red Day''; and

(4) encourages every individual in the United States to learn about their individual risk for heart disease.

SENATE RESOLUTION 91—DESIGNATING MARCH 2, 2015, AS ''READ ACROSS AMERICA DAY''

Ms. COLLINS (for herself, Mr. REED, of Rhode Island and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 91

Whereas reading is a basic requirement for quality education and professional success, and is a source of pleasure throughout life;

Whereas the people of the United States must be able to read if the United States is to remain competitive in the global economy;

Whereas Congress has placed great emphasis on reading intervention and providing additional resources for reading assistance, including through the programs authorized by the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and through annual appropriations for library and literacy programs; and

Whereas more than 50 national organizations concerned about reading and education have joined with the National Education Association to designate March 2, the anniversary of the birth of Theodor Geisel (also known as ''Dr. Seuss''), as a day to celebrate reading: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 2, 2015, as ''Read Across America Day'';

(2) honors Theodor Geisel (also known as ''Dr. Seuss'') for his success in encouraging children to discover the joy of reading;

(3) honors the 18th anniversary of Read Across America Day;

(4) encourages parents to read with their children for at least 30 minutes on Read Across America Day in honor of the commitment of the Senate to building a country of readers; and

(5) encourages the people of the United States to observe Read Across America Day with appropriate ceremonies and activities.

SENATE CONCURRENT RESOLUTION 6—EXPRESSING THE SENSE OF CONGRESS THAT JOHN ARTHUR ''JACK'' JOHNSON SHOULD RECEIVE A POSTHUMOUS PARDON FOR THE RACIALLY MOTIVATED CONVICTION IN 1913 THAT DIMINISHED THE ATHLETIC, CULTURAL, AND HISTORIC SIGNIFICANCE OF JACK JOHNSON AND UNDULY TARNISHED HIS REPUTATION

Mr. MCCAIN (for himself and Mr. REID of Nevada) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 6

Whereas John Arthur ''Jack'' Johnson was a flamboyant, defiant, and controversial figure in the history of the United States who challenged racial biases;

Whereas Jack Johnson was born in Galveston, Texas, in 1878 to parents who were former slaves;

Whereas Jack Johnson became a professional boxer and traveled throughout the United States, fighting White and African-American heavyweights;

Whereas, after being denied (on purely racial grounds) the opportunity to fight 2 White champions, in 1908, Jack Johnson was granted an opportunity by an Australian promoter to fight the reigning White titleholder, Tommy Burns;

Whereas Jack Johnson defeated Tommy Burns to become the first African-American to hold the title of Heavyweight Champion of the World;

Whereas the victory by Jack Johnson over Tommy Burns prompted a search for a White boxer who could beat Jack Johnson, a recruitment effort that was dubbed the search for the ''great white hope'';

Whereas, in 1910, a White former champion named Jim Jeffries left retirement to fight Jack Johnson in Reno, Nevada;

Whereas Jim Jeffries lost to Jack Johnson in what was deemed the ''Battle of the Century'';

Whereas the defeat of Jim Jeffries by Jack Johnson led to rioting, aggression against African-Americans, and the racially motivated murder of African-Americans throughout the United States;

Whereas the relationships of Jack Johnson with White women compounded the resentment felt toward him by many Whites;

Whereas, between 1901 and 1910, 754 African-Americans were lynched, some for simply for being ''too familiar'' with White women;

Whereas, in 1910, Congress passed the Act of June 25, 1910 (commonly known as the ''White Slave Traffic Act'' or the ''Mann Act'') (18 U.S.C. 2421 et seq.), which outlawed the transportation of women in interstate or foreign commerce ''for the purpose of prostitution or debauchery, or for any other immoral purpose'';

Whereas, in October 1912, Jack Johnson became involved with a White woman whose mother disapproved of their relationship and sought action from the Department of Justice, claiming that Jack Johnson had abducted her daughter;

Whereas Jack Johnson was arrested by Federal marshals on October 18, 1912, for transporting the woman across State lines for an ''immoral purpose'' in violation of the Mann Act;

Whereas the Mann Act charges against Jack Johnson were dropped when the woman refused to cooperate with Federal authorities, and then married Jack Johnson;

Whereas Federal authorities persisted and summoned a White woman named Belle Schreiber, who testified that Jack Johnson had transported her across State lines for the purpose of ''prostitution and debauchery'';

Whereas, in 1913, Jack Johnson was convicted of violating the Mann Act and sentenced to 1 year and 1 day in Federal prison;

Whereas Jack Johnson fled the United States to Canada and various European and South American countries;

Whereas Jack Johnson lost the Heavyweight Championship title to Jess Willard in Cuba in 1915;

Whereas Jack Johnson returned to the United States in July 1920, surrendered to authorities, and served nearly a year in the Federal penitentiary at Leavenworth, Kansas;

Whereas Jack Johnson subsequently fought in boxing matches, but never regained the Heavyweight Championship title;

Whereas Jack Johnson served the United States during World War II by encouraging citizens to buy war bonds and participating in exhibition boxing matches to promote the war bond cause;

Whereas Jack Johnson died in an automobile accident in 1946;

Whereas, in 1954, Jack Johnson was inducted into the Boxing Hall of Fame; and

Whereas, on July 29, 2009, the 111th Congress agreed to Senate Concurrent Resolution 29, which expressed the sense of the 111th Congress that Jack Johnson should receive a posthumous pardon for his racially motivated 1913 conviction: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it remains the sense of Congress that Jack Johnson should receive a posthumous pardon—

(1) to expunge a racially motivated abuse of the prosecutorial authority of the Federal Government from the annals of criminal justice in the United States; and

(2) in recognition of the athletic and cultural contributions of Jack Johnson to society.

AMENDMENTS SUBMITTED AND PROPOSED

SA 255. Mr. MCCONNELL (for Mr. COCHRAN (for himself, Ms. MIKULSKI, and Mrs. SHAHEEN)) proposed an amendment to the bill H.R. 240, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes.

SA 256. Mr. MCCONNELL proposed an amendment to amendment SA 255 proposed by Mr. MCCONNELL (for Mr. COCHRAN (for himself, Ms. MIKULSKI, and Mrs. SHAHEEN)) to the bill H.R. 240, supra.

SA 257. Mr. MCCONNELL proposed an amendment to the bill H.R. 240, supra.

SA 258. Mr. MCCONNELL proposed an amendment to amendment SA 257 proposed by Mr. MCCONNELL to the bill H.R. 240, supra.

SA 259. Mr. MCCONNELL proposed an amendment to the bill H.R. 240, supra.

SA 260. Mr. MCCONNELL proposed an amendment to amendment SA 259 proposed by Mr. MCCONNELL to the bill H.R. 240, supra.

SA 261. Mr. MCCONNELL proposed an amendment to amendment SA 260 proposed by Mr. MCCONNELL to the amendment SA 259 proposed by Mr. MCCONNELL to the bill H.R. 240, supra.

SA 262. Mr. CORNYN proposed an amendment to the resolution S. Res. 76, welcoming the Prime Minister of Israel to the United States for his address to a joint meeting of Congress.

SA 263. Mr. CORNYN proposed an amendment to the resolution S. Res. 76, supra.

TEXT OF AMENDMENTS

SA 255. Mr. MCCONNELL (for Mr. COCHRAN (for himself, Ms. MIKULSKI, and Mrs. SHAHEEN)) proposed an amendment to the bill H.R. 240, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes; as follows:

Strike all after the first word and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes, namely:

TITLE I

DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $132,573,000: *Provided*, That not to exceed $45,000 shall be for official reception and representation expenses: *Provided further*, That all official costs associated with the use of government aircraft by Department of Homeland Security personnel to support official travel of the Secretary and the Deputy Secretary shall be paid from amounts made available for the Immediate Office of the Secretary and the Immediate Office of the Deputy Secretary: *Provided further*, That not later than 30 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, the Committees on the Judiciary of the House of Representatives and the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate, a comprehensive plan for implementation of the biometric entry and exit data system required under section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b), including the estimated costs for implementation.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), $187,503,000, of which not to exceed $2,250 shall be for official reception and representation expenses: *Provided*, That of the total amount made available under this heading, $4,493,000 shall remain available until September 30, 2016, solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations at the Nebraska Avenue Complex; and $6,000,000 shall remain available until September 30, 2016, for the Human Resources Information Technology program: *Provided further*, That the Under Secretary for Management shall include in the President's budget proposal for fiscal year 2016, submitted pursuant to section 1105(a) of title 31, United States Code, a Comprehensive Acquisition Status Report, which shall include the information required under the heading ''Office of the Under Secretary for Management'' under title I of division D of the Consolidated Appropriations Act, 2012 (Public Law 112–74),

and shall submit quarterly updates to such report not later than 45 days after the completion of each quarter.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $52,020,000: *Provided*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time the President's budget proposal for fiscal year 2016 is submitted pursuant to section 1105(a) of title 31, United States Code, the Future Years Homeland Security Program, as authorized by section 874 of Public Law 107–296 (6 U.S.C. 454).

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $288,122,000; of which $99,028,000 shall be available for salaries and expenses; and of which $189,094,000, to remain available until September 30, 2016, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security.

ANALYSIS AND OPERATIONS

For necessary expenses for intelligence analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $255,804,000; of which not to exceed $3,825 shall be for official reception and representation expenses; and of which $102,479,000 shall remain available until September 30, 2016.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $118,617,000; of which not to exceed $300,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

UNITED STATES CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, agricultural inspections and regulatory activities related to plant and animal imports, and transportation of unaccompanied minor aliens; purchase and lease of up to 7,500 (6,500 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $8,459,657,000; of which $3,274,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which $30,000,000 shall be available until September 30, 2016, solely for the purpose of hiring, training, and equipping United States Customs and Border Protection officers at ports of entry; of which not to exceed $34,425 shall be for official reception and representation expenses; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; and of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided*, That for fiscal year 2015, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to compensate any employee of United States Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: *Provided further*, That the Border Patrol shall maintain an active duty presence of not less than 21,370 full-time equivalent agents protecting the borders of the United States in the fiscal year.

AUTOMATION MODERNIZATION

For necessary expenses for United States Customs and Border Protection for operation and improvement of automated systems, including salaries and expenses, $808,169,000; of which $446,075,000 shall remain available until September 30, 2017; and of which not less than $140,970,000 shall be for the development of the Automated Commercial Environment.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for border security fencing, infrastructure, and technology, $382,466,000, to remain available until September 30, 2017.

AIR AND MARINE OPERATIONS

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems, the Air and Marine Operations Center, and other related equipment of the air and marine program, including salaries and expenses, operational training, and mission-related travel, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and, at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts; $750,469,000; of which $299,800,000 shall be available for salaries and expenses; and of which $450,669,000 shall remain available until September 30, 2017: *Provided*, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to United States Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2015 without prior notice to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That funding made available under this heading shall be available for customs expenses when necessary to maintain or to temporarily increase operations in Puerto Rico: *Provided further*, That the Secretary of Homeland Security shall report to the Committees on Appropriations of the Senate and the House of Representatives, not later than 90 days after the date of enactment of this Act, on any changes to the 5-year strategic plan for the air and marine program required under the heading ''Air and Marine Interdiction, Operations, and Maintenance'' in Public Law 112–74.

CONSTRUCTION AND FACILITIES MANAGEMENT

For necessary expenses to plan, acquire, construct, renovate, equip, furnish, operate, manage, and maintain buildings, facilities, and related infrastructure necessary for the administration and enforcement of the laws relating to customs, immigration, and border security, $288,821,000, to remain available until September 30, 2019.

UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations, including intellectual property rights and overseas vetted units operations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; $5,932,756,000; of which not to exceed $10,000,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $11,475 shall be for official reception and representation expenses; of which not to exceed $2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than $305,000 shall be for promotion of public awareness of the child pornography tipline and activities to counter child exploitation; of which not less than $5,400,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); of which not to exceed $40,000,000, to remain available until September 30, 2017, is for maintenance, construction, and lease hold improvements at owned and leased facilities; and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: *Provided*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That of the total amount provided, $15,770,000 shall be for activities to enforce laws against forced child labor, of which not to exceed $6,000,000 shall remain available until expended: *Provided further*, That of the total amount available, not less than $1,600,000,000 shall be available to identify aliens convicted of a crime who may be deportable, and to remove them from the United States once they are judged deportable: *Provided further*, That the Secretary of Homeland Security shall prioritize the identification and removal of aliens convicted of a crime by the severity of that crime: *Provided further*, That funding made available under this heading shall maintain a level of not less than 34,000 detention beds through September 30, 2015: *Provided further*, That of the total amount provided, not less than $3,431,444,000 is for detention, enforcement, and removal operations, including transportation of unaccompanied minor aliens: *Provided further*, That of the amount provided for Custody Operations in the previous proviso, $45,000,000 shall remain available until September 30, 2019: *Provided further*, That of the total amount provided for the Visa Security Program and international investigations, $43,000,000 shall remain available until

September 30, 2016: *Provided further*, That not less than $15,000,000 shall be available for investigation of intellectual property rights violations, including operation of the National Intellectual Property Rights Coordination Center: *Provided further*, That none of the funds provided under this heading may be used to continue a delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have been materially violated: *Provided further*, That none of the funds provided under this heading may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than ''adequate'' or the equivalent median score in any subsequent performance evaluation system: *Provided further*, That nothing under this heading shall prevent United States Immigration and Customs Enforcement from exercising those authorities provided under immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) during priority operations pertaining to aliens convicted of a crime: *Provided further*, That without regard to the limitation as to time and condition of section 503(d) of this Act, the Secretary may propose to reprogram and transfer funds within and into this appropriation necessary to ensure the detention of aliens prioritized for removal.

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, $26,000,000, to remain available until September 30, 2017.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $5,639,095,000, to remain available until September 30, 2016; of which not to exceed $7,650 shall be for official reception and representation expenses: *Provided*, That any award to deploy explosives detection systems shall be based on risk, the airport's current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness: *Provided further*, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: *Provided further*, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2015 so as to result in a final fiscal year appropriation from the general fund estimated at not more than $3,574,095,000: *Provided further*, That the fees deposited under this heading in fiscal year 2013 and sequestered pursuant to section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a), that are currently unavailable for obligation, are hereby permanently cancelled: *Provided further*, That notwithstanding section 44923 of title 49, United States Code, for fiscal year 2015, any funds in the Aviation Security Capital Fund established by section 44923(h) of title 49, United States Code, may be used for the procurement and installation of explosives detection systems or for the issuance of other transaction agreements for the purpose of funding projects described in section 44923(a) of such title: *Provided further*, That notwithstanding any other provision of law, mobile explosives detection equipment purchased and deployed using funds made available under this heading may be moved and redeployed to meet evolving passenger and baggage screening security priorities at airports: *Provided further*, That none of the funds made available in this Act may be used for any recruiting or hiring of personnel into the Transportation Security Administration that would cause the agency to exceed a staffing level of 45,000 full-time equivalent screeners: *Provided further*, That the preceding proviso shall not apply to personnel hired as part-time employees: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall submit to the Committees on Appropriations of the Senate and the House of Representatives a detailed report on—

(1) the Department of Homeland Security efforts and resources being devoted to develop more advanced integrated passenger screening technologies for the most effective security of passengers and baggage at the lowest possible operating and acquisition costs, including projected funding levels for each fiscal year for the next 5 years or until project completion, whichever is earlier;

(2) how the Transportation Security Administration is deploying its existing passenger and baggage screener workforce in the most cost effective manner; and

(3) labor savings from the deployment of improved technologies for passenger and baggage screening and how those savings are being used to offset security costs or reinvested to address security vulnerabilities:

Provided further, That not later than April 15, 2015, the Administrator of the Transportation Security Administration shall submit to the Committees on Appropriations of the Senate and the House of Representatives, a semiannual report updating information on a strategy to increase the number of air passengers eligible for expedited screening, including:

(1) specific benchmarks and performance measures to increase participation in Pre-Check by air carriers, airports, and passengers;

(2) options to facilitate direct application for enrollment in Pre-Check through the Transportation Security Administration's Web site, airports, and other enrollment locations;

(3) use of third parties to pre-screen passengers for expedited screening;

(4) inclusion of populations already vetted by the Transportation Security Administration and other trusted populations as eligible for expedited screening;

(5) resource implications of expedited passenger screening resulting from the use of risk-based security methods; and

(6) the total number and percentage of passengers using Pre-Check lanes who:

(A) have enrolled in Pre-Check since Transportation Security Administration enrollment centers were established;

(B) enrolled using the Transportation Security Administration's Pre-Check application Web site;

(C) were enrolled as frequent flyers of a participating airline;

(D) utilized Pre-Check as a result of their enrollment in a Trusted Traveler program of United States Customs and Border Protection;

(E) were selectively identified to participate in expedited screening through the use of Managed Inclusion in fiscal year 2014; and

(F) are enrolled in all other Pre-Check categories:

Provided further, That Members of the United States House of Representatives and United States Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General, Deputy Attorney General, Assistant Attorneys General, and the United States Attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget, shall not be exempt from Federal passenger and baggage screening.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to surface transportation security activities, $123,749,000, to remain available until September 30, 2016.

INTELLIGENCE AND VETTING

For necessary expenses for the development and implementation of intelligence and vetting activities, $219,166,000, to remain available until September 30, 2016.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to transportation security support pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $917,226,000, to remain available until September 30, 2016: *Provided*, That not later than 90 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall submit to the Committees on Appropriations of the Senate and the House of Representatives—

(1) a report providing evidence demonstrating that behavioral indicators can be used to identify passengers who may pose a threat to aviation security and the plans that will be put into place to collect additional performance data; and

(2) a report addressing each of the recommendations outlined in the report entitled ''TSA Needs Additional Information Before Procuring Next-Generation Systems'', published by the Government Accountability Office on March 31, 2014, and describing the steps the Transportation Security Administration is taking to implement acquisition best practices, increase industry engagement, and improve transparency with regard to technology acquisition programs:

Provided further, That of the funds provided under this heading, $25,000,000 shall be withheld from obligation for Headquarters Administration until the submission of the reports required by paragraphs (1) and (2) of the preceding proviso.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of no more than $700,000) and repairs and service-life replacements, not to exceed a total of $31,000,000; purchase or lease of boats necessary for overseas deployments and activities; minor shore construction projects not exceeding $1,000,000 in total cost on any location; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $7,043,318,000, of which $553,000,000 shall be for defense-related activities, of which $213,000,000 is designated by the Congress for Overseas Contingency Operations/Global War

on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 and shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed $15,300 shall be for official reception and representation expenses: *Provided*, That none of the funds made available by this Act shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from owners of yachts and credited to this appropriation: *Provided further*, That to the extent fees are insufficient to pay expenses of recreational vessel documentation under such section 12114, and there is a backlog of recreational vessel applications, then personnel performing nonrecreational vessel documentation functions under subchapter II of chapter 121 of title 46, United States Code, may perform documentation under section 12114: *Provided further*, That of the funds provided under this heading, $85,000,000 shall be withheld from obligation for Coast Guard Headquarters Directorates until a future-years capital investment plan for fiscal years 2016 through 2020, as specified under the heading ''Coast Guard, Acquisition, Construction, and Improvements'' of this Act, is submitted to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That funds made available under this heading for Overseas Contingency Operations/Global War on Terrorism may be allocated by program, project, and activity, notwithstanding section 503 of this Act: *Provided further*, That, without regard to the limitation as to time and condition of section 503(d) of this Act, after June 30, up to $10,000,000 may be reprogrammed to or from Military Pay and Allowances in accordance with subsections (a), (b), and (c) of section 503.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the Coast Guard under chapter 19 of title 14, United States Code, $13,197,000, to remain available until September 30, 2019.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the Coast Guard reserve program; personnel and training costs; and equipment and services; $114,572,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; $1,225,223,000; of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which the following amounts shall be available until September 30, 2019 (except as subsequently specified): $6,000,000 for military family housing; $824,347,000 to acquire, effect major repairs to, renovate, or improve vessels, small boats, and related equipment; $180,000,000 to acquire, effect major repairs to, renovate, or improve aircraft or increase aviation capability; $59,300,000 for other acquisition programs; $40,580,000 for shore facilities and aids to navigation, including facilities at Department of Defense installations used by the Coast Guard; and $114,996,000, to remain available until September 30, 2015, for personnel compensation and benefits and related costs: *Provided*, That the funds provided by this Act shall be immediately available and allotted to contract for the production of the eighth National Security Cutter notwithstanding the availability of funds for post-production costs: *Provided further*, That the Commandant of the Coast Guard shall submit to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, at the time the President's budget proposal for fiscal year 2016 is submitted pursuant to section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each requested capital asset—

(1) the proposed appropriations included in that budget;

(2) the total estimated cost of completion, including and clearly delineating the costs of associated major acquisition systems infrastructure and transition to operations;

(3) projected funding levels for each fiscal year for the next 5 fiscal years or until acquisition program baseline or project completion, whichever is earlier;

(4) an estimated completion date at the projected funding levels; and

(5) a current acquisition program baseline for each capital asset, as applicable, that—

(A) includes the total acquisition cost of each asset, subdivided by fiscal year and including a detailed description of the purpose of the proposed funding levels for each fiscal year, including for each fiscal year funds requested for design, pre-acquisition activities, production, structural modifications, missionization, post-delivery, and transition to operations costs;

(B) includes a detailed project schedule through completion, subdivided by fiscal year, that details—

(i) quantities planned for each fiscal year; and

(ii) major acquisition and project events, including development of operational requirements, contracting actions, design reviews, production, delivery, test and evaluation, and transition to operations, including necessary training, shore infrastructure, and logistics;

(C) notes and explains any deviations in cost, performance parameters, schedule, or estimated date of completion from the original acquisition program baseline and the most recent baseline approved by the Department of Homeland Security's Acquisition Review Board, if applicable;

(D) aligns the acquisition of each asset to mission requirements by defining existing capabilities of comparable legacy assets, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how the acquisition of each asset will address such known capability gaps;

(E) defines life-cycle costs for each asset and the date of the estimate on which such costs are based, including all associated costs of major acquisitions systems infrastructure and transition to operations, delineated by purpose and fiscal year for the projected service life of the asset;

(F) includes the earned value management system summary schedule performance index and cost performance index for each asset, if applicable; and

(G) includes a phase-out and decommissioning schedule delineated by fiscal year for each existing legacy asset that each asset is intended to replace or recapitalize:

Provided further, That the Commandant of the Coast Guard shall ensure that amounts specified in the future-years capital investment plan are consistent, to the maximum extent practicable, with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget proposal for fiscal year 2016, submitted pursuant to section 1105(a) of title 31, United States Code: *Provided further*, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified: *Provided further*, That the Director of the Office of Management and Budget shall not delay the submission of the capital investment plan referred to by the preceding provisos: *Provided further*, That the Director of the Office of Management and Budget shall have no more than a single period of 10 consecutive business days to review the capital investment plan prior to submission: *Provided further*, That the Secretary of Homeland Security shall notify the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives one day after the capital investment plan is submitted to the Office of Management and Budget for review and the Director of the Office of Management and Budget shall notify the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives when such review is completed: *Provided further*, That subsections (a) and (b) of section 6402 of Public Law 110–28 shall hereafter apply with respect to the amounts made available under this heading.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; $17,892,000, to remain available until September 30, 2017, of which $500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts, and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,450,626,000, to remain available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 652 vehicles for police-type use for replacement only; hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as

may be determined by the Director of the United States Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees in cases in which a protective assignment on the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,615,860,000; of which not to exceed $19,125 shall be for official reception and representation expenses; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,366,000 shall be for forensic and related support of investigations of missing and exploited children; of which $6,000,000 shall be for a grant for activities related to investigations of missing and exploited children and shall remain available until September 30, 2016; and of which not less than $12,000,000 shall be for activities related to training in electronic crimes investigations and forensics: *Provided*, That $18,000,000 for protective travel shall remain available until September 30, 2016: *Provided further*, That $4,500,000 for National Special Security Events shall remain available until September 30, 2016: *Provided further*, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, for personnel receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: *Provided further*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes: *Provided further*, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: *Provided further*, That the Director of the United States Secret Service may enter into an agreement to provide such protection on a fully reimbursable basis: *Provided further*, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be obligated for the purpose of opening a new permanent domestic or overseas office or location unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such obligation: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Director of the United States Secret Service shall submit to the Committees on Appropriations of the Senate and the House of Representatives, a report providing evidence that the United States Secret Service has sufficiently reviewed its professional standards of conduct; and has issued new guidance and procedures for the conduct of employees when engaged in overseas operations and protective missions, consistent with the critical missions of, and the unique position of public trust occupied by, the United States Secret Service: *Provided further*, That of the funds provided under this heading, $10,000,000 shall be withheld from obligation for Headquarters, Management and Administration until such report is submitted: *Provided further*, That for purposes of section 503(b) of this Act, $15,000,000 or 10 percent, whichever is less, may be transferred between Protection of Persons and Facilities and Domestic Field Operations.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of physical and technological infrastructure, $49,935,000; of which $5,380,000, to remain available until September 30, 2019, shall be for acquisition, construction, improvement, and maintenance of the James J. Rowley Training Center; and of which $44,555,000, to remain available until September 30, 2017, shall be for Information Integration and Technology Transformation program execution.

TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for the National Protection and Programs Directorate, support for operations, and information technology, $61,651,000: *Provided*, That not to exceed $3,825 shall be for official reception and representation expenses: *Provided further*, That the President's budget proposal for fiscal year 2016, submitted pursuant to section 1105(a) of title 31, United States Code, shall be detailed by office, and by program, project, and activity level, for the National Protection and Programs Directorate.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $1,188,679,000, of which $225,000,000 shall remain available until September 30, 2016: *Provided*, That if, due to delays in contract actions, the National Protection and Programs Directorate will not fully obligate funds for Federal Network Security or for Network Security Deployment program, project, and activities as provided in the accompanying statement and section 548 of this Act, such funds may be applied to Next Generation Networks program, project, and activities, notwithstanding section 503 of this Act.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally owned and leased buildings and for the operations of the Federal Protective Service: *Provided*, That the Director of the Federal Protective Service shall submit at the time the President's budget proposal for fiscal year 2016 is submitted pursuant to section 1105(a) of title 31, United States Code, a strategic human capital plan that aligns fee collections to personnel requirements based on a current threat assessment.

OFFICE OF BIOMETRIC IDENTITY MANAGEMENT

For necessary expenses for the Office of Biometric Identity Management, as authorized by section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b), $252,056,000: *Provided*, That of the total amount made available under this heading, $122,150,000 shall remain available until September 30, 2017.

OFFICE OF HEALTH AFFAIRS

For necessary expenses of the Office of Health Affairs, $129,358,000; of which $26,148,000 is for salaries and expenses and $86,891,000 is for BioWatch operations: *Provided*, That of the amount made available under this heading, $16,319,000 shall remain available until September 30, 2016, for biosurveillance, chemical defense, medical and health planning and coordination, and workforce health protection: *Provided further*, That not to exceed $2,250 shall be for official reception and representation expenses.

FEDERAL EMERGENCY MANAGEMENT AGENCY

SALARIES AND EXPENSES

For necessary expenses of the Federal Emergency Management Agency, $934,396,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro Grande Fire Assistance Act of 2000 (division C, title I, 114 Stat. 583), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), the National Dam Safety Program Act (33 U.S.C. 467 et seq.), the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109–295; 120 Stat. 1394), the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141, 126 Stat. 916), and the Homeowner Flood Insurance Affordability Act of 2014 (Public Law 113–89): *Provided*, That not to exceed $2,250 shall be for official reception and representation expenses: *Provided further*, That of the total amount made available under this heading, $35,180,000 shall be for the Urban Search and Rescue Response System, of which none is available for Federal Emergency Management Agency administrative costs: *Provided further*, That of the total amount made available under this heading, $30,000,000 shall remain available until September 30, 2016, for capital improvements and other expenses related to continuity of operations at the Mount Weather Emergency Operations Center: *Provided further*, That of the total amount made available, $3,400,000 shall be for the Office of National Capital Region Coordination: *Provided further*, That of the total amount made available under this heading, not less than $4,000,000 shall remain available until September 30, 2016, for expenses related to modernization of automated systems.

STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, $1,500,000,000, which shall be allocated as follows:

(1) $467,000,000 shall be for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605), of which not less than $55,000,000 shall be for Operation Stonegarden: *Provided*, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2015, the Commonwealth of Puerto Rico shall make

available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004.

(2) $600,000,000 shall be for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), of which not less than $13,000,000 shall be for organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack.

(3) $100,000,000 shall be for Public Transportation Security Assistance, Railroad Security Assistance, and Over-the-Road Bus Security Assistance under sections 1406, 1513, and 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 6 U.S.C. 1135, 1163, and 1182), of which not less than $10,000,000 shall be for Amtrak security and $3,000,000 shall be for Over-the-Road Bus Security: *Provided*, That such public transportation security assistance shall be provided directly to public transportation agencies.

(4) $100,000,000 shall be for Port Security Grants in accordance with 46 U.S.C. 70107.

(5) $233,000,000 shall be to sustain current operations for training, exercises, technical assistance, and other programs, of which $162,991,000 shall be for training of State, local, and tribal emergency response providers:

Provided, That for grants under paragraphs (1) through (4), applications for grants shall be made available to eligible applicants not later than 60 days after the date of enactment of this Act, that eligible applicants shall submit applications not later than 80 days after the grant announcement, and the Administrator of the Federal Emergency Management Agency shall act within 65 days after the receipt of an application: *Provided further*, That notwithstanding section 2008(a)(11) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(11)) or any other provision of law, a grantee may not use more than 5 percent of the amount of a grant made available under this heading for expenses directly related to administration of the grant: *Provided further*, That for grants under paragraphs (1) and (2), the installation of communications towers is not considered construction of a building or other physical facility: *Provided further*, That grantees shall provide reports on their use of funds, as determined necessary by the Secretary of Homeland Security: *Provided further*, That notwithstanding section 509 of this Act, the Administrator of the Federal Emergency Management Agency may use the funds provided in paragraph (5) to acquire real property for the purpose of establishing or appropriately extending the security buffer zones around Federal Emergency Management Agency training facilities.

FIREFIGHTER ASSISTANCE GRANTS

For grants for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $680,000,000, to remain available until September 30, 2016, of which $340,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and $340,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a).

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $350,000,000.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2015, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: *Provided*, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: *Provided further*, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2015, and remain available until expended.

UNITED STATES FIRE ADMINISTRATION

For necessary expenses of the United States Fire Administration and for other purposes, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), $44,000,000.

DISASTER RELIEF FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $7,033,464,494, to remain available until expended, of which $24,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters: *Provided*, That the Administrator of the Federal Emergency Management Agency shall submit to the Committees on Appropriations of the Senate and the House of Representatives the following reports, including a specific description of the methodology and the source data used in developing such reports:

(1) an estimate of the following amounts shall be submitted for the budget year at the time that the President's budget proposal for fiscal year 2016 is submitted pursuant to section 1105(a) of title 31, United States Code:

(A) the unobligated balance of funds to be carried over from the prior fiscal year to the budget year;

(B) the unobligated balance of funds to be carried over from the budget year to the budget year plus 1;

(C) the amount of obligations for non-catastrophic events for the budget year;

(D) the amount of obligations for the budget year for catastrophic events delineated by event and by State;

(E) the total amount that has been previously obligated or will be required for catastrophic events delineated by event and by State for all prior years, the current year, the budget year, the budget year plus 1, the budget year plus 2, and the budget year plus 3 and beyond;

(F) the amount of previously obligated funds that will be recovered for the budget year;

(G) the amount that will be required for obligations for emergencies, as described in section 102(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(1)), major disasters, as described in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), fire management assistance grants, as described in section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187), surge activities, and disaster readiness and support activities; and

(H) the amount required for activities not covered under section 251(b)(2)(D)(iii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(iii); Public Law 99–177);

(2) an estimate or actual amounts, if available, of the following for the current fiscal year shall be submitted not later than the fifth day of each month, and shall be published by the Administrator on the Agency's Web site not later than the fifth day of each month:

(A) a summary of the amount of appropriations made available by source, the transfers executed, the previously allocated funds recovered, and the commitments, allocations, and obligations made;

(B) a table of disaster relief activity delineated by month, including—

(i) the beginning and ending balances;

(ii) the total obligations to include amounts obligated for fire assistance, emergencies, surge, and disaster support activities;

(iii) the obligations for catastrophic events delineated by event and by State; and

(iv) the amount of previously obligated funds that are recovered;

(C) a summary of allocations, obligations, and expenditures for catastrophic events delineated by event;

(D) in addition, for a disaster declaration related to Hurricane Sandy, the cost of the following categories of spending: public assistance, individual assistance, mitigation, administrative, operations, and any other relevant category (including emergency measures and disaster resources); and

(E) the date on which funds appropriated will be exhausted:

Provided further, That the Administrator shall publish on the Agency's Web site not later than 5 days after an award of a public assistance grant under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) the specifics of the grant award: *Provided further*, That for any mission assignment or mission assignment task order to another Federal department or agency regarding a major disaster, not later than 5 days after the issuance of the mission assignment or task order, the Administrator shall publish on the Agency's website the following: the name of the impacted State and the disaster declaration for such State, the assigned agency, the assistance requested, a description of the disaster, the total cost estimate, and the amount obligated: *Provided further*, That not later than 10 days after the last day of each month until the mission assignment or task order is completed and closed out, the Administrator shall update any changes to the total cost estimate and the amount obligated: *Provided further*, That of the amount provided under this heading, $6,437,792,622 shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That the amount in the preceding proviso is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FLOOD HAZARD MAPPING AND RISK ANALYSIS PROGRAM

For necessary expenses, including administrative costs, under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), and under sections 100215, 100216, 100226, 100230, and 100246 of the Biggert-Waters Flood Insurance Reform Act of 2012, (Public Law 112–141, 126 Stat. 916), $100,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act

(42 U.S.C. 4101(f)(2)), to remain available until expended.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Biggert-Waters Flood Insurance Reform Act of 2012 (subtitle A of title II of division F of Public Law 112–141; 126 Stat. 916), and the Homeowner Flood Insurance Affordability Act of 2014 (Public Law 113–89; 128 Stat. 1020), $179,294,000, which shall remain available until September 30, 2016, and shall be derived from offsetting amounts collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)); which is available for salaries and expenses associated with flood mitigation and flood insurance operations; and floodplain management and additional amounts for flood mapping: *Provided*, That of such amount, $23,759,000 shall be available for salaries and expenses associated with flood mitigation and flood insurance operations and $155,535,000 shall be available for flood plain management and flood mapping: *Provided further*, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as an offsetting collection to this account, to be available for flood plain management and flood mapping: *Provided further*, That in fiscal year 2015, no funds shall be available from the National Flood Insurance Fund under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017) in excess of:

(1) $136,000,000 for operating expenses;

(2) $1,139,000,000 for commissions and taxes of agents;

(3) such sums as are necessary for interest on Treasury borrowings; and

(4) $150,000,000, which shall remain available until expended, for flood mitigation actions and for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), notwithstanding sections 1366(e) and 1310(a)(7) of such Act (42 U.S.C. 4104c(e), 4017):

Provided further, That the amounts collected under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) and section 1366(e) of the National Flood Insurance Act of 1968 shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwithstanding section 102(f)(8), section 1366(e), and paragraphs (1) through (3) of section 1367(b) of such Act (42 U.S.C. 4012a(f)(8), 4104c(e), 4104d(b)(1)–(3)): *Provided further*, That total administrative costs shall not exceed 4 percent of the total appropriation: *Provided further*, That $5,000,000 is available to carry out section 24 of the Homeowner Flood Insurance Affordability Act of 2014 (42 U.S.C. 4033).

NATIONAL PREDISASTER MITIGATION FUND

For the predisaster mitigation grant program under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), $25,000,000, to remain available until expended.

EMERGENCY FOOD AND SHELTER

To carry out the emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), $120,000,000, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3.5 percent of the total amount made available under this heading.

TITLE IV

RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, $124,435,000 for the E-Verify Program, as described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), to assist United States employers with maintaining a legal workforce: *Provided*, That, notwithstanding any other provision of law, funds otherwise made available to United States Citizenship and Immigration Services may be used to acquire, operate, equip, and dispose of up to 5 vehicles, for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: *Provided further*, That the Director of United States Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles to travel between the employees' residences and places of employment.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $230,497,000; of which up to $54,154,000 shall remain available until September 30, 2016, for materials and support costs of Federal law enforcement basic training; of which $300,000 shall remain available until expended to be distributed to Federal law enforcement agencies for expenses incurred participating in training accreditation; and of which not to exceed $7,180 shall be for official reception and representation expenses: *Provided*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That section 1202(a) of Public Law 107–206 (42 U.S.C. 3771 note), as amended under this heading in division F of Public Law 113–76, is further amended by striking ''December 31, 2016'' and inserting ''December 31, 2017'': *Provided further*, That the Director of the Federal Law Enforcement Training Center shall schedule basic or advanced law enforcement training, or both, at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that such training facilities are operated at the highest capacity throughout the fiscal year: *Provided further*, That the Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $27,841,000, to remain available until September 30, 2019: *Provided*, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $129,993,000: *Provided*, That not to exceed $7,650 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects, development, test and evaluation, acquisition, and operations as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), and the purchase or lease of not to exceed 5 vehicles, $973,915,000; of which $538,926,000 shall remain available until September 30, 2017; and of which $434,989,000 shall remain available until September 30, 2019, solely for operation and construction of laboratory facilities: *Provided*, That of the funds provided for the operation and construction of laboratory facilities under this heading, $300,000,000 shall be for construction of the National Bio- and Agro-defense Facility.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office, as authorized by title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.), for management and administration of programs and activities, $37,339,000: *Provided*, That not to exceed $2,250 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, AND OPERATIONS

For necessary expenses for radiological and nuclear research, development, testing, evaluation, and operations, $197,900,000, to remain available until September 30, 2017.

SYSTEMS ACQUISITION

For necessary expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, $72,603,000, to remain available until September 30, 2017.

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations

Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2015, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates a new program, project, or activity;

(2) eliminates a program, project, office, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress;

(4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or the House of Representatives for a different purpose; or

(5) contracts out any function or activity for which funding levels were requested for Federal full-time equivalents in the object classification tables contained in the fiscal year 2015 Budget Appendix for the Department of Homeland Security, as modified by the report accompanying this Act, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2015, or provided from any accounts in the Treasury of the United States derived by the collection of fees or proceeds available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that:

(1) augments existing programs, projects, or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity;

(3) reduces by 10 percent the numbers of personnel approved by the Congress; or

(4) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: *Provided*, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations based upon an initial notification provided after June 30, except in extraordinary circumstances that imminently threaten the safety of human life or the protection of property.

(e) The notification thresholds and procedures set forth in this section shall apply to any use of deobligated balances of funds provided in previous Department of Homeland Security Appropriations Acts.

SEC. 504. The Department of Homeland Security Working Capital Fund, established pursuant to section 403 of Public Law 103–356 (31 U.S.C. 501 note), shall continue operations as a permanent working capital fund for fiscal year 2015: *Provided*, That none of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the Working Capital Fund, except for the activities and amounts allowed in the President's fiscal year 2015 budget: *Provided further*, That funds provided to the Working Capital Fund shall be available for obligation until expended to carry out the purposes of the Working Capital Fund: *Provided further*, That all departmental components shall be charged only for direct usage of each Working Capital Fund service: *Provided further*, That funds provided to the Working Capital Fund shall be used only for purposes consistent with the contributing component: *Provided further*, That the Working Capital Fund shall be paid in advance or reimbursed at rates which will return the full cost of each service: *Provided further*, That the Committees on Appropriations of the Senate and House of Representatives shall be notified of any activity added to or removed from the fund: *Provided further*, That the Chief Financial Officer of the Department of Homeland Security shall submit a quarterly execution report with activity level detail, not later than 30 days after the end of each quarter.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2015, as recorded in the financial records at the time of a reprogramming request, but not later than June 30, 2016, from appropriations for salaries and expenses for fiscal year 2015 in this Act shall remain available through September 30, 2016, in the account and for the purposes for which the appropriations were provided: *Provided*, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2015 until the enactment of an Act authorizing intelligence activities for fiscal year 2015.

SEC. 507. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used to—

(1) make or award a grant allocation, grant, contract, other transaction agreement, or task or delivery order on a Department of Homeland Security multiple award contract, or to issue a letter of intent totaling in excess of $1,000,000;

(2) award a task or delivery order requiring an obligation of funds in an amount greater than $10,000,000 from multi-year Department of Homeland Security funds;

(3) make a sole-source grant award; or

(4) announce publicly the intention to make or award items under paragraph (1), (2), or (3) including a contract covered by the Federal Acquisition Regulation.

(b) The Secretary of Homeland Security may waive the prohibition under subsection (a) if the Secretary notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making an award or issuing a letter as described in that subsection.

(c) If the Secretary of Homeland Security determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification, and the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives not later than 5 full business days after such an award is made or letter issued.

(d) A notification under this section—

(1) may not involve funds that are not available for obligation; and

(2) shall include the amount of the award; the fiscal year for which the funds for the award were appropriated; the type of contract; and the account from which the funds are being drawn.

(e) The Administrator of the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives 5 full business days in advance of announcing publicly the intention of making an award under ''State and Local Programs''.

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training that cannot be accommodated in existing Center facilities.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 510. (a) Sections 520, 522, and 530 of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110–161; 121 Stat. 2073 and 2074) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

(b) The third proviso of section 537 of the Department of Homeland Security Appropriations Act, 2006 (6 U.S.C. 114), shall not apply with respect to funds made available in this Act.

SEC. 511. None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act. For purposes of the preceding sentence, the term ''Buy American Act'' means chapter 83 of title 41, United States Code.

SEC. 512. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 513. Not later than 30 days after the last day of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report for that month that includes total obligations of the Department for that month for the fiscal year at the appropriation and program, project, and activity levels, by the source year of the appropriation. Total obligations for staffing shall also be provided by subcategory of on-board and funded full-time equivalent staffing levels, respectively, and the report shall specify the number of, and total obligations for, contract employees for each office of the Department.

SEC. 514. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration ''Aviation

Security'', ''Administration'', and ''Transportation Security Support'' for fiscal years 2004 and 2005 that are recovered or deobligated shall be available only for the procurement or installation of explosives detection systems, air cargo, baggage, and checkpoint screening systems, subject to notification: *Provided*, That semiannual reports shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives on any funds that are recovered or deobligated.

SEC. 515. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as Immigration Information Officers, Contact Representatives, Investigative Assistants, or Immigration Services Officers.

SEC. 516. Any funds appropriated to ''Coast Guard, Acquisition, Construction, and Improvements'' for fiscal years 2002, 2003, 2004, 2005, and 2006 for the 110–123 foot patrol boat conversion that are recovered, collected, or otherwise received as the result of negotiation, mediation, or litigation, shall be available until expended for the Fast Response Cutter program.

SEC. 517. The functions of the Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 518. (a) The Secretary of Homeland Security shall submit a report not later than October 15, 2015, to the Office of Inspector General of the Department of Homeland Security listing all grants and contracts awarded by any means other than full and open competition during fiscal year 2015.

(b) The Inspector General shall review the report required by subsection (a) to assess Departmental compliance with applicable laws and regulations and report the results of that review to the Committees on Appropriations of the Senate and the House of Representatives not later than February 15, 2016.

SEC. 519. None of the funds provided by this or previous appropriations Acts shall be used to fund any position designated as a Principal Federal Official (or the successor thereto) for any Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) declared disasters or emergencies unless—

(1) the responsibilities of the Principal Federal Official do not include operational functions related to incident management, including coordination of operations, and are consistent with the requirements of section 509(c) and sections 503(c)(3) and 503(c)(4)(A) of the Homeland Security Act of 2002 (6 U.S.C. 319(c) and 313(c)(3) and 313(c)(4)(A)) and section 302 of the Robert T. Stafford Disaster Relief and Assistance Act (42 U.S.C. 5143);

(2) not later than 10 business days after the latter of the date on which the Secretary of Homeland Security appoints the Principal Federal Official and the date on which the President issues a declaration under section 401 or section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191, respectively), the Secretary of Homeland Security shall submit a notification of the appointment of the Principal Federal Official and a description of the responsibilities of such Official and how such responsibilities are consistent with paragraph (1) to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(3) not later than 60 days after the date of enactment of this Act, the Secretary shall provide a report specifying timeframes and milestones regarding the update of operations, planning and policy documents, and training and exercise protocols, to ensure consistency with paragraph (1) of this section.

SEC. 520. None of the funds provided or otherwise made available in this Act shall be available to carry out section 872 of the Homeland Security Act of 2002 (6 U.S.C. 452).

SEC. 521. Funds made available in this Act may be used to alter operations within the Civil Engineering Program of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers, maintenance and logistics commands, and the Coast Guard Academy, except that none of the funds provided in this Act may be used to reduce operations within any Civil Engineering Unit unless specifically authorized by a statute enacted after the date of enactment of this Act.

SEC. 522. None of the funds made available in this Act may be used by United States Citizenship and Immigration Services to grant an immigration benefit unless the results of background checks required by law to be completed prior to the granting of the benefit have been received by United States Citizenship and Immigration Services, and the results do not preclude the granting of the benefit.

SEC. 523. Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a), by striking ''Until September 30, 2014,'' and inserting ''Until September 30, 2015,''; and

(2) in subsection (c)(1), by striking ''September 30, 2014,'' and inserting ''September 30, 2015,''.

SEC. 524. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

SEC. 525. Notwithstanding any other provision of law, none of the funds provided in this or any other Act shall be used to approve a waiver of the navigation and vessel-inspection laws pursuant to 46 U.S.C. 501(b) for the transportation of crude oil distributed from the Strategic Petroleum Reserve until the Secretary of Homeland Security, after consultation with the Secretaries of the Departments of Energy and Transportation and representatives from the United States flag maritime industry, takes adequate measures to ensure the use of United States flag vessels: *Provided*, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives within 2 business days of any request for waivers of navigation and vessel-inspection laws pursuant to 46 U.S.C. 501(b).

SEC. 526. None of the funds made available in this Act for United States Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: *Provided further*, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SEC. 527. None of the funds in this Act shall be used to reduce the United States Coast Guard's Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 528. The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under section 9703.1(g)(4)(B) of title 31, United States Code (as added by Public Law 102–393) from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security: *Provided*, That none of the funds identified for such a transfer may be obligated until the Committees on Appropriations of the Senate and the House of Representatives approve the proposed transfers.

SEC. 529. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 530. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A–76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.

SEC. 531. (a) Notwithstanding any other provision of this Act, except as provided in subsection (b), and 30 days after the date on which the President determines whether to declare a major disaster because of an event and any appeal is completed, the Administrator shall publish on the Web site of the Federal Emergency Management Agency a report regarding that decision that shall summarize damage assessment information used to determine whether to declare a major disaster.

(b) The Administrator may redact from a report under subsection (a) any data that the Administrator determines would compromise national security.

(c) In this section—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency; and

(2) the term ''major disaster'' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

SEC. 532. Any official that is required by this Act to report or to certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

SEC. 533. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 534. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this

Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 535. None of the funds made available in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

SEC. 536. (a) Any company that collects or retains personal information directly from any individual who participates in the Registered Traveler or successor program of the Transportation Security Administration shall hereafter safeguard and dispose of such information in accordance with the requirements in—

(1) the National Institute for Standards and Technology Special Publication 800–30, entitled ''Risk Management Guide for Information Technology Systems'';

(2) the National Institute for Standards and Technology Special Publication 800–53, Revision 3, entitled ''Recommended Security Controls for Federal Information Systems and Organizations''; and

(3) any supplemental standards established by the Administrator of the Transportation Security Administration (referred to in this section as the ''Administrator'').

(b) The airport authority or air carrier operator that sponsors the company under the Registered Traveler program shall hereafter be known as the ''Sponsoring Entity''.

(c) The Administrator shall hereafter require any company covered by subsection (a) to provide, not later than 30 days after the date of enactment of this Act, to the Sponsoring Entity written certification that the procedures used by the company to safeguard and dispose of information are in compliance with the requirements under subsection (a). Such certification shall include a description of the procedures used by the company to comply with such requirements.

SEC. 537. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

SEC. 538. In developing any process to screen aviation passengers and crews for transportation or national security purposes, the Secretary of Homeland Security shall ensure that all such processes take into consideration such passengers' and crews' privacy and civil liberties consistent with applicable laws, regulations, and guidance.

SEC. 539. (a) Notwithstanding section 1356(n) of title 8, United States Code, of the funds deposited into the Immigration Examinations Fee Account, $10,000,000 may be allocated by United States Citizenship and Immigration Services in fiscal year 2015 for the purpose of providing an immigrant integration grants program.

(b) None of the funds made available to United States Citizenship and Immigration Services for grants for immigrant integration may be used to provide services to aliens who have not been lawfully admitted for permanent residence.

SEC. 540. For an additional amount for the ''Office of the Under Secretary for Management'', $48,600,000, to remain available until expended, for necessary expenses to plan, acquire, design, construct, renovate, remediate, equip, furnish, improve infrastructure, and occupy buildings and facilities for the department headquarters consolidation project and associated mission support consolidation: *Provided*, That the Committees on Appropriations of the Senate and the House of Representatives shall receive an expenditure plan not later than 90 days after the date of enactment of the Act detailing the allocation of these funds.

SEC. 541. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security to enter into any Federal contract unless such contract is entered into in accordance with the requirements of subtitle I of title 41, United States Code, or chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

SEC. 542. (a) For an additional amount for financial systems modernization, $34,072,000 to remain available until September 30, 2016.

(b) Funds made available in subsection (a) for financial systems modernization may be transferred by the Secretary of Homeland Security between appropriations for the same purpose, notwithstanding section 503 of this Act.

(c) No transfer described in subsection (b) shall occur until 15 days after the Committees on Appropriations of the Senate and the House of Representatives are notified of such transfer.

SEC. 543. Notwithstanding the 10 percent limitation contained in section 503(c) of this Act, the Secretary of Homeland Security may transfer to the fund established by 8 U.S.C. 1101 note, up to $20,000,000 from appropriations available to the Department of Homeland Security: *Provided*, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives 5 days in advance of such transfer.

SEC. 544. Notwithstanding any other provision of law, if the Secretary of Homeland Security determines that specific United States Immigration and Customs Enforcement Service Processing Centers or other United States Immigration and Customs Enforcement owned detention facilities no longer meet the mission need, the Secretary is authorized to dispose of individual Service Processing Centers or other United States Immigration and Customs Enforcement owned detention facilities by directing the Administrator of General Services to sell all real and related personal property which support Service Processing Centers or other United States Immigration and Customs Enforcement owned detention facilities, subject to such terms and conditions as necessary to protect Government interests and meet program requirements: *Provided*, That the proceeds, net of the costs of sale incurred by the General Services Administration and United States Immigration and Customs Enforcement, shall be deposited as offsetting collections into a separate account that shall be available, subject to appropriation, until expended for other real property capital asset needs of existing United States Immigration and Customs Enforcement assets, excluding daily operations and maintenance costs, as the Secretary deems appropriate: *Provided further*, That any sale or collocation of federally owned detention facilities shall not result in the maintenance of fewer than 34,000 detention beds: *Provided further*, That the Committees on Appropriations of the Senate and the House of Representatives shall be notified 15 days prior to the announcement of any proposed sale or collocation.

SEC. 545. The Commissioner of United States Customs and Border Protection and the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement shall, with respect to fiscal years 2015, 2016, 2017, and 2018, submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget proposal for fiscal year 2016 is submitted pursuant to the requirements of section 1105(a) of title 31, United States Code, the information required in the multi-year investment and management plans required, respectively, under the headings ''U.S. Customs and Border Protection, Salaries and Expenses'' under title II of division D of the Consolidated Appropriations Act, 2012 (Public Law 112–74); ''U.S. Customs and Border Protection, Border Security Fencing, Infrastructure, and Technology'' under such title; and section 568 of such Act.

SEC. 546. The Secretary of Homeland Security shall ensure enforcement of all immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))).

SEC. 547. (a) Of the amounts made available by this Act for ''National Protection and Programs Directorate, Infrastructure Protection and Information Security'', $140,525,000 for the Federal Network Security program, project, and activity shall be used to deploy on Federal systems technology to improve the information security of agency information systems covered by section 3543(a) of title 44, United States Code: *Provided*, That funds made available under this section shall be used to assist and support Government-wide and agency-specific efforts to provide adequate, risk-based, and cost-effective cybersecurity to address escalating and rapidly evolving threats to information security, including the acquisition and operation of a continuous monitoring and diagnostics program, in collaboration with departments and agencies, that includes equipment, software, and Department of Homeland Security supplied services: *Provided further*, That continuous monitoring and diagnostics software procured by the funds made available by this section shall not transmit to the Department of Homeland Security any personally identifiable information or content of network communications of other agencies' users: *Provided further*, That such software shall be installed, maintained, and operated in accordance with all applicable privacy laws and agency-specific policies regarding network content.

(b) Funds made available under this section may not be used to supplant funds provided for any such system within an agency budget.

(c) Not later than July 1, 2015, the heads of all Federal agencies shall submit to the Committees on Appropriations of the Senate and the House of Representatives expenditure plans for necessary cybersecurity improvements to address known vulnerabilities to information systems described in subsection (a).

(d) Not later than October 1, 2015, and semiannually thereafter, the head of each Federal agency shall submit to the Director of the Office of Management and Budget a report on the execution of the expenditure plan for that agency required by subsection (c): *Provided*, That the Director of the Office of Management and Budget shall summarize such execution reports and annually submit such summaries to Congress in conjunction with the annual progress report on implementation of the E-Government Act of 2002 (Public Law 107–347), as required by section 3606 of title 44, United States Code.

(e) This section shall not apply to the legislative and judicial branches of the Federal Government and shall apply to all Federal agencies within the executive branch except for the Department of Defense, the Central Intelligence Agency, and the Office of the Director of National Intelligence.

SEC. 548. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal,

State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 549. None of the funds made available in this Act may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

SEC. 550. None of the funds provided in this or any other Act may be obligated to implement the National Preparedness Grant Program or any other successor grant programs unless explicitly authorized by Congress.

SEC. 551. None of the funds made available in this Act may be used to provide funding for the position of Public Advocate, or a successor position, within United States Immigration and Customs Enforcement.

SEC. 552. (a) Section 559 of division F of Public Law 113–76 is amended as follows:

(1) Subsection (f)(2)(B) is amended by adding at the end: ''Such transfer shall not be required for personal property, including furniture, fixtures, and equipment.''; and

(2) Subsection (e)(3)(b) is amended by inserting after ''payment of overtime'' the following: ''and the salaries, training and benefits of individuals employed by U.S. Customs and Border Protection to support U.S. Customs and Border Protection officers in performing law enforcement functions at ports of entry, including primary and secondary processing of passengers''.

(b) Section 560(g) of division D of Public Law 113–6 is amended by inserting after ''payment of overtime'' the following: ''and the salaries, training and benefits of individuals employed by U.S. Customs and Border Protection to support U.S. Customs and Border Protection officers in performing law enforcement functions at ports of entry, including primary and secondary processing of passengers''.

(c) The Commissioner of United States Customs and Border Protection may modify a reimbursable fee agreement in effect as of the date of enactment of this Act to include costs specified in this section.

SEC. 553. None of the funds made available in this Act may be used to pay for the travel to or attendance of more than 50 employees of a single component of the Department of Homeland Security, who are stationed in the United States, at a single international conference unless the Secretary of Homeland Security, or a designee, determines that such attendance is in the national interest and notifies the Committees on Appropriations of the Senate and the House of Representatives within at least 10 days of that determination and the basis for that determination: *Provided*, That for purposes of this section the term ''international conference'' shall mean a conference occurring outside of the United States attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

SEC. 554. None of the funds made available in this Act may be used to reimburse any Federal department or agency for its participation in a National Special Security Event.

SEC. 555. With the exception of countries with preclearance facilities in service prior to 2013, none of the funds made available in this Act may be used for new United States Customs and Border Protection air preclearance agreements entering into force after February 1, 2014, unless—

(1) the Secretary of Homeland Security, in consultation with the Secretary of State, has certified to Congress that air preclearance operations at the airport provide a homeland or national security benefit to the United States;

(2) United States passenger air carriers are not precluded from operating at existing preclearance locations; and

(3) a United States passenger air carrier is operating at all airports contemplated for establishment of new air preclearance operations.

SEC. 556. None of the funds made available by this or any other Act may be used by the Administrator of the Transportation Security Administration to implement, administer, or enforce, in abrogation of the responsibility described in section 44903(n)(1) of title 49, United States Code, any requirement that airport operators provide airport-financed staffing to monitor exit points from the sterile area of any airport at which the Transportation Security Administration provided such monitoring as of December 1, 2013.

SEC. 557. In making grants under the heading ''Firefighter Assistance Grants'', the Secretary may grant waivers from the requirements in subsections (a)(1)(A), (a)(1)(B), (a)(1)(E), (c)(1), (c)(2), and (c)(4) of section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a).

SEC. 558. (a) IN GENERAL.—Beginning on the date of the enactment of this Act, the Secretary shall not—

(1) establish, collect, or otherwise impose any new border crossing fee on individuals crossing the Southern border or the Northern border at a land port of entry; or

(2) conduct any study relating to the imposition of a border crossing fee.

(b) BORDER CROSSING FEE DEFINED.—In this section, the term ''border crossing fee'' means a fee that every pedestrian, cyclist, and driver and passenger of a private motor vehicle is required to pay for the privilege of crossing the Southern border or the Northern border at a land port of entry.

SEC. 559. The administrative law judge annuitants participating in the Senior Administrative Law Judge Program managed by the Director of the Office of Personnel Management under section 3323 of title 5, United States Code, shall be available on a temporary reemployment basis to conduct arbitrations of disputes arising from delivery of assistance under the Federal Emergency Management Agency Public Assistance Program.

SEC. 560. As authorized by section 601(b) of the United States-Colombia Trade Promotion Agreement Implementation Act (Public Law 112–42) fees collected from passengers arriving from Canada, Mexico, or an adjacent island pursuant to section 13031(a)(5) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(5)) shall be available until expended.

SEC. 561. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on the Department of Homeland Security that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the budget unless such budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2016 appropriations Act.

SEC. 562. (a) The Secretary of Homeland Security shall submit to the Congress, not later than 180 days after the date of enactment of this Act and annually thereafter, beginning at the time the President's budget proposal for fiscal year 2017 is submitted pursuant to section 1105(a) of title 31, United States Code, a comprehensive report on the purchase and usage of weapons, subdivided by weapon type. The report shall include—

(1) the quantity of weapons in inventory at the end of the preceding calendar year, and the amount of weapons, subdivided by weapon type, included in the budget request for each relevant component or agency in the Department of Homeland Security;

(2) a description of how such quantity and purchase aligns to each component or agency's mission requirements for certification, qualification, training, and operations; and

(3) details on all contracting practices applied by the Department of Homeland Security, including comparative details regarding other contracting options with respect to cost and availability.

(b) The reports required by subsection (a) shall be submitted in an appropriate format in order to ensure the safety of law enforcement personnel.

SEC. 563. None of the funds made available by this Act shall be used for the environmental remediation of the Coast Guard's LORAN support in Wildwood/Lower Township, New Jersey.

SEC. 564. None of the funds made available to the Department of Homeland Security by this or any other Act may be obligated for any structural pay reform that affects more than 100 full-time equivalent employee positions or costs more than $5,000,000 in a single year before the end of the 30-day period beginning on the date on which the Secretary of Homeland Security submits to Congress a notification that includes—

(1) the number of full-time equivalent employee positions affected by such change;

(2) funding required for such change for the current year and through the Future Years Homeland Security Program;

(3) justification for such change; and

(4) an analysis of compensation alternatives to such change that were considered by the Department.

SEC. 565. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public Web site of that agency any report required to be submitted by the Committees on Appropriations of the Senate and the House of Representatives in this Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises homeland or national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days except as otherwise specified in law.

SEC. 566. Section 605 of division E of Public Law 110–161 (6 U.S.C. 1404) is hereby repealed.

SEC. 567. The Administrator of the Federal Emergency Management Agency may transfer up to $95,000,000 in unobligated balances made available for the appropriations account for ''Federal Emergency Management Agency, Disaster Assistance Direct Loan Program'' under section 2(a) of the Community Disaster Loan Act of 2005 (Public Law 109–88; 119 Stat. 2061) or under chapter 5 of title I of division B of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law (110–329; 122 Stat. 3592) to the appropriations account for ''Federal Emergency Management Agency, Disaster Relief Fund''. Amounts

transferred to such account under this section shall be available for any authorized purpose of such account.

SEC. 568. Notwithstanding any other provision of law, Gerardo Ismael Hernandez, a Transportation Security Officer employed by the Transportation Security Administration who died as the direct result of an injury sustained in the line of duty on November 1, 2013, at the Los Angeles International Airport, shall be deemed to have been a public safety officer for the purposes of the Omnibus Crime Control and Safe Street Act of 1968 (42 U.S.C. 3711 et seq.).

SEC. 569. The Office of Management and Budget and the Department of Homeland Security shall ensure the congressional budget justifications accompanying the President's budget proposal for the Department of Homeland Security, submitted pursuant to section 1105(a) of title 31, United States Code, include estimates of the number of unaccompanied alien children anticipated to be apprehended in the budget year and the number of agent or officer hours required to process, manage, and care for such children: *Provided*, That such materials shall also include estimates of all other associated costs for each relevant Departmental component, including but not limited to personnel; equipment; supplies; facilities; managerial, technical, and advisory services; medical treatment; and all costs associated with transporting such children from one Departmental component to another or from a Departmental component to another Federal agency.

SEC. 570. Notwithstanding section 404 or 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c and 5187), until September 30, 2015, the President may provide hazard mitigation assistance in accordance with such section 404 in any area in which assistance was provided under such section 420.

SEC. 571. That without regard to the limitation as to time and condition of section 503(d) of this Act, the Secretary may propose to reprogram within and transfer funds into ''U.S. Customs and Border Protection, Salaries and Expenses'' and ''U.S. Immigration and Customs Enforcement, Salaries and Expenses'' as necessary to ensure the care and transportation of unaccompanied alien children.

SEC. 572. Notwithstanding any other provision of law, grants awarded to States along the Southwest Border of the United States under sections 2003 or 2004 of the Homeland Security Act of 2002 (6 U.S.C. 604 and 605) using funds provided under the heading ''Federal Emergency Management Agency, State and Local Programs'' in division F of Public Law 113–76 or division D of Public Law 113–6 may be used by recipients or subrecipients for costs, or reimbursement of costs, related to providing humanitarian relief to unaccompanied alien children and alien adults accompanied by an alien minor where they are encountered after entering the United States, provided that such costs were incurred during the award period of performance.

(RESCISSIONS)

SEC. 573. Of the funds appropriated to the Department of Homeland Security, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177):

(1) $5,000,000 from unobligated prior year balances from ''U.S. Customs and Border Protection, Border Security, Fencing, Infrastructure, and Technology'';

(2) $8,000,000 from Public Law 113–76 under the heading ''U.S. Customs and Border Protection, Air and Marine Operations'' in division F of such Act;

(3) $10,000,000 from unobligated prior year balances from ''U.S. Customs and Border Protection, Construction and Facilities Management'';

(4) $15,300,000 from ''Transportation Security Administration, Aviation Security'' account 70x0550;

(5) $187,000,000 from Public Law 113–76 under the heading ''Transportation Security Administration, Aviation Security'';

(6) $2,550,000 from Public Law 112–10 under the heading ''Coast Guard, Acquisition, Construction, and Improvements'';

(7) $12,095,000 from Public Law 112–74 under the heading ''Coast Guard, Acquisition, Construction, and Improvements'';

(8) $16,349,000 from Public Law 113–6 under the heading ''Coast Guard, Acquisition, Construction, and Improvements'';

(9) $30,643,000 from Public Law 113–76 under the heading ''Coast Guard, Acquisition, Construction, and Improvements'';

(10) $24,000,000 from ''Federal Emergency Management Agency, National Predisaster Mitigation Fund'' account 70x0716; and

(11) $16,627,000 from ''Science and Technology, Research, Development, Acquisition, and Operations'' account 70x0800.

(RESCISSION)

SEC. 574. From the unobligated balances made available in the Department of the Treasury Forfeiture Fund established by section 9703 of title 31, United States Code, (added by section 638 of Public Law 102–393), $175,000,000 shall be rescinded.

(RESCISSIONS)

SEC. 575. Of the funds transferred to the Department of Homeland Security when it was created in 2003, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

(1) $1,317,018 from ''U.S. Customs and Border Protection, Salaries and Expenses'';

(2) $57,998 from ''Coast Guard, Acquisition, Construction, and Improvements'';

(3) $17,597 from ''Federal Emergency Management Agency, Office of Domestic Preparedness''; and

(4) $82,926 from ''Federal Emergency Management Agency, National Predisaster Mitigation Fund''.

SEC. 576. The following unobligated balances made available to the Department of Homeland Security pursuant to section 505 of the Department of Homeland Security Appropriations Act, 2014 (Public Law 113–76) are rescinded:

(1) $463,404 from ''Office of the Secretary and Executive Management'';

(2) $47,023 from ''Office of the Under Secretary for Management'';

(3) $29,852 from ''Office of the Chief Financial Officer'';

(4) $16,346 from ''Office of the Chief Information Officer'';

(5) $816,384 from ''Analysis and Operations'';

(6) $158,931 from ''Office of Inspector General'';

(7) $635,153 from ''U.S. Customs and Border Protection, Salaries and Expenses'';

(8) $65,195 from ''U.S. Customs and Border Protection, Automation Modernization'';

(9) $96,177 from ''U.S. Customs and Border Protection, Air and Marine Operations'';

(10) $2,368,902 from ''U.S. Immigration and Customs Enforcement, Salaries and Expenses'';

(11) $600,000 from ''Transportation Security Administration, Federal Air Marshals'';

(12) $3,096,521 from ''Coast Guard, Operating Expenses'';

(13) $208,654 from ''Coast Guard, Reserve Training'';

(14) $1,722,319 from ''Coast Guard, Acquisition, Construction, and Improvements'';

(15) $1,256,900 from ''United States Secret Service, Salaries and Expenses'';

(16) $107,432 from ''National Protection and Programs Directorate, Management and Administration'';

(17) $679,212 from ''National Protection and Programs Directorate, Infrastructure Protection and Information Security'';

(18) $26,169 from ''Office of Biometric Identity Management'';

(19) $37,201 from ''Office of Health Affairs'';

(20) $818,184 from ''Federal Emergency Management Agency, Salaries and Expenses'';

(21) $447,280 from ''Federal Emergency Management Agency, State and Local Programs'';

(22) $98,841 from ''Federal Emergency Management Agency, United States Fire Administration'';

(23) $448,073 from ''United States Citizenship and Immigration Services'';

(24) $519,503 from ''Federal Law Enforcement Training Center, Salaries and Expenses'';

(25) $500,005 from ''Science and Technology, Management and Administration''; and

(26) $68,910 from ''Domestic Nuclear Detection Office, Management and Administration''.

(RESCISSION)

SEC. 577. Of the unobligated balances made available to ''Federal Emergency Management Agency, Disaster Relief Fund'', $375,000,000 shall be rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That no amounts may be rescinded from the amounts that were designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 578. The explanatory statement regarding this Act, printed in the House of Representatives section of the Congressional Record, on or about January 13, 2015, by the Chairman of the Committee on Appropriations of the House, shall have the same effect with respect to the allocation of funds and implementation of this Act as if it were a joint explanatory statement of a committee of conference.

This Act may be cited as the ''Department of Homeland Security Appropriations Act, 2015''.

SA 256. Mr. MCCONNELL proposed an amendment to amendment SA 255 proposed by Mr. MCCONNELL (for Mr. COCHRAN (for himself, Ms. MIKULSKI, and Mrs. SHAHEEN)) to the bill H.R. 240, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes; as follows:

At the end, add the following:

This act shall become effective 1 day after enactment.

SA 257. Mr. MCCONNELL proposed an amendment to the bill H.R. 240, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes; as follows:

At the end, add the following:

This act shall become effective 6 days after enactment.

SA 258. Mr. MCCONNELL proposed an amendment to amendment SA 257 proposed by Mr. MCCONNELL to the bill H.R. 240, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes; as follows:

In the amendment, strike ''6 days'' and insert ''5 days''.

SA 259. Mr. MCCONNELL proposed an amendment to the bill H.R. 240, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes; as follows:

At the end, add the following:

This act shall become effective 4 days after enactment.

SA 260. Mr. MCCONNELL proposed an amendment to amendment SA 259 proposed by Mr. MCCONNELL to the bill H.R. 240, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes; as follows:

In the amendment, strike ''4 days'' and insert ''3 days''.

SA 261. Mr. MCCONNELL proposed an amendment to amendment SA 260 proposed by Mr. MCCONNELL to the amendment SA 259 proposed by Mr. MCCONNELL to the bill H.R. 240, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes; as follows:

In the amendment, strike ''3 days'' and insert ''2 days''.

SA 262. Mr. CORNYN proposed an amendment to the resolution S. Res. 76, welcoming the Prime Minister of Israel to the United States for his address to a joint meeting of Congress; as follows:

On page 3, line 4, strike ''joint session'' and insert ''joint meeting''.

SA 263. Mr. CORNYN proposed an amendment to the resolution S. Res. 76, welcoming the Prime Minister of Israel to the United States for his address to a joint meeting of Congress; as follows:

Amend the title so as to read: ''A resolution welcoming the Prime Minister of Israel to the United States for his address to a joint meeting of Congress.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 26, 2015, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on February 26, 2015, at 10 a.m. in room SR–253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on February 26, 2015, at 9:45 a.m. in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 26, 2015, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on February 26, 2015, at 10 a.m., in room SD–430 of the Dirksen Senate Office Building to conduct a hearing entitled ''Medical and Public Health Preparedness and Response: Are We Ready for Future Threats?''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on February 26, 2015, at 9:30 a.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on February 26, 2015, at 9:30 a.m. in room SR–418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 26, 2015, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTIONS SUBMITTED TODAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following Senate resolutions, which were submitted earlier today: S. Res. 89, Oregon Shakespeare Festival; S. Res. 90, American Heart Month; and S. Res. 91, Read Across America Day.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under ''Submitted Resolutions.'')

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President of the Senate, pursuant to Public Law 81–754, as amended by Public Law 93–536 and further amended by Public Law 100–365, appoints the following Senator to the National Historical Publication and Records Commission: the Honorable DANIEL SULLIVAN of Alaska.

ORDERS FOR FRIDAY, FEBRUARY 27, 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Friday, February 27; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; and that following leader remarks, the Senate then resume consideration of H.R. 240 under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:19 p.m., adjourned until Friday, February, 27, 2015, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF THE INTERIOR

SUZETTE M. KIMBALL, OF WEST VIRGINIA, TO BE DIRECTOR OF THE UNITED STATES GEOLOGICAL SURVEY, VICE MARCIA K. MCNUTT, RESIGNED.

SOCIAL SECURITY ADMINISTRATION

ANDREW LAMONT EANES, OF KANSAS, TO BE DEPUTY COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2019, VICE CAROLYN W. COLVIN, TERM EXPIRED.

INTER–AMERICAN DEVELOPMENT BANK

MILEYDI GUILARTE, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES ALTERNATE EXECUTIVE DIRECTOR OF THE INTER–AMERICAN DEVELOPMENT BANK, VICE JAN E. BOYER, RESIGNED.

AFRICAN DEVELOPMENT BANK

MARCIA DENISE OCCOMY, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DIRECTOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS, VICE WALTER CRAWFORD JONES, RESIGNED.

FOREIGN SERVICE

THE FOLLOWING–NAMED PERSONS OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ALEXIOUS BUTLER, OF GEORGIA
MIRIAM GAIL LUTZ, OF THE DISTRICT OF COLUMBIA
DANIEL JOHN MILLER, OF MINNESOTA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JOHN G. ALLELO, OF TEXAS
MATTHEW A. ANDERSON, OF MARYLAND
WILLIAM JESSE BENJAMIN, OF NORTH DAKOTA
TIMOTHY WALKER BORN, OF NEW HAMPSHIRE
ROBERT BURCH, OF THE DISTRICT OF COLUMBIA
RICHARD A. BURNS, OF THE DISTRICT OF COLUMBIA
DONALD P. CHISHOLM, OF VIRGINIA
ERIC WILLIAM DAVIS, OF CALIFORNIA
JANEAN ELYSE DAVIS, OF NEW JERSEY
SUSAN DECAMP, OF FLORIDA
SHEILA E. DESAI, OF FLORIDA
MICHAEL J. DESISTI, OF VIRGINIA
STEPHEN MICHAEL DILLE, OF TEXAS
CHRISTINE A. DJONDO, OF VIRGINIA
BAHIRU DUGUMA, OF VIRGINIA
MARC ELLINGSTAD, OF FLORIDA
JAMES EVANS–BUTLER, OF VIRGINIA
ERIC S. FLORIMON–REED, OF VIRGINIA
BARRY T. GILL, OF TEXAS
JOHN D. GORLOWULU, OF OREGON
SCOTT WAYNE HEDLUND, OF WASHINGTON
TYLER C. HOLT, OF MARYLAND
STEPHEN C. IKE, OF GEORGIA
DANIELE JEAN–PIERRE, OF TENNESSEE
BRETT JONES, OF FLORIDA
CHRISTOPHER MICHAEL KELLY, OF MISSOURI
HEATHER MICHELLE KHAN, OF CALIFORNIA
PAUL KANGYOO KIM, OF NEW YORK
ALEXANDER MATTHEW KLAITS, OF NORTH CAROLINA
CHRISTOPHER E. KRAFCHAK, OF CALIFORNIA
EMILY COFFMAN KRUNIC, OF FLORIDA
EDWARD G. LAWRENCE, OF CALIFORNIA
TERESA M. MILLER, OF THE DISTRICT OF COLUMBIA
FRANK EDGAR MONTICELLO, OF TEXAS
NINO NADIRADZE, OF FLORIDA
RICHARD LELAND NELSON, OF TEXAS
JEAN ROBERTS OLIVERAS, OF ILLINOIS
MARK H. PARKISON, OF MARYLAND
CONAN ERIC PEISEN, OF FLORIDA
IAN J. ROBERTSON, OF FLORIDA
THOMAS D. ROJAS, OF WASHINGTON
MELISSA D. ROSSER, OF OHIO
LAUREN K. RUSSELL, OF VIRGINIA
EZRA SIMON, OF THE DISTRICT OF COLUMBIA
JULIE A. SOUTHFIELD, OF VIRGINIA
CHARLES SWAGMAN, OF NEW MEXICO
CARL A. SWANSON, OF VIRGINIA
JAMSHED JAL UNWALA, OF PENNSYLVANIA
STEPHEN G. VALDES–ROBLES, OF PENNSYLVANIA
THOMAS E. WHITE, OF NEW YORK
DAVID R. YANGGEN, OF FLORIDA
KIM KIM YEE, OF OREGON

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ERIC D. ADAMS, OF WASHINGTON
JENNIFER BELLE AGUILAR, OF TEXAS
MARIE AHMED, OF CALIFORNIA
OSAGIE CHRISTOPHER AIMIUWU, OF MARYLAND
ANGELINA F. ALLEN–MPYISI, OF WASHINGTON
AYANA WILKES ANGULO, OF VIRGINIA
ZOHRA PATEL BALSARA, OF FLORIDA
HERBERT RUSSELL BAUER, OF ILLINOIS
CHRISTINA BECK, OF VIRGINIA
NILS R. BERGESON, OF UTAH
SARAH R. BEUTER, OF VIRGINIA
SARA ELIZABETH BUCHANAN, OF TENNESSEE
WILLIAM M. BUTTERFIELD, OF VIRGINIA
JOHN MICHAEL CALI III, OF VIRGINIA
REBECCA H. CARTER, OF ARIZONA
PHILLIP M. CHERRY, OF TEXAS
KYUNG SHIN CHOE, OF MARYLAND
LAURA ELLEN CHOLAK CIZMO, OF VIRGINIA
MICHELLE N. CORZINE, OF ILLINOIS
CHERYL T.M.S. DAVIS, OF FLORIDA
DANIEL A. DEDEYAN, OF TEXAS
JUSTIN TROY DIVENANZO, OF ILLINOIS
THOMAS C. DIVINCENZO, OF VIRGINIA
RORY LOPEZ DONOHOE, OF CALIFORNIA
COLIN C. DREIZIN, OF CALIFORNIA
JORGE L. DULANTO–HASSENSTEIN, OF FLORIDA
ANTONINA B. ESPIRITU, OF HAWAII
ELIZABETH CLINTON ESSEX, OF TEXAS
JOHN MICHAEL EYRES, OF ARIZONA
ELIZABETH L. FEARY, OF FLORIDA
ALAN J. GARCEAU, OF FLORIDA
EDWARD GONZALEZ, OF CALIFORNIA
LAURA GONZALEZ, OF VIRGINIA
MONIKA A. GORZELANSKA, OF VIRGINIA
LUANN GRONHOVD, OF NORTH DAKOTA
SHAWNTEL B. HINES, OF NORTH CAROLINA
CHERYL HODGE–SNEAD, OF TEXAS
DANIEL A. HOLLANDER, OF ILLINOIS
DAVID ELLIOTT HORTON III, OF OHIO
TREVOR M. HUBLIN, OF OHIO
M. SCOTT JACKSON, OF INDIANA
ERIC MICHAEL JOHNSON, OF MINNESOTA
KRISTIN M. JOPLIN, OF OREGON
TERESE E. KALLOO, OF MARYLAND
SELAM KEBROM, OF NEVADA
MATTHEW ALLEN LAIRD, OF TEXAS
H. ZAKS LUBIN, OF THE DISTRICT OF COLUMBIA
SAMUEL R. MATTHEWS, OF CALIFORNIA
KEVIN P. MCGRATH, OF NEW JERSEY
LISA MCGREGOR–MIRGHANI, OF ARIZONA
LAURA LEAH MCKECHNIE, OF OREGON
GHAZI MEHMOOD, OF TEXAS
STEPHEN PAUL MENARD, JR., OF MARYLAND
JOSHUA ELI MIKE, OF FLORIDA
MATTHEW EUGENE MILLS, OF VIRGINIA
PATRICIA MIRA–HUNTER, OF VIRGINIA
VICTORIA L MITCHELL, OF PENNSYLVANIA
LARISA MORI, OF CALIFORNIA
MEI MEI PENG, OF CALIFORNIA
PATRICK SHAWN PHILLIPS, OF VIRGINIA
NORA ELENA PINZON, OF FLORIDA
KRISTIN A. POORE, OF VIRGINIA
RAGHEDA ELIAS RABIE, OF INDIANA
CYNTHIA B. ROGERS, OF CALIFORNIA
CHRISTOPHER D. SAENGER, OF THE DISTRICT OF COLUMBIA
LEONA SASINKOVA, OF TENNESSEE
LESLIE ANNE SCHAFER, OF CALIFORNIA
MARGARET HELM SCHOCH, OF WASHINGTON
JANINE A. SCOTT, OF MARYLAND
NATHANIEL SCOTT, OF MASSACHUSETTS
JOY ALMAZ SEARCIE, OF VIRGINIA
NADEEM H. SHAH, OF PENNSYLVANIA
DIANA E. SHANNON, OF CALIFORNIA
TYCE L. SHIDELER, OF WASHINGTON
VANDANA STAPLETON, OF TEXAS
TIMOTHY STEIN, OF TEXAS
DANA S. STINSON, OF MASSACHUSETTS
SIANA ELENA TACHETT, OF WASHINGTON
BELIEN SOLOMON TADESSE, OF MARYLAND
JOSEPH GUSTAVO TERRAZAS, OF FLORIDA
JOSHUA TEMPLETON, OF FLORIDA
PAUL ANTHONY VACA, OF CONNECTICUT
RYAN EASTMAN WALTHER, OF FLORIDA
REBECCA RAY WHITE, OF NEW YORK
MARK R. K. WILSON, OF VIRGINIA
DINAH ZELTSER WINANT, OF FLORIDA
BILLY L. WOODWARD, OF ILLINOIS
FELICIA R. WILSON YOUNG, OF THE DISTRICT OF COLUMBIA
MOHAMED ZAHAR, OF NEW YORK
NAIDA ZECEVIC BEAN, OF NEW JERSEY

THE FOLLOWING–NAMED PERSONS OF THE DEPARTMENT OF AGRICULTURE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ADAM MICHAEL BRANSON, OF WASHINGTON
MARCELA E. RONDON, OF MARYLAND
RYAN R. SCOTT, OF PENNSYLVANIA
MICHAEL J. WARD, OF MISSOURI

THE FOLLOWING–NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION INTO AND WITHIN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

FOR THE APPOINTMENT OF A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER COUNSELOR:

RONALD P. VERDONK, OF MARYLAND

FOR APPOINTMENT AS A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

MARC C. GILKEY, OF LOUISIANA

THE JUDICIARY

MARY BARZEE FLORES, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA, VICE ROBIN S. ROSENBAUM, ELEVATED .

JULIEN XAVIER NEALS, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY, VICE FAITH S. HOCHBERG, RETIRING.

EXTENSIONS OF REMARKS

HONORING ANN WHITLEY FOR HER SERVICE TO THE CALIFORNIA REPUBLICAN PARTY

HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2015

Mr. McCLINTOCK. Mr. Speaker, I rise to honor Ann Whitley for her 25 years of service as the linchpin of the California Republican Party and thank her for working so tirelessly to make it possible for California Republicans to paint their principles in bold colors.

Ann has devoted her life to the advancement of these principles. She has been a precinct captain, led volunteer drives, and served as President of the California Republican Women Federated.

As Director of Membership for the California Republican Party, Ann has managed relationships with more than 2,000 members of the Republican State Central Committee. In this role, she has served as the liaison to 58 county chairmen, as well as to federal, state, and local Republican legislators. Ann has also been actively involved in recruiting new volunteers for the party and has organized numerous get-out-the vote drives across California and coordinated the twice-yearly party conventions.

Ann is a courageous cancer survivor, who even in trying times remained loyal to the cause of freedom that inspired her throughout her life and became an institution to the party that upon Ann's retirement must fill a major void.

Mr. Speaker, the California Republican Party will continue to reap Ann Whitley's contributions for years to come, and I rise to express my profound gratitude for her tremendous service.

HONORING PHYLLIS CURRIE ON HER DISTINGUISHED CAREER AS GENERAL MANAGER OF PASADENA WATER AND POWER

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2015

Mr. SCHIFF. Mr. Speaker, I rise today to offer a tribute to Ms. Phyllis Currie. On April 30, 2015 Ms. Currie will retire from Pasadena Water and Power after a 30 year career with the City of Los Angeles.

Ms. Currie's commitment to the city of Pasadena, coupled with her business sense, people skills and personal integrity have added to Pasadena's Water and Power achievements during a transformative time in the energy industry. Many Californians have greatly benefited from her leadership and vision while at the helm of the utility.

Ms. Currie has served for 14 years as General Manager of a highly-regarded public power utility providing reliable and affordable electricity and water to 81,500 consumers in southern California. Under Currie's leadership, Pasadena's Water and Power has been a leader in meeting its aggressive goal of 40% by 2020 of renewable energy and water conservation.

Prior to joining Pasadena Water and Power, Ms. Currie served as the Chief Financial Officer for the Los Angeles Department of Water and Power; Assistant City Administrative Officer overseeing development of the city's annual operating and capital budgets. She was Chair of the Board of Directors of the American Public Power Association (2012–2013), President of the California Municipal Utilities Association (2014), and President to the Southern California Public Power Authority (2005–2006) where she was a trusted advisor, ally and decision maker on numerous capital projects and polices that come before the organization.

In her many leadership positions in the public power community, Ms. Currie testified often before Congress, and helped inform legislators of public power's positions on issues ranging from reallocation of power from Hoover Dam to electric reliability. Ms. Currie's credibility and vast knowledge helped guide federal policymakers on many important energy issues.

In the 111th and 112th Congresses, Ms. Currie testified in the House of Representatives and in the Senate in support of the "Hoover Power Allocation Act"—a bill to re-allocate hydroelectric power generated at Hoover Dam, to Pasadena and numerous other cities, Indian Tribes, agencies, and others in California, Arizona and Nevada. The legislation was passed by Congress and signed into law by President Obama in December, 2011. Through this effort, Currie and her colleagues, assisted consumers in Pasadena and other southern California cities, in securing a low-cost and emissions-free hydropower supply for another 50 years.

My personal and professional respect and admiration for Ms. Currie run deep, and as her friend, colleague and a fellow Californian, I wish her happiness and good health in her future endeavors.

Thank you for your service, Phyllis.

A TRIBUTE TO THOMAS ALOMES AND THE UNI-CAPITOL WASHINGTON INTERNSHIP PROGRAM

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2015

Mr. NADLER. Mr. Speaker, each year congressional offices host Australian college students as interns with the Uni-Capitol program. It gives them the opportunity to learn about the American democratic and legislative process as well as see how the Congress functions on a firsthand basis.

My office is taking part in it right now, along with others in Congress. Some of Australia's brightest are here, pursuing knowledge and understanding. In so doing, we are forging bonds that will last even after they have returned to Australia.

The Uni-Capitol program was born of the efforts of Eric Federing. Eric worked for more than a decade in the House and the Senate as a senior adviser. While doing this job, he lectured across Australia on American government, politics, and news media. In an effort to forge ties across the Pacific and for the betterment of both societies, Eric put together this idea in Washington in 1999.

The selection process for the students is competitive and intellectually rigorous, ensuring the highest quality applicant. Thomas Alomes of Monash University, my office's 2015 intern, surely reflects this. All participating students are comprehensively matched with a congressional office and corresponding position. They come from a wide range of academic disciplines and bring as much knowledge and understanding to our offices as they take away.

Over the two months of their internship, Mr. Federing's students have approached this opportunity with enthusiasm. Thomas has been an excellent addition to my office, producing well-written and high-quality work including memos on Civil Asset Forfeiture, the Authorization for Use of Military Force, and national security law. He has become a valued member of the team and taught us about the many commonalities between our two countries. While in Washington, DC, he has had the opportunity to learn from a wide range of officials from the Australian embassy, the DC media, and the White House. Now at the end of his internship, he can navigate the historic hallways of the Capitol like a pro.

Australia continues to be one of America's strongest allies. Our greatest gift is the friendship born of shared values. I thank the Uni-Capitol Program and Thomas Alomes for their hard work, and I wish the program and Tom continued success in the future.

RECOGNIZING CALVIN GREENE

HON. PATRICK MEEHAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2015

Mr. MEEHAN. Mr. Speaker, I rise today to honor the 76 years of service that Calvin Greene has given to Bart Township in Lancaster County, Pennsylvania.

Calvin has lived his entire life in Bart Township, having grown up on a farm that has belonged to his family since 1832. He spent his career doing what he loved: farming. He ran his farm as a dairy farm, milking cows until 1997 before crop farming. He retired in 2008. Calvin's farm won the 2014 Conservation Award from the Lancaster County Conservation District in recognition of his farm's commitment to preserving our environment.

Calvin has been a dedicated servant of his community, serving on the Bart Township

Planning Commission and the township's Zoning Hearing Board. He has served as a Bart Township Supervisor since 1988.

Calvin has three children, six grandchildren and one great grandchild with his wife Valeria. He's a life-long member of the Middle Octorara Presbyterian Church, where he's taught Sunday School.

Mr. Speaker, I wish to thank Calvin Greene for his leadership for his community and nation.

REMEMBERING DAVID BRAUN

HON. BRIAN BABIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2015

Mr. BABIN. Mr. Speaker, I rise today to honor a great man and a friend, David Braun. David passed away last Saturday, February 21, at the age of 59 following a courageous three-year battle with liver cancer.

David was a true public servant and a powerful voice in the Houston community. As a former Nassau Bay city councilman, mayor pro tem, and aerospace manager at the Bay Area Houston Economic Partnership, his devotion to helping others and advancing the causes of our community was unmatched.

David's passion for public service and community involvement was fueled by his devotion to God and his church. David actively served his church community by providing religious education to children of all grade levels as well as serving on various committees.

I'm proud to have known David and seen his passion firsthand. I am especially grateful for his unwavering support of NASA and the Johnson Space Center. David worked tirelessly to advance our nation's human space flight program. He also contributed directly to the creation of the ''Preserving Aerospace Talent'' program, which has enabled aerospace companies to find quality, experienced employees.

Each May, with Citizens for Space Exploration, David would organize as many as 150 volunteers to travel to Capitol Hill to stress the importance of supporting NASA's human space flight program and the Johnson Space Center. In 2014, David organized an effort that enabled the group to meet with 354 congressional offices in just over two days. This unprecedented demonstration of grassroots support for our nation's space program would not have been possible without David's leadership.

David Braun was a great man. He was well-respected and greatly admired by all of those he worked with. His ability to encourage and inspire others will have a positive, lasting impact on future generations to come. We should all strive to be more like David Braun. We should all also work to help fulfil his mission to see NASA be the unquestioned worldwide leader in space exploration.

My prayers and deepest condolences go out to David's wife, Angela, and his son, Michael. David will be sorely missed in our community, but his passion and legacy will certainly live on as he has laid a great foundation for his community.

COMMEMORATING THE 250TH ANNIVERSARY OF WEST WHITELAND TOWNSHIP

HON. RYAN A. COSTELLO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2015

Mr. COSTELLO of Pennsylvania. Mr. Speaker, I rise today to honor an outstanding southeastern Pennsylvania municipality celebrating its 250th anniversary.

West Whiteland Township, Chester County, is a nearly 13 square-mile municipality that was incorporated in 1765 when the former Whiteland Township was divided into East and West Whiteland. Historians have noted that West Whiteland enjoyed an advantageous location in the Chester Valley, or Great Valley, and that the natural features were conducive to early settlement, agriculture, industry and developments in transportation. In 1855, it was described ''with its smiling farms and restful homes as looking like one vast and magnificent garden.''

Located near major transportation routes, such as the intersection of Routes 30 and 222 and the Downingtown Bypass, West Whiteland continues to attract new residents and businesses. The Township's population has more than doubled since 1973 to well over 18,000. Still, the Massey House—or Sleepy Hollow Hall—and the Zook House in Exton continue to stand as reminders of the Township's rural and agriculture heritage, as well as a tribute to the character of the Township's earliest residents.

Township officials and members of the community will commemorate the 250th anniversary at the Chester County Library in Exton on Thursday, February 26, 2015.

Mr. Speaker, I ask that my colleagues join me today in congratulating West Whiteland Township on its momentous anniversary and offering best wishes for continued prosperity, harmony and exceptional quality of life.

TRIBUTE TO EMMA JAKEMAN

HON. RODNEY DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2015

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, for the past eight weeks, I have had the privilege of hosting Emma Jakeman as an intern in my office as part of the Uni-Capitol Washington Intern Programme, which brings students from ten of Australia's premier universities to Capitol Hill.

From the very beginning, Emma displayed dedication and good time management in the office. She is very bright with excellent people skills and a thirst for knowledge of the American legislative process. Many times, Emma was the first to volunteer to assist with memos or legislative research and was always delighted to help in any way.

She made the office a warm, welcoming place with her positive attitude and bright smile. Proud of her nationality, she was all too happy to enlighten me and my staff with knowledge of Australian food and traditions, even sharing with us a pavlova in celebration of Australia Day on January 26th.

Although I was only able to have her in my office for a short time, Emma will always be a valued member of Team Davis. I am thankful and proud to have had the opportunity to have hosted such a bright young student in my office. I hope she is able to return to Australia with fond memories of her time on the Hill and I wish her the best as she finishes her studies at Monash University.

RECOGNIZING MS. CATHERINE BEAUDOIN AS THE 2016 OKALOOSA COUNTY, FLORIDA TEACHER OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2015

Mr. MILLER of Florida. Mr. Speaker, I rise to congratulate Ms. Catherine Beaudoin as the 2016 Okaloosa County, Florida Teacher of the Year. Throughout her time in Okaloosa County, Ms. Beaudoin has served her students, her colleagues, and her community as an outstanding educator, and I am proud to recognize her success and outstanding achievements.

Ms. Catherine Beaudoin received her Bachelor's Degree in English and K–12 Education from Rowan University in Glassboro, New Jersey, and was awarded the Excellent English Major Award for her creativity and strong work ethic. Upon graduation, Ms. Beaudoin moved to Okaloosa County, Florida, to pursue her career in teaching as a sixth and seventh grade Language Arts teacher at Pryor Middle School in Fort Walton Beach.

During her time as an educator, Ms. Beaudoin has consistently gone above and beyond the call of duty, leading her students and serving the Northwest Florida community in a myriad of roles. As the Sixth Grade SAILS Honor Program Coordinator for the 2013–2014 school year, she helped lead and facilitate the only advanced placement program for middle school students offered in Okaloosa County. Ms. Beaudoin has also served as a member of the Pryor Middle School leadership team, taking on the important responsibility of developing and presenting the school's Writing Plan to the Assistant Superintendent at the Principal's Quarterly Review. In addition, as a strong voice in the teaching community, Ms. Beaudoin is a member of several leadership groups within the Okaloosa County School district, including the OCSD Writing Implementation Group, ELA/Reading Best Practices, and ELA Textbook Adoption Committee.

Aside from her academic leadership, Ms. Beaudoin has helped students throughout Okaloosa County, leading numerous extracurricular activities as coach of the Fort Walton Beach High School Junior Varsity Girl's soccer team and of the Pryor Middle School Girl's soccer team. Building on her success coaching soccer, this upcoming spring, Ms. Beaudoin will take on a position as coach of both the Boy's and Girl's tennis teams at Pryor Middle School.

Mr. Speaker, teachers are amongst our most valuable public servants, and they play an integral role in shaping the future of our Nation. The Okaloosa County Teacher of the Year award is a true reflection of Ms. Beaudoin's tireless work ethic and steadfast

dedication to the students of Okaloosa County. She has proven to be among the many exceptional teachers in our Nation, and on behalf of the United States Congress, I am privileged to recognize Ms. Catherine Beaudoin for her accomplishments and her continuing commitment to excellence. My wife Vicki joins me in congratulating Ms. Beaudoin as the 2016 Okaloosa County, Florida Teacher of the Year and thanking her for dedication to serving the students, teachers, and families of the Northwest Florida community. We wish her all the best for continued success.

IN RECOGNITION OF JAMES BARRETT McNULTY, FORMER MAYOR OF SCRANTON, PENNSYLVANIA

HON. MATT CARTWRIGHT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2015

Mr. CARTWRIGHT. Mr. Speaker, I rise today to honor James Barrett McNulty for his commendable leadership while serving as the Mayor of Scranton, Pennsylvania. Mayor McNulty's earnest commitment to service has led to great strides in revitalizing the economy and rich culture of Scranton. His administration undertook a number of development projects that provided the foundation for successful attractions that the city still offers today.

Born and raised in Scranton, James McNulty is the eldest of six siblings. He graduated from The University of Scranton, where he received his bachelor's degree in political science. His remarkable enthusiasm for helping his community is clearly a key component of his stellar career in public service. He began as an aide to U.S. Representative Daniel Flood, and he eventually sought public office himself, becoming the mayor of the City of Scranton in 1982. Mayor McNulty's outgoing personality and hands-on management style helped him lead the way in restoring Scranton's economy and profile.

Two of Jim McNulty's most prominent projects were the building of a historic rail museum and the refurbishment of a train terminal into the now prestigious Radisson Lackawanna Station Hotel, both of which brought many jobs and tourists to the city. These endeavors proved to be lasting successes, as both continue to offer educative and enticing windows into the fascinating rail history of Scranton. Both projects helped Scranton's economic past become its economic future. Though he no longer serves as the Mayor of Scranton, McNulty remains widely recognized for his continuing engagement with the city government and the residents it serves.

James Barrett McNulty proved to be a great mayor and outstanding citizen. His leadership has always been rooted in his strong desire to help the people of Scranton. For this reason, I honor the former Mayor of Scranton, Pennsylvania.

THE PASSING OF HENRY T. SEGERSTROM

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2015

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in recognition of the passing last Friday of a truly great Orange County farmer and retailer, military veteran and visionary, philanthropist and patron of the arts. Henry T. Segerstrom's story epitomizes the pioneer spirit that helped to make our country great.

The son of Swedish immigrants who found their way to Orange County in 1898, Henry grew up working his family's lima bean fields in Costa Mesa, California. He went to Stanford in 1940 but answered his country's call in World War Two. Severely wounded in combat in Germany, Mr. Segerstrom returned home determined to finish his education graduating with an MBA. At age 25, he joined the family business, C.J. Segerstrom and Sons, and began making Orange County history.

The young executive turned the bean fields into real estate gold developing commercial property including brand new office towers. Henry Segerstrom was now positioned for even greater success. He envisioned one of the nation's premier shopping centers along the 405 Freeway in Costa Mesa and had the will and the skill to open South Coast Plaza in 1967. The Plaza attracted the finest retail stores in the world and became a shopping destination for customers across the globe.

Had he stopped there, his place in Orange County history would have been assured. Instead, Henry Segerstrom reinvented another tract of his holdings in Orange County giving rise in 1986 to the Segerstrom Center for the Arts. He served as founding chairman of the new center and remained one of its most generous donors. Mr. Segerstrom followed up this phenomenal success with the opening of a new Concert Hall in 2006 once again changing the cultural landscape of the County for generations to come.

Mr. Speaker, I am proud to call Henry T. Segerstrom my friend. He will be sorely missed by his family, his fellow arts patrons and the wider Orange County community which will benefit from his generosity and goodwill for years to come.

HOMELAND SECURITY FUNDING

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2015

Ms. VELÁZQUEZ. Mr. Speaker, when we come to Congress all of us take an oath to protect our nation, our homeland. Today, we risk undermining that solemn promise due to partisan objections to the President's immigration actions. Even if my colleagues disagree with the President's immigration actions, the answer is *not* to hold hostage funding for homeland security.

Senate Republicans recognize this. The Senate voted 98 to 2 yesterday to begin consideration of a clean funding bill. It is time to Act! Yet, the House continues dawdling as we lurch toward a homeland security shutdown.

Whether it is training first responders, building new firehouses or paying TSA screeners, some things should be above politics. We cannot afford to suspend funding for our Homeland Security.

The time for political games is over. The House Republican Leadership should move a clean Homeland Security funding bill immediately—like that being considered in the Senate.

DEPARTMENT OF HOMELAND SECURITY FUNDING

HON. JOYCE BEATTY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2015

Mrs. BEATTY. Mr. Speaker, we only have two more days before funding for the Department of Homeland Security runs out.

Two days to ensure that our ports and borders are secure.

Two days to keep our airports and skies safe.

Two days to make sure our first responders are trained and protected.

Mr. Speaker, the Majority leadership has decided to put our national security at risk and put the economic security of our public servants in jeopardy.

40,000 border agents, 50,000 airport screeners, and 40,000 Coast Guard military members, who are essential workers, will continue to work without pay.

While Congress continues to receive pay.

That is no way to thank Americans who put themselves in harm's way and secure the homeland.

I urge my colleagues to fulfill our most basic duty—to ensure the safety and security of the American people.

A TRIBUTE TO MRS. SYDNEY GIBSON KING

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2015

Mr. BRADY of Pennsylvania. Mr. Speaker, as the nation celebrates Black History Month, I rise to celebrate a Philadelphia treasure, Mrs. Sydney G. King. Because of her love and dedication to dance and her desire to train Black ballerinas, Mrs. King opened the Sydney School of Dance in the 1940's for aspiring African American dancers who were not allowed to attend white dance studios in post war segregated Philadelphia.

Born in Kingston, Jamaica in 1919, King came to Philadelphia with her family when she was just two years old and at an early age began studying ballet under the tutelage of dance pioneer Essie Marie Dorsey.

For more than six decades the Sydney School of Dance trained hundreds of Black children and many went on to receive national and international recognition in the dance world.

Those students include dance professionals such as: Joan Meyers Brown, the founder and director of the much acclaimed Philadanco; Billy Wilson, famed director/choreographer and

soloist with the National Ballet of Holland; Broadway performer Betsy Ann Dickerson; singer/actress Lola Falana; Carol Johnson, a former principal dancer with the Eleo Pomare Dance Company and founder of an aboriginal dance company in Australia; and Arthur Hall, founder of the Afro American Dance Ensemble.

These dance greats in no way diminish the accomplishments of hundreds of her other students who did not choose careers in dance but because of the empowering and esteem building training at the Sydney School of Dance they are today proud and successful professionals in a variety of fields.

Mrs. King, the mother of three children, is a widow and now at the age of 95 sums her life's dedication to dance by saying simply she wanted to, ''train and create Black ballerinas.''

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring her and her lifetime contribution to the arts and the African American community. Mrs. Sydney Gibson King is a treasure!

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2015

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was $10,626,877,048,913.08.

Today, it is $18,148,105,006,223.08. We've added $7,521,227,957,310.00 to our debt in 6 years. This is over $7.5 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

IN RECOGNITION OF REVEREND SHEDERICK ABNER'S 30 YEARS IN MINISTRY

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2015

Mr. ROGERS of Alabama. Mr. Speaker, I ask for the House's attention today to recognize Reverend Shederick Abner. Rev. Abner has been a dedicated minister and on March 1st, a Pastoral Installation Service will be held for him.

Rev. Abner was born December 10th, 1962, and is a native of Montgomery, Alabama. He attended Montgomery Public Schools and completed his undergraduate degree in Biblical Studies and Pastoral Ministries and graduated Summa Cum Laude from Selma University in 2007 and 2009 with an Associate and Bachelor of Arts Degree respectively. He earned his Master's of Arts Degree in 2011.

Rev. Abner served in the U.S. Army from 1981–88 as an Army Bandsman. He was employed by the Alabama Department of Corrections from 1988–95 and Albany International Industry from 1995 until his medical retirement in 2001.

Rev. Abner was called into the ministry in 1994 and joined the North Montgomery Baptist Church. In 1999, he joined the First Baptist Church Greater Washington Park where he has served the congregation faithfully. He also served as pastor of First Baptist Church Pike Road.

Rev. Abner is a member of several civic organizations, including: the Montgomery Metro Ministers' Conference, Omega Psi Phi Fraternity, Inc., Westside Restoration, Inc., Alabama State Missionary Baptist Convention, Inc. and the Ministers' Division of the National Baptist Congress.

He is married to Valarie Abner and has two daughters, Torquoria and Jasmine and one granddaughter, Kyleigh. On Sunday, March 1st, a Pastoral Installation Service will be held at Mary Magdalene Missionary Baptist Church in Shorter, Alabama.

Mr. Speaker, please join me in thanking Reverend Shederick Abner for his Service.

HONORING BRUNETTE CRAWFORD NELMS ON HER 105TH BIRTHDAY

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2015

Mrs. BLACKBURN. Mr. Speaker, we often stand in awe of those who reach their 100th birthday. Well Brunette Crawford Nelms turns 105 this March! She is truly a glowing example of strength and a life well-lived. Her life motto has five points: live well, learn a lot, laugh often, love much, and let your life shine. She attributes her good fortune throughout her life to the goodness of God and his watchful care. ''If you are not thinking about it,'' Brunette says, ''time will slip by before you realize it.''

Brunette's legacy is one framed by American tradition and innovation, love, education, faith, patriotic duty, pride and joy. Brunette remembers days of buggies and travel on horseback. She grew up on a cotton farm in Ashland, Mississippi. She remembers gramophones, Model-T Fords, washboards, the first planes and the first radios. At the end of WWI, Brunette watched celebrations of the armistice with her twin Blondie. Brunette began teaching school in her early 20s. She taught during the year and attended summer school until she finished her degree from the University of Alabama in 1937. A short time later, Brunette married W.C. Nelms. Once WWII began, the majority of Brunette's family, including Nelms, served in the Armed Forces. As noted on one of his medals, ''Major W.C. Nelms' invaluable service and diligent devotion to duty reflect great credit to him and the Armed Forces of the United States.'' The war ended and Brunette and Nelms had two children. Brunette continued to teach elementary school for 14 more years and retired in 1974. She enjoyed 20 years of retirement with her dear husband and family in Clinton, Mississippi until his passing. In 2005, Brunette moved to the great state of Tennessee, where she now resides in Memphis with family.

As we celebrate Brunette's 105th birthday, we celebrate her faith, her health and the innumerable lives touched by her thoughtful teaching, optimism and friendship. I rise today to honor Brunette Nelms and ask my colleagues to join with me in thanking her for her 105 years of patriotic contribution and service.

DRINKING WATER PROTECTION ACT

SPEECH OF

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2015

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in support of H.R. 212, the Drinking Water Protection Act.

Last summer, as a result of toxic algae blooms in Lake Erie, hundreds of thousands of residents in Toledo were banned from using the city's drinking water, creating a state of emergency for local counties. This incident, which lasted for multiple days, is a reminder of the serious threat these toxic blooms pose to all of our Great Lakes and the communities that rely on them, and not just the immediately surrounding communities.

The Great Lakes account for over 20 percent of the fresh water drinking supply on the entire planet, and they generate billions of dollars each year through the fishing and shipping industries and recreational activities. We cannot ignore the threat posed by these toxic algae blooms and need to do more to protect our magnificent Lakes.

Assuring that we have adequate resources dedicated to monitoring and managing this threat across the entire Great Lakes Region must be a priority, which is why I introduced legislation last Congress to help advance voluntary assurance programs in Michigan and why I have and will continue to support legislative measures like H.R. 212, the Drinking Water Protection Act.

Michigan farmers have been leading the way when it comes to protecting our Lakes from damage caused by algae blooms, but they should not carry the burden alone. We must all work together to preserve and protect the health of our agricultural and maritime resources. It is my hope that this important legislation will be promptly approved by the Senate and sent to the President's desk.

IN RECOGNITION OF MR. ART COVIELLO ON THE OCCASION OF HIS RETIREMENT

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2015

Mr. LANGEVIN. Mr. Speaker, I rise today to honor Mr. Art Coviello, a longtime friend and leader in the security industry, on his retirement as Executive Vice President of EMC Corporation and Executive Chairman of RSA, The Security Division of EMC. Art has pushed the envelope in the industry for more than 40 years, and his influence as a thought-leader, as well as his work solving complex challenges in the Age of Information, have truly helped transform the field of security, specifically with regard to cyber-security.

As the new millennium ushered in groundbreaking advancements, Art served as a conductor, helping to guide the industry through new developments in the most technologically dynamic time period the world has ever seen. Mr. Coviello's impact has been felt in both private and public sectors alike as he

pushed us all to a better state of affairs through engagement in initiatives like the National Cyber Security Summit, TechNet New England, the Cyber Security Industry Alliance, and many others. He has also testified in Congress on a number of occasions, lending his expertise to our deliberations here in order to ensure that our nation remains a leader in cyberspace. Art retains the special ability to see beyond the visible arc of technological advances and effectively communicate about an incredibly dynamic landscape in order to positively impact policy.

I am honored to extend my deep gratitude and praise to Art as he retires, and to be able to call him a friend. I wish him the best of luck in all future endeavors.

FAIRNESS IN STUDENT LOAN LENDING ACT

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2015

Mr. McDERMOTT. Mr. Speaker, in an effort to provide students and families much need relief and protection from crippling student loan debt, Congressman JIM MCDERMOTT (D–WA), a senior member of the Budget and Ways and Means Committees, today introduced legislation that would save students and parents thousands of dollars by allowing student loan borrowers to refinance their federal and private student loans. The Fairness in Student Loan Lending Act will also allow holders of private student loans the ability to discharge their debt in bankruptcy, which is not currently permitted.

Federal law currently prevents responsible student loan borrowers with federal student loans in good standing from refinancing their loans to a lower rate. This has left millions of students and parents holding loans with interest rates of 7 percent. Under the Fairness in Student Loan Lending Act, student loan borrowers in good standing will be able to refinance their loans to a rate equal to the 10-year Treasury note on the last day of business of the previous month plus one percent. For example, a borrower who refinances on February 2015 would refinance to a rate of 2.64%.

While federal law allows borrowers to discharge many types of debt during bankruptcy, including car loans and gambling debt, student loans holders are not permitted to discharge their student loans during bankruptcy. The Fairness in Student Loan Lending Act provides a mechanism that allows borrowers holding private loans the ability to discharge these private loans during bankruptcy.

HONORING DONNA WILTSHIRE

HON. RODNEY DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2015

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I would like to honor Donna Wiltshire who recently retired from the United States Department of Agriculture after serving Illinoisans for over 43 years. In 1971, Ms. Wiltshire began her career with the Farmers Home Administration as a Clerk Stenographer on the State Office's Housing Staff. After 15 years, she was promoted to Single Family Housing Specialist where she proudly served Illinois for the remainder of her career. She cherished opportunities to posit her own thoughts and to hear the ideas of others, creating a vibrant and constructive working environment for all around her.

Ms. Wiltshire's dedication and passion for rural development is seemingly unmatched and has not gone unrecognized by her colleagues. Ms. Wiltshire worked tirelessly to assist families with the home ownership process, knowing that home ownership has a lasting effect on families and communities.

In her retirement, Ms. Wiltshire looks forward to spending more time with her four grandchildren and continuing her life of service through her church.

I am proud to honor Donna Wiltshire today and would like to wish her a happy and fulfilling retirement and thank her for her service and dedication to the entire community.

IN HONOR OF THE REVEREND CURTIS RAINES, SR.

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2015

Mr. BISHOP of Georgia. Mr. Speaker, it is with a heavy heart and solemn remembrance that I rise today to pay tribute to the Reverend Curtis Raines, Sr., President of the General Missionary Baptist Convention of Georgia and beloved Pastor of New Pilgrim Missionary Baptist Church in Macon, Georgia and Mount Zion Baptist Church in Bolingbroke, Georgia.

Sadly, Rev. Raines passed away on Saturday, February 21, 2015. He leaves in his wake many heavy hearts among his church family, his supporters, and his community. On Friday, February 27, 2015, a memorial service will be held in his honor at New Pilgrim Missionary Baptist Church in Macon, followed by a Homegoing Celebration on Saturday, February 28, 2015 at Fellowship Bible Baptist Church in Warner Robins, Georgia.

A Georgia man through and through, Rev. Raines was born on September 22, 1947. He studied at public schools in Upson County before attending the American Baptist Theological Seminary in Tennessee, the Georgia Baptist Theological Seminary, and Mercer University in Macon. He was licensed in the ministry in 1980 and ordained as a minister in 1981. He earned a Bachelor of Theology degree and a Master of Pastoral Ministry degree from Emmanuel Bible College in 1995 and 1997, respectively.

Rev. Raines worked at Warner Robins Air Force Base as Production General Manager of Sheet Metal Manufacturing for more than 27 years until his retirement in 1993. He has served as Pastor of New Pilgrim Missionary Baptist Church for 30 years and Mount Zion Baptist Church for 27 years. Throughout his pastoral career, always seeking to improve the craft of Christian ministry and discipleship, Rev. Raines became Vice President and, later, President of the General Missionary Baptist Convention of Georgia, Inc. (GMBC). Founded in 1870, the GMBC is the largest organization of African Americans in the state of Georgia. A revered leader, Rev. Raines oversaw a membership of over 800 churches, representing over 550,000 African-American Baptists in Georgia.

He further enriched the spiritual lives of those around him by serving as President of Congress of the Mount Pleasant Association, Secretary of the Union Baptist and Educational Association, Chairman of the Board for the Adopt-A-Role Model in Macon, President of the Sixth District-General Missionary Baptist Convention, President of the Bellevue/Hillcrest Ministerial Association, and member on the Board of Directors for Parents to Support Public Schools, Board of Directors of the National Baptist Convention USA, Inc., and Board of Trustees at Wesley Glen Ministries.

A charismatic leader with an infectious spiritual zeal, Rev. Raines was known and loved in the Middle Georgia area and throughout the state. He has received numerous awards and commendations for his good works in Macon and in Bibb County. Rev. Raines was truly a man of integrity who exuded the genuine principles and values of Christian discipleship.

George Washington Carver once said, "No individual has any right to come into the world and go out of it without leaving behind distinct and legitimate reasons for having passed through it." Through his impact on the spirit, the faith, and the very wellbeing of his community, Rev. Raines certainly fulfilled his higher calling. We are all so blessed that Rev. Raines passed this way and during his life's journey did so much for so many for so long.

Rev. Raines accomplished many things throughout his life but none of this would have been possible without the love and support of his beloved wife, Barbara, and children, Shun, Curtis, Jr., Varina, and Bryant.

Mr. Speaker, my wife Vivian and I, along with the more than 700,000 residents of Georgia's Second Congressional District salute Reverend Curtis Raines, Sr. for his outstanding accomplishments in the ministry and for his dedication to his community. I ask my colleagues in the House of Representatives to join us in extending our deepest sympathies to Rev. Raines's family, friends and loved ones during this difficult time. We pray that they will be consoled and comforted by an abiding faith and the Holy Spirit in the days, weeks and months ahead.

HONORING THE LIFE AND LEGACY OF NORTHWEST FLORIDA'S BELOVED J. EARLE BOWDEN

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2015

Mr. MILLER of Florida. Mr. Speaker, I rise to recognize the life and legacy of one of Pensacola's most influential and beloved citizens, J. Earle Bowden. A native and near life-long resident of the Florida Panhandle, Mr. Bowden was known throughout the community for his decades as a journalist and editor-in-chief of the Pensacola News Journal, as well as for his tireless work preserving the local historical sites and natural treasures. All of Northwest Florida mourns the loss of a true icon.

J. Earle Bowden was born and raised in the small town of Altha, Florida, and after his high school graduation, he studied journalism at

Florida State, where he also wrote for the Florida Flambeau. Following his college studies, Mr. Bowden joined the United States Air Force, where he served as a military journalist during the Korean War. After completing his military service, Mr. Bowden moved back to Northwest Florida to raise his family and pursue a career in journalism, and in the fall of 1953, propitious circumstances and his considerable talent landed Mr. Bowden a position as a writer with the Pensacola News Journal.

First a sports writer and cartoonist for the paper, Mr. Bowden's journalistic talent, dedication to the Northwest Florida community, and assiduous work ethic saw him rise through the ranks, becoming editor of the News Journal's editorial page in 1965 and editor-in-chief of the entire paper one year later. It was in his position heading the paper's editorial pages that Mr. Bowden began to forge his legacy and cement his impact on the greater Pensacola area. We are blessed to have perhaps the world's most beautiful beaches located in Northwest Florida, and, in 1965, Mr. Bowden began advocating for the creation of a national park as a way to preserve this natural beauty. Thanks in large part to his efforts, Mr. Bowden's dream was realized just a few years later when legislation was signed into law on January 8, 1971 to establish the Gulf Islands National Seashore. Today, Gulf Islands National Seashore is one of the most visited components of the National Park System, and, in recognition of his work, the road linking eastern Pensacola Beach to Navarre Beach is named Earle Bowden Way.

In addition to his successful work preserving the Northwest Florida environment, Mr. Bowden was also deeply dedicated and involved with the preservation of the many important historical landmarks in Northwest Florida. He helped found several important organizations, including the Seville Square Historic District and the Historic Pensacola Preservation Board. He also served in numerous leadership capacities, including as president of West Florida Historic Preservation Inc., whose headquarters is named in his honor, president of the Pensacola Historical Society, president of the University of West Florida Foundation, chairman of the City of Pensacola Architectural Review Board, president of the Pensacola Bay Area Coalition on Literacy, and general chairman for the Galvez Bicentennial Celebration, amongst many others.

Mr. Bowden was also deeply committed to advancing the field of journalism and writing, as evidenced by his long tenure teaching journalistic writing at the University of West Florida, which awarded him an honorary doctorate in 1985. Mr. Bowden was also a widely published author of non-fiction, fiction, and illustration books. Among his published writings are the novel ''Look and Tremble,'' his memoir ''Always the Rivers Flow,'' a pictorial history ''Pensacola: Florida's First Place City'', and the non-fiction book ''Gulf Islands: The Sands of All, Preserving America's Largest National Seashore.'' He also contributed writing, editing, and illustration to several books on Pensacola history including: ''Florida in the Civil War: 1860 through Reconstruction''; ''Siege! Spain and Britain: Battle of Pensacola''; ''Iron Horse in the Pinelands: Building West Florida's Railroad 1881–1883''; and ''Guardians on the Gulf and Pensacola: Spaniards to Space Age.''

In recognition of Mr. Bowden's incalculable contributions to Northwest Florida, he has received dozens of awards from a wide range of organizations including: the Florida Trust for Historic Preservation's Florida Preservationist of the Year; two national awards for editorial writing from the Freedoms Foundation at Valley Forge; the Pensacola Kiwanis Club Civic Award; the BIP Awards' Professional Leader of the Year; Pensacola Junior College's Distinguished Citizen of the Year; the Law Day Liberty Bell Award; the PACE Pioneer Award; FSU Distinguished Alumnus; and three statewide awards from Florida Architects for his work in historic preservation.

Mr. Speaker, throughout his long and distinguished life, J. Earle Bowden worked tirelessly on behalf of the Northwest Florida community that he loved. Although he was a man of letters, his impact on our community cannot be fully captured in words, and his legacy will forever live on in the many historical sites and natural resources that he worked so judiciously to protect. On behalf of the United States Congress, I am proud to recognize the life and lasting legacy of J. Earle Bowden. My wife Vicki and I extend our deepest prayers and condolences to his wife Mary Louise Bowden; sons, Steven Earle Bowden (wife, Pamela House) and Randall Clark Bowden; granddaughter, Jessica Johanna Bowden; brother, Franklin Lamar Bowden; nephews, Franklin Lamar Bowden, Jr. and James Marlon Bowden; and the entire Bowden family.

HONORING HARLON BLOCK, ON THE 70TH ANNIVERSARY OF THE BATTLE OF IWO JIMA

HON. FILEMON VELA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2015

Mr. VELA. Mr. Speaker, I rise today to honor South Texas native Harlon Block. Seventy years ago, he was one of six men who were part of an iconic photo that would lift the spirits of an entire nation—the raising of the American flag on Iwo Jima.

Born in Yorktown, Texas, in 1924, Corporal Block later moved with his family to Weslaco, Texas in the Rio Grande Valley.

Harlon Block attended Weslaco High School, where he led the Weslaco Panther football team to a conference championship and was named All South Texas End. Before the end of his senior year, Corporal Block and seven of his teammates enlisted in the Marine Corps. As a result, the school accelerated their studies and held a special early graduation ceremony in January 1943.

Harlon Block left for Marine Corps basic training in February 1943, and he then attended parachute training school. Corporal Block was assigned to the First Marine Parachute Regiment. After the Parachute Regiment was disbanded, he was transferred to Company E. Second Battalion, 28th Marines, Fifth Marine Division.

On February 19, 1945, Corporal Block and his company took part in the invasion of the heavily defended island of Iwo Jima. One day into the battle, Corporal Block and the 28th Marines began their assault on Mount Suribachi, a 550-foot-high extinct volcano. After a three-day onslaught, the unit reached the top and defeated the last remaining Japanese defenders. Corporal Block, along with Sergeant Michael Strank, Corporal René Arthur Gagnon, Corporal Ira Hayes, Private First Class Franklin Runyon Sousley, and Pharmacist's Mate Second Class John ''Doc'' Bradley, defiantly raised the U.S. flag atop the mountain. Corporal Block guided the base of the pole into the volcanic ash while the others raised the flag upward. This is the scene that was captured in the famous photo at the Battle of Iwo Jima.

Corporal Harlon Henry Block was killed in action on March 1, 1945 and never saw the famous photo.

His remains were interred beside the Iwo Jima Memorial at the Marine Military Academy in Harlingen, Texas, which is a replica of the U.S. Marine Corps War Memorial in Arlington, Virginia. On several occasions I have had the opportunity to visit the memorial located in my Congressional District, and each time I am moved by the courage and dedication of those who fought to win World War II. This memorial is a special place for the Rio Grande Valley, and serves as a reminder that our armed forces and our nation can overcome the greatest of odds. Today, we remember the bravery and valor of Corporal Block and all those who fought at the Battle of Iwo Jima.

KHOJALY TRAGEDY

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2015

Mr. OLSON. Mr. Speaker, I rise today to again ask my colleagues to join me in remembering the devastating atrocities that took place in Azerbaijani town of Khojaly on February 26, 1992. Thanks to Armenian and Commonwealth of Independent States (CIS) forces over the course of 22 hours, 613 civilian lives were lost. Innocent children, women and elderly men were brutally murdered.

Since this tragedy took place in the early 1990s, Azerbaijan has worked to heal and become a successful country, with a booming economy. As a result, the economy of Azerbaijan is the fastest growing among the CIS states. In the turbulent geopolitical region, Azerbaijan is a reliable partner of the United States. Moreover, Azerbaijan is a close ally and trade partner with another strong American ally—Israel—in the region.

Mr. Speaker, we must stand close by our allies. That is why I urge my colleagues to recognize the human tragedy that occurred in Azerbaijan 23 years ago. Please, join me and all of our our Azerbaijani friends in commemorating the lives lost during the Khojaly massacre.

DEFENDING OUR GREAT LAKES ACT OF 2015

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2015

Mrs. MILLER of Michigan. Mr. Speaker, I am proud to come from the State of Michigan, the Great Lakes State. In Michigan, our very identity is defined by the Great Lakes. For so many of us from Michigan, our lives revolve

around the Lakes. Whether it is tourism, agriculture, shipping, fishing, or recreational boating, the Lakes are vital to our very livelihood.

The Great Lakes face many challenges these days, but there is nothing more threatening to the health of the Lakes than the infiltration of Asian carp—an invasive species that are about 40 miles from our doorstep.

For this reason, today I introduced the Defending Our Great Lakes Act of 2015. This is a bill that will prevent the spread of Asian carp once and for all.

This bill does three things: First, it authorizes the Army Corps of Engineers to take immediate action to update the infrastructure and install necessary technologies and measures at the Brandon Road Lock and Dam site. Second, it requires the Army Corps to develop a long-term plan, in consultation with federal agencies as well as the Great Lake states and impacted business and environmental communities. Finally, this bill reaffirms the need to continue to examine the ongoing needs across the entire Great Lakes region for measures that protect our waterways from invasive species.

The Defending Our Great Lakes Act, by design, provides a broad authorization for the Army Corps, and it authorizes the use of the best technologies, including, but not limited to, electric barriers. The importance of this broad authorization is that it will allow them to use new, yet-to-be-developed technologies going forward.

It is important to note that this bill also instructs the Army Corps to consider the protection of the area's ecosystem to the greatest extent feasible so that no native populations are inadvertently harmed as we attempt to remove the threat of invasive species. Additionally, this bill also instructs the Army Corps to ensure the efficient flow of navigation so that there is no unnecessary impediment to commerce. Including these provisions further demonstrates the dynamic nature of the Great Lakes and how we must work with all interested stakeholders to accomplish the goal of preventing Asian carp from entering the Great Lakes basin.

This bill was introduced with a broad bipartisan cross section of members from across the Great Lakes basin and in partnership with Senator DEBBIE STABENOW who will introduce companion legislation in the Senate.

In the many years I have been so honored to serve in Congress, the protection of our magnificent Great Lakes has been one of my primary advocacies.

I remember well battling the scourge of invasive species like zebra mussels, the sea lamprey, Eurasian Milfoil and phragmites.

All of these invasive species have taken an ecological and economic toll on our Great Lakes, and we have spent billions over the past two decades trying to mitigate their damage.

With Asian carp, however, we cannot afford to respond to the untold damage they are certain to have on our Lakes.

They represent the most grave threat we have faced, and they must be dealt with using preventative, proactive measures.

The Asian carp threaten our $17 billion tourism industry and our $7 billion fishing and recreation industry.

They threaten our very way of life, and potentially billions of dollars every year to our regional economy. We simply cannot turn our backs on this threat.

I encourage all of my colleagues to support the Defending Our Great Lakes Act and help ensure the long-term health and beauty of our precious Great Lakes. The Lakes are vital to our identity and livelihood.

BARBARA JORDAN—PATRIOT OF THE GREAT STATE OF TEXAS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2015

Mr. POE of Texas. Mr. Speaker, Texas lost quite the political patriot. A dear friend and tenacious community warrior, Barbara Jordan of Kingwood, Texas will be greatly missed. It gives me honor to recognize a lifelong volunteer, advocate and inspiration to the Kingwood community. The City of Houston and, indeed, the entire State of Texas, lost a dedicated leader and friend on February 22, 2015.

Barbara was born November 28, 1939 in Eagle Lake, Texas. For almost her entire life, she has given back to the community she holds so dear. Her friends have described her as ''the best volunteer in the world; always ready to do whatever it takes to get the job done.''

As her friend Pauline Adams put it, ''Barbara was a force to be reckoned with. She was funny, irreverent and loved by everyone who knew her because she always had a smile on her face and a kind word for all. However, underneath the graciousness was a true Southern 'Steel Magnolia'. She will be sorely missed by all who knew her.''

Barbara was a political activist. She was a pioneer for the GOP in Houston and Texas back when there were not that many Republicans in Texas. She served on numerous boards and organizations throughout the years. She was past President and founding member of the Kingwood Area Republican Women's Club.

Barbara Jordan had an infectious spirit. She came to me along with Patti Johnson and Peggy Englehadt and suggested that I leave the D.A.'s office and apply for the vacancy in the criminal district court in Harris County.

With these women's help, I obtained appointment by then Governor Clements and then they helped me get elected as one of the only Republican criminal district judges in Harris County in 1982. I have Barbara to thank for the 22 years I spent on the bench. But Barbara wasn't through.

Barbara and other Republican women can be credited with getting me elected to Congress in 2004. She served as President of the Greater Houston Council of Federated Republican Women from 1996–1997, and she is responsible for designing a pin for the Greater Houston Council officers and club presidents. The tradition of presenting a pin to officers and club presidents continues to this day. She has also been a member and an officer with one of the most powerful women's political organizations in Texas, the Texas Federation of Republican Women. Most GOP elected officials credit their elections to the Texas Republican Women like Barbara.

In 1999, Barbara was named Chairman of the Texas Federation of Republican Women State Convention. Barbara was ever working for God, home and country. She had a passion to keep America strong and Texas RED. Many Republicans owe her thanks. Her drive helped get other Republicans elected in Harris County.

My thoughts are with the love of Barbara's life, Ken Jordan—her husband of 54 years. The passing of Barbara has left four sons in mourning of their mother—John, Mark, Scott, and Todd. She also leaves behind four daughter-in-laws and seven cherished grandchildren. Her memory will live on, in the many lives she touched along the way. Last summer, I visited with Barbara and Ken at their home in Kings Forest.

Barbara was always gracious and welcoming; she simply was the best hostess. She was a loyal friend to me, and although I am saddened by her loss, I feel very fortunate for the time and friendship that we shared. She will be remembered by many as a devoted community leader, a mentor, genuine friend and a great patriot.

My Grandmother used to say there was nothing more powerful than a woman—that has made up her mind. Barbara was one such unique woman.

Barbara was truly a remarkable Texan who achieved extraordinary things in her lifetime and for her community, state and political party. And for that, Texas and our people are better because of Barbara Jordan.

That's just the way it is.

TRIBUTE TO MR. ROLAND J. ''ROCKY'' GANNON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2015

Mr. CLYBURN. Mr. Speaker, I rise today to honor and recognize Roland ''Rocky'' J. Gannon, a resident of Florence, South Carolina and join with his friends throughout the Pee Dee area of South Carolina in celebration of his 90th birthday.

Mr. Gannon is a decorated veteran, having served thirty-seven years in the Air Force before retiring in 1980. His service began in 1943 while he was a high school junior when he entered an Air Force pilot training program, from which he graduated one month after D-Day. During his decades of service, he flew more than 6,000 hours in thirty-four different types of aircraft. Fourteen of those years were served overseas and included 387 combat missions in Vietnam. After the end of World War II, ''Rocky'' spent three years in Iwo Jima, Japan. His service in these theaters, as well as in the Korean War and Belgian Congo, earned him fifty military awards, including the Distinguished Flying Cross, the Bronze Star, the Vietnamese Cross of Gallantry, and ten Air Medals.

After his retirement from the Air Force in 1980, Mr. Gannon took his expertise to the private sector as an independent aviation consultant and was subsequently named Executive Director of the Florence Regional Airport. In 2001, commemoration of his accomplishments in both civilian and combat aviation, he was named South Carolina Aviator of the Year and was inducted into the South Carolina Aviation Association Hall of Fame.

''Rocky's'' passion for aviation is matched only by his dedication to the Boy Scouts of

America. He joined the scouts when he was twelve years old and rose to the rank of Eagle Scout before joining the Air Force. He credits the training he received as a Boy Scout to much of his success in military and civilian life. He has given back to the scouts throughout his career and in 2009 received the Distinguished Eagle Award, the Boy Scouts of America's highest honor.

Mr. Speaker, I ask that you and my colleagues join me in congratulating Mr. Gannon on this milestone and thanking him for his outstanding contributions to Florence, the Pee Dee area, to South Carolina, and to our great country. I wish him Godspeed and a happy and healthy 90th birthday celebration in the company of his friends and family.

STUDENT SUCCESS ACT

SPEECH OF

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2015

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 5) to support State and local accountability for public education, protect State and local authority, inform parents of the performance of their children's schools, and for other purposes:

Mr. GENE GREEN of Texas. Mr. Chairman, I rise today to express my opposition to H.R. 5, the Student Success Act. This bill undermines the fundamental purpose of the Elementary and Secondary Education Act (ESEA), which was created to ensure that disadvantaged children are provided a high-quality education that allows them to compete on a level playing field with their more-advantaged peers.

Among its many problematic provisions, this bill cuts crucial education funding, fails to hold states and districts accountable for supporting and improving the achievement of all students, eliminates and weakens protections for disadvantaged students, and lacks critical support systems for our nation's educators.

I believe No Child Left Behind (NCLB) is flawed and must be reformed, and reauthorization presents a tremendous opportunity to make much-needed improvements and bring our education system into the 21st century. However, instead of fixing the problems of NCLB, the Student Success Act does not reflect best practices and fails to strike the appropriate balance between flexibility and accountability.

Reauthorization should support college and career-ready standards, address the overuse of testing in teacher and school evaluations that currently forces educators to substitute test preparation for instruction, and feature an accountability system that includes meaningful targets for improving student attainment that gives schools and districts flexibility in how they achieve those goals.

I urge my colleagues to vote against H.R. 5 and instead support reauthorization that restores our nation's commitment to providing equal opportunity for all students regardless of their background and protect our country's students including the most vulnerable, which was the intention of this landmark civil rights law.

KINGWOOD PARK HIGH SCHOOL SWIM TEAM

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2015

Mr. POE of Texas. Mr. Speaker, this past Saturday, the boys from Kingwood Park High School in Houston, Texas won another state swim title. This marks the fourth state championship for the high school. According to the team's head coach, Greg McLain, this wasn't even supposed to happen. But, he said that they believed in each other and worked hard, noting that they didn't do it with superstars, but "as a team."

The Kingwood Park Panthers swim team pays homage to the old saying: "when it comes to talent versus hard work, hard work will always win."

Congrats to Kingwood Park's State Championship team: David Amoruso, Spencer Balog, Brenden Bennett, Austin Bradshaw, Eric Broussard, Matt Crowe, Trae Floyd, Christian Frey, David Johnson, John Johnson, Hunter Lang, Ryan Logan, Sam Poulin, Tate Stevens.

Go Panthers!

And that's just the way it is.

CORRECTION

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S1127–S1185.

Measures Introduced: Thirty-one bills and five resolutions were introduced, as follows: S. 576–606, S. Res. 88–91, and S. Con. Res. 6. **Pages S1161–62**

Measures Passed:

Black History Month: Senate agreed to S. Res. 88, celebrating Black History Month. **Pages S1134–35**

Congressional Gold Medal: Senate passed S. 527, to award a Congressional Gold Medal to the Foot Soldiers who participated in Bloody Sunday, Turnaround Tuesday, or in the final Selma to Montgomery Voting Rights March in March of 1965, which served as a catalyst for the Voting Rights Act of 1965. **Pages S1137–38**

Welcoming the Prime Minister of Israel to the United States: Committee on Foreign Relations was discharged from further consideration of S. Res. 76, welcoming the Prime Minister of Israel to the United States for his address to a joint meeting of Congress, and the resolution was then agreed to, after agreeing to the following amendments proposed thereto: **Pages S1150–51**

Cornyn Amendment No. 262, to make a technical correction. **Page S1150**

Cornyn Amendment No. 263, to amend the title. **Page S1151**

Oregon Shakespeare Festival: Senate agreed to S. Res. 89, congratulating the Oregon Shakespeare Festival on its 80th year. **Page S1184**

American Heart Month and National Wear Red Day: Senate agreed to S. Res. 90, designating February 2015 as ''American Heart Month'' and February 6, 2015, as ''National Wear Red Day''. **Page S1184**

Read Across America Day: Senate agreed to S. Res. 91, designating March 2, 2015, as ''Read Across America Day''. **Page S1184**

Measures Considered:

Department of Homeland Security Appropriations Act—Cloture: Senate began consideration of H.R. 240, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, after agreeing to the motion to proceed, and taking action on the following amendments and motions proposed thereto:

Pages S1128–29, S1129–34, S1135–37, S1138–50, S1151–52

Pending:

McConnell (for Cochran) Amendment No. 255, of a perfecting nature. **Page S1151**

McConnell Amendment No. 256 (to Amendment No. 255), to change the enactment date. **Page S1151**

McConnell Amendment No. 257 (to the language proposed to be stricken by Amendment No. 255), to change the enactment date. **Page S1151**

McConnell Amendment No. 258 (to Amendment No. 257), of a perfecting nature. **Page S1151**

McConnell motion to commit the bill to the Committee on Appropriations, with instructions, McConnell Amendment No. 259, to change the enactment date. **Page S1151**

McConnell Amendment No. 260 (to (the instructions) Amendment No. 259), of a perfecting nature. **Page S1151**

McConnell Amendment No. 261 (to Amendment No. 260), of a perfecting nature. **Page S1151**

A motion was entered to close further debate on the bill, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, February 26, 2015, a vote on cloture will occur at 10 a.m., on Friday, February 27, 2015. **Page S1151–52**

A unanimous-consent-time agreement was reached providing that notwithstanding rule XXII, at 10 a.m., on Friday, February 27, 2015, Senate vote on the motion to invoke cloture on the bill; that if cloture is invoked, all post-cloture time be yielded back, with the exception of 10 minutes for Senator Lee, or his designee, and that following the use or yielding back of that time, the pending amendments with the exception of McConnell (for Cochran) Amendment No. 255 (listed above) be withdrawn, and Senate vote on or in relation to McConnell (for Cochran) Amendment No. 255; and Senate vote on passage of the bill as amended, if amended; and that there be two minutes of debate equally divided prior

to a vote on the motion to invoke cloture on the motion to proceed to consideration of S. 534, to prohibit funds from being used to carry out certain Executive actions related to immigration. **Page S1152**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 9:30 a.m., on Friday, February 27, 2015. **Page S1184**

Immigration Rule of Law Act—Cloture: Senate began consideration of the motion to proceed to consideration of S. 534, to prohibit funds from being used to carry out certain Executive actions related to immigration. **Page S1152**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, February 26, 2015, a vote on cloture will occur upon disposition of H.R. 240, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015. **Page S1152**

Appointments:

National Historical Publications and Records Commission: The Chair, on behalf of the President of the Senate, pursuant to Public Law 81–754, as amended by Public Law 93–536 and further amended by Public Law 100–365, appointed the following Senator to the National Historical Publications and Records Commission: Senator Sullivan. **Page S1184**

Nominations Received: Senate received the following nominations:

Suzette M. Kimball, of West Virginia, to be Director of the United States Geological Survey.

Andrew LaMont Eanes, of Kansas, to be Deputy Commissioner of Social Security for the term expiring January 19, 2019.

Mileydi Guilarte, of the District of Columbia, to be United States Alternate Executive Director of the Inter-American Development Bank.

Marcia Denise Occomy, of the District of Columbia, to be United States Director of the African Development Bank for a term of five years.

Mary Barzee Flores, of Florida, to be United States District Judge for the Southern District of Florida.

Julien Xavier Neals, of New Jersey, to be United States District Judge for the District of New Jersey.

Routine lists in the Foreign Service.

Pages S1184–85

Messages from the House: **Page S1157**

Measures Referred: **Page S1157**

Executive Communications: **Pages S1157–60**

Executive Reports of Committees: **Pages S1160–61**

Additional Cosponsors: **Pages S1162–63**

Statements on Introduced Bills/Resolutions: **Pages S1163–72**

Additional Statements: **Pages S1155–57**

Amendments Submitted: **Pages S1172–84**

Authorities for Committees to Meet: **Page S1184**

Adjournment: Senate convened at 11 a.m. and adjourned at 7:19 p.m., until 9:30 a.m. on Friday, February 27, 2015. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S1184.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEPARTMENT OF COMMERCE

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies concluded a hearing to examine proposed budget estimates and justification for fiscal year 2016 for the Department of Commerce, after receiving testimony from Penny Pritzker, Secretary of Commerce.

WORLDWIDE THREATS

Committee on Armed Services: Committee concluded open and closed hearings to examine worldwide threats, after receiving testimony from Lieutenant General Vincent R. Stewart, Director, Defense Intelligence Agency, Department of Defense; and James R. Clapper, Director of National Intelligence.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following business items:

H.R. 23, to reauthorize the National Windstorm Impact Reduction Program, with an amendment in the nature of a substitute;

H.R. 34, to authorize and strengthen the tsunami detection, forecast, warning, research, and mitigation program of the National Oceanic and Atmospheric Administration, with an amendment in the nature of a substitute;

H.R. 719, to require the Transportation Security Administration to conform to existing Federal law and regulations regarding criminal investigator positions, with an amendment in the nature of a substitute;

H.R. 720, to improve intergovernmental planning for and communication during security incidents at domestic airports, with an amendment in the nature of a substitute;

S. 142, to require the Consumer Product Safety Commission to promulgate a rule to require child safety packaging for liquid nicotine containers, with an amendment in the nature of a substitute;

S. 143, to allow for improvements to the United States Merchant Marine Academy;

S. 253, to amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens, with an amendment in the nature of a substitute;

S. 304, to improve motor vehicle safety by encouraging the sharing of certain information, with an amendment in the nature of a substitute;

S. 373, to provide for the establishment of nationally uniform and environmentally sound standards governing discharges incidental to the normal operation of a vessel, with an amendment in the nature of a substitute; and

The nominations of Tho Dinh-Zarr, of Texas, to be a Member, and Christopher A. Hart, of Colorado, to be Chairman, both of the National Transportation Safety Board, Carlos A. Monje, Jr., of Louisiana, to be Assistant Secretary of Transportation for Transportation Policy, Manson K. Brown, of the District of Columbia, to be Assistant Secretary of Commerce for Environmental Observation and Prediction, National Oceanic and Atmospheric Administration, William P. Doyle, of Pennsylvania, to be a Federal Maritime Commissioner, and nomination for promotions in the United States Coast Guard.

FOREST SERVICE BUDGET

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2016 for the Forest Service, after receiving testimony from Tom Tidwell, Chief, and Tony Dixon, Director, Business Operations, Strategic Planning, Budget and Accountability, both of the Forest Service, Department of Agriculture.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported an original bill entitled, "End Modern Slavery and Trafficking Initiative Act of 2015".

MEDICAL AND PUBLIC HEALTH PREPAREDNESS AND RESPONSE

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine medical and public health preparedness and response, focusing on future threats, after receiving testimony from Nicole Lurie, Assistant Secretary for Preparedness and Response, Robin A. Robinson, Deputy Assistant Secretary and BARDA Director, Office of the Assistant Secretary for Preparedness and Response, Stephen C. Redd, Director, Office of Public Health Preparedness and Response, Centers for Disease Control and Prevention, and Luciana Borio, Assistant Commissioner for Counterterrorism Policy, Director, Office of Counterterrorism and Emerging Threats, Deputy Chief Scientist (Acting), Food and Drug Administration, all of the Department of Health and Human Services.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 178, to provide justice for the victims of trafficking, with an amendment in the nature of a substitute;

S. 166, to stop exploitation through trafficking, with an amendment; and

The nominations of Loretta E. Lynch, of New York, to be Attorney General, Michelle K. Lee, of California, to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, Alfred H. Bennett, George C. Hanks, Jr., and Jose Rolando Olvera, Jr., each to be a United States District Judge for the Southern District of Texas, Jill N. Parrish, to be United States District Judge for the District of Utah, and Nancy B. Firestone, of Virginia, Thomas L. Halkowski, of Pennsylvania, Patricia M. McCarthy, of Maryland, Jeri Kaylene Somers, of Virginia, and Armando Omar Bonilla, of the District of Columbia, each to be a Judge of the United States Court of Federal Claims.

VETERANS' PROGRAMS BUDGET

Committee on Veterans' Affairs: Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2016 for Veterans' programs and fiscal year 2017 advance appropriations request, after receiving testimony from Robert A. McDonald, Secretary of Veterans Affairs; and Carl Blake, Paralyzed Veterans of America, Joy Ilem, DAV, Raymond C. Kelley, Veterans of Foreign Wars of the United States, Ian de Planque, The American Legion, and Richard Weidman, Vietnam Veterans of America, all of Washington, DC.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 53 public bills, H.R. 1093–1145; 1 private bill, H.R. 1146; and 5 resolutions, H.J. Res. 35–37; H. Con. Res. 19; and H. Res. 128, were introduced.

Pages H1368–70

Additional Cosponsors: **Pages H1372–73**

Reports Filed: Reports were filed today as follows:

H.R. 749, to reauthorize Federal support for passenger rail programs, and for other purposes (H. Rept. 114–30); and

H. Res. 129, providing for consideration of the joint resolution (H.J. Res. 35) making further continuing appropriations for fiscal year 2015, and for other purposes (H. Rept. 114–31). **Page H1367**

Speaker: Read a letter from the Speaker wherein he appointed Representative Newhouse to act as Speaker pro tempore for today. **Page H1167**

Recess: The House recessed at 11:06 a.m. and reconvened at 12 noon. **Page H1174**

Guest Chaplain: The prayer was offered by the Guest Chaplain, Reverend Bruce Miroglio, St. Helena Catholic Church, St. Helena, California.

Page H1174

Journal: The House agreed to the Speaker's approval of the Journal by a recorded vote of 246 ayes to 168 noes with one answering ''present'', Roll No. 94.

Pages H1174–75, H1192–93

Providing for a recess of the House for a joint meeting to receive His Excellency Binyamin Netanyahu, Prime Minister of Israel: Agreed by unanimous consent that it may be in order at any time on Tuesday, March 3, 2015 for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting His Excellency Binyamin Netanyahu, Prime Minister of Israel.

Page H1193

Recess: The House recessed at 5:03 p.m. and reconvened at 6:47 p.m.

Student Success Act: The House continued consideration of H.R. 5, to support State and local accountability for public education, protect State and local authority, inform parents of the performance of their children's schools. Consideration is expected to resume tomorrow, February 27th.

Pages H1193–1266, H1266–85, H1285–99

Pursuant to H. Res. 125, in lieu of the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114–8, modified by the amendment printed in part A of H. Rept. 114–29, shall be considered as adopted. **Pages H1193–H1252**

Agreed to:

Lawrence amendment (No. 4 printed in part B of H. Rept. 114–29) that requires that the Secretary of Education disapprove of any State plan that fails to, in consultation with State and local education agencies to demonstrate that there is a separate reporting of academic assessments for foster youth; **Page H1257**

Goodlatte amendment (No. 5 printed in part B of H. Rept. 114–29) that would provide flexibility to localities by providing States with the authority to allow local educational agencies to administer their own, locally designed academic assessment system, in place of the State-designed academic system;

Pages H1257–59

Langevin amendment (No. 7 printed in part B of H. Rept. 114–29) that requires states applying for funds under title I to show how they would use the funds to provide apprenticeships that offer academic credit, and how they would use the funds to provide comprehensive career counseling to the students;

Pages H1259–60

Barletta amendment (No. 8 printed in part B of H. Rept. 114–29) that states that if school districts use Title I money for after school, before school, or summer school activities, it would require them to describe those activities in their local plans;

Pages H1260–61

Quigley amendment (No. 9 printed in part B of H. Rept. 114–29) that restores the paraprofessional qualifications that are in place under current law, which helped stop school districts from hiring paraprofessionals with little experience in education and no professional training (by a recorded vote of 218 ayes to 201 noes, Roll No. 98);

Pages H1261–62, H1268–69

DeSaulnier amendment (No. 11 printed in part B of H. Rept. 114–29) that requires LEAs to develop agreements with Head Start and other agencies to carry out early childhood education activities;

Page H1263

Rodney Davis (IL) amendment (No. 12 printed in part B of H. Rept. 114–29) that gives certainty to local and state entities that current collective bargaining agreements must remain in place;

Pages H1263–64

McKinley amendment (No. 14 printed in part B of H. Rept. 114–29) that establishes a state-led definition of ''workforce critical subjects'', and requires

states to provide an explanation of the subjects they identify as ''workforce critical''; **Pages H1265–66**

Delaney amendment (No. 15 printed in part B of H. Rept. 114–29) that makes Pay For Success initiatives an allowable use of funds for States and Local Educational Agencies to improve outcomes and save money by training and supporting teachers; **Pages H1270–71**

Jeffries amendment (No. 16 printed in part B of H. Rept. 114–29) that ensures that teachers, parents and other educational professionals receive education on the harms of copyright piracy in order to further educate students to that end; **Pages H1271–72**

Clark (MA) amendment (No. 17 printed in part B of H. Rept. 114–29) that clarifies that early childhood education-focused professional development is an acceptable use of funds; **Pages H1272–73**

Cohen amendment (No. 18 printed in part B of H. Rept. 114–29) that allows for Title II funds to be used for restorative justice and conflict resolution training; **Pages H1273–74**

Wilson (FL) amendment (No. 19 printed in part B of H. Rept. 114–29) that requires school districts to be transparent in providing information to parents at the beginning of the school year on mandated assessments the student will have to take during the school year and any school district policy on assessment participation; **Page H1274**

Polis amendment (No. 20 printed in part B of H. Rept. 114–29) that expresses the sense of Congress that charter schools are a critical part of our education system in this Nation and that Congress must support opening more quality charter schools to help students succeed in their future; **Pages H1274–75**

Polis amendment (No. 21 printed in part B of H. Rept. 114–29) that encourages collaboration and sharing of best practices between charter schools and local education agencies; **Pages H1275–76**

Kelly amendment (No. 22 printed in part B of H. Rept. 114–29) that requires Statewide Family Engagement Centers to conduct training programs in the community to improve adult literacy, including financial literacy; **Page H1276**

Bonamici amendment (No. 23 printed in part B of H. Rept. 114–29) that allows State educational agencies and eligible entities to use Local Academic Flexible Grant funds to audit and streamline assessment systems, eliminates unnecessary assessments, and improves the use of assessments; **Pages H1276–78**

Polis amendment (No. 24 printed in part B of H. Rept. 114–29) that allows grants to be used for the creation and distribution of open access textbooks and open educational resources; **Pages H1278–79**

Jackson Lee amendment (No. 25 printed in part B of H. Rept. 114–29) that supports accountability-based programs and activities that are designed to enhance school safety, which may include research-based bullying prevention, cyberbullying prevention, disruption of recruitment activity by groups or individuals involved in violent extremism, and gang prevention programs as well as intervention programs regarding bullying; **Pages H1279–80**

Nolan amendment (No. 28 printed in part B of H. Rept. 114–29) that amends the current stated policy of the United States with respect to the education of Indian children to ensure that Indian children do not attend school in buildings that are dilapidated or deteriorating, as part of the unique and continuing trust relationship with, and responsibility to, the Indian people; **Pages H1281–83**

Davis (CA) amendment (No. 29 printed in part B of H. Rept. 114–29) that clarifies the definition of ''school leader'' such that it explicitly refers to a school principal as opposed to an off-site administrator; **Page H1283**

Castro amendment (No. 34 printed in part B of H. Rept. 114–29) that improves college and career readiness for homeless youth by requiring the State to include in the State Plan a description of how such youth would receive assistance from counselors to advise, prepare, and improve college readiness; **Pages H1289–90**

Collins (GA) amendment (No. 36 printed in part B of H. Rept. 114–29) that improves accountability and ensures proper oversight of taxpayer funds authorized by this legislation; **Page H1291**

Dold amendment (No. 37 printed in part B of H. Rept. 114–29) that ensures that federal education dollars go toward their intended use for student benefit in the classroom by clarifying that funds received under the Elementary and Secondary Education Act shall not be diverted by the states to fill prior unfunded liability shortfalls in teacher pension programs; when a state receives funds under ESEA and distributes those funds to LEAs, this amendment prohibits the state from requiring LEAs to make a contribution to a pension program that is in excess of the ''normal cost'' of that teacher's participation in the pension program; and **Pages H1291–92**

Flores amendment (No. 38 printed in part B of H. Rept. 114–29) that reaffirms students', teachers' and school administrators' right to exercise religion; in addition, it is the sense of Congress that schools examine their policies to ensure students and teachers are fully able to participate in activities on school grounds related to their religious freedom. **Pages H1292–93**

Rejected:

Kennedy amendment (No. 1 printed in part B of H. Rept. 114–29) that authorizes the STEM Gateways grant program as an allowable use of flexible funding received by state educational agencies; states

could award grants to LEAs and qualified partner organizations to support the success of women, minorities, and low-income students in rigorous STEM academics (by a recorded vote of 204 ayes to 217 noes, Roll No. 95); **Pages H1253–55, H1266–67**

Grothman amendment (No. 2 printed in part B of H. Rept. 114–29) that shortens authorization from 2021 to 2018 (by a recorded vote of 114 ayes to 311 noes, Roll No. 96); **Pages H1255–56, H1267**

Castro amendment (No. 6 printed in part B of H. Rept. 114–29) that appoints a neutral Ombudsman within the Department of Education to ensure K–12 textbooks are held to high academic standards (by a recorded vote of 182 ayes to 243 noes, Roll No. 97); **Pages H1259, H1268**

Moore amendment (No. 13 printed in part B of H. Rept. 114–29) that delays implementation of new Title II formula until the Secretary of Education determines that the implementation will not reduce funding for schools serving high percentages of students in poverty (by a recorded vote of 185 ayes to 239 noes, Roll No. 99); and **Pages H1264–65, H1269–70**

Wilson (FL) amendment (No. 26 printed in part B of H. Rept. 114–29) that provides for Intensive Care Reading Labs and for specialization of school staffing for the purposes of basic skills in language arts, mathematics, and science in grades 1–3 as allowable uses in block grant funding. **Pages H1280–81**

Withdrawn:

Meeks amendment (No. 3 printed in part B of H. Rept. 114–29) that would require that the annual, statewide assessments measure student growth and require that student growth be a component of achievement within the accountability system established by a given state; **Pages H1256–57**

Fudge amendment (No. 10 printed in part B of H. Rept. 114–29) that ensures continued state investment in educating students by requiring states to demonstrate that the level of state and local funding remains constant from year to year; and **Pages H1262–63**

Courtney amendment (No. 27 printed in part B of H. Rept. 114–29) that amends 20 U.S.C. 7703 to increase weight of non-connected children residing in public-private venture (PPV) housing located on military property for the purposes of Impact Aid basic support payment calculations. **Page H1281**

Proceedings Postponed:

Zeldin amendment (No. 30 printed in part B of H. Rept. 114–29) that seeks to allow a State to withdraw from the Common Core Standards or any other specific standards; **Pages H1283–85**

Hurd amendment (No. 31 printed in part B of H. Rept. 114–29) that seeks to express the sense of Congress that students' personally identifiable information is important to protect as applied to current law and this act; **Page H1285**

Grayson amendment (No. 32 printed in part B of H. Rept. 114–29) that seeks to require the Secretary of Education to conduct an assessment of the impact of school start times on student health, well-being, and performance; **Page H1286**

Wilson (FL) amendment (No. 33 printed in part B of H. Rept. 114–29) that seeks to provide for school dropout prevention and re-entry and provides grants to raise academic achievement levels for all students; **Pages H1286–89**

Carson (IN) amendment (No. 35 printed in part B of H. Rept. 114–29) that seeks to advance assessments of student achievement and instructional practices, effective teacher preparation and continuing professional development, education administration, and international comparisons; the amendment supports development of a national research strategy to ensure that students, particularly at risk students, have effective teachers and are being prepared for the future; **Pages H1290–91**

Brownley (CA) amendment (No. 39 printed in part B of H. Rept. 114–29) that seeks to create a grant program for states to create or expand biliteracy seal programs to recognize student proficiency in speaking, reading, and writing in both English and a second language for graduating high school seniors; **Pages H1293–95**

Loebsack amendment (No. 40 printed in part B of H. Rept. 114–29) that seeks to support the expansion of the use of digital learning through competitive grants to partnerships to implement and evaluate the results of technology-based learning practices, strategies, tools, or programs at rural schools; and **Pages H1295–97**

Polis amendment (No. 41 printed in part B of H. Rept. 114–29) that seeks to authorize—but does not appropriate funds—for the Secretary of Education to provide grants for: early-childhood education scholarships, professional development and licensing credentials, or increased compensation for educators who have attained specific qualifications. **Pages H1297–99**

H. Res. 125, the rule providing for further consideration of the bill (H.R. 5), was agreed to by recorded vote of 234 ayes to 184 noes, Roll No. 93, after the previous question was ordered by a yea-and-nay vote of 234 yeas to 177 nays, Roll No. 93. **Pages H1180–92**

A point of order was raised against the consideration of H. Res. 125 and it was agreed to proceed with consideration of the resolution by a yea-and-nay vote of 224 yeas to 167 nays, Roll No. 91. **Pages H1180–82**

Committee on Transportation and Infrastructure—Communication: Read a letter from Chairman Shuster wherein he transmitted copies of resolutions to authorize 12 lease prospectuses, including three alteration projects and nine leases, included in the General Services Administration's FY2015 Capital Investment and Leasing Programs. The resolutions were adopted by the Committee on Transportation and Infrastructure on February 12, 2015.

Pages H1299–H1362

Senate Message: Messages received from the Senate by the Clerk and subsequently presented to the House today appear on pages H1179–80.

Quorum Calls—Votes: Two yea-and-nay votes and seven recorded votes developed during the proceedings of today and appear on pages H1181–82, H1191–92, H1192, H1193, H1266–67, H1267, H1268, H1268–69, and H1269–70 . There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 10:36 p.m.

Committee Meetings

SNAP RECIPIENT CHARACTERISTICS AND DYNAMICS

Committee on Agriculture: Subcommittee on Nutrition held a hearing to review SNAP recipient characteristics and dynamics. Testimony was heard from public witnesses.

APPROPRIATIONS—DEPARTMENT OF ENERGY

Committee on Appropriations: Subcommittee on Energy and Water Development held a hearing on Department of Energy budget. Testimony was heard from Ernest Moniz, Secretary, Department of Energy.

APPROPRIATIONS—DEPARTMENT OF AGRICULTURE, FOOD SAFETY AND INSPECTION SERVICE

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on Department of Agriculture, Food Safety and Inspection Service budget. Testimony was heard from Al Almanza, Deputy Under Secretary, Food Safety, Department of Agriculture; and Michael Young, Budget Officer, Department of Agriculture.

APPROPRIATIONS—UNITED STATES NAVY

Committee on Appropriations: Subcommittee on Defense held a hearing on United States Navy budget. Testimony was heard from Ray Mabus, Secretary, United States Navy; Admiral Jonathan W. Greenert, Chief of Naval Operations; and General Joseph F. Dunford, Jr., Commandant, United States Marine Corps.

VITAL RESPONSIBILITY OF SERVING THE NATION'S AGING AND DISABLED COMMUNITIES

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held an oversight hearing on the vital responsibility of serving the nation's aging and disabled communities. Testimony was heard from Carolyn W. Colvin, Acting Commissioner, Social Security Administration; and Kathy Greenlee, Administration for Community Living, Department of Health and Human Services.

APPROPRIATIONS—ENVIRONMENTAL PROTECTION AGENCY

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held a hearing on Environmental Protection Agency budget. Testimony was heard from Gina McCarthy, Administrator, Environmental Protection Agency; and David Bloom, Acting Chief Financial Officer, Environmental Protection Agency.

APPROPRIATIONS—DEPARTMENT OF TRANSPORTATION

Committee on Appropriations: Subcommittee on Transportation, Housing and Urban Development, and Related Agencies held a hearing on Department of Transportation budget. Testimony was heard from Anthony Foxx, Secretary, Department of Transportation.

APPROPRIATIONS—ARCHITECT OF THE CAPITOL, LIBRARY OF CONGRESS

Committee on Appropriations: Subcommittee on Legislative Branch held a hearing on Architect of the Capitol and Library of Congress budgets. Testimony was heard from Stephen T. Ayers, Architect of the Capitol; and James H. Billington, Librarian of the Congress.

OUTSIDE PERSPECTIVES ON THE PRESIDENT'S PROPOSED AUTHORIZATION FOR THE USE OF MILITARY FORCE AGAINST THE ISLAMIC STATE OF IRAQ AND THE LEVANT

Committee on Armed Services: Full Committee held a hearing entitled ''Outside Perspectives on the President's Proposed Authorization for the Use of Military Force Against the Islamic State of Iraq and the Levant''. Testimony was heard from public witnesses.

FISCAL YEAR 2016 BUDGET REQUEST FOR STRATEGIC FORCES

Committee on Armed Services: Subcommittee on Strategic Forces held a hearing entitled ''Fiscal Year

2016 Budget Request for Strategic Forces''. Testimony was heard from Admiral Cecil D. Haney, USN, Commander, United States Strategic Command; and Brian P. McKeon, Principal Deputy Under Secretary of Defense for Policy, Department of Defense.

THE BLACKLISTING EXECUTIVE ORDER: REWRITING FEDERAL LABOR POLICIES THROUGH EXECUTIVE FIAT

Committee on Education and the Workforce: Subcommittee on Workforce Protections; and Subcommittee on Health, Employment, Labor, and Pensions held a hearing entitled ''The Blacklisting Executive Order: Rewriting Federal Labor Policies Through Executive Fiat''. Testimony was heard from public witnesses.

EXAMINING THE FY 2016 HHS BUDGET

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled ''Examining the FY 2016 HHS Budget''. Testimony was heard from Sylvia Mathews Burwell, Secretary, Department of Health and Human Services.

UPDATE: PATENT DEMAND LETTER PRACTICES AND SOLUTIONS

Committee on Energy and Commerce: Subcommittee on Commerce, Manufacturing, and Trade held a hearing entitled ''Update: Patent Demand Letter Practices and Solutions''. Testimony was heard from public witnesses.

THE FUTURE OF HOUSING IN AMERICA: OVERSIGHT OF THE FEDERAL HOUSING ADMINISTRATION—PART II

Committee on Financial Services: Subcommittee on Housing and Insurance held a hearing entitled ''The Future of Housing in America: Oversight of the Federal Housing Administration—Part II''. Testimony was heard from public witnesses.

ACROSS THE OTHER POND: U.S. OPPORTUNITIES AND CHALLENGES IN THE ASIA PACIFIC

Committee on Foreign Affairs: Subcommittee on Asia and the Pacific held a hearing entitled ''Across the Other Pond: U.S. Opportunities and Challenges in the Asia Pacific''. Testimony was heard from public witnesses.

THE PRESIDENT'S NEW CUBA POLICY AND U.S. NATIONAL SECURITY

Committee on Foreign Affairs: Subcommittee on the Western Hemisphere held a hearing entitled ''The President's New Cuba Policy and U.S. National Security''. Testimony was heard from public witnesses.

THE SHAME OF IRANIAN HUMAN RIGHTS

Committee on Foreign Affairs: Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations; and Subcommittee on the Middle East and North Africa, held a joint hearing entitled ''The Shame of Iranian Human Rights''. Testimony was heard from public witnesses.

ASSESSING DHS'S PERFORMANCE: WATCHDOG RECOMMENDATIONS TO IMPROVE HOMELAND SECURITY

Committee on Homeland Security: Subcommittee on Oversight and Management Efficiency held a hearing entitled ''Assessing DHS's Performance: Watchdog Recommendations to Improve Homeland Security''. Testimony was heard from John Roth, Inspector General, Department of Homeland Security; Rebecca Gambler, Director, Homeland Security and Justice Issues, Government Accountability Office; and a public witness.

ADDRESSING REMAINING GAPS IN FEDERAL, STATE, AND LOCAL INFORMATION SHARING

Committee on Homeland Security: Subcommittee on Counterterrorism and Intelligence held a hearing entitled ''Addressing Remaining Gaps in Federal, State, and Local Information Sharing''. Testimony was heard from public witnesses.

ISIL IN AMERICA: DOMESTIC TERROR AND RADICALIZATION

Committee on the Judiciary: Subcommittee on Crime, Terrorism, Homeland Security, and Investigations held a hearing entitled ''ISIL in America: Domestic Terror and Radicalization''. Testimony was heard from Michael B. Steinbach, Assistant Director, Counterterrorism Division, Federal Bureau of Investigation; and Richard W. Stanek, Sheriff, Hennepin County Sherriff's Office.

LEGISLATIVE HEARING

Committee on the Judiciary: Subcommittee on Regulatory Reform, Commercial and Antitrust Law held a hearing on H.R. 870, the ''Puerto Rico Chapter 9 Uniformity Act of 2015''. Testimony was heard from public witnesses.

THE U.S. COPYRIGHT OFFICE: ITS FUNCTIONS AND RESOURCES

Committee on the Judiciary: Full Committee held a hearing entitled ''The U.S. Copyright Office: Its Functions and Resources''. Testimony was heard from public witnesses.

FROM HEALTH CARE ENROLLMENT TO TAX FILING: A PPACA UPDATE

Committee on Oversight and Government Reform: Subcommittee on Health Care, Benefits and Administrative Rules held a hearing entitled ''From Health Care Enrollment to Tax Filing: A PPACA Update''. Testimony was heard from Kevin Counihan, Director

and Marketplace CEO, the Center for Consumer Information and Insurance Oversight.

EXAMINING THE IMPACTS OF EPA AIR AND WATER REGULATIONS ON THE STATES AND THE AMERICAN PEOPLE

Committee on Oversight and Government Reform: Subcommittee on the Interior held a hearing entitled ''Examining the Impacts of EPA Air and Water Regulations on the States and the American People''. Testimony was heard from Tim Fox, Attorney General, State of Montana; Leslie Rutledge, Attorney General, State of Arkansas; and public witnesses.

IRS: TIGTA UPDATE

Committee on Oversight and Government Reform: Full Committee held a hearing entitled ''IRS: TIGTA Update''. Testimony was heard from J. Russell George, Treasury Inspector General for Tax Administration, Department of the Treasury; and Timothy Camus, Deputy Inspector General for Investigations, Department of the Treasury.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2015, AND FOR OTHER PURPOSES

Committee on Rules: Full Committee held a hearing on H.J. Res. 35, making further continuing appropriations for fiscal year 2015, and for other purposes. The committee granted, by record vote of 7–4, a closed rule for H.J. Res. 35. The rule provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution. The rule provides that the joint resolution shall be considered as read. The rule waives all points of order against provisions in the joint resolution. The rule provides one motion to recommit.

OVERVIEW OF THE FISCAL YEAR 2016 BUDGET PROPOSALS FOR THE NATIONAL SCIENCE FOUNDATION AND NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

Committee on Science, Space, and Technology: Subcommittee on Research and Technology held a hearing entitled ''Overview of the Fiscal Year 2016 Budget Proposals for the National Science Foundation and National Institute of Standards and Technology''. Testimony was heard from France Córdova, Director, National Science Foundation; Daniel Arvizu, Chairman, National Science Board; and Willie E. May, Acting Director, National Institute of Standards and Technology.

MISCELLANEOUS MEASURES

Committee on Ways and Means: Full Committee held a markup on H.R. 1021, the ''Protecting the Integrity of Medicare Act of 2015''; H.R. 284, the ''Medicare DMEPOS Competitive Bidding Improvement Act of 2015''; H.R. 876, the ''NOTICE Act''; and H.R. 887, the ''Electronic Health Fairness Act of 2015''. The following bills were ordered reported, as amended: H.R. 1021, H.R. 284, H.R. 876, and H.R. 887.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, FEBRUARY 27, 2015

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Appropriations, Subcommittee on Defense, hearing on United States Air Force budget, 9 a.m., H–140 Capitol.

Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, hearing on Department of Agriculture, Under Secretary for Natural Resources and the Environment, Natural Resources Conservation Service budget, 10 a.m., 2362–A Rayburn.

Subcommittee on Interior, Environment, and Related Agencies, hearing on Bureau of Indian Affairs and Bureau of Indian Education budgets; hearing on Bureau of Indian Education oversight, 10 a.m., B–308 Rayburn.

Committee on Energy and Commerce, Subcommittee on Environment and the Economy, hearing entitled ''The Needs of Drinking Water Systems in Rural and Smaller Communities'', 10 a.m., 2123 Rayburn.

Committee on Foreign Affairs, Full Committee, markup on H.R. 400, the ''Trafficking Prevention in Foreign Affairs Contracting Act''; H.R. 757, the ''North Korea Sanctions Enforcement Act of 2015''; and H. Res. 53, condemning the cowardly attack on innocent men, women, and children in the northeastern Nigerian town of Baga, 9:30 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution and Civil Justice, hearing entitled ''The State of Class Actions Ten Years After the Enactment of the Class Action Fairness Act'', 9 a.m., 2141 Rayburn.

Committee on Oversight and Government Reform, Subcommittee on Government Operations, hearing entitled ''Ensuring Government Transparency Through FOIA Reform'', 9 a.m., 2154 Rayburn.

Committee on Science, Space, and Technology, Subcommittee on Space, hearing entitled ''The Commercial Crew Program: Challenges and Opportunities'', 9 a.m., 2318 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Friday, February 27

Senate Chamber

Program for Friday: Senate will continue consideration of H.R. 240, Department of Homeland Security Appropriations Act. At approximately 10 a.m., Senate will vote on the motion to invoke cloture on H.R. 240, on or in relation to McConnell (for Cochran) Amendment No. 255 to H.R. 240, passage of H.R. 240, and on the motion to invoke cloture on the motion to proceed to consideration of S. 534, Immigration Rule of Law Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, February 27

House Chamber

Program for Friday: Complete consideration of H.R. 5—Student Success Act and consideration of H.J. Res. 35—Making further continuing appropriations for fiscal year 2015 (Subject to a Rule).

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