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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Eternal God, through Whom we see what we could be and what we can become, thank You for giving us another day.

In these days, our Nation is faced with pressing issues, including, once again, a troubling impasse. Grant wisdom, knowledge, and understanding to Members of each party, as well as an extra measure of charity, that a workable solution can be reached to the benefit of all Americans.

Help us all to be patient, yet resolute in the desire to do what is the right thing to do, however Your inspiration might impel.

And may all that is done this day be for Your greater honor and glory.

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. THOMPSON of Pennsylvania. 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. THOMPSON of Pennsylvania. 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The point of no quorum is considered withdrawn.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 gentlewoman from Indiana (Mrs. BROOKS) come forward and lead the House in the Pledge of Allegiance.

Mrs. BROOKS of Indiana 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.

COMMUNICATION FROM THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following communication from the Honorable ORRIN G. HATCH, President Pro Tempore of the Senate, and the Honorable JOHN A. BOEHNER, Speaker of the House of Representatives:

CONGRESS OF THE UNITED STATES,
Washington, DC, February 27, 2015.

APPOINTMENT OF DIRECTOR OF CONGRESSIONAL BUDGET OFFICE

Pursuant to section 201(a)(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 601), the Speaker of the House of Representatives and the President pro tempore of the Senate hereby jointly appoint Dr. Homer Keith Hall as Director of the Congressional Budget Office, effective April 1, 2015, for the term expiring January 3, 2019.

ORRIN G. HATCH,
President Pro Tempore of the Senate.
JOHN A. BOEHNER,
Speaker of the House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

NET NEUTRALITY

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

Mr. MCCLINTOCK. Mr. Speaker, yesterday, the Obama majority on the FCC seized unprecedented control over the Internet under the guise of ''net neutrality.''

Net neutrality is the notion that the latest cat video is of equal importance to a teleconference consultation for a heart patient. To impose this leftist ideology on the Internet, the FCC has just placed it under the same stifling regulatory structure as the phone company or broadcast stations.

This gives them potential control over content and it destroys the price-driven incentives for innovation, expansion, speed, economy, and service that Americans have long enjoyed. It means higher costs as government piles on new fees. It means slowed expansion as the natural incentives to invest are stifled. Europe operates under this sort of regulatory scheme, and its Internet service is conspicuously inferior, slower, and ponderous.

The reason the Internet has grown and thrived is because government has kept its fat, corrupt, incompetent hands off of it. That era ended yesterday, and that is a shame.

PUBLIC APOLOGY TO THE HONORABLE KEVIN MCCARTHY

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

Mr. HOYER. Mr. Speaker, I rise to publicly apologize to Leader MCCARTHY for a remark I made to myself that was picked up by the House microphone yesterday.

It was said out of frustration and anger, it was wrong, and I have apologized privately to Mr. MCCARTHY, who I believe is a man of integrity in this House.

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CHRIS KYLE MEDAL OF HONOR ACT

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

Mr. WILLIAMS. Mr. Speaker, yesterday, I introduced a bill that would authorize and request the President to award our Nation's highest military honor to a Texan who served this Nation with distinction and bravery.

Chris Kyle, a Navy SEAL, protected countless American troops as they went into battle. Chris Kyle voluntarily put his life on the line when he completed his first tour in Iraq, and when he returned not once, but three more times.

Make no mistake, the Medal of Honor will not bring back a husband, father, son, and a model Texan. But the Medal of Honor will show Chris Kyle's family our gratitude for his relentless devotion to our country.

Mr. Speaker, since its inception, the Medal of Honor has been awarded 3,507 times. I challenge someone to tell me Chris Kyle didn't show the bravery that is a prerequisite for this high honor. I challenge anyone to tell me that his courageous acts are undeserving of this recognition.

Chris Kyle is someone who we should strive to be. He is a true American patriot whose acts of valor must be permanently etched in our Nation's history.

In God we trust.

CENTRAL KITSAP IMPACT AID

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

Mr. KILMER. Mr. Speaker, I rise today to speak about the importance of impact aid, which helps more than 1,300 school districts in our country make up for lost revenue due to the impact of Federal activity and Federal lands that reduce the available tax base.

Among the most heavily impacted districts in the country, the Central Kitsap School District is home to many students whose parents work at naval facilities. For too long, this school district has not received the heavy impact aid funding that it has historically relied on to support these military-connected kids.

I would like to thank the Education and the Workforce Committee Ranking Member Mr. SCOTT for working with me to include a provision in an amendment that we will soon consider to help school districts like Central Kitsap get the impact aid funding they rely on.

I look forward to working with the committee and our colleagues in the Senate to include this provision in any final legislation that reauthorizes the Elementary and Secondary Education Act.

Mr. Speaker, this is important to kids.

HONORING ALLEN HARRINGTON

(Mrs. BROOKS of Indiana asked and was given permission to address the House for 1 minute.)

Mrs. BROOKS of Indiana. Mr. Speaker, I rise today to talk about an American hero.

Allen Harrington of Anderson, Indiana, was one of the Nation's first African American Marines. He and his fellow Montford Point Marines broke the U.S. Marine Corps color barrier during World War II. Mr. Harrington specifically worked in an ammunitions factory and aided efforts to rescue prisoners of war being held by the Japanese.

How many Americans can say they broke racial barriers while serving our country when the future of the free world was on the line? Allen Harrington could.

Unfortunately, he passed away in 2002, 9 years before legislation was passed awarding living members of the Montford Point Marines the Congressional Gold Medal.

This weekend, residents of Anderson and his family will gather at city hall to pay tribute to his tremendous legacy. I look forward to presenting his daughter, Darlene, a special certificate and letter from the President and a replica Montford Point Marine medal.

I am proud to know this American hero hails from Indiana's Fifth District. I am even more proud his remarkable life will finally receive the recognition it deserves.

DHS SHUTDOWN

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

Ms. SCHAKOWSKY. Mr. Speaker, once again, the Republicans have brought us to the brink of a government shutdown, this time, the Department of Homeland Security.

For weeks, the Department specifically designed to keep America and Americans safe has been forced to spend time and resources making plans to lay off 30,000 workers and stop paychecks for hundreds of thousands of critical workers like the Coast Guard and Border Patrol agents and TSA at the airports.

Why are they on this dangerous mission? So they can continue their futile and cruel war against immigrant children and families.

Now I hear they will try to put the Department of Homeland Security back in limbo for another 3 weeks while they figure out some other mischief. This is reckless. This is irresponsible and dangerous.

Shame on the Republicans for doing this. Stop it. Just pass a clean bill for a continuous funding of the Department of Homeland Security.

RARE DISEASE DAY

(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, tomorrow is Rare Disease Day, and I stand to help raise awareness for more than 7,000 different types of different rare diseases and disorders that affect more than 300 million people nationwide.

Today, the National Institutes of Health is celebrating its eighth annual Rare Disease Day, and I applaud their efforts to bring awareness to this very important issue.

Mr. Speaker, in the United States, a condition is considered rare if it affects fewer than 200,000 people combined in a particular group. In the U.S. today, there are approximately 30 million people living with rare disease, many of whom are inflicted with diseases whose symptoms are so complex that they simply remain undiagnosed. It is estimated that 80 percent of rare diseases are genetic in origin, and about half of all rare diseases affect children.

Mr. Speaker, I ask all my colleagues to join me not just today but every day in helping to raise awareness on this very important issue that affects so many people in this Nation and around the world.

DHS SHUTDOWN

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

Mr. PETERS. Mr. Speaker, I rise today to urge House Republican leadership to put a clean bill to fund the Department of Homeland Security on the floor for a vote.

It is our job to lead this great Nation, and America deserves better than political gamesmanship. The threats facing our country are real. The Department of Homeland Security is on the front lines making sure our communities are safe. They secure our boarders and ports and ensure airports are safe for millions of travelers.

If Congress fails to fund DHS, 169,000 Border Patrol agents, Customs and Border Protection officers, TSA aviation and security screeners, and Active Duty Coast Guard military will report to work but will not receive a paycheck. And that is just wrong.

I joined several of my colleagues this week to introduce legislation to withhold congressional pay if Homeland Security is shut down. It is simple: if the hardworking men and women in the Department of Homeland Security will continue to go to work but not receive a paycheck, Members of Congress who have failed to do their job should not receive a paycheck either.

Let's do the right thing. Cleanly fund our Homeland Security and quit political gamesmanship.

RECOGNIZING NICHOLAS BENNETT

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

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to congratulate Nicholas Bennett for making his 1,000th half-court basketball shot on Saturday, January 24.

Let me say it is not the shot that is impressive, it is Nicholas. You see, Nicholas, a senior at North Hall High School who also has autism, has been manager of his school's varsity basketball team for 4 years. As a freshman, he made it his goal to sink 1,000 half-court shots by graduation. He has amazed his teammates by consistently making those on the way to fulfilling his promise.

Nicholas got his first-ever starting opportunity at the North Hall-Gainesville basketball game last month. He scored on the opening play and sunk his 1,000th half-court shot during halftime.

One of those people who impresses you the minute you meet him, Nicholas' kindness, determination, and dedication to his team are an inspiration. His motto is ''have faith,'' and it speaks to northeast Georgia's core values.

Today, I join with the Ninth District in recognizing Nicholas' outstanding character and wish him the best in his future endeavors. Sometimes it is not about the shots; it is about the person making the shots. And Nicholas, you remind us to have faith.

DHS SHUTDOWN

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to call out my Republican colleagues for abandoning their duty to govern and protect our national security.

We are just hours away from asking 200,000 DHS employees who protect our country to go without pay because Republicans can't get their act together. A DHS shutdown doesn't protect us from national security threats, and it certainly doesn't solve our disagreements over immigration policy. This is nothing more than a tantrum, but even my 5-year-old son knows that tantrums are a waste of time.

It is time to grow up and govern. Will you listen to the extremists in your party who are focused on obstruction of progress, or will you listen to the majority of Americans who want us to fund DHS, want us to act on comprehensive immigration reform, and want us to govern like adults?

I urge my colleagues to pass a clean DHS funding bill.

□ 0915

REQUEST FOR ADDITIONAL ONE MINUTE

Mr. POLIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. The Chair will not entertain that request at this time.

PARLIAMENTARY INQUIRY

Mr. POLIS. Point of parliamentary inquiry, Mr. Speaker.

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

Mr. POLIS. Mr. Speaker, who objected to the motion?

I did not hear an objection.

The SPEAKER pro tempore. The Chair announced that he would entertain five requests for 1-minute speeches on each side, and all those five requests have been entertained.

Mr. POLIS. Point of parliamentary inquiry. If I receive unanimous consent for a sixth request, am I not able to give that request under the rules of the House?

The SPEAKER pro tempore. The Chair is exercising his discretion not to recognize for more than five 1-minute speeches on each side.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 9 o'clock and 19 minutes a.m.), the House stood in recess.

□ 0925

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HULTGREN) at 9 o'clock and 25 minutes a.m.

FURTHER CONTINUING APPROPRIATIONS RESOLUTION, 2015

Mr. COLLINS of Georgia. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 129 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 129

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 35) making further continuing appropriations for fiscal year 2015, and for other purposes. All points of order against consideration of the joint resolution are waived. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 1 hour.

Mr. COLLINS of Georgia. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), 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

Mr. COLLINS of Georgia. 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 gentleman from Georgia?

There was no objection.

Mr. COLLINS of Georgia. Mr. Speaker, I rise today in support of a rule and the underlying bill that would provide for funding for the Department of Homeland Security for 3 weeks.

This short, six-line resolution, House Joint Resolution 35, would provide certainty by taking a shutdown of the Department of Homeland Security off the table.

So why are we here today? We are here because, last year, the President brought forward a plan to grant executive amnesty to over 4 million illegal immigrants. I believe that the administration's actions violate the rule of law, circumvent the role of the American people, and undermine the Constitution.

These actions have failed the American people. Over the last few years, the President's immigration policies have cost the Federal Government millions of dollars. They have cost our States, our communities, and our local schools and hospitals millions more.

I disagree with executive amnesty because I believe it is unwise, unlawful, and unconstitutional. That is why, 6 weeks ago, the House of Representatives did its job. We passed a bill that provided for the funding of the Department of Homeland Security and blocked the President's executive amnesty actions.

We had an expectation that the Senate would then do its work, stand up for the Constitution, while funding the Department of Homeland Security. Unfortunately, Senate Democrats, including numerous Senators who have argued repeatedly that no President can unilaterally change the law, have blocked that bill.

That is why we are here today: because Senate Democrats refuse to stand up and fight on behalf of the Constitution against the President's executive amnesty plan. We would not be here with a short-term solution if six—only six—Senate Democrats would stand up for the American people and stop the President's executive amnesty plan.

Fortunately, Mr. Speaker, the State of Texas and others, including my great home State of Georgia, stepped up to the plate and led a lawsuit with other States against the President and his unilateral actions. A judge in Texas ruled on that case 11 days ago and said that the President's November executive amnesty action was illegal.

As long as his injunction remains in place, no Federal dollars can be used to fund the President's executive action on immigration. That means that, for the time being, the President's plan has been stopped dead in its tracks.

In the meantime, I believe the House must do everything it can to fund the Department of Homeland Security at a critical time, which is why I stand in support of the rule that will fund the Department through March 19.

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

Ms. SLAUGHTER. Mr. Speaker, I rise to thank the gentleman, my friend, Mr. COLLINS, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, in this House, we use a manual of rules that was written by Thomas Jefferson. In 1801, when he began writing his manual of parliamentary procedures, he surely imagined a Chamber which followed the rules would be orderly, steadfast, and unwavering and that could govern our Nation in a respectable way; but under the current majority's rule, this House stands in deep contrast to that ideal.

Yet again, we stand on the brink, on the edge, on the precipice of a shutdown.

□ 0930

After 4 years of this kind of leadership of self-inflicted wounds and manufactured crises, one would think that the House majority would have learned their lesson. It is clear today that they have not.

First, Republicans promised when they took control of this Chamber that they would govern prudently and fairly and openly, with regular order. We haven't seen any of that.

Then last November, when Republicans took control of the Senate, we were promised that two Chambers under Republican rule would be better than one and that the games would be over. We surely haven't seen any of that either.

The House majority is not content to double down on their vendetta against the President; they want to undermine their own party in the process.

To the best of my knowledge, every President since Eisenhower—Republican and Democrat—has set some immigration enforcement and other priorities through executive order. But the majority's contempt for this President is so strong that they are engaging in an intraparty war, while Rome is burning around them, to see who can punish him the hardest.

Mr. Speaker, as we stand here debating this, the Senate is poised to send us a clean, bipartisan bill to fund the Department of Homeland Security until the end of the fiscal year. The Republican Senate, with help from Democratic Senators, is ready to do what is right for the country. But the House is so blinded by their need to discredit and disparage the President that they risk the very security of our Nation for political games.

House Minority Leader NANCY PELOSI offered Speaker BOEHNER all 188 Democratic votes on a clean bill to fund the Department of Homeland Security. He would have only needed to come up with 30. But the Speaker refused to take them. And if this dangerous continuing resolution were to pass, it will not be because of Democratic support. It will be pure Republican.

Democrats have been shut out of the process yet again. Today's closed rule brings the tally to 13 closed rules of the 18 rules passed in the 114th Congress.

The Secretary of the Department of Homeland Security, Jeh Johnson, sent a letter to congressional leaders yesterday which laid out what is at stake if his Department's funding is disrupted, either through shutdown or short-term continuing resolution. From maintaining airport security, to helping us recover from one of the hardest winters in generations, to guarding against cyber threats, to keeping the U.S. Coast Guard running and monitoring possible lone-wolf attacks on our homeland by ISIS, the House majority is threatening the safety and security of our Nation.

Secretary Johnson went on to say: ''As I have noted many times, mere extension of a continuing resolution has many of the same negative impacts.'' In other words, a short-term solution simply keeps us going on this cliffhanger. It ''exacerbates the uncertainty for my workforce and puts us back in the same position, on the brink of a shutdown just days from now.''

How in the world can we run the United States like this? What must the rest of the world think of us as we flounder around here trying to inflict all the pain we can on the President of the United States? And in any case, that is more important to too many Members of this House; the prime reason for being here is to tear down the government and the President.

Mr. Speaker, I include the text of the letter from Secretary Johnson to congressional leaders, dated 26 February 2015, for the RECORD.

U.S. DEPARTMENT OF HOMELAND SECURITY,
Washington, DC, February 26, 2015.

DEAR SPEAKER BOEHNER, MAJORITY LEADER MCCONNELL, MINORITY LEADER REID, AND MINORITY LEADER PELOSI: Thank you for your leadership and efforts to pass a clean, full-year appropriations bill for the Department of Homeland Security. As you know, our funding expires tomorrow at midnight. I write to explain to Members of Congress the real and substantial consequences of a failure to pass a full-year appropriations bill by that deadline.

As an initial matter, it must be noted that a potential shutdown of the Department comes at a particularly challenging time for homeland security. It is stunning that we must even contemplate a shutdown of the Department in the current global context. The global terrorist threat has become more decentralized and complex. Terrorist organizations are now openly calling for attacks on Western targets. Yesterday's arrests in New York City highlight the threat of independent actors in the homeland who support overseas terrorist organizations and radical ideology. We are working hard to stay one step ahead of potential threats to aviation security. Last year at this time, the spike in migrant children began to appear at our border; we are deployed to prevent this situation from recurring, and to address it aggressively if it does. The Nation is in the midst of a very cold, harsh winter, and the Federal Emergency Management Agency is working with states impacted by record snowfalls.

Here are just some of the consequences for homeland security if the Departments funding lapses and we shut down:

First, about 170,000 employees will be required to work, but will not get paid for that work during the period of a shutdown. This includes our Coast Guard, Border Patrol agents, Secret Service agents, Transportation Security Administration officers, and others on the front lines of our homeland security. These working men and women depend on biweekly paychecks to make ends meet for themselves and their families. For them, personally, work without pay is disruptive and demoralizing. Even worse for our people are the public statements by some that make light of a shutdown, which disregards DHS employees' personal sacrifices and dedication to our Nation's security.

Second, approximately 30,000 men and women of the Department must be furloughed and sent home without pay. Our financial management, human resources, procurement and contracting, and information technology teams—the institutional backbone of the Department—will be reduced by 90 percent, from over 2,000 to just 208 people. My own immediate headquarters staff will be cut by about 87 percent. Our Science and Technology team, which is intensely focused on developing non-metallic explosive detection capabilities as well as other technologies to counter threats to aviation, will be cut 94 percent, from 448 to 26 people. Our Domestic Nuclear Detection Office, which is our Nation's primary research and development lead for development of advanced nuclear detection technologies and technical forensic capabilities, will also be cut 94 percent, from 121 to just 7 people.

Third, contracting services across the Department, including those for critical mission support activities, will be disrupted and/or interrupted altogether. Depending upon the length of a shutdown, contract awards and major acquisitions could be impacted. In the event of a shutdown, negotiations to construct the United States Coast Guard's 8th National Security Cutter will be delayed, potentially leading to an increase in costs.

Fourth, our $2.5 billion-a-year grant-making to state, local, tribal, and territorial governments, to assist them in preventing, responding to or recovering from terrorist attacks, major disasters and other emergencies, remains at a standstill (it has already stopped because the Department is currently funded by a Continuing Resolution). Of particular note, the Federal Emergency Management Agency's Emergency Management Performance Grants, which contribute 50 percent of the salaries of state and local emergency management personnel, cannot be funded.

Fifth, public assistance disaster recovery payments to communities affected by previous disasters will grind to a halt. Though these payments are funded with prior-year money, the Federal Emergency Management Agency's staff that processes them must be furloughed.

Sixth, depending upon the length of a shutdown, DHS will no longer be able to support state and local authorities with planning, safety, and security resources for special security events such as the Boston and Chicago Marathons.

Seventh, depending upon the length of a shutdown, work to complete construction of

the National Bio and Agro-Defense Facility in Kansas, which will replace the aging 1950s-era Plum Island facility in New York, could be disrupted.

Eighth, new hires across the Department must be halted, disrupting critical missions to secure the border, protect millions of daily airline passengers, strengthen security at the White House, and deploy new ICE investigators. Routine attrition hiring would cease across the Department, seriously undermining our homeland security frontline staffing needs. Our plans to increase CBP staffing at our ports of entry by 2,000 officers, and to maintain the Transportation Security Administration's workforce of airport screeners and air marshals will be undermined. Our plans to hire additional Secret Service uniformed officers and special agents will also be disrupted.

Ninth, without funding, all training at the Federal Law Enforcement Training Centers will cease. Up to 2,000 local, state, and federal law enforcement trainees from across the country will be sent home.

Finally, as I have noted many times, mere extension of a continuing resolution has many of the same negative impacts. A short-term continuing resolution exacerbates the uncertainty for my workforce and puts us back in the same position, on the brink of a shutdown just days from now.

I urge Congress, as soon as possible, to pass a clean, full-year Fiscal Year 2015 appropriations bill for the Department of Homeland Security.

The American people are counting on us.

Sincerely.

JEH CHARLES JOHNSON,
Secretary.

Ms. SLAUGHTER. These are the consequences of the actions of this Chamber's majority, real and dangerous consequences: no certainty, no safety, no end in sight.

I say to my colleagues in the majority: The Senate is giving you a way out of this thorny, treacherous brush that you have built up around yourselves, and I urge you and I implore you to follow the path out of that brush. It is the right thing to do for the country, and it is certainly the right thing to do for this institution.

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

Mr. COLLINS OF GEORGIA. Mr. Speaker, I yield myself such time as I may consume.

This, frankly, is an understanding. This is not being brought forward out of contempt, as has been said, Mr. Speaker, about this President. This has to do with institutional integrity, that each branch has a role, that each body within the Congress has a role. Do your job. That is all we are saying. Make compromises where need be. Work to progress where need be. But when you simply say, I will not do anything—and especially with this executive amnesty action, which we believe should not be funded—that is a valid point of view. We have got to come to the table. But when the administration refuses to negotiate, the American people see truly that we are not functioning, not because of this House, but because of what is happening through, frankly, a frustrating policy from this administration which wants to bypass Congress.

With that, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 30 seconds to say, a negotiation took place, and that is why a bipartisan bill is passing the Senate at this very moment.

I am pleased to yield 2 minutes to the gentleman from Colorado (Mr. POLIS), a member of the Committee on Rules.

Mr. POLIS. I thank the gentlelady from New York.

Mr. Speaker, what we are talking about here is simply kicking the can down the road for 3 weeks. The facts on the ground don't change in 3 weeks. Guess what, President Obama is still President of the United States in 3 weeks. Guess what, HARRY REID is still the minority leader with enough votes to prevent something from reaching the 60-vote threshold in the Senate.

All we are doing is giving the Republicans yet another chance 3 weeks from now to remind the American children of undocumented parents that they want to deport Mom and Dad and to remind DREAMers, aspiring Americans who grew up here and know no other country, that they should be deported to a country they don't even know, haven't been to, and might not even speak the language of. That is not the way to win friends and influence people.

Look, when you are going to people in an election cycle, it doesn't matter how great your agenda is. It might be great for their economics and their pocketbook; it might be great for their values. But you know what, if you are trying to deport Mom and Dad, you are not going to get past the front door.

Yet here we are, sending ourselves on a cycle where every 3 weeks, every 2 weeks, every 6 weeks, apparently, the Republicans want to remind American children that they want to deport Mom and Dad. Apparently the Republicans want to remind young people who grew up here, who know no other country, who might want to serve in our military, who might be a cheerleader or on the football team at high school with your kids, Mr. Speaker, that they, too, should be deported to a country that they don't know, where they speak a language that they might not even speak.

That is just simply not a winning electoral strategy, and it is contrary to our values as Americans. It is against family values. It is against the values of our Nation, as a nation of immigrants and a nation of laws.

Those two can be reconciled through sensible, comprehensive immigration reform that addresses our broken immigration system. And yes, it is broken; and yes, President Obama's first steps don't completely fix it; but together, we can make it work.

Mr. COLLINS of Georgia. Mr. Speaker, at this time, I am pleased to yield 6 minutes to the gentleman from Texas (Mr. BURGESS), my good friend, who is a member of the Rules Committee.

Mr. BURGESS. I thank the gentleman for yielding.

Mr. Speaker, I come today, of course, to speak on the rule and to encourage passage of the rule and encourage passage of the underlying bill, funding the Department of Homeland Security for the next 21 days.

I would remind this body that the House, last month, funded the Department of Homeland Security until the end of the fiscal year, September 30. We have since awaited activity over in the Senate or over in the other body, and that activity, unfortunately, has not been forthcoming. So we are left, again, with a deadline situation; and the House leadership, responsibly, has stepped up to provide temporary funding for the next 21 days.

The problem, of course, goes back to November when the House did not want to fund the President's illegal, unlawful amnesty. It turns out a Federal judge in Texas agreed with us here in the House that it was an illegal amnesty.

But in reference to the comments just made here on the House floor, here is a pop quiz for everyone. What country is more welcoming than any other country on the face of the Earth? What country allows more people in legally than all other countries combined? Well, that country is the United States of America.

Last year, over 1 million individuals were welcomed into this country legally, and it has been so every year that I have been in the Congress for the last 12 years. That is 12 million people, just using simple math. All we ask is that you simply follow existing law.

For people who want to say our immigration system is broken, I would submit that what is broken is our enforcement system. You had only to look to the southern border last summer and see the flood of unaccompanied minors coming over—not sneaking across the border, simply walking across the border and turning themselves in—and this country was required to deal with that on an emergent basis. The State of Texas was required to deal with that on an emergent basis.

There was a lot of discussion as to why that surge happened. I think there is a link back to the President saying: I am going to suspend enforcement of some of our immigration laws. It sent a message. It sent a message to people: Y'all come. Y'all come. The doors are open. If you get here in time, guess what. You won't have to worry about our laws.

That was the wrong message because, as a consequence, States, like my State of Texas, were required to deal with the influx and were required to deal with the increase in social programs that were then called upon to provide those services that had never been budgeted before because they were, by definition, unexpected.

I agree that we do have a problem, and the problem is the porosity of the southern border, particularly in the Lower Rio Grande Valley sector in the State of Texas.

The former Governor of Texas, Rick Perry, met with the President in Dallas and invited him down to the border to come and see what we are dealing with, and the President refused. Well, many of us have been to the border. Bipartisan trips have been conducted to the border, to the Lower Rio Grande Valley sector.

Thank goodness for the men and women who show up there to work every day. Federal, State, and local sheriffs show up to work every day to keep our country safe. And right now, the lion's share of the enforcement on the border, of the protection on the border, is being done by the Texas Department of Safety, the highway patrol. The people who are supposed to be out catching speeders on the freeway are actually in boats on the Rio Grande to enforce our border security because it is national security.

Lieutenant Governor Patrick, when he was running for election, said over and over again: The security of the southern border is a Federal responsibility, but it is our problem, as State leaders.

So they have stepped up and they have spent money. They have committed money. They have committed people and equipment to that southern border, equipment that should have been pledged by the President of the United States and Department of Homeland Security.

Former Governor Perry offered President Obama an opportunity to come to the border to see what the problem was. The President refused. I think that was a mistake. I think the President should have traveled to the southern border.

The reality is that many of the Customs and Border Patrol individuals are not even on the border. They are one county in, dealing with the people who have now trekked across some of the most dangerous desert and difficult country around, who have been picked up by Customs and Border Patrol now 40, 50, 80 miles from the southern border.

The problem is not solved by the President's executive order. The problem is exacerbated. The President is throwing gasoline on the fire on our southern border, and that needs to stop. Thank goodness a Federal judge recognized that, and at least the process temporarily has been halted.

The answer, though, is to enforce existing law, protect and defend our border, as all of us were sworn to do when we took that oath of office. That is the type of reform that is needed.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Speaker, I thank my friend from New York, the ranking member, for the time.

Mr. Speaker, I come this morning with some good news that should make us all very comfortable. We have received an intelligence dispatch from ISIS and ISIL, and the good news is that they have decided to finance their terrorist attacks against the United States and the people of the United States based on a continuing resolution, based on short-term funding. They are going to finance the hijacking of airplanes, attacks on Americans, attacks on our Embassies on a 3-week spending resolution.

Sound preposterous? So is what the House Republicans are doing to our Department of Homeland Security.

□ 0945

It is a disservice to the American people, and it undermines our homeland security. This is not a game, Mr. Speaker. Three terrorists in Brooklyn were arrested yesterday. They were planning to do three things: one, they were planning to hijack airplanes; two, they were planning to kill cops; and three, they were planning to assassinate the President. There is one department in the Federal agencies that protects us from hijacking airplanes, assassinating the President, and helps protect us from killing cops. It is the Department of Homeland Security.

Those terrorists were not planning these terrorist attacks based on kicking the can in their budgets. They were planning those terrorist attacks based on doing whatever it took at whatever the cost to inflict harm on this country.

What are House Republicans doing in the face of that threat? They are kicking the can with 3-week spending resolutions because they disagree with the President on an executive order on immigration. They have the right to their disagreements, Mr. Speaker. If you don't like immigration, debate it. If you don't like an executive order, oppose it. But do not undermine the safety of the American people by weakening the Department of Homeland Security with short-term funding resolutions while our terrorist opponents and enemies are financing those attacks every single day for as long as it takes.

Mr. COLLINS of Georgia. Mr. Speaker, at this point in time, I yield 5 minutes to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Speaker, I don't come to the well and speak on rules. I think the gentlewoman from New York will almost not recognize me on the House floor in this capacity. But I think this is an extremely important rule, and I think the last two minority Members made the point for me very well, and I would just like to maybe comment on it for just a moment.

Mr. POLIS is a dear friend of mine that I have cosponsored and I am cosponsoring legislation with. He and I agree on a great deal. He talked about the question of whether this was American to do what we are doing. Nothing could be more quintessentially American than to say when we have a real difference of opinion between two bodies—in this case the House and the Senate—that we want to provide an opportunity to reconcile those differences and to go to conference, to spend a week or two, as necessary, publicly, as the rules require, debating the differences between our visions.

Democrats in the Senate have been able to keep us from having any kind of a comment on the President's acts, which have been ruled by a Federal judge as unlawful and unconstitutional.

Now, I just got basically told ''shame on you'' by my other colleague, and I really can't understand that. He knows that there is a real difference of opinion in this body between what the President can do and what he is doing. He said, and I am paraphrasing: Please don't shut down the government because you disagree. Just disagree.

Mr. Speaker, the President has made it very clear time and time again that the wrong place to argue with him is on a debt limit, the wrong place to argue is on a budget, and now the wrong place to argue is on our one constitutional absolute, which is the power of the purse.

Mr. Speaker, there is no more important place to reconcile these differences than when we are debating the power of the purse. The President has said he has the authority. Fine. A Federal judge will decide that. But the House can decide whether or not to fund him. It is our obligation to decide whether or not his spending of the American people's hard-earned money is, in fact, consistent with the best interests of the American people.

Now, I want immigration reform. I want every aspect of it. I have hard-working farm families in my district who cannot live without an effective solution for an out-of-control farm labor base. Almost every farm laborer in California either is or was unlawfully in this country at one time. We have held up other immigration waiting to try to get an agreement with the Senate.

If we do not begin today by creating space in our democracy for the healthy debate between the two bodies over the next 3 weeks, then we have shirked our duty. If we simply shut down and give up, we have shirked our duty. If we simply capitulate and fund whatever the President wants—just a blank check—we might as well just say, Spend such funds as you may need to, and go home. That is not what the American people want us to do. They want us to reasonably provide the advice and consent when it comes to appropriation.

This bill was intended to do it. The 3-week extension gives the President a full 3 weeks to wage, if you will, his view with the American people, the Senate to do so, but I desperately want the healthy public debate between Members of the House, Members of the Senate, Democrats and Republicans, on what we will do going forward. I would hope my colleagues on the Rules Committee would vote with me, if not on the rule, then certainly on the passage of 3 weeks to give democracy a chance,

3 weeks for our Republic to do what is enshrined in the Constitution, what has been the policy of these two bodies for over 230 years. Provide the 3 weeks, go to conference, publicly debate the differences between the House, the Senate, Republicans and Democrats, the President and, quite frankly, a Federal judge, in front of the American people.

I have been here 14 years; we have been working on immigration problems. The President has been President for 6 years; we have been working on immigration problems. Three weeks of healthy debate, nothing could be more appropriate in our great Republic.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. COLLINS of Georgia. I yield the gentleman an additional 1 minute.

Mr. ISSA. Mr. Speaker, anyone who says that we are going to let down the guard on national defense because we are having a healthy debate and we have continued full funding of the Department of Homeland Security simply is not being genuine in the discourse. The fact is, 3 weeks of full funding is exactly the right thing to do. Our enemies will know that we take homeland security seriously, but we also take immigration seriously.

Mr. Speaker, my colleague, Mr. BURGESS from Texas, said one thing that should be repeated in this body every single time we use the word ''immigration'': America allows more people to come here through the front door not more than just any country in the world but more than all the countries of the world combined. Over 1.2 million people will immigrate to this country legally this year. We are generous beyond any other country in the world. So no one can say we are not pro-immigrant. We are. But there are 11 million people in this country who are unaccounted for, and getting it right and spending those dollars wisely is Mr. BURGESS' requirement, and it is my requirement. To all my colleagues on both sides of the aisle, vote ''yes,'' make this happen, and we will have a healthy debate in our Republic.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I have to note we just heard my friend, Mr. ISSA, I think reveal what is really going on here. He said, and I think I am quoting him correctly, referencing the President, that we don't have to fund him. Well, with all due respect, Mr. Speaker, this is not about funding the President. This is about the decision of this body and the Senate, the Republicans in charge, to continue to kick the can down the road and not fund the most essential government function, and that is public safety and national security.

So let's be clear about what is going on here. This is a manufactured, deliberate political crisis intended to deflect attention from the fact that for 7 weeks—7 weeks in session—we have not seen any of the democratic deliberation that my friends on the other side have referred to. They could have brought a funding bill in the first week, in the second week, in the third week, in the fourth week, in the fifth week, in the sixth week, or the seventh week that we have been here on the floor of the House. But have they? No.

On the last day before the Department of Homeland Security shuts down, after 7 weeks in session, what do we get? Three weeks of funding. What changes in 3 weeks? What can you do in the next 3 weeks that you have been completely incapable of doing in the last 7 weeks? I don't see anything changing.

While the American people are at home worrying about how they work harder every day and can't seem to get ahead, that they can't seem to put the money aside to put their kids through college, and they can't seem to put the money aside to make sure that when they retire they are going to be able to enjoy the fruits of their labor, those are the questions that the American people have.

We have a Republican majority in the House and the Senate that can't even seem to act on the simplest question of providing for national security. If they are so concerned, Mr. Speaker, about immigration policy, bring an immigration bill to the floor of the House. Do your job. Legislate on the question of immigration and provide for national defense.

Mr. COLLINS of Georgia. Mr. Speaker, there is something I will agree with the previous speaker on. I agree this is not about the President. It is about the process. It is about what we have all gone through and said, this is how a bill becomes the law. If we need a reminder, then let's talk about that.

Mr. Speaker, one of the questions that was just said is why we would bring, why, when we have been here for the last 6 weeks bringing spending bills and sending them over—let's talk about what we did do. January 14, the House approves a full-year funding bill for DHS. February 3, Senate Democrats vote to block consideration. February 4, Senate Democrats vote again to block consideration. Uh oh, February 5, around Groundhog Day, somewhere in that neighborhood, Senate Democrats vote a third time to block consideration. February 23, in case they forgot, Senate Democrats vote for a fourth time to block consideration. Democrats even prevented themselves from offering amendments to strip the language that they found offensive.

Mr. Speaker, is there just not a problem being developed here? We find ourselves in a position today because Senate Democrats refuse to be part of the solution. Again, this goes back to basic civics. Let's work this out. Let's do what we need to do. This is about giving us time to let the process work. And as the gentleman had said earlier, what could be different? Maybe this will be different. Maybe the Senate Democrats will learn they are in the minority. The American people spoke in November, and it is time that we work together to find solutions.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. JEFFRIES).

Mr. JEFFRIES. Mr. Speaker, I thank the distinguished gentlewoman from New York. We are here today to do a single job, and that should be to fund fully the Department of Homeland Security. Anything else is an abdication of our responsibility. Anything else is an act of legislative malpractice simply because of the inability of my friends on the other side of the aisle to satisfy the thirst of the extreme right-wing anti-immigration base of the party. So we are playing political games at a time when the safety and the security of the American people are being threatened.

I know that all too well, Mr. Speaker, because earlier this week the FBI uncovered a plot in Brooklyn in the communities that I represent where individuals sought to impart bombs to the Coney Island neighborhood that I represent. And yet we are here playing games, government by crisis. This, of course, is nothing new: fiscal cliff, sequestration, 16-day government shutdown in October of 2013, a flirtation with defaulting on our debt, and now we want to shut down the Department of Homeland Security because my friends on the other side of the aisle can't get their act together.

We need all hands on deck right now, Mr. Speaker. That means the FBI, the CIA, the NSA, and the Department of Homeland Security working together. Why would we want to either shut the Department down or create a level of uncertainty where people within the Department of Homeland Security are distracted when we know that the terrorists only have to be right once and where we have to be correct 100 percent of the time in order to protect the American people?

You claim to be strict constructionists as it relates to the Constitution. We have an article I legislative branch, an article II executive branch, and an article III judicial branch. The Founders said if there is a conflict, if you have got concerns, if you have got constitutional issues, then let the judicial branch work it out. That is what is going on right now.

□ 1000

We should be doing our job instead of taking the American people on another reckless legislative joyride that is simply going to crash and burn, this time affecting the safety and security of the American people.

They want us to focus on good-paying jobs. They want us to focus on retirement security, higher education affordability, better childcare, strengthening the middle class and all those

who aspire to be part of it. They want us to further the American Dream. But we are here playing games with their safety and security. It is a shame.

Let's get back to doing the business of the American people. Vote down this rule, and vote down the underlying 3-week reckless extension.

Mr. COLLINS of Georgia. Mr. Speaker, again, I greatly respect my friends across the aisle, but we do have to understand exactly what we are bringing forward is not a bill we are bringing forward to shut down the government. We are bringing something forward to fund it for the next 3 weeks while we continue to work on a process of getting stuff done.

Again, I agree with my colleagues. We are trying to fight. We had to work on the 529 plan that, frankly, the administration had some issues with. We fixed that here in the House this week. We are working on the problems that matter to kitchen tables around this country. Republicans are doing that, but they are also standing up for what we learned in civics lessons, is that this is the way the legislative process works.

If I just need to repeat it one more time, let's go through it once more. January 14, the House did its job. It approved a full-year spending bill. February 3, Senate Democrats voted to block consideration. February 4, Senate Democrats vote again to block consideration. February 5, Senate Democrats vote a third time to block consideration again—as we will go along, as you know, February 23, same story, three times, fourth time removed.

Democrats even prevented themselves from offering amendments to strip language they found offensive. I guess, after so many years of not being able to offer amendments, they forgot how. They are preventing their own selves from doing this in the Senate. It is time we act. This is the issue that we are dealing with today and will continue to do so.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

(Ms. JACKSON LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON LEE. Mr. Speaker, I thank my good friend from New York for the time; and my good friend, as well, on the Rules Committee, let me thank you for the time. We share time on the Judiciary Committee. He is a good friend.

In this instance, I vigorously disagree and say that it is about the President. It is about the President on every term, from the Affordable Care Act to his reasoned, constitutionally premised response to the tragedy of undocumented individuals in this country over and over again. It is about the President. It is about the President when there is not one item that the President has put forward that you are agreeing to.

Right now, let me change my story because I am here today—though I wanted to honor a dear person who is in my district today, and I am not able to be there, I was leaving last night—but because of this immediate crisis and the foolery that is going on, the ignoring of the words of the experts, such as the Secretary of Homeland Security, that says as an initial matter in a letter he sent to all of us, it must be noted that a potential shutdown of the Department comes at a particularly challenging time for Homeland Security.

It is stunning that we must even contemplate a shutdown of the Department in the current global context. The global terrorist threat has become more decentralized and complex. The FBI Director said that there is an ISIS-ISIL cell in every State.

Mr. Speaker, the tomfoolery of Republicans is absurd, that they are willing to play with the lives of Americans, that they are willing to throw under the bus the thousands upon thousands of important, essential, and crucial workers in the Department of Homeland Security. The FBI said, under this new fusion of work together, that the Department of Homeland Security is crucial.

In my district, people are coming up to my staff and asking, What is going to happen in Houston—a place where, when we were in the midst of 9/11, there were rumors about planes going to the energy sector.

This is a foolish position that we are in. I demand that we vote for a clean DHS bill that is coming from the Senate. This is foolish. This is outrageous. I cannot understand what is going on with Republicans that they are, in essence, killing us here in this House. This is absurd.

Mr. COLLINS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I think it is sort of interesting—and I appreciate my colleague from Texas—but I think the well-reasoned response of the administration to the issue that is going on, I think there just happens to be a contrary opinion found in a Federal judge in Texas, so maybe so much for the well-reasoned opinion.

With that, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, the House went through regular order to fully fund the Department of Homeland Security, but in keeping with our constitutional right, we elected to not fund the President's executive amnesty.

We have a policy difference with the President, that is clear. He supports amnesty; we support the rule of law. Let's debate that. HARRY REID and the President want to play games and, in doing so, are jeopardizing America's security to win political points. It is sad.

Republicans funded the Department of Homeland Security. We have not funded the President's illegal actions. Now, Democrats are playing politics with it. This is not the time or place. This is about funding the Department of Homeland Security, which we have done. Now, Senate Democrats are playing political gamesmanship to defend his executive amnesty.

Democrats are the ones putting the Department of Homeland Security in peril to defend an illegal action taken by this President. We have passed a bill that funds every aspect of the Department of Homeland Security, except for the President's illegal actions. That is a reasonable stand to make.

President Obama did what he said he couldn't do more than 20 times. He said he couldn't do what he did. He went outside the bounds of the Constitution to make law that was politically expedient, in his point of view. He didn't work with the legislative branch. He went outside of it. We disagree with that action. We have the power of the purse. It is our responsibility to appropriate money and to make law.

The House has funded the Department of Homeland Security, and we have responsibility to go through regular order to do so. We did that. HARRY REID and the President are the ones throwing a temper tantrum right now.

This rule for this bill is necessary. Let's pass this rule. Let's pass this bill. Let's fund the Department of Homeland Security. Let's stop playing political brinksmanship.

The SPEAKER pro tempore. The Chair asks Members to refrain from making improper references to the President.

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

The Department of Homeland Security will run out of money and shut down tonight. House Democrats, Senate Democrats, the White House, and Senate Republicans all agree on what to do to pass the bipartisan bill to fully fund the Department for the rest of the fiscal year.

The Republican majority in the House of Representatives is the only one standing in the way. Our next vote on ordering the previous question will be a vote on whether to continue down that dangerous path or to govern responsibly and to put our national security ahead of partisan politics.

Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from New York (Mrs. LOWEY), the ranking member on Appropriations, to discuss how essential it is that we pass a clean full-year appropriations bill.

Mrs. LOWEY. Mr. Speaker, I rise today to urge this House to immediately take up and pass a clean funding bill for the Department of Homeland Security.

By defeating the previous question on the pending rule, we can immediately make in order a clean Homeland Security bill and stop the theatrics over the President's use of executive orders. My colleague Ms. ROYBAL-

ALLARD and I made several similar attempts, which were unfortunately defeated on party-line votes.

It is my sincere hope that my friends on the other side of the aisle are now prepared to end this standoff with only hours left before the Department of Homeland Security shuts down. Republicans are playing a dangerous game with our security.

As the ranking minority member of the Appropriations Committee, I was involved in the bipartisan, bicameral negotiations on the omnibus spending bill that passed the House and Senate and was signed by the President last December.

That package could have contained all 12 annual spending bills because all 12 were negotiated in conference—bipartisan, Democrats and Republicans—and every one of them was ready to go; but an unfortunate decision was made by the leadership of this body to omit the Homeland Security bill, not because there were outstanding issues or continued disputes.

That bill was stripped from the omnibus because some in this body were upset by the President's executive order on immigration. They even admitted the President's actions had little to do with the Homeland Security Appropriations bill, yet that was the choice that was made on how to proceed.

The Homeland Security Appropriations bill was forced to operate under a continuing resolution instead of having a full-year bill. Ironically, it meant that the Customs and Border Protection and Immigration and Customs Enforcement, two of the agencies tasked with defending our borders and enforcing our immigration laws, had to do without the nearly $1 billion increase they would have gotten under the full-year bill.

Delaying the full-year bill limits the Department's ability to advance the Secretary's unity of effort initiative, designed to improve coordination in our security missions; limits the ability of the Secretary to move ahead with the Southern Border and Approaches Campaign; creates uncertainty regarding ICE's capacity to detain and deport dangerous criminals; complicates the Department's ability to deal with another influx of unaccompanied children at our border stations; delays implementation of the new security upgrades at the White House and hiring increases of the U.S. Secret Service; and delays terrorism preparedness and response grants for State and local public safety personnel.

I do understand that many of my colleagues on the other side of the aisle feel quite strongly about the President's use of executive orders on immigration policy; but do they have the courage of their convictions to look the first responders they represent in the eye and tell them that they are holding up critical assistance to firefighters, law enforcement, EMTs, and emergency managers because of an ideological fight over immigration?

My friends, this is disgraceful. This is irresponsible. The Homeland Security bill should never have been held hostage.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. SLAUGHTER. I yield the gentlewoman an additional 30 seconds.

Mrs. LOWEY. With only hours left until the Republican shutdown, hasn't this gone on long enough? Isn't it time to abandon this failed strategy and pass a clean full-year bill?

To that end, I urge this whole House to join me today in defeating the previous question so that my colleague, Ms. SLAUGHTER, can offer an amendment to provide a clean full-year appropriations bill for the Department of Homeland Security.

Mr. COLLINS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I think the question that was just asked, Mr. Speaker, on the floor is: Do we have the courage to tell first responders and others that we will fund and put forward a bill to keep funding going for 3 years? The answer is a resounding ''yes.''

The question would be to my friends across the aisle: Do you have the courage to tell them that, this afternoon, you are going to vote ''no?'' That is the better question.

With that, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the Democrat whip.

Mr. HOYER. Mr. Speaker, what we ought to have the courage to do is to tell all our Homeland Security personnel, We are going to fund you through the end of this year, as we have told every other employee in the Federal Government that is protecting us and serving us on a day-to-day basis.

Mr. Speaker, the majority party said to the American people in a pledge to America:

> We will end the practice of packaging unpopular bills with ''must-pass'' legislation.

The funding of the Department of Homeland Security is a must-pass piece of legislation, legislation to circumvent the will of the American people.

> Instead, we will advance major legislation one issue at a time.

Mr. Speaker, they are breaking that pledge today.

□ 1015

PETER KING, the former Republican chairman of the Committee on Homeland Security, said this: ''If a clean bill comes here, as we expect to happen in just a few hours, we have to accept and vote on it.'' He then said, in reference to this cul-de-sac strategy that the majority party is following of continuing to go into a dead end, he said this, PETER KING: ''I think up to this point, we've engaged in an exercise of tactical malpractice. Self-delusion is self-destructive.''

There is not a Republican in this House who believes this strategy will do anything but run them back into that cul-de-sac that they went into in December, at the expense of the confidence of Americans that their Department of Homeland Security, tasked to make them safe, tasked to provide for the security of this Nation, will, in fact, be operating on a full basis.

Lastly, Mr. Speaker, I include in the RECORD a letter dated yesterday from Secretary Jeh Johnson and read this key excerpt from it. Secretary Johnson said: ''Finally, as I have noted many times, mere extension of a continuing resolution has many of the same negative impacts''—outlined in this letter. ''A short-term continuing resolution exacerbates the uncertainty for my workforce and puts us back in the same position, on the brink of a shutdown.''

For those Republicans who believe that we ought to do the responsible thing, as PETER KING has said, vote against the previous question. Vote for a rule that provides for the consideration of the Senate-passed bill, which they, 98–2, decided to put on the floor because they thought it was good policy.

> KEY EXCERPT: ''Finally, as I have noted many times, mere extension of a continuing resolution has many of the same negative impacts. A short-term continuing resolution exacerbates the uncertainty for my workforce and puts us back in the same position, on the brink of a shutdown just days from now.''

FEBRUARY 26, 2015.

DEAR SPEAKER BOEHNER, MAJORITY LEADER MCCONNELL, MINORITY LEADER REID, AND MINORITY LEADER PELOSI:

Thank you for your leadership and efforts to pass a clean, full-year appropriations bill for the Department of Homeland Security. As you know, our funding expires tomorrow at midnight. I write to explain to Members of Congress the real and substantial consequences of a failure to pass a full-year appropriations bill by that deadline.

As an initial matter, it must be noted that a potential shutdown of the Department comes at a particularly challenging time for homeland security. It is stunning that we must even contemplate a shutdown of the Department in the current global context. The global terrorist threat has become more decentralized and complex. Terrorist organizations are now openly calling for attacks on Western targets. Yesterday's arrests in New York City highlight the threat of independent actors in the homeland who support overseas terrorist organizations and radical ideology. We are working hard to stay one step ahead of potential threats to aviation security. Last year at this time, the spike in migrant children began to appear at our border; we are deployed to prevent this situation from recurring, and to address it aggressively if it does. The Nation is in the midst of a very cold, harsh winter, and the Federal Emergency Management Agency is working with states impacted by record snowfalls.

Here are just some of the consequences for homeland security if the Department's funding lapses and we shut down:

First, about 170,000 employees will be required to work, but will not get paid for that work during the period of a shutdown. This includes our Coast Guard, Border Patrol agents, Secret Service agents, Transportation Security Administration officers, and

others on the front lines of our homeland security. These working men and women depend on biweekly paychecks to make ends meet for themselves and their families. For them, personally, work without pay is disruptive and demoralizing. Even worse for our people are the public statements by some that make light of a shutdown, which disregards DHS employees' personal sacrifices and dedication to our Nation's security.

Second, approximately 30,000 men and women of the Department must be furloughed and sent home without pay. Our financial management, human resources, procurement and contracting, and information technology teams—the institutional backbone of the Department—will be reduced by 90 percent, from over 2,000 to just 208 people. My own immediate headquarters staff will be cut by about 87 percent. Our Science and Technology team, which is intensely focused on developing non-metallic explosive detection capabilities as well as other technologies to counter threats to aviation, will be cut 94 percent, from 448 to 26 people. Our Domestic Nuclear Detection Office, which is our Nation's primary research and development lead for development of advanced nuclear detection technologies and technical forensic capabilities, will also be cut 94 percent, from 121 to just 7 people.

Third, contracting services across the Department, including those for critical mission support activities, will be disrupted and/or interrupted altogether. Depending upon the length of a shutdown, contract awards and major acquisitions could be impacted. In the event of a shutdown, negotiations to construct the United States Coast Guard's 8th National Security Cutter will be delayed, potentially leading to an increase in costs.

Fourth, our $2.5 billion-a-year grant-making to state, local, tribal, and territorial governments, to assist them in preventing, responding to or recovering from terrorist attacks, major disasters and other emergencies, remains at a standstill (it has already stopped because the Department is currently funded by a Continuing Resolution). Of particular note, the Federal Emergency Management Agency's Emergency Management Performance Grants, which contribute 50 percent of the salaries of state and local emergency management personnel, cannot be funded.

Fifth, public assistance disaster recovery payments to communities affected by previous disasters will grind to a halt. Though these payments are funded with prior-year money, the Federal Emergency Management Agency's staff that processes them must be furloughed.

Sixth, depending upon the length of a shutdown, DHS will no longer be able to support state and local authorities with planning, safety, and security resources for special security events such as the Boston and Chicago Marathons.

Seventh, depending upon the length of a shutdown, work to complete construction of the National Bio and Agro-Defense Facility in Kansas, which will replace the aging 1950s-era Plum Island facility in New York, could be disrupted.

Eighth, new hires across the Department must be halted, disrupting critical missions to secure the border, protect millions of daily airline passengers, strengthen security at the White House, and deploy new ICE investigators. Routine attrition hiring would cease across the Department, seriously undermining our homeland security frontline staffing needs. Our plans to increase CBP staffing at our ports of entry by 2,000 officers, and to maintain the Transportation Security Administration's workforce of airport screeners and air marshals will be undermined. Our plans to hire additional Secret Service uniformed officers and special agents will also be disrupted.

Ninth, without funding, all training at the Federal Law ''Enforcement Training Centers'' will cease. Up to 2,000 local, state, and federal law enforcement trainees from across the country will be sent home.

Finally, as I have noted many times, mere extension of a continuing resolution has many of the same negative impacts. A short-term continuing resolution exacerbates the uncertainty for my workforce and puts us back in the same position, on the brink of a shutdown just days from now.

I urge Congress, as soon as possible, to pass a clean, full-year Fiscal Year 2015 appropriations bill for the Department of Homeland Security.

The American people are counting on us.

Mr. COLLINS of Georgia. I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, may I inquire if the gentleman from Georgia has any further speakers? I am ready to close if he does not.

Mr. COLLINS of Georgia. We have no more speakers at this time.

Ms. SLAUGHTER. I thank the gentleman. Then I shall close, and I yield myself such time as I may consume.

Mr. Speaker, this intraparty dysfunction, governing from crisis to crisis and self-inflicted wounds, must come to an end. Our Nation's very security is at stake, and the American people are crying out for stability, for certainty, and for responsible government. Let's give them that.

Mr. Speaker, I ask unanimous consent to insert the text of my 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 gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I urge my colleagues to vote ''no'' to defeat the previous question. Vote ''no'' on the underlying rule and the underlying bill.

I yield back the balance of my time.

Mr. COLLINS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

It has been really an interesting morning discussing what we could do, what we not do, and what we have done, and, actually, the fact and the process of the House doing its job again and the Senate Democrats not doing theirs. It is just very frustrating.

You talk about the American people. I tell you, from a Republican standpoint, this is about administration. This is about a time in which we are confronting, in which there is honest debate on both sides, but when it comes down to the bottom line, it has been very true over the course of these first 7, 8 weeks here that one party is putting forward an agenda that says that moms and dads and kids matter, that the rule of law matters, that things are to operate in a certain way, and they are operating in the way that we grew up knowing civics from our Founders that had a Constitution that laid out the path.

What is interesting right now is that really, right now, the House Republicans, for the second time, are providing a path to keep the Department of Homeland Security open for business while the judge, Federal judge, has said the administration cannot go forward on their executive amnesty memo, which means it is not happening right now. So the question really becomes—and I don't think this can be stated enough, because when people are out there looking to Washington, they are wanting to know: Are you thinking about me? Are you thinking about what is going on? Are you thinking about what we need to fund in the days that people get up and they know that their country is fighting for them?

So I just want to make it very clear. We said, ''for the second time.'' This is the second time because the first time happened on January 14. The House approved a full-year funding package for DHS, and yes, said this is what we do not like and will not fund, but this is a part of the process.

Then, February 3, Senate Democrats vote to block consideration.

February 4, Senate Democrats again vote to block consideration.

February 5, guess what. Senate Democrats vote for a third time to block consideration.

February 23, let's at least make it a home run. We will touch all the bases. Senate Democrats refuse, for the fourth time, to block consideration.

But then, the most amazing part, Democrats even prevented themselves from offering amendments to strip language they found offensive. We are here today because the Senate Democrats refused to be part of the solution.

So as I go forward and as I look at this, there has to be an understanding of this today—and it was said earlier and I made the point, but I am going to make it one more time today—a solution is being put forward. There is no one putting forward a bill to shut anything down. The bill that is being put forward is to fund for 3 more weeks.

So I will encourage my friends on the other side of the aisle, any Democrat who wants to vote ''no'' on this funding bill, you are voting to shut down the Department of Homeland Security. Is that what you want to tell the American people?

With that, I urge my colleagues to support this rule and the underlying bill.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 129 OFFERED BY MS. SLAUGHTER OF NEW YORK

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.

Mr. COLLINS of Georgia. 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.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 240, nays 183, not voting 9, as follows:

[Roll No. 100]

YEAS—240

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
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)
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
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
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
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
Zinke

NAYS—183

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
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
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
McNerney
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
Waters, Maxine

Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—9

Farr
Garamendi
Graves (MO)
Hinojosa
Lee
Long
Roe (TN)
Speier
Turner

□ 1049

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

Messrs. MICA, LAMBORN, and Mrs. HARTZLER changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 240, nays 183, not voting 9, as follows:

[Roll No. 101]

YEAS—240

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
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)
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
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
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
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
Zinke

NAYS—183

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
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
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
McNerney
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
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—9

Boyle, Brendan F.
Garamendi
Graves (MO)
Hinojosa
Lee
Long
Roe (TN)
Speier
Turner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1056

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 against:

Mr. BRENDAN F. BOYLE of Pennsylvania. Mr. Speaker, on rollcall No. 101, had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. ROE of Tennessee. Mr. Speaker, I was unable to vote yesterday and this morning because of a serious illness in my family. Had I been present, I would have voted: rollcall No. 95—"nay," rollcall No. 96—"nay," rollcall No. 97—"nay," rollcall No. 98—"nay," rollcall No. 99—"nay," rollcall No. 100—"yea," rollcall No. 101—"yea."

PERSONAL EXPLANATION

Mr. GRAVES of Missouri. Mr. Speaker, on Friday, February 27, I missed a series of rollcall votes. Had I been present, I would have voted "yea" on No. 100 and No. 101.

□ 1100

Mr. ROGERS of Kentucky. Mr. Speaker, pursuant to House Resolution 129, I call up the joint resolution (H.J. Res. 35) making further continuing appropriations for fiscal year 2015, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. COLLINS of Georgia). Pursuant to House Resolution 129, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. RES. 35

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Continuing Appropriations Resolution, 2015 (Public Law 113–164) is further amended by striking the date specified in section 106(3) and inserting ''March 19, 2015''.

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. ROGERS) and the gentlewoman from New York (Mrs. LOWEY) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.J. Res. 35.

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

There was no objection.

Mr. ROGERS of Kentucky. I yield myself such time as I may consume.

Mr. Speaker, I rise today to present H.J. Res. 35, a short-term continuing resolution to keep the Department of Homeland Security open and operating until March 19, 2015.

This type of bandaid, stopgap funding fix is not the way we should be running things around here. It is the constitutional duty of this body to provide

funding for the Federal Government, all of the Federal Government, and this should be done through regular order, without the threat of shutdowns or the lurching uncertainty of continuing resolutions.

Mr. Speaker, we face an immediate deadline that makes this continuing resolution a necessity. Without it, the Department of Homeland Security will shutter its doors at the stroke of midnight tonight.

This would put thousands of Federal employees on furlough, waste taxpayer dollars, and create instability at the Department tasked with one of the most important functions of government, potentially risking our national security.

The House must pass this bill in short order to keep the lights on at the Department of Homeland Security in the near term. Hopefully, this will buy us the additional time necessary.

I would prefer and I hope that we pass the full-year, regular DHS funding bill that we negotiated on a bipartisan, bicameral basis last fall. Until both Chambers of Congress agree on how to do that, we must continue to fund the essential daily operations of our homeland security.

At the same time, Congress must continue to fight the President's executive actions on immigration, a massive overreach of his constitutional authority and a substantial shift in our immigration policy that I do not support and the American people do not support.

I believe we can and should continue the fight on the President's intrusion into our Constitution, but we must also maintain the functions of government that protect the rights and safety given to us by this hallowed document.

We have no time to waste, Mr. Speaker. I ask that my colleagues in the House today keep in mind that, as elected Members of the House of Representatives, it is our constitutional duty to fund the government, to protect the people who elected us, and to defend this great Nation.

I urge an ''aye'' on the bill, and I reserve the balance of my time.

Mrs. LOWEY. Mr. Speaker, I yield myself as much time as I may consume.

We learned late last night that the House Republican leadership has stepped in to thwart the agreement reached in the Senate to fund the Homeland Security Department. As we all know, funding for these critical activities runs out tonight at midnight.

We learned that, instead of taking the clean bill that would fund the Department for the remainder of this fiscal year, the House has come up with a new plan, a plan to string this mess out even further—the new plan, to pass yet another continuing resolution, 150 days into this fiscal year. This is really discouraging.

Additionally, we learned that the House leadership has decided now would be a good time to formally request a conference committee be convened on the controversial immigration riders passed by the House bill and the Senate's clean bill.

As hard as it is to believe, they really think requesting a conference with the Senate, on the very day funding expires, is reasonable. I could not disagree more.

I understand that many of my colleagues disagree vehemently with the President's executive actions on immigration policy. I understand that many of those same Members believe strongly that they should fight the President through the power of the purse, the appropriations process.

What I don't understand is how a decision could be made to wreak havoc on one of the most important agencies in the Federal Government, the agency tasked with protecting our Nation's homeland, over policies related to an agency that isn't even directly funded in this appropriations bill.

Under a continuing resolution, the agencies that are funded through the Department of Homeland Security are hamstrung, forced to live at last year's levels and under last year's terms.

Ironically, this means that Customs and Border Protection and Immigration and Customs Enforcement, the agencies tasked with defending our borders and enforcing our immigration laws, have to do without the nearly $1 billion increase they would get under the full-year bill.

Instead of pursuing the bipartisan path—and I want to remind my friends that this Homeland Security bill was negotiated right here between Democrats and Republicans, a bipartisan bill; but, right now, instead of pursuing the bipartisan path the Senate has chosen, the House leadership has chosen yet another punt.

By not passing the clean, full-year bill, the House plan would delay terrorism preparedness and response grants for State and local public safety personnel, potentially leaving FEMA with insufficient time to get those grants out before funding expires.

It would limit the Department's ability to advance the Secretary's unity of effort initiative, designed to improve coordination in our security missions; limit the ability of the Secretary to move ahead with the Southern Border and Approaches Campaign; create uncertainty regarding ICE's capability to detain and deport dangerous criminals; complicate the Department's ability to deal with another influx of unaccompanied children at our border; and delay implementation of new security upgrades at the White House and necessary hiring at the U.S. Secret Service.

My colleagues, I am simply at a loss. I am mystified. I can't understand the wisdom of this strategy.

I know some of my colleagues are upset with the President. I understand how much easier it is to take out your frustrations on the appropriations process, instead of through debate on an immigration policy bill, and we know we must have a serious debate on immigration policy.

I support comprehensive immigration reform; but why should we would do this in such an inappropriate way through the appropriations process? Don't take out your frustrations on the appropriations process instead of a thorough debate on the immigration policy bill.

I think the majority of my colleagues agree with me that this has gone on long enough. It is not rational to punish firefighters, EMTs, police officers, emergency managers you represent because of immigration policy. It is not rational to hamstring U.S. Customs and Border Protection or Immigration and Customs Enforcement because you are mad at the President.

We are adults. I left my eight grandchildren home. We are adults, I hope, in this body. It is not rational to fund an important government department week by week.

I really hope, Mr. Speaker, that the House gets serious by immediately taking up and passing the clean bipartisan bill, as the Senate has done.

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

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Thank you so much, Mr. Chairman.

Mr. Speaker, the gentlelady from New York is a good friend, and I respect her so much. She asks some important questions that the House has to answer. She has been here a good while. I have been here a good while.

Why would we be proceeding in this fashion? First of all, the House, we are trying to get to regular order. The Congress has not passed a budget, hasn't passed most appropriations. We live from CR to CR. There has been such instability in this institution.

Here, for the first time, we have the opportunity, and I believe it is within the hour that the other body may act—or have they acted? They have had this question before them for a long time; but, here, we have the possibility of going to a conference.

This is an important issue. This is an issue in which the President himself has said, I think, 22 times, that he doesn't have the authority to do what he did. The courts have upheld the position that we have or at least put a stay on the President's action. This is a very important issue because it affects the entire Nation.

If we could get to regular order, we want to keep the government open. We want national security and homeland security to move forward. We are offering that and also the opportunity for a little bit of time to go to regular order to make the process work.

Why shouldn't the House of Representatives have the opportunity to sit down with the Senate and work out the differences and honor the law that we passed and the President is abusing?

Mr. Speaker and my colleagues, I think we need to do this in regular order, and there is good reason to act in the fashion that Republicans are advocating.

□ 1115

The SPEAKER pro tempore. The Chair will remind all Members to refrain from inappropriate references to the President.

Mrs. LOWEY. Mr. Speaker, just for clarification, because my friend asked some fair questions, but maybe the gentleman is not aware that the appropriations process concluded 12 bills in a bipartisan way. Democrats and Republicans worked together.

However, back in December, on probably one of the key bills at this time, when we are threatened, when terrorists worry my constituents—they worry about whether they should go to the mall; they worry about their daily activities. So when my good friend, the gentleman from Florida, just spoke about regular order, check the appropriations process.

We passed the Homeland Security bill through the subcommittee, but it was held up. The gentleman will have to ask his colleagues on his side of the aisle why the Homeland Security bill was not part of the entire omnibus, why we had to invent this CR/Omnibus so we could leave out Homeland Security.

I reserve the balance of my time.

Mr. ROGERS of Kentucky. I reserve the balance of my time.

Mrs. LOWEY. Madam Speaker, I am pleased to yield such time as she may consume to the gentlewoman from California (Ms. ROYBAL-ALLARD), the ranking member of the Homeland Security Subcommittee.

Ms. ROYBAL-ALLARD. Madam Speaker, in December of 2014, as leverage against the President's immigration executive action, the Republican leadership irresponsibly decided to hold hostage the 2015 funding for the Department of Homeland Security.

Now, 150 days into fiscal year 2015, this House is no closer to addressing the Homeland Security funding needs of this country than it was last December. Instead, the Republican leadership is proposing to, once again, kick the can down the road, this time for another 3 weeks.

The serious consequences of the Republican majority's inability to responsibly lead on behalf of the American people will, once again, leave the Department without the 2015 funding levels it needs to effectively fulfill its mission of protecting our homeland.

I ask my colleagues: What is gained by continuing to delay resolving this crisis, a crisis of the House Republicans' own making? Does anyone really think circumstances will be any different 3 weeks from now? The judicial review of the President's executive actions will not be resolved in 3 weeks. The only circumstances that will be different in 3 weeks is that much will be lost. Republicans cannot continue to block the Department of Homeland Security funding for 2015 without undermining the national security of this country.

We should not fool ourselves into believing that the Department of Homeland Security has been doing just fine under the continuing resolution or that there would be no further consequences if we forced the Department to keep living with the uncertainty of a continuing resolution for even another day, much less 3 more weeks.

Secretary Johnson and agency heads have warned that passing another CR will not address the uncertainty of being able to meet our long-term national security needs.

Yesterday, Secretary Johnson sent a letter to the bipartisan leadership of the House and Senate, warning of the dangers of either a funding lapse or another short-term continuing resolution. To quote the Secretary, a ''mere extension of a continuing resolution has many of the same negative impacts'' of a shutdown. It ''exacerbates the uncertainty for my workforce and puts us back in the same position, on the brink of a shutdown just days from now.'' The Secretary ends his letter by saying, ''the American people are counting on us.''

The American people are, indeed, counting on us; and so far, the Republican majority in the House has let them down.

The Constitution provides a path for the Congress to work its will on policy issues without resorting to funding lapses or continuing resolutions, which represent the complete and utter abdication of Congress' obligation to effectively govern.

The Senate will soon send back to us a bill that was agreed upon by both Democrats and Republicans, and that will enable the Department to move forward on the critical planning that is needed to protect our country now and in the future. Let us do the responsible thing and bring that bill to a vote so that our country can truly be protected, by funding the Department of Homeland Security.

Mr. ROGERS of Kentucky. I yield myself such time as I may consume.

Madam Speaker, let's review something. Let's just review briefly where we are and why we are here.

The House passed a funding bill for the Department of Homeland Security maybe 3 weeks ago in order to give the Senate enough time to consider it and take appropriate action. So the House acted 3 weeks ago and sent the bill to the Senate.

The Democrats in the Senate have refused to allow that bill to be brought before the Senate four different times over 3 weeks. Now who is to blame for not funding the Department of Homeland Security? The House has tried. The Senate refused to act, until finally this morning, the Senate took up a clean funding bill for Homeland and passed it.

So here is where we are. The House has passed a bill. The Senate now has passed a bill, finally. So what do you normally do? What is the procedure of the Congress when both bodies pass a bill that is different from each other? You go to conference. We have done that from time immemorial. That is the recommended way. That is what is in the Constitution.

The conference is necessary, but that is going to take some time. So we need some time to allow the conference to go to work and conclude this problem and work out the differences. Thus, we need this temporary funding bill for the Department, to keep the security of the Nation intact through the Department of Homeland Security while we work out the permanent funding for the Department for the balance of the year.

That is where we are. It is fairly simple. I don't know any other way to do it. Perhaps our colleagues on the other side of the aisle have a better idea about how to reconcile the differences between the House and Senate, other than a regular conference committee.

A lot of Members of this body are so new to the process that they have never seen or know what a conference with the Senate is. And I think there is some confusion in that regard because people in this body, new to the process over the last 4 or 5 years, have never seen one, and that is sad.

So I hope Members will quickly pass this temporary funding bill for the Department and allow the conference committee to go to work.

I reserve the balance of my time.

Mrs. LOWEY. Madam Speaker, I am pleased to yield 4 minutes to the gentleman from North Carolina (Mr. PRICE), my good friend, the former chair of the Homeland Security Subcommittee who was a key person in negotiating the bipartisan Homeland Security bill, which could have been part of the omnibus in December, and we wouldn't have been involved in these kinds of dangerous games.

Mr. PRICE of North Carolina. Madam Speaker, I thank our ranking member for yielding.

As the gentlewoman from New York suggests, the account of the history of this bill that Chairman ROGERS has just given needs to go back a bit further. The original failure in this case was in December. Today we are voting on a 3-week continuing resolution. I rise in opposition to that.

But this is only the latest manifestation of the majority's failure to govern this institution and to get the funding in place for the Homeland Security Department for the full fiscal year. The initial failure was in December. That is what we need to look back to and understand that it was a profound mistake to leave Homeland Security out of the omnibus appropriations bill.

This Department, and this Department alone, was put on a 3-month continuing resolution, rather than including the bicameral, bipartisan, negotiated Homeland Security bill that is the equivalent of a conference report.

People are talking about the need for a conference report. We already have our conference report. It is an agreed upon bill that the majority deliberately left out of the omnibus bill in December.

And why did they do that? They did it for political purposes, because they didn't like what the President was doing on immigration. They wanted to poke him in the eye. They wanted to add these riders enacting a radical anti-immigration policy, and they were willing to sacrifice regular funding for the Homeland Security Department in order to pursue their political objective.

Ironically, in passing a CR rather than the regular negotiated bill, they sacrificed increased funding for things they profess to care about. They are supposedly all about border security. They are all about immigration enforcement. And those very things were reduced by virtue of their failure to accept the negotiated bill, going down the road with a continuing resolution.

Now the clock has run out. The 3-month clock has run out, and here we are again. And today, we are about to compound December's failure by passing a 3-week CR, which doesn't solve the Department's basic problems but, in fact, just postpones the day of reckoning by a few weeks.

The Republican-controlled Senate has shown the way here. They have resisted the Tea Party siren, this desire to make the Homeland Security bill a vehicle for radical anti-immigration policy. The Senate will soon be passing the negotiated Homeland Security bill, the same bicameral, bipartisan, negotiated bill which we should have approved in December.

The Secretary of Homeland Security has made very, very clear that a continuing resolution is not an acceptable way to run this Department. State and local terrorism prevention and response grants will be held up, for example. For my State of North Carolina, that means $9 million in emergency management preparedness grants. It means $5.5 million in state grants. That is true of every State in this Union. The security upgrades at the White House are also on hold. The acquisition of the Coast Guard's eighth National Security Cutter is on hold. Construction of the National Bio and Agro-Defense Facility out in Kansas is on hold.

A continuing resolution is just what it says: It is a continued resolution which does not permit us to make the upgrades, to undertake the innovations, or to make the grants that our homeland security requires.

The House majority is still unwilling to follow the lead of the Senate and put that negotiated, bipartisan Homeland Security bill on the floor. So here we are, stuck with an inferior proposal, a 3-week continuing resolution which doesn't do the job. We should reject this.

The SPEAKER pro tempore (Mrs. BLACK). The time of the gentleman has expired.

Mrs. LOWEY. I yield the gentleman an additional 15 seconds.

Mr. PRICE of North Carolina. Where do we go from here? Where does this end? Some kind of conference? We already have a conference report. It is the bipartisan Homeland Security bill.

□ 1130

That can pass today. We can put that on the floor, and it would pass in a heartbeat. That is what the majority needs to do, not this 3-week holding action. We need to pass that negotiated bill and keep the Homeland Security Department functioning at full strength.

Mr. ROGERS of Kentucky. Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. CARTER), the chairman of the Homeland Security Subcommittee on Appropriations.

Mr. CARTER of Texas. Madam Speaker, history is something we ought to try to get right. So we have heard some versions of history here. But let's talk about exactly why we are here today. We are here today because, yes, the Appropriations Committee in a bipartisan effort put together a whole series of bills to fund this government, one of which is the Homeland Security bill. It is a good bill. I agree with my colleagues on the other side of the aisle. It is a good bill. I am proud to have had a part in that.

But there is a piece of history that is missing in this discussion. Right after the last election, the President—well, we don't want to talk about the President—the administration stepped forward and said, well, the legislature hasn't changed the immigration laws, so the administration is going to change the immigration laws.

Without any action of the legislature, they are going to ignore laws that are on the books and in some cases have been on the books for generations, and they are going to do what they want to do for immigration reform, which includes the proposal that somewhere between 4 and 6 million people who are in this country illegally would be allowed to be in this country, with other benefits added to those. So that intervening cause is why all of a sudden the people of the United States said: Wait a minute, this is not following the Constitution. This is not the way our government is supposed to run.

Madam Speaker, we fought a war with a guy named King George to not have a king in this country who would just do it without legislative process. We fought a war to make sure that we follow the legislative process. The people who are in charge of enforcing the law, the executive branch, should be enforcing the law.

Madam Speaker, there became quite a tidal wave of people who were very concerned about the action. So in an effort to try to engage that fight, we came up with what has been referenced here as the CR/Omnibus, and we withheld the Homeland Security bill as the instrument to go fight forward on.

Now, once again, I say it is a great bill. But the decision was made, and here we are. Now, we passed this bill with amendments that take on the actions of the executive and sent it to the Senate 3 weeks ago. Someone said once that is the greatest deliberative body on Earth. Well, it may be, but this spring here, this early spring, they haven't deliberated. In fact, they haven't taken action at all, because each time the Republican leadership in the Senate said, let's go have a discussion, let's go on the floor and have a debate, and we will accept amendments, let's go have a debate, the Democrat minority said, no, we won't have a debate. Four times they said no; under their rule, we won't have a debate.

Madam Speaker, the Republicans didn't do what the Democrats did when they ran the Senate and just waive the rules that Thomas Jefferson wrote a couple hundred years ago. No, they followed the rules. So there was no discussion in the greatest deliberative body on Earth of this particular problem.

Now, are we funded now in our Department? Yes, we are. We have heard cries from the other side, you are leaving this country in jeopardy because you are not—if we close the Department—which I do not want to do—if we close down the Department, you put us at risk from terrorists.

Well, here we are. We are saying, you are right. Let's don't close down the Department. Three weeks ago we sent it to them. We are getting in a few minutes the results of their work product over there. Quite honestly, we have a dispute with them.

What is the process? Now, I know there are many in this body who have never even seen a conference committee because since 2006, this has not been something we have done very regularly in this body. But, quite honestly, the way we do this, to resolve differences, is go to a conference committee.

So what we are saying here, Madam Speaker, is help us keep the government open for 3 weeks—kind of the same 3 weeks they had to hang around and never go to work in the Senate—let us have 3 weeks and go to conference like we are supposed to and see if we cannot work out the differences we have between the two bodies. Now, how unreasonable is this?

By the way, Madam Speaker, if you are worried about those terrorists attacks which are looming over the horizon, which very, very may well be, then you had better vote to continue this

government today or otherwise a ''no'' vote on this particular resolution keeping the government open will shut the government, and when the government closes, all those terrible things are going to happen. So you don't want to have the responsibility of voting ''no'' to keep the government open and let the government close and then face the fact that the terrorists may be looming in the wings.

Let's pass the CR. Do it like we are supposed to, go to conference, work it out in the 3 weeks that the Senate had, and see if we can't resolve this issue—an issue that was started by the executive branch in their November surprise.

Mrs. LOWEY. Madam Speaker, I am so privileged to serve on the Appropriations Committee with the gentleman from Texas, who did an excellent job working in a bipartisan way completing a Homeland Security bill that we thought would be part of the omnibus bill so the Homeland Security Department would be funded for a year.

This event was a manufactured event today, and I do hope we can get past it and pass a Homeland Security bill for the next year immediately so that we don't have even a small potential of shutting down the government.

Madam Speaker, could you tell me how much time I have remaining.

The SPEAKER pro tempore. The gentlewoman from New York has 13 minutes remaining.

Mrs. LOWEY. I am proud to yield 2 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished leader.

Mr. HOYER. Madam Speaker, I thank the gentlewoman for yielding.

Madam Speaker, I join her in thanking Mr. CARTER and Mr. ROGERS for bringing to the floor in December a Homeland Security bill that was appropriate and that funded at the levels that were agreed upon by both parties. All we are asking is that we pass Mr. CARTER's and Mr. ROGERS' bill.

The Republicans pledged to not mingle controversial issues and allow each issue to stand on its own merits or demerits. That was their pledge to America in 2010. This action is inconsistent with that pledge.

The Senate has just voted, Madam Speaker, 68–31 to pass the Rogers-Lowey-Mikulski-Shelby bill. This is not a partisan bill that we are arguing about. This is the bill that we have agreed upon, Republicans and Democrats—and we can't even pass that—with the knowledge that if we do not, the future funding of America's homeland security will still be in question.

Yes, we can do it for 3 weeks. I call it our cul-de-sac strategy, going into a cul-de-sac over and over and over again and feeling somehow a pathway is going to open. The Senate is now voting on the Collins amendment. Now, as I understand the strategy of the Republican Party in the House, Madam Speaker, it is to add the bill that has been rejected four times on the floor of the United States Senate. They went in the cul-de-sac once, it didn't open up. They went in the cul-de-sac twice, it didn't open up. They went in the cul-de-sac a third, fourth time, it didn't open up. And now the proposal is to go into that cul-de-sac a fifth time while we focus on whether or not we are going to fund Homeland Security, not on the objectives of homeland security.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mrs. LOWEY. I yield the gentleman an additional 1 minute.

Mr. HOYER. Madam Speaker, I urge Republicans and Democrats who have all said not funding the Homeland Security Department now for the balance of the year is—Mr. ROGERS didn't quote this, he was talking about sequester—is ill-conceived and wrong. I therefore, Madam Speaker, urge my colleagues to vote against this short-term CR and to vote for the Senate bill that will be sent to us in just a short period of time, today, which passed the United States Senate with over a two-thirds vote. Democrats only have 46 Members, so almost a majority of the Republicans are voting for it as well.

Madam Speaker, that is the responsible thing to do. That is the right thing to do. That is the regular order to do. Let's do it. Let's put aside our partisan differences and our partisan strategies and vote as Americans to fund the Department of Homeland Security for the balance of the year.

Mr. ROGERS of Kentucky. Madam Speaker, I reserve the balance of my time.

Mrs. LOWEY. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. FARR), a distinguished member of the Appropriations Committee.

Mr. FARR. Thank you for yielding, Madam Ranking Member.

Madam Speaker, I rise today to give apologies to all of the employees of the Homeland Security Department. In watching this, I hope that they understand what is really going on. This is not a battle about the process, the gamesmanship that we need time to work out at conference. We don't go to conference on a brink of a disaster. We have had a year to deal with this. In fact, we passed this bill.

What this is about is a bigger game going on in town. It is about whack-a-mole with the President. They sue him; they say they don't want to support any of his proposals; they cut, squeeze, and trim his appropriations; and they hold up his government appointments. But now the real story shifts when we see that the Republicans in this House even more than disliking the President dislike the Senate.

The Senate passed a comprehensive immigration bill which we could have passed. There were enough votes if we had brought that to the floor to pass it. If we had passed that comprehensive immigration bill, we wouldn't even be here today. This wouldn't even be a discussion.

The irony for all you Homeland Security employees is that the House is taking care of itself. The leadership, with their details and all of the wonderful Capitol Police we have around here, they are all taken care of because we don't pay for them out of our Homeland Security bill; we pay for them out of our own legislative branch bill, and that was passed. So our security is fine. But the security of the rest of the Nation is in jeopardy.

What does it take? The Senate has just passed a bill, we bring that to the floor, it takes the votes, 218. We have got at least all but 30 on this side, 30 Republicans. Mr. Speaker, let your Republicans go. Let them come to the floor and vote on a clean bill. We could pass it before this afternoon. That bill would be in the White House tonight, and we could go home and sleep knowing that this Nation's security is in good hands. Stop playing games.

Mr. ROGERS of Kentucky. Madam Speaker, I reserve the balance of my time.

Mrs. LOWEY. Madam Speaker, I am very pleased to yield 2 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Madam Speaker, I thank the ranking member for yielding.

Madam Speaker, it is really important that the American people understand what is happening here. It is pretty clear here. The Republican majority in the House and perhaps in the Senate disagree with the President on immigration policy. So they have two really clear choices. One would be to do what they somehow have been unable to do despite promises of a prolific period of legislation in the first couple of months here in Congress. Despite that, 7 weeks later we haven't seen anything that looks like an immigration bill.

So rather than using this magnificent process of democracy that the Framers designed for us to determine policy, the Republicans in Congress—really the Republicans in the House—have decided to threaten the shutdown of an essential government function—national security and public safety—in order to extract concessions on policy that they are unwilling to submit to the legislative process.

□ 1145

Why not bring an immigration bill that determines for this country what our immigration policy ought to be and, in the meantime, fund the essential functions of government? To not do so, there are consequences. This is not an academic exercise. There are consequences.

Three weeks of funding? Seriously, 3 weeks? After 7 weeks of coming to the floor of the House in session, why couldn't we come up with this compromise with the Senate, with whom you share partisan majority? Why can't we have a real debate on immigration policy on the floor of the House of Representatives without having to threaten to close down the essential function of government?

My friends on the other side have said, That is not what we are doing—except that that is what you are doing. Words are cheap, Madam Speaker.

You won't pass a clean bill to fund this Department, like your colleagues in the Senate have done, and you continue to hold out.

Madam Speaker, I just think it is time for us to get back to the serious business of the American people and pass a clean bill to fund this essential function.

Mr. ROGERS of Kentucky. Madam Speaker, I yield myself such time as I may consume.

There it is. That is the bill the Senate finally passed. It has been 6 weeks—I said 3 weeks, earlier. I am corrected.

It is 6 weeks that the House passed a funding bill for the Homeland Security Department, 6 weeks ago, sent it to the Senate, purposefully early, to give them plenty of time to consider and bring forward a funding bill of their own.

I have to say the majority over there tried. The Democrats in the Senate stopped consideration of that spending bill four different times over 6 weeks. In the meantime, the House had to sit here waiting for the Senate, and we have been waiting 6 weeks, until just now.

Finally, this morning, the Senate has passed a bill funding the Department for the balance of the year, which differs from the House-passed version of that bill, so we have got to go to conference.

That is the way the framers set things up. When the House does something and the Senate does something different on the same subject, you have got to bring them together into a conference to work out the differences and come up with a bill for the President to sign. That is where we are.

Finally, now, we can go to conference. We could not have earlier because the Senate had not passed the bill. Now, we can go to conference, and we will be asking the Speaker for that designation today.

In the meantime, we can't let the Department stop working. Consequently, we are putting before you a bill to temporarily finance them while we go to conference on the main year-end financing of the Department. That is what this is all about.

Now, I am glad that the Senate brought the Senate bill and laid it on our desk. Now, it is finally up to us to give the Department a chance to survive and for us to stop the President's amnesty program.

By the way, Madam Speaker, there is not one penny in the bill before us, the temporary bill, the CR, there is not a penny in there to fund Obama's amnesty program. We are opposed to it, and there is no money in this bill for that purpose.

I reserve the balance of my time.

Mrs. LOWEY. Madam Speaker, I yield myself such time as I may consume.

I just want to state for the record, as my good friend from Kentucky is aware, on December 12, the Senate and the House conference committees agreed on a bipartisan, bicameral Homeland Security bill—in December. It could have been implemented with all the other 11 bills.

I am very pleased to yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Madam Speaker, I thank the gentlewoman very much, and I thank her for her commonsense explanation.

Might I say, as a member of the authorizing Committee on Homeland Security, I believe, as we have just heard, that the Senate has passed a clean Department of Homeland Security funding bill that came out of these appropriators who did excellent work.

In the name of the security of this Nation, I ask the Speaker to bring this bill to the floor of the House right now. I do so with headlines like: ''Three Denver girls played hooky from school and tried to join ISIS.''

I do it in the name of the headlines of three arrested in Brooklyn who had intentions to do the Commander in Chief harm and many others harm. I do it also in recognition as one of the Members who was there, if you will, in the aftermath of 9/11, who watched the forging of the Department of Homeland Security that put forward Border Patrol agents and TSO agents and ICE agents working with the FBI. All of those individuals will not be funded.

Let me say to the hardworking men and women of the Department of Homeland Security: We will not leave you abandoned, but we will vote for a full funding of the Department of Homeland Security.

We ask the Republicans why they refuse to address the national security of this Nation, putting political security over national security.

Mr. ROGERS of Kentucky. Madam Speaker, I continue to reserve the balance of my time.

Mrs. LOWEY. Madam Speaker, I am pleased to yield 1 minute to the gentleman from Mississippi (Mr. THOMPSON), the ranking member of the Homeland Security authorizing committee.

Mr. THOMPSON of Mississippi. Madam Speaker, I thank the gentlewoman from New York for the time.

It is quite clear that a short-term CR is not in the best interest of the country. It is quite clear that the politics of Homeland Security puts us at risk as a Nation.

All of the things that have gone on over the last few weeks say that we have to have a fully funded Department—our men and women in the Coast Guard, Customs and Border Protection, and Transportation Security Administration, all those entities on the front line keeping us safe. A 3-week CR that kicks the can down the road does not keep us safe. It only says that it is ''politics as usual.''

What I am saying, in the interest of the over 200,000 men and women who work every day and do a wonderful job, they should not be played as pawns in this game of Homeland Security chess.

Let's fully fund the Department, like we funded every other Department, and get on with the business of securing America.

Mr. ROGERS of Kentucky. Madam Speaker, I continue to reserve the balance of my time.

Mrs. LOWEY. Madam Speaker, I am pleased to yield 1 minute to the gentlewoman from California (Ms. PELOSI), our distinguished leader.

Ms. PELOSI. Madam Speaker, I thank the gentlewoman for yielding and congratulate her on her exceptional leadership as the ranking member of the Appropriations Committee.

I also commend our colleague, Congresswoman ROYBAL-ALLARD, as ranking member of the Subcommittee on Homeland Security, for her great leadership to protect the American people, to keep American security strong and certain.

I also thank the chairman of the committee, Mr. ROGERS, for the important work that was done leading up to December to have bipartisan legislation, to have an omnibus bill that funded all of the departments of government except, unfortunately, Homeland Security for the full time, and that is really a disappointment because the first thing we do as Members of Congress is to take the oath of office to protect and defend the American people.

That we would have this be the last bill that we would fund fully is really shameful. The fact is that the Senate has acted in a strong bipartisan way.

I always like to talk about time. It is about time, it is about the time that has been lost from December until March 19, in terms of what the intentions are of our Republican colleagues here. It is about the time lost, the uncertainty placed on our security. It is so sad.

At the same time, this morning, the Senate, in a very strong bipartisan way, passed a clean Department of Homeland Security funding bill. The papers are here. We could take it up immediately, send the bill to the President, and the crisis would be over—long overdue, mind you, but, nonetheless, bipartisan and with great certainty.

Instead of that certainty, while the Senate Republicans have joined the Senate Democrats for sending this bill over here, House Republicans instead have continued to manufacture a crisis that does not exist but exacerbates the insecurity of our country by their inaction.

The fact is this bill that the Senate has sent over has the support of every Democrat in the House. The Roybal-Allard-Lowey legislation is cosponsored by every Democrat in the House: full funding for the full term for the Department of Homeland Security.

All of our Members—Democratic and Republican—will have a chance to vote

on that in terms of the previous question, in terms of a motion to recommit, and in terms of motions to instruct conferees.

What we are missing is the ability of the Speaker to give us a vote on the Senate bill. Give us a vote, Madam Speaker, give us a vote—instead, drip, drip, drip, drip. The Republican leadership is putting forth legislation drip, drip, drip for the resources.

Now, I want to read the words of the Secretary of the Department of Homeland Security, who has been a great leader in the position he holds. In his remarks, he goes through all the reasons why a shutdown would be harmful. To those who want a shutdown, read his letter, please.

He does go on to say:

As I have so noted many times, mere extension of a continuing resolution has many of the same negative impacts. A short-term continuing resolution exacerbates the uncertainty for my workforce and puts us back in the same position, on the brink of a shutdown just days from now.

Can our Republican colleagues say that we won't be on the brink of another shutdown in the next few weeks in terms of the legislation they are putting forth? What is the purpose of it?

If the purpose is to oppose the President's immigration policy, the court has given you a face-saving way out. If the purpose is to have a better idea about immigration, bring up a bill, but if the purpose is to inject uncertainty into the security of the American people, shame, shame, shame, because it undermines our ability to the American people, it undermines the oath that we all take, and it is really a very sad day.

I would urge my colleagues, as they weigh the equities, we all want to make sure that the workforce of DHS is fully engaged, employed, and paid.

I would just like to ask my colleagues who have been advocating for a shutdown or take us to the brink of a shutdown over and over again if they would like to live without being paid as Members of Congress.

Most of our workforce makes much less than Members of Congress. They live paycheck to paycheck. Why are we saying to them, Come to work, 160,000 some of you, don't get paid, but get paid later?

They don't have trust funds. That may come as a surprise to you—perhaps you do, and maybe that is why you don't think not getting a paycheck is a big deal.

Then to the other, say, 30,000: Stay home, don't come anywhere near here and not get paid.

Some say: Oh, they will get paid later.

Well, that is not the way it works. They have mortgages, rent, car payments, and all the rest.

What could you possibly be thinking? What equity could you weigh against security, respect for our workforce, and morale of the people who are on the front lines to protect our homeland security?

□ 1200

There was quite a lively debate a number of years ago, and I was part of it as a member of the leadership to establish the Department of Homeland Security and the Committee on Homeland Security in the House, and hence the Subcommittee on Homeland Security on the Committee on Appropriations. The words were chosen very carefully, ''Homeland Security''—home—''Homeland Security.''

The American people should know what this means to their home security. The list is a long one, but I will just do a few things to say that without a full funding bill, without the full-year funding bill, DHS cannot award $2.5 billion in grant funding. That means that if you are in an Urban Area Security Initiative area, a place that would be targeted, maybe 40 of the urban areas in our country, $600 million in grants would be withheld.

FEMA, $350 million in emergency management preparedness grants. $350 million in SAFER. SAFER is Staffing for Adequate Fire and Emergency Responses. That is an acronym, SAFER. That means a lot in your neighborhood. $340 million in firefighter assistance grants, $120 million for emergency food and shelter grants, and $100 million in flood-related grants. All of this hit home, and they hit Homeland Security.

So these numbers have an impact, ramifications in the lives of the American people beyond the workers; beyond the workers, but the people that they work for.

So I would urge my colleagues to think another time about this. We have the paper. The bill is here. It has passed in a strong bipartisan way in the Senate. Every House Democrat has endorsed the bill. We will vote for it with the parliamentary options that are available to us. How much better if we all came together, as the Senate Republicans and Democrats did, come together to support certainty in our security? Otherwise, the question is: Why not? Why are you not taking advantage of this great opportunity? The courts saved you face. What happened in Paris added to the urgency. The examples of people being picked up in our own country make matters worse.

Stop the drip, drip, drip of funds week to week. Let's get the job done for the American people by doing it right, following the lead of the Senate Republicans and the Senate Democrats. I urge my colleagues to vote ''no'' on this legislation. I appreciate the concerns we all have about a shutdown of government. We can't let that happen, but this is not the way to go.

With that, again, I commend Congresswoman LOWEY, Congresswoman ROYBAL-ALLARD, Congressman BENNIE THOMPSON, the authorizing committee for their great leadership on our side. The chairman of the committee, Mr. ROGERS, knows I have a tremendous amount of respect for him. I feel sad for him that he is in this situation. I hope that we can get out of it soon.

Mr. ROGERS of Kentucky. Madam Speaker, I am prepared to close. Does the gentlelady have further speakers?

Mrs. LOWEY. I yield back the balance of my time.

Mr. ROGERS of Kentucky. Madam Speaker, I yield myself the balance of my time.

I will be brief. There is no money in this bill to fund the President's amnesty program. There is money in this bill to keep the Department of Homeland Security's doors open and in protection of the American people. This will give us time for the bill the Senate just has sent over to us funding the Department; this will give us time to reconcile the differences between the House version and the Senate version, and we will be prepared then to send a bill to that conference committee and, hopefully, then a bill to the President to sign.

Madam Speaker, I urge an ''aye'' vote.

I yield back the balance of my time.

Ms. JACKSON LEE. Madam Speaker, congressional dysfunction is now impacting our nation's security.

The Senate has acted rationally by passing a clean Department of Homeland Security funding bill.

The House should do the same. The House majority should take up the Senate bill and rise above political security and make national security the priority.

As a senior member of the House Committee on Homeland Security and one who was present in this body on September 11, 2001, it is sobering to think that so many of this body's members now think terrorism is a political football.

Over 3,000 Americans died that day—and if not for the bravery of those who gave their lives in a field in Pennsylvania many more would have died.

Those who were killed or risked their lives to save others included undocumented persons.

The 9/11 Commission Report stated that had United Flight 93 not crashed in Shanksville, Pennsylvania, located 125 miles from Washington, DC, that flight would have reached Washington, DC, between 10:13 and 10:23 on September 11, 2001.

I went to ground zero in New York while it still was burning and workers were trying to recover the remains of victims.

This sobering experience has seared into my mind—never again.

I am forever grateful to those who risk their lives every day to protect this nation—they should be valued and honored.

The fact that the leadership of the House chose to bring to the floor a rule for another Continuing Resolution that would extend funding to the Department of Homeland Security for three weeks is without a doubt one of the worst ideas in our nation's history.

Our enemies have not stood-down; nor have they given up—they are adapting, evolving and improving their ability to inflict harm upon America and Americans.

Meanwhile the House is sending a message to terrorists that we are disorganized and ineffective in our resolve to protect our nation and its people.

In his letter to Members of Congress, DHS Secretary Johnson states in clear terms what is at stake.

The global terrorist threat has become more decentralized and complex. Terrorist organizations are now openly calling on attacks on Western targets.

A new video, reportedly from Al Shabaab, shows the terror group calling for an attack on Mall of America in Bloomington, Minnesota.

Al Shabaab is the same terrorist group that attacked the Westgate Mall in Nairobi, Kenya resulting in 60 deaths.

The arrest this week in New York City highlight the threats posed by independent actors in the homeland who support overseas terrorist organizations and radical ideology.

Last October—three teenage girls who lived in a Denver suburb attempted to depart the country for Syria to join violent extremists, but thanks to the work of our domestic and international security professionals they were intercepted and returned home to the custody of their parents.

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

The Department of Homeland Security needs support for important federal cybersecurity initiatives, disaster relief and recovery programs, and essential law enforcement activities that are critical for ensuring that DHS can help keep our nation safe from harm.

The recent terrorist attacks in Paris and by Boko Haram in Nigeria give heightened urgency to the words of Appropriations Committee Chairman ROGERS that we need to get a clean Homeland Security spending bill "to the president's desk so we can get a signature funding Homeland Security at a very tedious time in the world."

If the day ends without Congress taking action, the men and women charged with protecting the homeland will be sent a message that the House does not value 170,000 employees who will be required to work without pay.

These employees include members of the Coast Guard, Border Patrol, Secret Service, Transportation Security Administration and others on the front lines of Homeland Security.

An additional 30,000 employees of the Department of Homeland Security will be furloughed and sent home without pay.

Contracting services across the Department, including those for critical mission support activities, will be disrupted or interrupted.

A shutdown will prevent DHS from awarding $2.5 billion in grants to state, local, and tribal governments for response capabilities to recover from terrorist attacks, major disasters and other emergencies.

A DHS shutdown would hit Texas especially hard.

The local and state negative impact of House inaction is the forgoing of fiscal year 2015 grants that go to first responders.

In 2014, DHS grants awarded to the city of Houston included $24,000,000 from Urban Area Security Initiative grants and $299,995 from the nonprofit program.

In 2014, port security grants included: $1,810,826 for Harris County; $845,250 for the City of Houston.

Programs intended to aid our fire fighters such as the one at the University of Texas Health Science Center in Houston, which received a $1,493,340 DHS research grant last year are being hurt by House inaction on fiscal year 2015 funding for the agency.

The majority must stop putting political security before national security and take up a clean bill to fully fund the Department of Homeland Security.

Mr. LANGEVIN. Madam Speaker, I rise today to register my disbelief that Republicans are continuing to use funding for the Department of Homeland Security as a political football. Every single member of the Democratic Caucus is a cosponsor of a clean, full-year funding bill, a bill that would be sure to pass if House leaders were to allow it to come to the floor. Across the Capitol, the Senate has already passed a clean bill. And yet House Republicans continue to insist that their political priorities take precedence over the operations of an agency vital to our national security.

I am a member of the Committee on Homeland Security. Over the past few weeks, I have heard testimony highlighting the threat that we face from violent extremists, particularly those radicalized in the U.S. I have heard testimony about the pervasiveness of the cyber threat to our nation, particularly to our critical infrastructure. And I have heard how DHS plays a vital role in ensuring we can protect against and respond to these threats.

Trying to implement strategies to protect our homeland security on a three-week time frame is simply absurd. Republicans created this funding crisis by refusing to approve a bipartisan agreement in December, and Republican action today is prolonging it. I hope that the majority will cease their political gamesmanship well before their new deadline and join with Democrats in passing a clean bill.

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

Pursuant to House Resolution 129, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of House Joint Resolution 35 is postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 240. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes.

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 Kansas (Mr. YODER) kindly take the chair.

□ 1207

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. YODER of Kansas (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Thursday, February 26, 2015, a request for a recorded vote on amendment No. 41 printed in part B of House Report 114–29 by the gentleman from Colorado (Mr. POLIS) had been postponed.

The Chair understands that amendment No. 42 will not be offered.

AMENDMENT NO. 43 OFFERED BY MR. THOMPSON OF MISSISSIPPI

The Acting CHAIR (Mrs. BLACK). It is now in order to consider amendment No. 43 printed in part B of House Report 114–29.

Mr. THOMPSON of Mississippi. 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 620, after line 8, insert the following:

SEC. 802. DELAY OF EFFECTIVE DATE.

Notwithstanding any other provision of this Act or the amendments made by this Act, this Act, and the amendments made by this Act, shall not take effect until the Secretary of Education—

(1) determines that the enactment of this Act, and the amendments made by this Act, will not decrease the college and career readiness of students who are racial or ethnic minority, students with disabilities, English learners, and low-income students; and

(2) provides written notification to Congress on such determination.

The Acting CHAIR. Pursuant to House Resolution 125, the gentleman from Mississippi (Mr. THOMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman.

Mr. THOMPSON of Mississippi. Madam Chair, the Thompson amendment to the Student Success Act is a commonsense amendment that ensures millions of poor, minority, and disadvantaged students will not be overlooked in the chaos that emanates from this rewrite of our educational policy.

Madam Chair, education is a civil right. Rather than develop quality standards that improve and enhance our system of education, this body has overlooked the harmful effects of H.R. 5 on funding and equal opportunity for millions of our students.

H.R. 5 removes strong accountability provisions required to make sure that children who need the most help will

actually get help. It is morally unacceptable and extraordinarily expensive to have 14.7 million poor children in our country, 6.5 million of them living at less than half the poverty level. All of these children exceed the combined residents in all 50 State capitals and the District of Columbia. The Thompson amendment protects these populations from discrimination.

The Student Success Act has failed to set standards that ensure vulnerable minority and disadvantaged students will be able to obtain a high school diploma. Our Nation has demonstrated the need for Federal action that forces States to care about the achievement of vulnerable communities. More specifically, in Black communities, the legacy and commitment to education stems from the days of slavery when Blacks learned to read in secret and at risk to their own lives. Even 50 years after Brown v. Board of Education, these communities and schools are still very much segregated. However, the concentration of poverty has become more exacerbated. Research has shown that school districts spend $733 per pupil less at schools that were 90 percent minority compared to the schools that were 90 percent White.

The task before this Chamber is to improve our broken system of education. We must right the wrongs of past education legislation and insert accountability for the learning of historically underserved students. If the goal of H.R. 5 truly is to improve our educational system for vulnerable students and increase their college readiness and career skills set, this amendment should be a no-brainer.

The Thompson amendment is simple. It directs the Secretary of Education to certify that this law will not adversely impact minorities, students with disabilities, English learners, and students with low income.

My colleagues on the other side of the aisle claim that H.R. 5 will improve outcomes for poor, minority, and disadvantaged students. If so, then a Secretarial determination of this positive impact should be something every Member of this body can support.

Madam Chair, I urge my colleagues to support amendment 43, and I reserve the balance of my time.

Mr. KLINE. Madam Chair, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. Madam Chair, I do want to thank the gentleman from Mississippi for bringing this amendment forward, although I do oppose it.

The Student Success Act, the underlying bill, requires—requires—States and school districts to establish academic standards consistent with current law and requires States to establish statewide accountability systems that result in students being prepared for postsecondary education or the workforce when they graduate high school.

The proper role of the Federal Government, Madam Chair, is to support and empower State and local innovation so that education leaders are better equipped to meet the needs of our most vulnerable students. It is back to the fundamental question of who do we trust here. We believe very strongly that parents, teachers, principals, superintendents, school boards, and States have a much better understanding of the needs of their students—and this is about students—than Washington does.

I urge my colleagues to oppose the Thompson amendment and support the underlying bill.

I reserve the balance of my time.

□ 1215

Mr. THOMPSON of Mississippi. Madam Chair, in taking from the comments from the speaker in opposition, you want the States to certify, but you want the Federal Government to provide the money.

What we are saying is, if the Federal Government is providing the money, then they should have some oversight as to the overall standards that are adhered to by the program.

What my amendment simply does is to say that the Secretary of Education has a responsibility to certify that all students will be provided the proper education and other things afforded this act. It is about the certification, and before we spend any money, we have to do that.

If the State certifies to the Secretary, then that is fine; but if we are saying, as I understand the opposition to this amendment, that we are going to leave that certification to the States without any oversight from the Federal Government—all they want is our money—then that is a poor way to run government.

Madam Chair, I ask for support of the amendment, and I yield back the balance of my time.

Mr. KLINE. Madam Chair, I think the gentleman has underscored the very issue we are talking about.

What we have now under current law is the Secretary of Education's deciding what the Secretary of Education likes or doesn't like, what to certify or not to certify, whether to give away or not to give away, whether to provide money or not to provide money.

We believe, with the language that is in the underlying bill of giving the authority and the responsibility to the States and requiring them to establish standards and assessments to those standards that meet their needs, that you will get a much better result than what we have seen now in year after year after year with the current law, No Child Left Behind, which we have been living under. Republicans and Democrats all agree that No Child Left Behind is not working and must be replaced.

We want to put our faith—we want to put our trust—in the people closest to the students. That is what this legislation is about. That is what this debate is about. Again, I urge my colleagues to oppose the gentleman's amendment and to 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 Mississippi (Mr. THOMPSON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. THOMPSON of Mississippi. Madam 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 Mississippi will be postponed.

AMENDMENT NO. 44 OFFERED BY MR. SCOTT OF VIRGINIA

The Acting CHAIR. It is now in order to consider amendment No. 44 printed in part B of House Report 114–29.

Mr. SCOTT of Virginia. 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:

Strike the text and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Student Success Act''.

SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 3. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. References.
Sec. 3. Table of contents.

TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Sec. 101. Statement of purpose.
Sec. 102. Authorization of appropriations.
Sec. 103. State plans.
Sec. 104. Eligible school attendance areas.
Sec. 105. Academic assessment and local educational agency and school improvement; school support and recognition.
Sec. 106. Parental involvement.
Sec. 107. Paraprofessionals.
Sec. 108. Comparable allocation of expenditures.
Sec. 109. Coordination requirements.
Sec. 110. Treatment of the outlying areas and Bureau of Indian Education Schools.
Sec. 111. Support for high-quality assessments.
Sec. 112. State agency programs.
Sec. 113. Foster Youth.
Sec. 114. School dropout prevention.

TITLE II—TEACHERS AND LEADERS

Sec. 201. Great teachers and leaders.
Sec. 202. HEA conforming amendments.

TITLE III—LANGUAGE INSTRUCTION FOR LIMITED ENGLISH PROFICIENT AND IMMIGRANT STUDENTS

Sec. 301. Language instruction.

TITLE IV—21ST CENTURY SCHOOLS
Sec. 401. 21st Century schools.
TITLE V—WELL-ROUNDED STUDENTS AND ENGAGED FAMILIES
Subtitle A—Public Charter Schools
Sec. 501. Subpart heading; Purpose.
Sec. 502. Program authorized.
Sec. 503. Grants to support high-quality charter schools.
Sec. 504. Facilities Financing Assistance.
Sec. 505. National activities.
Sec. 506. Records transfer.
Sec. 507. Definitions.
Sec. 508. Authorization of appropriations.
Sec. 509. Conforming amendments.
Subtitle B—Magnet Schools
Sec. 510. Duration of award; accountability.
Sec. 511. Authorization of appropriations; reservation.
Subtitle C—Fund for the Improvement of Education
Sec. 512. Fund for the Improvement of Education.
Subtitle D—Family Engagement in Education Programs
Sec. 521. Family engagement in education programs.
Subtitle E—Fast Track to College
Sec. 531. Short title.
Sec. 532. Purpose.
Sec. 533. Definitions.
Sec. 534. Authorization of appropriations; reservations.
Sec. 535. Authorized program.
Sec. 536. Uses of funds.
Sec. 537. Application.
Sec. 538. Peer review.
Sec. 539. Grants to States.
Sec. 540. Reporting and oversight.
Sec. 541. Rules of construction.
TITLE VI—FLEXIBILITY AND ACCOUNTABILITY
Sec. 601. Flexibility and accountability.
TITLE VII—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION
Sec. 701. In general.
Subtitle A—Indian Education
Sec. 711. Purpose.
PART 1—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES
Sec. 721. Formula grant purpose.
Sec. 722. Grants to local educational agencies, tribes, and indian organizations.
Sec. 723. Amount of grants.
Sec. 724. Applications.
Sec. 725. Authorized services and activities.
Sec. 726. Student eligibility forms.
Sec. 727. Technical assistance.
Sec. 728. Improvement of educational opportunities for Indian children.
PART 2—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN
Sec. 731. Professional development for teachers and education professionals.
PART 3—NATIONAL ACTIVITIES
Sec. 741. National activities.
Sec. 742. Improvement of academic success for students through Native American language.
Subtitle B—Native Hawaiian Education; Alaska Native Education
Sec. 751. Native Hawaiian education and Alaska Native education.
Sec. 752. Findings.
Sec. 753. Purposes.
Sec. 754. Native Hawaiian Education Council grant.
Sec. 755. Grant program authorized.
Sec. 756. Administrative provisions; authorization of appropriations.
Sec. 757. Definitions.
Sec. 758. Alaska Native education.
TITLE VIII—IMPACT AID
Sec. 801. Purpose.
Sec. 802. Payments relating to Federal acquisition of real property.
Sec. 803. Payments for eligible federally connected children.
Sec. 804. Policies and procedures relating to children residing on Indian lands.
Sec. 805. Application for payments under sections 8002 and 8003.
Sec. 806. Construction.
Sec. 807. Facilities.
Sec. 808. State consideration of payments providing State aid.
Sec. 809. Administrative hearings and judicial review.
Sec. 810. Definitions.
Sec. 811. Authorization of appropriations.
Sec. 812. Conforming amendments.
TITLE IX—GENERAL PROVISIONS
Sec. 900. General amendments.
Subtitle A—Protecting Students From Sexual and Violent Predators
Sec. 901. Background checks.
Sec. 902. Conforming amendment.
Subtitle B—Evaluation Authority
Sec. 911. Evaluation authority.
Subtitle C—Keeping All Students Safe
Sec. 911. Keeping All Students Safe.
Subtitle D—Protecting Student Athletes From Concussions
Sec. 931. Protecting Student Athletes from Concussions.
TITLE X—EDUCATION FOR HOMELESS CHILDREN AND YOUTHS
Sec. 1001. Education for Homeless Children and Youths.
TITLE XI—PREKINDERGARTEN ACCESS
Subtitle A—Access to Voluntary Prekindergarten for Low- and Moderate-Income Families
Sec. 1111. Purposes.
Sec. 1112. Definitions.
Sec. 1113. Program authorization.
Sec. 1114. Allotments and reservations of funds.
Sec. 1115. State eligibility criteria.
Sec. 1116. State applications.
Sec. 1117. State use of funds.
Sec. 1118. Additional prekindergarten services.
Sec. 1119. Performance measures and targets.
Sec. 1120. Matching requirements.
Sec. 1121. Eligible local entity applications.
Sec. 1122. Required subgrant activities.
Sec. 1123. Report and evaluation.
Sec. 1124. Prohibition of required participation or use of funds for assessments.
Sec. 1125. Coordination with Head Start programs.
Sec. 1126. Technical assistance in program administration.
Sec. 1127. Authorization of appropriations.
Subtitle B—Prekindergarten Development Grants
Sec. 1151. Prekindergarten development grants.

TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

SEC. 101. 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 ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and to graduate ready to succeed in college and the workforce by—

"(1) meeting the educational needs of low-achieving children in our Nation's highest-poverty schools, English learners, migrant children, children with disabilities, Indian children, and neglected or delinquent children;

"(2) ensuring high-quality college and career ready standards, academic assessments, accountability systems, teacher and school leader preparation and training, curriculum, and instructional materials are developed and implemented to prepare students to compete in the global economy;

"(3) closing the achievement gap between high- and low-performing children, especially between minority and nonminority students and between disadvantaged children and their more advantaged peers;

"(4) holding schools, local educational agencies, and States accountable for improving the academic achievement for all students including the mastery of content knowledge and the ability to think critically, solve problems, and communicate effectively, ensuring all students graduate ready to succeed in college and the workforce;

"(5) distributing and targeting resources to support local educational agencies and schools with the greatest needs to close the educational opportunity gap between low-income students and their more affluent peers;

"(6) improving and maintaining accountability for student achievement, graduation rates, and resource equity while increasing local flexibility and authority to improve schools; and

"(7) ensuring parents have substantial and meaningful opportunities to participate in the education of their children.".

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Section 1002 (20 U.S.C. 6302) is amended—

(1) by amending subsection (a) to read as follows:

"(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For the purpose of carrying out part A, there are authorized to be appropriated $30,000,000,000 for fiscal year 2016 and such sums as may be necessary for each of the 5 succeeding fiscal years.";

(2) in subsection (c)—

(A) by striking "$410,000,000" and inserting "$500,000,000"; and

(B) by striking "2002" and inserting "2016"; and

(3) in subsection (d)—

(A) by striking "$50,000,000" and inserting "$55,000,000"; and

(B) by striking "2002" and inserting "2016".

SEC. 103. STATE PLANS.

Section 1111 (20 U.S.C. 6311) is amended to read as follows:

"SEC. 1111. STATE PLAN.

"(a) PLANS REQUIRED.—

"(1) IN GENERAL.—For any State desiring to receive a grant under this part, the State educational agency shall submit to the Secretary a plan, developed by the State educational agency, in consultation with representatives of local educational agencies, teachers, school leaders, specialized instructional support personnel, early childhood education providers, parents, community organizations, communities representing underserved populations, and Indian tribes, that satisfies the requirements of this section, and that is coordinated with other programs of 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 a part of a consolidated plan under section 9302.

''(b) COLLEGE AND CAREER READY CONTENT STANDARDS, ASSESSMENTS, AND ACHIEVEMENT STANDARDS.—

''(1) GENERAL REQUIREMENTS.—Each State plan shall include evidence that the State's college and career ready content standards, assessments, and achievement standards under this subsection are—

''(A) vertically aligned from kindergarten through grade 12; and

''(B) developed and implemented to ensure that proficiency in the content standards will signify that a student is on-track to graduate prepared for—

''(i) according to written affirmation from the State's public institutions of higher education, placement in credit-bearing, nonremedial courses at the 2-and 4-year public institutions of higher education in the State; and

''(ii) success on relevant State career and technical education standards.

''(2) COLLEGE AND CAREER READY CONTENT STANDARDS.—

''(A) IN GENERAL.—Each State plan shall demonstrate that, not later than the 2015–2016 school year the State educational agency will adopt and implement high-quality, college and career ready content standards that comply with this paragraph.

''(B) SUBJECTS.—The State educational agency shall have such high-quality, academic content standards for students in kindergarten through grade 12 for, at a minimum, English language arts, math, and science.

''(C) ELEMENTS.—College and career ready content standards under this paragraph shall—

''(i) be developed through participation in a State-led process that engages—

''(I) kindergarten through-grade-12 education experts (including teachers and school leaders); and

''(II) representatives of institutions of higher education, the business community, and the early learning community;

''(ii) be rigorous, internationally benchmarked, and evidence-based, requiring students to demonstrate the ability to think critically, solve problems, and communicate effectively;

''(iii) be either—

''(I) validated, including through written affirmation from the State's public institutions of higher education, to ensure that proficiency in the content standards will signify that a student is on-track to graduate prepared for—

''(aa) placement in credit-bearing, nonremedial courses at the 2-and 4-year public institutions of higher education in the State; and

''(bb) success on relevant State career and technical education standards; or

''(II) State-developed and voluntarily adopted by a significant number of States;

''(iv) for standards from kindergarten through grade 3, reflect progression in how children develop and learn the requisite skills and content from earlier grades (including preschool) to later grades; and

''(v) apply to all schools and students in the State.

''(D) ENGLISH LANGUAGE PROFICIENCY STANDARDS.—Each State educational agency shall develop and implement statewide, high-quality English language proficiency standards that—

''(i) are aligned with the State's academic content standards;

''(ii) reflect the academic language that is required for success on the State educational agency's academic content assessments;

''(iii) predict success on the applicable grade level English language arts content assessment;

''(iv) ensure proficiency in each of the domains of speaking, listening, reading, and writing in the appropriate amount of time; and

''(v) address the different proficiency levels of English learners.

''(E) EARLY LEARNING STANDARDS.—The State educational agency shall, in collaboration with the State agencies responsible for overseeing early care and education programs and the State early care and education advisory council, develop and implement early learning standards across all major domains of development for preschoolers that—

''(i) demonstrate alignment with the State academic content standards;

''(ii) are implemented through dissemination, training, and other means to applicable early care and education programs;

''(iii) reflect research and evidence-based developmental and learning expectations;

''(iv) inform teaching practices and professional development and services; and

''(v) for preschool age children, appropriately assist in the transition to kindergarten.

''(F) ASSURANCE.—Each State plan shall include an assurance that the State has implemented the same content standards for all students in the same grade and does not have a policy of using different content standards for any student subgroup.

''(3) HIGH-QUALITY ASSESSMENTS.—

''(A) IN GENERAL.—Each State plan shall demonstrate that the State educational agency will adopt and implement high-quality assessments in English language arts, math, and science not later than the 2016–2017 school year that comply with this paragraph.

''(B) ELEMENTS.—Such assessments shall—

''(i) be valid, reliable, appropriate, and of adequate technical quality for each purpose required under this Act, and be consistent with relevant, nationally recognized professional and technical standards;

''(ii) measure the knowledge and skills necessary to demonstrate proficiency in the academic content standards under paragraph (2) for the grade in which the student is enrolled;

''(iii) be developed as part of a system of assessments providing data (including individual student achievement data and individual student growth data), that shall be used to improve teaching, learning, and program outcomes;

''(iv) be used in determining the performance of each local educational agency and school in the State in accordance with the State's accountability system under subsection (c);

''(v) provide an accurate measure of—

''(I) student achievement at all levels of student performance; and

''(II) student academic growth;

''(vi) allow for complex demonstrations or applications of knowledge and skills including the ability to think critically, solve problems, and communicate effectively;

''(vii) be accessible for all students, including students with disabilities and English learners, by—

''(I) incorporating principles of universal design as defined by section 3(a) of the Assistive Technology Act of 1998 (29 U.S.C. 3002(a)); and

''(II) being interoperable when using any digital assessment, such as computer-based and online assessments;

''(viii) provide for accommodations, including for computer-based and online assessments, for students with disabilities and English learners to provide a valid and reliable measure of such students' achievement;

''(ix) produce individual student interpretive, descriptive, and diagnostic reports that allow parents, teachers, and school leaders to understand and address the specific academic needs of students, and include information regarding achievement on academic assessments, 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; and

''(x) may be partially delivered in the form of portfolios, projects, or extended performance tasks as long as such assessments meet the requirements of this subsection.

''(C) ADMINISTRATION.—Such assessments shall—

''(i) be administered to all students, including all subgroups described in subsection (c)(3)(A), in the same grade level for each content area assessed, except as provided under subparagraph (E), through—

''(I) a single summative assessment each school year; or

''(II) multiple statewide assessments over the course of the school year that result in a single summative score that provides valid, reliable, and transparent information on student achievement for each tested content area in each grade level;

''(ii) for English language arts and math—

''(I) be administered annually, at a minimum, for students in grade 3 through grade 8; and

''(II) be administered at least once, but not earlier than 11th grade for students in grades 9 through grade 12; and

''(iii) for science, be administered at least once during grades 3 through 5, grades 6 through 8, and grades 9 through 12.

''(D) NATIVE LANGUAGE ASSESSMENTS.—Each State educational agency with at least 10,000 English learners, at least 25 percent of which speak the same language that is not English, shall adopt and implement native language assessments for that language consistent with State law. Such assessments shall be for students—

''(i) for whom the academic assessment in the student's native language would likely yield more accurate and reliable information about such student's content knowledge;

''(ii) who are literate in the native language and have received formal education in such language; or

''(iii) who are enrolled in a bilingual or dual language program and the native language assessment is consistent with such program's language of instruction.

''(E) ALTERNATE ASSESSMENTS FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—In the case of a State educational agency that adopts alternate achievement standards for students with the most significant cognitive disabilities described in paragraph (4)(D), the State shall adopt and implement high-quality statewide alternate assessments aligned to such alternate achievement standards that meet the requirements of subparagraphs (B) and (C), so long as the State ensures that in the State the total number of students in each grade level assessed in each subject does not exceed the cap established under subsection (c)(3)(E)(iii)(II).

''(F) ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS.—Each State educational agency shall adopt and implement statewide English language proficiency assessments that—

''(i) are administered annually and aligned with the State's English language proficiency standards and academic content standards;

''(ii) are accessible, valid, and reliable;

''(iii) measure proficiency in reading, listening, speaking, and writing in English both individually and collectively;

''(iv) assess progress and growth on language and content acquisition; and

''(v) allow for the local educational agency to retest a student in the individual domain areas that the student did not pass, unless the student is newly entering a school in the State, or is in the third, fifth, or eighth grades.

''(G) SPECIAL RULE WITH RESPECT TO BUREAU FUNDED SCHOOLS.—In determining the assessments to be used by each school operated or funded by the Department of the Interior's Bureau of Indian Education receiving funds under this part, the following shall apply:

''(i) Each such school that is accredited by the State in which it is operating shall use the assessments the State has developed and implemented to meet the requirements of this section, or such other appropriate assessment as approved by the Secretary of the Interior.

''(ii) Each such school that is accredited by a regional accrediting organization shall adopt an appropriate assessment, in consultation with and with the approval of, the Secretary of the Interior and consistent with assessments adopted by other schools in the same State or region, that meets the requirements of this section.

''(iii) Each such school that is accredited by a tribal accrediting agency or tribal division of education shall use an assessment developed by such agency or division, except that the Secretary of the Interior shall ensure that such assessment meets the requirements of this section.

''(H) ASSURANCE.—Each State plan shall include an assurance that the State educational agency will take steps to ensure that the State assessment system, which includes all statewide assessments and local assessments is coordinated and streamlined to eliminate duplication of assessment purposes, practices, and use.

''(I) ACCOMMODATIONS.—Each State plan shall—

''(i) describe the accommodations for English learners and students with disabilities on the assessments used by the State which may include accommodations such as text-to-speech technology or read aloud, braille, large print, calculator, speech-to-text technology or scribe, extended time, and frequent breaks;

''(ii) include evidence of the effectiveness of such accommodations in maintaining valid results for the appropriate population; and

''(iii) include evidence that such accommodations do not change the construct intended to be measured by the assessment or the meaning of the resulting scores.

''(J) ADAPTIVE ASSESSMENTS.—In the case of a State educational agency that develops and administers computer adaptive assessments, such assessments shall meet the requirements of this paragraph, and must measure, at a minimum, each student's academic proficiency against the State's content standards as described in paragraph (2) for the grade in which the student is enrolled.

''(4) COLLEGE AND CAREER READY ACHIEVEMENT AND GROWTH STANDARDS.—

''(A) IN GENERAL.—Each State plan shall demonstrate that the State will adopt and implement college and career ready achievement standards in English language arts, math, and science by the 2015–2016 school year that comply with this paragraph.

''(B) ELEMENTS.—Such academic achievement standards shall establish at a minimum, 3 levels of student achievement that describe how well a student is demonstrating proficiency in the State's academic content standards that differentiate levels of performance to—

''(i) describe 2 levels of high achievement (on-target and advanced) that indicate, at a minimum, that a student is proficient in the academic content standards under paragraph (2) as measured by the performance on assessments under paragraph (3); and

''(ii) describe a third level of achievement (catch-up) that provides information about the progress of a student toward becoming proficient in the academic content standards under paragraph (2) as measured by the performance on assessments under paragraph (3).

''(C) VERTICAL ALIGNMENT.—Such achievement standards are vertically aligned to ensure a student who achieves at the on-target or advanced levels under subparagraph (B)(i) signifies that student is on-track to graduate prepared for—

''(i) placement in credit-bearing, non-remedial courses at the 2- and 4-year public institutions of higher education in the State; and

''(ii) success on relevant State career and technical education standards.

''(D) ALTERNATE ACHIEVEMENT STANDARDS.—If a State educational agency adopts alternate achievement standards for students with the most significant cognitive disabilities, such academic achievement standards shall establish, at a minimum, 3 levels of student achievement that describe how well a student is demonstrating proficiency in the State's academic content standards that—

''(i) are aligned to the State's college and career ready content standards under paragraph (2);

''(ii) are vertically aligned to ensure that a student who achieves at the on-target or advanced level under clause (v)(I) signifies that the student is on-track to access a postsecondary education or competitive integrated employment;

''(ii) reflect concepts and skills that students should know and understand for each grade;

''(iv) are supported by evidence-based learning progressions to age and grade-level performance; and

''(v) establish, at a minimum—

''(I) 2 levels of high achievement (on-target and advanced) that indicate, at a minimum, that a student with the most significant cognitive disabilities is proficient in the academic content standards under paragraph (2) as measured by the performance on assessments under paragraph (3)(E); and

''(II) a third level of achievement (catch-up) that provides information about the progress of a student with the most significant cognitive disabilities toward becoming proficient in the academic content standards under paragraph (2) as measured by the performance on assessments under paragraph (3)(E).

''(E) STUDENT GROWTH STANDARDS.—Each State plan shall demonstrate that the State will adopt and implement student growth standards for students in the assessed grades that comply with this subparagraph, as follows:

''(i) ON-TARGET AND ADVANCED LEVELS.—For a student who is achieving at the on-target or advanced level of achievement, the student growth standard is not less than the rate of academic growth necessary for the student to remain at that level of student achievement for not less than 3 years.

''(ii) CATCH-UP LEVEL.—For a student who is achieving at the catch-up level of achievement, the student growth standard is not less than the rate of academic growth necessary for the student to achieve an on-target level of achievement within 3 or 4 years, as determined by the State.

''(F) PROHIBITION.—A State may not establish alternate or modified achievement standards for any subgroup of students, except as provided under subparagraph (D).

''(5) RULE OF CONSTRUCTION.—Nothing in paragraph (3) shall be construed to prescribe the use of the academic assessments established pursuant to such paragraph for student promotion or graduation purposes.

''(c) ACCOUNTABILITY AND SCHOOL IMPROVEMENT SYSTEM.—The State plan shall demonstrate that not later than the 2016 – 2017 school year, the State educational agency, in consultation with representatives of local educational agencies, teachers, school leaders, parents, community organizations, communities representing underserved populations and Indian tribes, has developed a single statewide accountability and school improvement system (in this subsection known as the 'accountability system') that ensures all students have the knowledge and skills to successfully enter the workforce or postsecondary education without the need for remediation by complying with this subsection as follows:

''(1) ELEMENTS.—Each State accountability system shall, at a minimum—

''(A) annually measure academic achievement for all students, including each subgroup described in paragraph (3)(A), in each public school, including each charter school, in the State, including—

''(i) student academic achievement in accordance with the academic achievement standards described in subsection (b)(4);

''(ii) student growth in accordance with the student growth standards described in subsection (b)(4)(E); and

''(iii) graduation rates in diploma granting schools;

''(B) set clear performance and growth targets in accordance with paragraph (2) to improve the academic achievement of all students as measured under subparagraph (A) of this paragraph and to close achievement gaps so that all students graduate ready for postsecondary education and the workforce;

''(C) establish equity indicators to diagnose school challenges and measure school progress within the improvement system described in section 1116, including factors to measure, for all students and each subgroup described in paragraph (3)(A)—

''(i) academic learning, such as—

''(I) percentage of students successfully completing rigorous coursework that aligns with college and career ready standards described under subsection (b)(2) such as dual enrollment, Advanced Placement (AP) or International Baccalaureate (IB) courses;

''(II) percentage of students enrolled in music and the arts courses;

''(III) student success on State or local educational agency end-of course examinations; and

''(IV) student success on performance-based assessments that are valid, reliable and comparable across a local educational agency and meet the requirements of paragraph (3)(B);

''(ii) student engagement, such as—

''(I) student attendance rates;

''(II) student discipline data, including suspension and expulsion rates;

''(III) incidents of bullying and harassment; and

''(IV) surveys of student engagement and satisfaction;

''(iii) student advancement, such as—

''(I) student on-time promotion rates;

''(II) on-time credit accumulation rates;

''(III) course failure rates; and

''(IV) post-secondary and workforce entry rates;

''(iv) student health and wellness;

''(v) student access to instructional quality, such as—

''(I) number of qualified teachers and paraprofessionals;

''(II) number of specialized instructional support personnel;

''(III) instructional personnel attendance, vacancies, and turnover; and

''(IV) rates of effective teachers and principals, as determined by the State or local educational agency;

''(vi) school climate and conditions for student success, such as—

''(I) the availability of up-to-date instructional materials, technology, and supplies;

''(II) measures of school safety; and

''(III) the condition of school facilities; including accounting for well-equipped instructional spaces; and

''(vii) family and community engagement in education;

''(D) annually differentiate all public schools, including public charter schools, based on—

''(i) the achievement measured under subparagraph (A);

''(ii) whether the school meets the performance and growth targets set under paragraph (2); and

''(iii) to a lesser extent than each of the factors described in clauses (i) and (ii), data on the State-established equity indicators, as described in subparagraph (C); and

''(E) identify, after using the differentiation described in subparagraph (D), for the purposes under section 1116—

''(i) high priority schools that—

''(I) according to the State-established parameters described in 1116(a)(2), have the lowest performance in the local educational agency and the State using current and prior year academic achievement, growth, and graduation rate data as described in subparagraph (A) and data on the state-established equity indicators described in subparagraph (C); or

''(II) as of the date of enactment of the Student Success Act, have been identified under 1003(g); and

''(ii) schools in need of support that—

''(I) have not met one or more of the performance targets set under paragraph (2) for any subgroup described in paragraph (3)(A) in the same grade level and subject, for two consecutive years; or

''(II) at the discretion of the State, are identified for support using data on equity indicators established under paragraph (1)(C); and

''(iii) distinguished schools that have—

''(I) the highest performance in the State for all students and student subgroups described in paragraph (3)(A); or

''(II) made the most progress over at least the most recent 2-year period in the State in increasing student academic achievement and graduation rates for all students and student subgroups described in paragraph (3)(A); and

''(III) made significant progress in overcoming school challenges identified using the State-established equity indicators, as described in subparagraph (C).

''(2) GOALS AND TARGETS.—

''(A) IN GENERAL.—Each State educational agency shall establish goals and targets for the State accountability and school improvement system that comply with this paragraph. Such targets shall be established separately for all elementary school and secondary school students, economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and English learners and expect accelerated academic gains from subgroups who are the farthest away from college and career-readiness as determined by annual academic achievement measures described in paragraph (1)(A).

''(B) ACHIEVEMENT GOALS.—Each State educational agency shall set multi-year goals that are consistent with the academic and growth achievement standards under subsection (b)(4) to ensure that all students graduate prepared to enter the workforce or postsecondary education without the need for remediation.

''(C) PERFORMANCE TARGETS.—Each State educational agency shall set ambitious, but achievable annual performance targets separately for each subgroup of students described in paragraph (3)(A), for local educational agencies and schools, for each grade level and in English language arts and math that reflect the progress required for all students and each subgroup of students described in paragraph (3)(A) to meet the State-determined goals as required under subparagraph (B), as approved by the Secretary.

''(D) GROWTH TARGETS.—Each State educational agency shall set ambitious but achievable growth targets that—

''(i) assist the State in achieving the academic achievement goals described in subparagraph (B); and

''(ii) include targets that ensure all students, including subgroups of students described in paragraph (3)(A), meet the growth standards described in subsection (b)(4)(E).

''(E) GRADUATION RATE GOALS AND TARGETS.—

''(i) GRADUATION RATE GOALS.—Each State educational agency shall set a graduation rate goal of not less than 90 percent.

''(ii) GRADUATION RATE TARGETS.—Each State educational agency shall establish graduation rate targets which shall not be less rigorous than the targets approved under section 200.19 of title 34, Code of Federal Regulations (or a successor regulation) and shall be designed to meet the goal described in clause (i).

''(iii) EXTENDED-YEAR GRADUATION RATE TARGETS.—In the case of a State that chooses to use an extended year graduation rate in the accountability and school improvement system described under this subsection, the State shall set extended year graduation rate targets that are more rigorous than the targets set under clause (ii) and, if applicable, are not less rigorous than the targets approved under section 200.19 of title 34, Code of Federal Regulations (or a successor regulation).

''(3) FAIR ACCOUNTABILITY.—Each State educational agency shall establish fair and appropriate policies and practices, as a component of the accountability system established under this subsection, to measure school, local educational agency, and State performance under the accountability system that, at a minimum, comply with this paragraph as follows:

''(A) DISAGGREGATE.—Each State educational agency shall disaggregate student achievement data in a manner that complies with the State's group size requirements under subparagraph (B) for the school's, local educational agency's, and the State's performance on its goals and performance targets established under paragraph (2), by each content area and each grade level for which such goals and targets are established, and, if applicable, by improvement indicators described in paragraph (1)(D) for each of the following groups:

''(i) All public elementary and secondary school students.

''(ii) Economically disadvantaged students.

''(iii) Students from major racial and ethnic groups.

''(iv) Students with disabilities.

''(v) English learners.

''(B) SUBGROUP SIZE.—Each State educational agency shall establish group size requirements for performance measurement and reporting under the accountability system that—

''(i) is the same for all subgroups described in subparagraph (A);

''(ii) does not exceed 15 students;

''(iii) yields statistically reliable information; and

''(iv) does not reveal personally identifiable information about an individual student.

''(C) PARTICIPATION.—Each State educational agency shall ensure that—

''(i) not less than 95 percent of the students in each subgroup described subparagraph (A) take the State's assessments under subsection (b)(2); and

''(ii) any school or local educational agency that does not comply with the requirement described in clause (i) of this subparagraph may not be considered to have met its goals or performance targets under paragraph (2).

''(D) AVERAGING.—Each State educational agency may average achievement data with the year immediately preceding that school year for the purpose of determining whether schools, local educational agencies, and the State have met their performance targets under paragraph (2).

''(E) STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—

''(i) IN GENERAL.—In calculating the percentage of students scoring at the on-target levels of achievement and the graduation rate for the purpose of determining whether schools, local educational agencies, and the State have met their performance targets under paragraph (2), a State shall include all students with disabilities, even those students with the most significant cognitive disabilities, and—

''(I) may include the on-target and advanced scores of students with the most significant cognitive disabilities taking alternate assessments under subsection (b)(3)(E) provided that the number and percentage of such students who score at the on-target or advanced level on such alternate assessments at the local educational agency and the State levels, respectively, does not exceed the cap established by the Secretary under clause (iii) in the grades assessed and subjects used under the accountability system established under this subsection; and

''(II) solely for the purposes of calculating graduation rates, may include students with the most significant cognitive disabilities, who are assessed using alternate assessments described in subsection (b)(3)(E) and who receive a State-defined standards-based alternate diploma aligned with the State requirements for regular secondary school diploma and who have completed a free and appropriate public education under the Individuals with Disabilities Education Act, as graduating with a regular secondary school diploma, provided that the number and percentage of those students who receive such a State-defined standards-based alternate diploma at the local educational agency and the State levels, respectively, does not exceed the cap established by the Secretary under clause (iii).

''(ii) STATE REQUIREMENTS.—If the number and percentage of students taking alternate assessments or receiving a State-defined standards-based alternate diploma exceeds the cap under clause (iii) at the local educational agency or State level, the State educational agency, in determining whether the local educational agency or State, respectively, has met its performance targets under paragraph (2), shall—

''(I) include all students with the most significant cognitive disabilities;

''(II) count at the catch-up level of achievement or as not graduating such students who exceed the cap;

''(III) include such students at the catch-up level of achievement or as not graduating in each applicable subgroup at the school, local educational agency, and State level; and

''(IV) ensure that parents are informed of the actual academic achievement levels and graduation status of their children with the most significant cognitive disabilities.

''(iii) SECRETARIAL DUTIES.—The Secretary shall establish a cap for the purposes of this subparagraph which—

''(I) shall be based on the most recently available data on—

''(aa) the incidence of students with the most significant cognitive disabilities;

''(bb) the participation rates, including by disability category, on alternate assessments using alternate achievement standards pursuant to subsection (b)(3)(E);

''(cc) the percentage of students, including by disability category, scoring at each achievement level on such alternate assessments; and

''(dd) other factors the Secretary deems necessary; and

''(II) may not exceed 1 percent of all students in the combined grades assessed.

''(4) TRANSITION PROVISIONS.—

''(A) IN GENERAL.—The Secretary shall take such steps as necessary to provide for the orderly transition to the new accountability and school improvement systems required under this subsection from prior accountability and school improvement systems in existence on the day before the date of enactment of the Student Success Act.

''(B) TRANSITION.—To enable the successful transition described in this paragraph, each State educational agency receiving funds under this part shall—

''(i) administer assessments that were in existence on the day before the date of enactment of the Student Success Act and beginning not later than the 2016–2017 school year, administer high-quality assessments described in subsection (b)(3);

''(ii) report student performance on the assessments described in subparagraph (I), consistent with the requirements under this title;

''(iii) set a new baseline for performance targets, as described in paragraph (2)(C) and (2)(D), once new high-quality assessments described in subsection (b)(3) are implemented;

''(iv) implement the accountability and school improvement requirements of sections 1111 and 1116, except—

''(I) the State shall not be required to identify new persistently low achieving schools or schools in need of improvement under section 1116 for 1 year after high-quality assessments described in subsection (b)(3) have been implemented; and

''(II) shall continue to implement school improvement requirements of section 1116 in persistently low achieving schools and schools in need of improvement that were identified as such in the year prior to implementation of new high-quality assessments; and

''(v) assist local educational agencies in providing training and professional development on the implementation of new college and career ready standards and high-quality assessments.

''(C) END OF TRANSITION.—The transition described in this paragraph shall be completed by no later than 2 years from the date of enactment of the Student Success Act.

''(d) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall contain the following:

''(1) DESCRIPTIONS.—A description of—

''(A) how the State educational agency will carry out the responsibilities of the State under section 1116;

''(B) a plan to identify and reduce inequities in the allocation of State and local resources, including nonpersonnel and personnel resources consistent with the requirements of section 1120A, between schools that are receiving funds under this title and schools that are not receiving such funds under this title, including—

''(i) a description of how the State will support local educational agencies in meeting the requirements of section 1120A; and

''(ii) a description of how the State will support local educational agencies to align plans under subparagraph (A), efforts to improve educator supports and working conditions described in section 2112(b)(3), and efforts to improve the equitable distribution of teachers and principals described in section 2112(b)(5), with efforts to improve the equitable allocation of resources as described in this subsection;

''(C) how the State educational agency will ensure that the results of the State assessments described in subsection (b)(3) and the school identifications described in subsection (c)(1), respectively, will be provided to local educational agencies, schools, teachers, and parents promptly, 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, and in a manner that is clear and easy to understand;

''(D) how the State educational agency will meet the diverse learning needs of students by—

''(i) identifying and addressing State-level barriers to implementation of universal design for learning, as described in section 5429(b)(21), and multi-tier system of supports; and

''(ii) developing and making available to local educational agencies technical assistance for implementing universal design for learning, as described in section 5429(b)(21), and multi-tier system of supports;

''(E) for a State educational agency that adopts alternate achievement standards for students with the most significant cognitive disabilities under subsection (b)(4)(D)—

''(i) the clear and appropriate guidelines for individualized education program teams to apply in determining when a student's significant cognitive disability justifies alternate assessment based on alternate achievement standards, which shall include guidelines to ensure—

''(I) students with the most significant cognitive disabilities have access to the general education curriculum for the grade in which the student is enrolled;

''(II) participation in an alternate assessment does not influence a student's placement in the least restrictive environment;

''(III) determinations are made separately for each subject and are re-determined each year during the annual individualized education program team meeting;

''(IV) the student's mode of communication has been identified to the extent possible and accommodated; and

''(V) parents of such students—

''(aa) give informed consent that their child's achievement be measured against alternate achievement standards; and

''(bb) are informed of any effects of State and local policies on the student's education resulting from participating in this alternate assessment; and

''(VI) students with the most significant cognitive disabilities are not precluded from attempting to complete the requirements for a regular secondary school diploma; and

''(ii) the procedures the State educational agency will use to ensure and monitor that individualized education program teams implement the requirements of clause (i); and

''(iii) the plan to disseminate information on and promote use of appropriate accommodations to increase the number of students with the most significant cognitive disabilities who are assessed using achievement standards described in subparagraphs (B) and (C) of subsection (b)(4);

''(F) how the State educational agency will meet the needs of English learners, including—

''(i) the method for identifying an English learner that shall be used by all local educational agencies in the State;

''(ii) the entrance and exit requirements for students enrolled in limited English proficient classes, which shall—

''(I) be based on rigorous English language standards; and

''(II) prepare such students to successfully complete the State's assessments; and

''(iii) timelines and targets for moving students from the lowest levels of English language proficiency to the State-defined English proficient level, including an assurance that—

''(I) such targets will be based on student's initial language proficiency level when first identified as limited English proficient and grade; and

''(II) such timelines will ensure students achieve English proficiency by 18 years of age, unless the State has obtained prior approval by the Secretary;

''(G) how the State educational agency will assist local educational agencies in improving instruction in all core academic subjects;

''(H) how the State educational agency will develop and improve the capacity of local educational agencies to use technology to improve instruction; and

''(I) how any State educational agency with a charter school law will support high-quality public charter schools that receive funds under this title by—

''(i) ensuring the quality of the authorized public chartering agencies in the State by establishing—

''(I) a system of periodic evaluation and certification of public chartering agencies using nationally-recognized professional standards; or

''(II) a statewide, independent chartering agency that meets nationally-recognized professional standards;

''(ii) including in the procedure established pursuant to clause (i) requirements for—

''(I) the annual filing and public reporting of independently audited financial statements including disclosure of amount and duration of any nonpublic financial and in-kind contributions of support, by each public chartering agency, for each school authorized by such agency, and by each local educational agency and the State;

''(II) the adoption and enforcement of school employee compensation and conflict of interest guidelines for all schools authorized, which shall include disclosure of executive pay and affiliated parties with financial interest in the management operations, or contractual obligations of the school;

''(III) a legally binding charter or performance contract between each charter school and the school's authorized public chartering agency that—

''(aa) describes the rights, duties, and remedies of the school and the public chartering agency; and

''(bb) bases charter renewal and revocation decisions on an agreed-to school accountability plan which includes financial and organizational indicators, with significant weight given to the student achievement on the achievement goals, performance targets, and growth targets established pursuant to subparagraphs (B), (C), and (D) of subsection (c)(2), respectively, for each student subgroup described in subsection (c)(3)(A), as well as

''(iii) developing and implementing, in consultation and coordination with local educational agencies, a system of intervention, revocation, or closure for charter schools and public chartering agencies failing to meet the requirements and standards described in clauses (i) and (ii), which, at a minimum provides for—

''(I) initial and regular review, no less than once every 3 years, of each public chartering agency; and

''(II) intervention, revocation, or closure of any charter school identified for school improvement under section 1116.

''(2) ASSURANCES.—Assurances that—

''(A) the State educational agency will participate in biennial State academic assessments of 4th, 8th, and 12th grade reading, mathematics, and science 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;

''(B) the State educational agency will—

''(i) notify local educational agencies and the public of the content and student academic achievement standards and academic assessments developed under this section, and of the authority to operate schoolwide programs; and

''(ii) fulfill the State educational agency's responsibilities regarding local educational agency and school improvement under section 1116;

''(C) the State educational agency will encourage local educational agencies to consolidate funds from other Federal, State, and local sources for school improvement activities under 1116 and for schoolwide programs under section 1114;

''(D) the State educational agency has modified or eliminated 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;

''(E) that State educational agency will coordinate data collection efforts to fulfill the requirements of this Act and reduce the duplication of data collection to the extent practicable;

''(F) 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 part;

''(G) the State educational agency will inform local educational agencies in the State of the local educational agency's authority—

''(i) to transfer funds under title VI;

''(ii) to obtain waivers under part D of title IX; and

''(iii) if the State is an Ed-Flex Partnership State, to obtain waivers under the Education Flexibility Partnership Act of 1999;

''(H) the State educational agency will work with other agencies, including educational service agencies or other local consortia and comprehensive centers established under the Educational Technical Assistance Act of 2002, and institutions to provide professional development and technical assistance to local educational agencies and schools;

''(I) the State educational agency will ensure that local educational agencies in the State comply with the requirements of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11117); and

''(J) the State educational agency has engaged in timely and meaningful consultation with representatives of Indian tribes located in the State in the development of the State plan to serve local educational agencies under its jurisdiction in order to—

''(i) improve the coordination of activities under this Act;

''(ii) meet the purpose of this title; and

''(iii) meet the unique cultural, language, and educational needs of Indian students.

''(e) FAMILY ENGAGEMENT.—Each State plan shall include a plan for strengthening family engagement in education. Each such plan shall, at a minimum, include—

''(1) a description of the State's criteria and schedule for review and approval of local educational agency engagement policies and practices pursuant to section 1112(e)(3);

''(2) a description of the State's system and process for assessing local educational agency implementation of section 1118 responsibilities;

''(3) a description of the State's criteria for identifying local educational agencies that would benefit from training and support related to family engagement in education;

''(4) a description of the State's statewide system of capacity-building and technical assistance for local educational agencies and schools on effectively implementing family engagement in education practices and policies to increase student achievement;

''(5) an assurance that the State will refer to Statewide Family Engagement Centers, as described in section 5702, those local educational agencies that would benefit from training and support related to family engagement in education; and

''(6) a description of the relationship between the State educational agency and Statewide Family Engagement Centers, parent training and information centers, and community parent resource centers in the State established under sections 671 and 672 of the Individuals with Disabilities Education Act.

''(f) PEER REVIEW AND SECRETARIAL APPROVAL.—

''(1) SECRETARIAL DUTIES.—The Secretary shall—

''(A) establish a peer-review process to assist in the review of State plans;

''(B) appoint individuals to the peer-review process who are representative of parents, teachers, State educational agencies, local educational agencies, and experts and who are familiar with educational standards, assessments, accountability, the needs of low-performing schools, and other educational needs of students;

''(C) approve a State plan within 120 days of its submission unless the Secretary determines that the plan does not meet the requirements of this section;

''(D) if the Secretary determines that the State plan does not meet the requirements of this section immediately notify the State of such determination and the reasons for such determination;

''(E) 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

''(F) have the authority to disapprove a State plan for not meeting the requirements of this part, 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 content standards or to use specific academic assessment instruments or items.

''(2) STATE REVISIONS.—A State plan shall be revised by the State educational agency if the revision is necessary to satisfy the requirements of this section.

''(3) PUBLIC REVIEW.—Notifications under this subsection shall be made available to the public through the website of the Department, including—

''(A) State plans submitted or resubmitted by a State;

''(B) peer review comments;

''(C) State plan determinations by the Secretary, including approvals or disapprovals;

''(D) amendments or changes to State plans; and

''(E) hearings.

''(g) 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 part or 4 years, whichever is shorter; 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 part, including information on the progress the State has made in fulfilling the requirements of this section.

''(2) RENEWAL.—A State educational agency that desires to continue participation under this part shall submit a renewed plan every 4 years, including information on progress the State has made in—

''(A) implementing college- and career-ready content and achievement standards and high-quality assessments described in paragraph (b);

''(B) meeting its goals and performance targets described in subsection (c)(2); and

''(C) improving the capacity and skills of teachers and school leaders as described in section 2112.

''(2) ADDITIONAL INFORMATION.—If significant changes are made to a State's plan, such as the adoption of new State academic content standards and State student achievement standards, new academic assessments, or new performance goals or target, growth goals or targets, or graduation rate goals or targets, such information shall be submitted to the Secretary for approval.

''(h) FAILURE TO MEET REQUIREMENTS.—If a State fails to meet any of the requirements of this section, the Secretary may withhold funds for State administration under this part until the Secretary determines that the State has fulfilled those requirements.

''(i) REPORTS.—

''(1) ANNUAL STATE REPORT CARD.—

''(A) IN GENERAL.—A State that receives assistance under this part 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 and, to the extent practicable, provided in a language that the parents can understand.

''(C) REQUIRED INFORMATION.—The State shall include in its annual State report card—

''(i) information, in the aggregate, and disaggregated and cross-tabulated by the same major groups as the decennial census of the population, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, except that such disaggregation and cross-tabulation 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—

''(I) student achievement at each achievement level on the State academic assessments described in subsection (b)(3), including the most recent 2-year trend;

''(II) student growth on the State academic assessments described in subsection (b)(3), including the most-recent 2-year trend;

''(III) the four-year adjusted cohort rate, the extended-year graduation rate (where applicable), and the graduation rate by type of diploma, including the most recent 2-year trend;

''(IV) data on the State established equity indicators under subsection (c)(1)(C);

''(V) the percentage of students who did not take the State assessments; and

''(VI) the most recent 2-year trend in student achievement and student growth in each subject area and for each grade level, for which assessments under this section are required;

''(ii) information that provides a comparison between the actual achievement levels and growth of each group of students described in subsection (c)(3)(A) and the performance targets and growth targets in subsection (c)(2) for each such group of students on each of the academic assessments and for graduation rates required under this part;

''(iii) if a State adopts alternate achievement standards for students with the most significant cognitive disabilities, the number and percentage of students taking the alternate assessments and information on student achievement at each achievement level and student growth, by grade and subject;

''(iv) the number of students who are English learners, and the performance of such students, on the State's English language proficiency assessments, including the students' attainment of, and progress toward, higher levels of English language proficiency;

''(v) information on the performance of local educational agencies in the State regarding school improvement, including the number and names of each school identified for school improvement under section 1116 and information on the outcomes of the equity indicators outlined in section 1111(c)(1)(C);

''(vi) the professional qualifications of teachers in the State, the percentage of such teachers teaching with emergency or provisional credentials, and the percentage of classes in the State not taught by qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools which, for the purpose of this clause, means schools in the top quartile of poverty and the bottom quartile of poverty in the State;

''(vii) information on teacher effectiveness, as determined by the State, in the aggregate and disaggregated by high-poverty compared to low-poverty schools which, for the purpose of this clause, means schools in the top quartile of poverty and the bottom quartile of poverty in the State;

''(viii) a clear and concise description of the State's accountability system, including a description of the criteria by which the State educational agency evaluates school performance consistent with subsection (c), and the criteria that the State educational agency has established, consistent with section 1116(a), to determine the status of schools with respect to school improvement; and

''(ix) outcomes related to quality charter authorizing standards as described in subsection (d)(1)(I), including, at a minimum, annual filing as described in subsection (d)(1)(I)(ii)(I).

''(2) ANNUAL LOCAL EDUCATIONAL AGENCY REPORT CARDS.—

''(A) REPORT CARDS.—A local educational agency that receives assistance under this part 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—

''(I) the number and percentage of schools identified for school improvement under section 1116 and how long the schools have been so identified; and

''(II) information that shows how students served by the local educational agency achieved on the statewide academic assessment compared to students in the State as a whole;

''(III) per-pupil expenditures from Federal, State, and local sources, including personnel and nonpersonnel resources, for each school in the local educational agency, consistent with the requirements under section 1120A;

''(IV) the number and percentage of secondary school students who have been removed from the 4-year adjusted cohort by leaver code, and the number and percentage of students from each adjusted cohort that have been enrolled in high school for more than 4 years but have not graduated with a regular diploma; and

''(V) information on the number of military-connected students (students who are a dependent of a member of the Armed Forces, including reserve components thereof) served by the local educational agency and how such military-dependent students achieved on the statewide academic assessment compared to all students served by the local educational agency; and

''(ii) in the case of a school—

''(I) whether the school has been identified for school improvement; and

''(II) information that shows how the school's students achievement on the statewide academic assessments and other improvement indicators compared to students in the local educational agency and the State as a whole.

''(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 report cards described in this paragraph to all schools in the school district served by the local educational agency and to all parents of students attending those schools in an accessible, understandable, and uniform format and, to the extent practicable, provided in a language that the 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.

''(3) PREEXISTING REPORT CARDS.—A State educational agency or local educational agency that was providing public report cards on the performance of students, schools, local educational agencies, or the State prior to the date of enactment of the Student Success Act may use those report cards 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.

''(4) COST REDUCTION.—Each State educational agency and local educational agency receiving assistance under this part shall, wherever possible, take steps to reduce data collection costs and duplication of effort by obtaining the information required under this subsection through existing data collection efforts.

''(5) ANNUAL STATE REPORT TO THE SECRETARY.—Each State educational agency receiving assistance under this part shall report annually to the Secretary, and make widely available within the State—

''(A) information on the State's progress in developing and implementing

''(i) the college and career ready standards described in subsection (b)(2);

''(ii) the academic assessments described in subsection (b)(3); and

''(iii) the accountability and school improvement system described in subsection (c); and

''(B) the annual State report card under paragraph (1).

''(6) REPORT TO CONGRESS.—The Secretary shall transmit annually 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 that provides national and State-level data on the information collected under paragraph (5).

''(7) 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—

''(i) information on the level of achievement and growth of the parent's child on each of the State academic assessments and, as appropriate, other improvement indicators adopted in accordance with this subpart; and

''(ii) timely notice that the parent's child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who is not qualified or has been found to be ineffective, as determined by the State or local educational agency.

''(B) QUALIFICATIONS.—At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part, information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:

''(i) Whether the teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.

''(ii) Whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived.

''(iii) Whether the teacher is currently enrolled in an alternative certification program.

''(iv) Whether the child is provided services by paraprofessionals or specialized instructional support personnel and, if so, their qualifications.

''(C) ACCESS TO EDUCATIONAL RESOURCES.—At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part, of information regarding whether and to what extent schools are meeting the equity indicators described in subsection (c)(1)(C), including whether such schools are meeting the needs of subgroups of students.

''(D) 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.

''(j) PRIVACY.—Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals.

''(k) TECHNICAL ASSISTANCE.—The Secretary shall provide a State educational agency, at the State educational agency's request, technical assistance in meeting the requirements of this section, including the provision of advice by experts in the development of college and career ready standards, high-quality academic assessments, and goals and targets that are valid and reliable, and other relevant areas.

''(l) VOLUNTARY PARTNERSHIPS.—A State may enter into a voluntary partnership with another State to develop and implement the academic assessments and standards required under this section.

''(m) DEFINITIONS.—In this section:

''(1) ADJUSTED COHORT; EXTENDED-YEAR; ENTERING COHORT; TRANSFERRED INTO; TRANSFERRED OUT.—

''(A) ADJUSTED COHORT.—Subject to subparagraph (D)(ii) through (G), the term 'adjusted cohort' means the difference of—

''(i) the sum of—

''(I) the entering cohort; plus

''(II) any students that transferred into the cohort in any of grades 9 through 12; minus

''(ii) any students that are removed from the cohort as described in subparagraph (E).

''(B) EXTENDED YEAR.—The term 'extended year' when used with respect to a graduation rate, means the fifth or sixth year after the school year in which the entering cohort, as described in subparagraph (C), is established for the purpose of calculating the adjusted cohort.

''(C) ENTERING COHORT.—The term 'entering cohort' means the number of first-time 9th graders enrolled in a secondary school 1 month after the start of the secondary school's academic year.

''(D) TRANSFERRED INTO.—The term 'transferred into' when used with respect to a secondary school student, means a student who—

''(i) was a first-time 9th grader during the same school year as the entering cohort; and

''(ii) enrolls after the entering cohort is calculated as described in subparagraph (B).

''(E) TRANSFERRED OUT.—

''(i) IN GENERAL.—The term 'transferred out' when used with respect to a secondary school student, means a student who the secondary school or local educational agency has confirmed has transferred to another—

''(I) school from which the student is expected to receive a regular secondary school diploma; or

''(II) educational program from which the student is expected to receive a regular secondary 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 cohort as a non-graduate for reporting and accountability purposes under this section.

''(iii) PROGRAMS NOT PROVIDING CREDIT.—A student enrolled in a GED or other alternative educational program that does not issue or provide credit toward the issuance of a regular secondary school diploma shall not be considered transferred out.

''(F) 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, or is deceased.

''(G) TREATMENT OF OTHER LEAVERS AND WITHDRAWALS.—A student who was retained in a grade, enrolled in a GED program, aged-out of a secondary school or secondary school program, or left secondary school for any other reason, including expulsion, shall not be considered transferred out, and shall remain in the adjusted cohort.

''(H) SPECIAL RULE.—For those secondary schools that start after grade 9, the entering cohort shall be calculated 1 month after the start of the secondary school's academic year in the earliest secondary school grade at the secondary school.

''(2) 4-YEAR ADJUSTED COHORT GRADUATION RATE.—The term '4-year adjusted cohort graduation rate' means the percent obtained by calculating the product of—

''(A) the result of—

''(i) the number of students who—

''(I) formed the adjusted cohort 4 years earlier; and

''(II) graduate in 4 years or less with a regular secondary school diploma; divided by

''(ii) the number of students who formed the adjusted cohort for that year's graduating class 4 years earlier; multiplied by

''(B) 100.

''(3) EXTENDED-YEAR GRADUATION RATE.—The term 'extended-year graduation rate' for a school year is defined as the percent obtained by calculating the product of the result of—

''(A) the sum of—

''(i) the number of students who—

''(I) form the adjusted cohort for that year's graduating class; and

''(II) graduate in an extended year with a regular secondary school diploma; or

''(III) graduate before exceeding the age for eligibility for a free appropriate public education (as defined in section 602 of the Individuals with Disabilities Education Act) under State law; divided by

''(ii) the result of—

''(I) the number of students who form the adjusted cohort for that year's graduating class; plus

''(II) the number of students who transferred in during the extended year defined in paragraph (1)(B), minus

''(III) students who transferred out, emigrated, or died during the extended year defined in paragraph (1)(B); multiplied by

''(B) 100.

''(4) LEAVER CODE.—The term 'leaver code' means a number or series of numbers and letters assigned to a categorical reason for why a student left the high school from which she or he is enrolled without having earned a regular high school diploma, except that—

''(A) an individual student with either a duplicative code or whom has not been assigned a leaver code shall not be removed from the cohort assigned for the purpose of calculating the adjusted cohort graduation rate; and

''(B) the number of students with either a duplicative leaver code or who have not been assigned a leaver code shall be included in reporting requirements for the leaver code.

''(5) MULTI-TIER SYSTEM OF SUPPORTS.—The term 'multi-tier system of supports' means a comprehensive system of differentiated supports that includes evidence-based instruction, universal screening, progress monitoring, formative assessment, and research-based interventions matched to student needs, and educational decision-making using student outcome data.

''(6) GRADUATION RATE.—The term 'graduation rate' means a 4-year adjusted cohort graduation rate and the extended-year graduation rate.

''(7) REGULAR SECONDARY SCHOOL DIPLOMA.—

''(A) The term 'regular secondary school diploma' means standard secondary school diploma awarded to the preponderance of students in the State that is fully aligned with the State's college and career ready achievement standards as described under subsection (b)(4), or a higher diploma. Such term shall not include GED's, certificates of attendance, or any lesser diploma awards.

''(B) If a State adopts different paths to the regular secondary school diploma, such different paths shall—

''(i) be available to all students in the State;

''(ii) be equally rigorous in their requirements; and

''(iii) signify that a student is prepared for college or a career without the need for remediation.''.

SEC. 104. ELIGIBLE SCHOOL ATTENDANCE AREAS.

Section 1113(c)(3) (20 U.S.C. 6313(c)(3)) is amended to read as follows:

''(3) RESERVATION.—

''(A) IN GENERAL.—A local educational agency shall reserve such funds as are necessary under this part to provide services comparable to those provided to children in schools funded under this part to serve—

''(i) homeless children who are attending any public school served by the local educational agency, including providing educationally related support services to children in shelters and other locations where children may live;

''(ii) children in local institutions for neglected children;

''(iii) if appropriate, children in local institutions for delinquent children, and neglected or delinquent children in community day school programs; and

''(iv) children in foster care (as defined by section 1442(1)), including providing points of contact (as described in section 1441(d)) in local educational aencies for child welfare agencies and children in foster care.

''(B) RESERVATION OF FUNDS.—Notwithstanding the requirements of subsections (b) and (c) of section 1120A, funds reserved under subparagraph (A) may be used to provide homeless children and youths with services not ordinarily provided to other students under this part, including providing transportation pursuant to section 722(g)(1)(J)(iii) of such Act.

''(C) AMOUNT RESERVED.—The amount of funds reserved under subparagraph (A)(i) shall be determined by an assessment of the numbers and the needs of homeless children and youths in the local educational agency.''.

SEC. 105. ACADEMIC ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT; SCHOOL SUPPORT AND RECOGNITION.

Section 1116 (20 U.S.C. 6316) is amended to read as follows:

''SEC. 1116. SCHOOL IMPROVEMENT.

''(a) LOCAL REVIEW.—

''(1) IN GENERAL.—Each local educational agency receiving funds under this part shall—

''(A) use the State academic assessments, including measures of student growth and graduation rates, and data on the state-established equity indicators described in section 1111(c)(1)(C) and the differentiation described in section 1111(c)(1)(D) to review, annually, the progress of each school served under this part, and consistent with the parameters described in paragraph (2), to assist the State in determining whether the school is—

''(i) meeting performance targets, growth targets, and graduation rate targets established under section 1111(c)(2); and

''(ii) making progress to address school challenges identified using the state- established equity indicators described in section 1111(c)(1)(C);

''(B) based on the review conducted under subparagraph (A), assist the State in determining whether a school served under this part is—

''(i) in need of support as described under section 1111(c)(1)(E)(ii); or

''(ii) a high priority school that meets the State-established parameters under paragraph (2);

''(C) publicize and disseminate the results of the local annual review described in subparagraph (A) to parents, teachers, principals, schools, and the community so that the teachers, principals, other staff, and schools can improve instruction to help all children served under this part meet the college and career ready achievement standards established under section 1111(b); and

''(D) use the equity indicators established under section 1111(c)(1)(C) to diagnose school challenges and measure school progress in carrying out the school improvement activities under this section.

''(2) HIGH PRIORITY SCHOOLS.—The State educational agency shall establish parameters to identify high priority schools within the local educational agency that—

''(A) for elementary schools—

''(i) shall use student achievement on the assessments required under section 1111(b)(3), including prior year data;

''(ii) shall use student growth data on the assessments under section 1111(b)(3), including prior year data; and

''(iii) shall use, to a lesser extent than each of the parameters established in clauses (i) and (ii), data on the equity indicators established under section 1111(c)(1)(C); and

''(B) for secondary schools—

''(i) shall use student achievement on the assessments required under section 1111(b)(3), including prior year data;

''(ii) shall use student growth data on the assessments under section 1111(b)(3), including prior year data;

''(iii) shall use graduation rate data, including prior year data; and

''(iv) shall use, to a lesser extent than each of the parameters established in clauses (i) through clause (iii), data on the equity indicators established under section 1111(c)(1)(C); or

''(v) shall include schools with 4-year adjusted cohort graduation rates below 67 percent as high priority schools.

''(b) SCHOOL IMPROVEMENT.—

''(1) IN GENERAL.—Each school served under this part determined to be a school in need of support pursuant to section 1111(c)(1)(C)(ii) or a high-priority school pursuant to 1111(c)(1)(C)(i), shall form a school improvement team described in paragraph (2) to develop and implement a school improvement plan described in paragraph (3) to improve educational outcomes for all students and address existing resource inequities.

''(2) SCHOOL IMPROVEMENT TEAM.—

''(A) IN GENERAL.—Each school described in paragraph (1) shall form a school improvement team, which shall include school leaders, teachers, parents, community members, and specialized instructional support personnel.

''(B) SCHOOLS IN NEED OF SUPPORT.—Each school improvement team for a school in need of support may include an external partner and representatives of the local educational agency and the State educational agency.

''(C) HIGH-PRIORITY SCHOOLS.—Each school improvement team for a high-priority school shall include an external partner and representatives of the local educational agency and the State educational agency.

''(3) SCHOOL IMPROVEMENT PLAN.—

''(A) IN GENERAL.—A school improvement team shall develop, implement, and make publicly available a school improvement plan that uses information available under the accountability and school improvement system established under section 1111(c), data available under the early warning indicator system established under subsection (c)(5), data on the improvement indicators established under section 1111(c)(1)(D), and other relevant data to identify—

''(i) each area in which the school needs support for improvement;

''(ii) the type of support required;

''(iii) how the school plans to use comprehensive, evidence-based strategies to address such needs;

''(iv) how the school will measure progress in addressing such needs using the goals and targets and improvement indicators established under paragraphs (2) and (1)(D) of section 1111(c), respectively, and identify which of the goals and targets are not currently being met by the school; and

''(v) how the school will review its progress and make adjustments and corrections to ensure continuous improvement.

''(B) PLANNING PERIOD.—The school improvement team may use a planning period, which shall not be longer than one school year to develop and prepare to implement the school improvement plan.

''(C) PLAN REQUIREMENTS.—Each school improvement plan shall describe the following:

''(i) PLANNING AND PREPARATION.—The activities during the planning period, including—

''(I) the preparation activities conducted to effectively implement the budgeting, staffing, curriculum, and instruction changes described in the plan; and

''(II) how the school improvement team engaged parents and community organizations.

''(ii) TARGETS.—The performance, growth, and graduation rate targets that contributed to the school's status as a school in need of support or high-priority school, and the school challenges identified by the school improvement indicators under section 1111(c)(1)(D).

''(iii) EVIDENCE-BASED, SCHOOL IMPROVEMENT STRATEGIES.—Evidence-based, school improvement strategies to address the factors and challenges described in clause (ii), to improve instruction, including in all core academic subjects, to improve the achievement of all students and address the needs of students identified at the catch-up level of achievement.

''(iv) NEEDS AND CAPACITY ANALYSIS.—A description and analysis of the school's ability and the resources necessary to implement the evidence-based, school improvement strategies identified under clause (iii), including an analysis of—

''(I) staffing resources, such as the number, experience, training level, effectiveness as determined by the State or local educational agency, responsibilities, and stability of existing administrative, instructional, and non-instructional staff;

''(II) budget resources, including how Federal, State, and local funds are being spent for instruction and operations to determine how existing resources can be aligned and used to support improvement;

''(III) the school curriculum;

''(IV) the use of time, such as the school's schedule and use of additional learning time; and

''(V) any additional resources and staff necessary to effectively implement the school improvement activities identified in the school improvement plan.

''(v) IDENTIFYING ROLES.—The roles and responsibilities of the State educational agency, the local educational agency, the school and, if applicable, the external partner in the school improvement activities, including providing interventions, support, and resources necessary to implement improvements.

''(vi) PLAN FOR EVALUATION.—The plan for continuous evaluation of the evidence-based, school improvement strategies, including implementation of and fidelity to the school improvement plan, that includes at least quarterly reviews of the effectiveness of such activities.

''(D) ADDITIONAL REQUIREMENTS FOR HIGH-PRIORITY SCHOOLS.—For a persistently-low achieving school, the school improvement plan shall, in addition to the requirements described in subparagraph (B), describe how the school will—

''(i) address school-wide factors to improve student achievement, including—

''(I) establishing high expectations for all students, which at a minimum, align with the achievement standards and growth standards under section 1111(b)(4);

''(II) improving school climate, including student attendance and school discipline, through the use of school-wide positive behavioral supports and interventions and other evidence based approaches to improving school climate;

''(III) ensuring that the staff charged with implementing the school improvement plan are engaged in the plan and the school turnaround effort;

''(IV) establishing clear—

''(aa) benchmarks for implementation of the plan; and

''(bb) targets for improvement on the equity indicators under section 1111(c)(1)(C);

''(ii) organize the school to improve teaching and learning, including through—

''(I) strategic use of time, such as—

''(aa) establishing common planning time for teachers and interdisciplinary teams who share common groups of students;

''(bb) redesigning the school calendar year or day, such as through block scheduling, summer learning programs, or increasing the number of hours or days, in order to create additional learning time; or

''(cc) creating a flexible school period to address specific student academic needs and interests such as credit recovery, electives, enrichment activities, or service learning; and

''(II) alignment of resources to improvement goals, such as through ensuring that students in transition grades are taught by teachers prepared to meet their specific learning needs;

''(iii) increase teacher and school leader effectiveness, as determined by the State or local educational agency, including through—

''(I) demonstrating the principal has the skills, capacity, and record of success to significantly improve student achievement and lead a school turnaround, which may include replacing the principal;

''(II) improving the recruitment and retention of qualified and effective teachers and school leaders, as determined by the State or local educational agency, to work in the school;

''(III) professional development activities that respond to student and school-wide needs aligned with the school improvement plan, such as—

''(aa) training teachers, school leaders, and other administrators together with staff from schools making achievement goals and performance targets under the accountability system under section 1111(c) that serve similar populations and in such schools;

''(bb) establishing peer learning and coaching among teachers; or

''(cc) facilitating collaboration, including through professional communities across subject area and interdisciplinary groups and similar schools;

''(IV) appropriately identifying teachers for each grade and course; and

''(V) the development of effective leadership structures, supports, and clear decision making processes, such as through developing distributive leadership and leadership teams;

''(iv) improve curriculum and instruction, including through—

''(I) demonstrating the relevance of the curriculum and learning for all students, including instruction in all core academic subjects, and may include the use of online course-work as long as such course-work meets standards of quality and best practices for online education;

''(II) increasing access to rigorous and advanced course-work, including adoption and implementation of a college- and career-ready curriculum, and evidence-based, engaging instructional materials aligned with such a curriculum, for all students;

''(III) increasing access to contextualized learning opportunities aligned with readiness for postsecondary education and the workforce, such as providing—

''(aa) work-based, project-based, and service-learning opportunities; or

''(bb) a high-quality, college preparatory curriculum in the context of a rigorous career and technical education core;

''(IV) regularly collecting and using data to inform instruction, such as—

''(aa) through use of formative assessments;

''(bb) creating and using common grading rubrics; or

''(cc) identifying effective instructional approaches to meet student needs; and

''(V) emphasizing core skills instruction, such as literacy, across content areas;

''(v) provide students with academic and social support to address individual student learning needs, including through—

''(I) ensuring access to services and expertise of specialized instructional support personnel;

''(II) supporting students at the catch-up level of achievement who need intensive intervention;

''(III) increasing personalization of the school experience through learning structures that facilitate the development of student and staff relationships;

''(IV) offering extended-learning, credit recovery, mentoring, or tutoring options of sufficient scale to meet student needs;

''(V) providing evidence-based, accelerated learning for students with academic skill levels below grade level;

''(VI) coordinating and increasing access to integrated services, such as providing specialized instructional support personnel;

''(VII) providing transitional support between grade-spans, including postsecondary planning.

''(VIII) meeting the diverse learning needs of all students through strategies such as a multi-tier system of supports and universal design for learning, as described in section 5429(b)(21); and

''(IX) engaging families and community partners, including community-based organizations, organizations representing underserved populations, Indian tribes (as appropriate), organizations assisting parent involvement, institutions of higher education, and businesses, in school improvement activities through evidence-based strategies.

''(E) SUBMISSION AND APPROVAL.—The school improvement team shall submit the school improvement plan to the local educational agency or the State educational agency, as determined by the State educational agency based on the local educational agency's ability to effectively monitor and support the school improvement activities. Upon receiving the plan, the local educational agency or the State educational agency, as appropriate, shall—

''(i) establish a peer review process to assist with review of the school improvement plan; and

''(ii) promptly review the plan, work with the school improvement team as necessary, and approve the plan if the plan meets the requirements of this paragraph.

''(F) REVISION OF PLAN.—A school improvement team may revise the school improvement plan as additional information and data is available.

''(G) IMPLEMENTATION.—A school with the support and assistance of the local educational agency shall implement the school improvement plan expeditiously, but not later than the beginning of the next full school year after identification for improvement.

''(4) EVALUATION OF SCHOOL IMPROVEMENT.—

''(A) IN GENERAL.—

''(i) REVIEW.—The State educational agency or local educational agency, as determined by the State in accordance with paragraph (3)(D) shall, annually, review data with respect to each school in need of support and each high-priority school to set clear benchmarks for progress, to guide adjustments and corrections, to evaluate whether the supports and interventions identified within the school improvement plan are effective and the school is meeting the targets for improvement established under its such plan, and to specify what actions ensue for schools not making progress.

''(ii) DATA.—In carrying out the annual review under clause (i), the school, the local educational agency, or State educational agency shall measure progress on—

''(I) student achievement, student growth, and graduation rates against the goals and targets established under section 1111(c)(2); and

''(II) equity indicators as established under section 1111(c)(1)(C).

''(B) SCHOOLS IN NEED OF SUPPORT.—If, after 3 years of implementing its school improvement plan, a school in need of support does not meet the goals and targets under section 1111(c)(2) that were identified under the school improvement plan as not being met by the school and the equity indicators established under section 1111(c)(1)(C), then—

''(i) the local educational agency shall evaluate school performance and other data, and provide intensive assistance to that school in order to improve the effectiveness of the interventions; and

''(ii) the State educational agency or the local educational agency, as determined by the State, shall determine whether the school shall partner with an external partner—

''(I) to revise the school improvement plan; and

''(II) to improve, and as appropriate, revise, school improvement strategies that meet the requirements of paragraph (3)(B)(iii).

''(C) HIGH PRIORITY SCHOOLS.—If, after 3 years of implementing its school improvement plan, a high priority school does not demonstrate progress on the goals and targets under section 1111(c)(2) that were identified under the school improvement plan as not being met by the school or the equity indicators established under section 1111(c)(1)(C), then the local educational agency, in collaboration with the State educational agency, will take steps to ensure more rigorous evidence-based interventions are implemented, which may include partnering with an external partner with demonstrated results improving schools.

''(D) HIGH PRIORITY SCHOOL.—If, after 5 years of implementing its school improvement plan, a high priority school does not demonstrate progress on the goals and targets under section 1111(c)(2) that were identified under the school improvement plan as not being met by the school and the equity indicators established under section 1111(c)(1)(C), then—

''(i) the local educational agency, in collaboration with the State educational agency, shall determine actionable next steps which may include school closure, replacement, or State take-over of such school, shall provide all students enrolled with new high-quality educational options;

''(ii) the local educational agency, and as appropriate the State educational agency, shall develop and implement a plan to assist with any resulting transition of the school under clause (i) that—

''(I) is developed in consultation with parents and the community;

''(II) addresses the needs of the students at the school by considering strategies such as—

''(aa) opening a new school;

''(bb) graduating out current students and closing the school in stages; and

''(cc) enrolling the students who attended the school in other schools in the local educational agency that are higher achieving, provided the other schools are within reasonable proximity to the closed school and ensures receiving schools have the capacity to enroll incoming students; and

''(III) provides information about high-quality educational options and transition and support services to students who attended that school and their parents.

''(c) LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES.—A local educational agency served by this part, in supporting the schools identified as a school in need of support or a high-priority school served by the agency, shall—

''(1) address resource inequities to improve student achievement by—

''(A) targeting resources and support to those schools identified as high priority or as in need of support, including additional resources and staff necessary to implement the school improvement plan, as described in subsection (b)(3)(C)(iv)(V), and

''(B) ensuring the local educational agency budget calendar is aligned with school staff and budgeting needs;

''(2) address local educational agency-wide factors to improve student achievement by—

''(A) supporting the use of data to improve teaching and learning through—

''(i) improving longitudinal data systems;

''(ii) regularly analyzing and disseminating usable data to educators, parents, and students;

''(iii) building the data and assessment literacy of teachers and principals; and

''(iv) evaluating at kindergarten entry the kindergarten readiness of children and addressing the educational and development needs determined by such evaluation;

''(B) addressing school transition needs of the local educational agency by—

''(i) using kindergarten readiness data to consider improving access to high-quality early education opportunities; and

''(ii) providing targeted research-based interventions to middle schools that feed into high schools identified for school improvement under this section;

''(C) supporting human capital systems that ensure there is a sufficient pool of qualified and effective teachers and school leaders, as determined by the State or local educational agency, to work in schools served by the local educational agency;

''(D) developing support for school improvement plans among key stakeholders such as parents and families, community groups representing underserved populations, Indian tribes (as appropriate), educators, and teachers;

''(E) carrying out administrative duties under this section, including evaluation for school improvement and technical assistance for schools; and

''(F) coordinating activities under this section with other relevant State and local agencies, as appropriate;

''(3) supporting professional development activities for teachers, school leaders, and specialized instructional support personnel aligned to school improvement activities;

''(4) address curriculum and instruction factors to improve student achievement by—

''(A) ensuring curriculum alignment with the State's early learning standards and postsecondary education programs;

''(B) providing academically rigorous education options such as—

''(i) effective dropout prevention, credit and dropout recovery and recuperative education programs for disconnected youth and students who are not making sufficient progress to graduate high school in the standard number of years or who have dropped out of high school;

''(ii) providing students with postsecondary learning opportunities, such as through access to a relevant curriculum or course of study that enables a student to earn a secondary school diploma and—

''(I) an associate's degree; or

''(II) not more than 2 years of transferable credit toward a postsecondary degree or credential;

''(iii) integrating rigorous academic education with career training, including training that leads to postsecondary credentials for students;

''(iv) increasing access to Advanced Placement or International Baccalaureate courses and examinations; or

''(v) developing and utilizing innovative, high quality distance learning strategies to improve student academic achievement; and

''(C) considering how technology can be used to support school improvement activities;

''(5) address student support factors to improve student achievement by—

''(A) establishing an early warning indicator system to identify students who are at risk of dropping out of high school and to guide preventive and recuperative school improvement strategies, including—

''(i) identifying and analyzing the academic risk factors that most reliably 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 numbers of years; and

''(B) identifying and implementing strategies for pairing academic support with integrated student services and case-managed interventions for students requiring intensive supports which may include partnerships with other external partners;

''(6) promote family outreach and engagement in school improvement activities, including those required by section 1118, to improve student achievement;

''(7) for each school identified for school improvement, ensure the provision of technical assistance as the school develops and implements the school improvement plan throughout the plan's duration; and

''(8) identify school improvement strategies that are consistently improving student outcomes and disseminate those strategies so that all schools can implement them.

''(d) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—A State educational agency served by this part, in supporting schools identified as a school in need of support or a high-priority school and the local educational agencies serving such schools, shall—

''(1) assess and address local capacity constraints to ensure that its local educational agencies can meet the requirements of this section;

''(2) target resources and support to those schools in the State that are identified as a school in need of support or a high-priority school and to local educational agencies serving such schools, including additional resources necessary to implement the school improvement plan as described in subsection (b)(3)(C)(iv)(V);

''(3) provide support and technical assistance, including assistance to school leaders, teachers, and other staff, to assist local educational agencies and schools in using data to support school equity and in addressing the equity indicators described in section 1111(c)(1)(C);

''(4) identify school improvement strategies that are consistently improving student outcomes and disseminate those strategies so that all schools can implement them;

''(5) leverage resources from other funding sources, such as school improvement funds, technology funds, and professional development funds to support school improvement activities;

''(6) provide a statewide system of support, including regional support services, to improve teaching, learning, and student outcomes;

''(7) assist local educational agencies in developing early warning indicator systems;

''(8) with respect to schools that will work with external partners to improve student achievement—

''(A) develop and apply objective criteria to potential external partners that are based on a demonstrated record of effectiveness in school improvement;

''(B) maintain an updated list of approved external partners across the State;

''(C) develop, implement, and publicly report on standards and techniques for monitoring the quality and effectiveness of the services offered by approved external partners, and for withdrawing approval from external partners that fail to improve high-priority schools; and

''(D) may identify external partners as approved, consistent with the requirements under paragraph (7), who agree to provide services on the basis of receiving payments only when student achievement has increased at an appropriate level as determined by the State educational agency and school improvement team under subsection (b)(2); and

''(9) carry out administrative duties under this section, including providing monitoring and technical assistance to local educational agencies and schools.

''(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

''(1) to alter or otherwise affect the rights, remedies, and procedures afforded 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 employees and their employers;

''(2) to require a child to participate in an early learning program; or

''(3) to deny entry to kindergarten for any individual if the individual is legally eligible, as defined by State or local law.

''(f) DEFINITION.—In this section, the term 'external partner' means an entity—

''(1) that is an organization such as a nonprofit organization, community-based organization, local education fund, service organization, educational service agency, or institution of higher education; and

''(2) that has demonstrated expertise, effectiveness, and a record of success in providing evidence-based strategies and targeted support such as data analysis, professional development, or provision of nonacademic support and integrated student services to local educational agencies, schools, or students that leads to improved teaching, learning, and outcomes for students.''.

SEC. 106. PARENTAL INVOLVEMENT.

(a) PARENTAL INVOLVEMENT.—Section 1118 (20 U.S.C. 6318) is amended—

(1) by redesignating subsections (a) through (h) as subsections (b) through (i), respectively; and

(2) by inserting before subsection (b), as redesignated by paragraph (1), the following:

''(a) IN GENERAL.—Each local educational agency and each school receiving funds under this part shall develop policies and practices for family engagement in education that meet the following principles and standards for family-school partnerships:

''(1) Welcome all families to be active participants in the life of the school, so that they feel valued and connected to each other, school staff, and student learning.

''(2) Communicate effectively by ensuring regular two-way, meaningful communication between family members and local educational agency and school staff in a manner, language, and with technology that family members can understand and access.

''(3) Support student success by fostering continuous collaboration between family members and local educational agency and school staff to support student learning and healthy student development at school and at home.

''(4) Speak up for every child and empower family members to be advocates for all students within the school.

''(5) Ensure that family members, local educational agencies, and school staff are equal partners in family engagement in education decisionmaking.

''(6) Collaborate with community organizations and groups to turn the school into a hub of community life.

''(7) Create a continuum of family engagement in education in student learning and development from birth to young adulthood.

''(8) Train and support superintendents, principals, teachers, and specialized instructional support personnel to fully engage families in the education of their children.''.

(b) WRITTEN POLICY.—Section 1118(b)(2), as redesignated by subsection (a), is amended—

(1) in subparagraph (C), by striking ''subsection (e)'' and inserting ''subsection (f)'';

(2) in subparagraph (E), by striking ''and'' after the semicolon;

(3) in subparagraph (F), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(G) participate in evaluations of the effectiveness of family engagement in education strategies and policies; and

''(H) participate in developing recommendations for creating a positive school climate and safe and healthy schools.''.

(c) RESERVATION.—Section 1118(b)(3)(A), as redesignated by subsection (a), is amended to read as follows:

''(A) IN GENERAL.—Each local educational agency shall reserve not less than 2 percent of its allocation under subpart 2 to carry out this section, except that this subparagraph shall not apply if 2 percent is such agency's allocation under subpart 2 for the fiscal year for which the determination is made is $10,000 or less.''.

(d) DISTRIBUTION.—Section 1118(b)(3)(C), as redesignated by subsection (a), is amended to read as follows:

''(C) DISTRIBUTION.—Not more than 20 percent of the funds reserved under subparagraph (A) shall be available for local educational agency programming and technical assistance to schools served under this part.''.

(e) RESERVED FUNDS.—Section 1118(b)(3), as redesignated by subsection (a), is amended—

(1) by redesignating subparagraphs (B) and (c) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following:

''(B) USE OF FUNDS.—Funds reserved under subparagraph (A) may be used for the following:

''(i) Increasing capacity through establishment of a dedicated office or dedicated office or dedicated personnel within the local educational agency or at the school level for family engagement in education.

''(ii) Supporting schools and nonprofit organizations in providing professional development on family engagement in education for school staff, parent leadership training, family literacy and numeracy programs, home visitation programs, family volunteerism programs, and other innovative programs that meaningfully engage families.

''(iii) Providing technical assistance and training to schools on the implementation and assessment of family engagement in education policies and practices.

''(iv) Providing additional support to schools that have been identified for improvement under section 1116(b) to assist in the implementation of family engagement in education programs.

''(v) Partnering with the Statewide Family Engagement Center and local community-based organizations to identify community resources, services, and supports to remove economic obstacles to family engagement in education by meeting families' needs.

''(vi) Supporting schools and eligible entities in the development and implementation of research-based practices and programs that emphasize the importance of family engagement in academic success and positive development by addressing factors such as—

''(I) successful transitions from early learning to kindergarten through grade 12 settings;

''(II) improved understanding of and shared responsibility for student success;

''(III) improved understanding and use of student and school data;

''(IV) open, effective communication between schools and families;

''(V) early warning indicators that a student is at risk of not graduating on time;

''(VI) improved understanding of State and local accountability systems, academic standards and student assessments;

''(VII) parent and community advocacy to increase parent participation;

''(VIII) improved understanding of the parents' role in academic, social, and financial preparation for postsecondary education, including career and technical education.

''(vii) Assisting schools in the development, implementation, and assessment of family engagement in education plans.

''(viii) Monitoring and evaluating the family engagement in education in education policies and practices funded under this section.

''(ix) Supporting other activities approved in the local educational agency's plan for improving family engagement in education.''.

(f) SCHOOL PARENTAL INVOLVEMENT POLICY.—Section 1118(c)(1), as redesignated by subsection (a), is amended in the first sentence by striking ''subsections (c) through (f)'' and inserting ''subsections (d) through (g)''.

(g) SHARED RESPONSIBILITY FOR HIGH STUDENT ACHIEVEMENT.—Section 1118(e), as redesignated by subsection (a), is amended—

(1) in the matter preceding paragraph (1), by striking ''subsection (b)'' and inserting ''subsection (c)''; and

(2) by striking paragraph (1) and inserting the following:

''(1) describe the school's responsibility to—

''(A) provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the children served under this part to meet the State's student academic achievement standards, and the ways in which parents and families will support their children's learning, such as—

''(i) monitoring attendance and homework completion;

''(ii) volunteering in their child's classroom or school; and

''(iii) participating, as appropriate, in decisions relating to the education of their children and positive use of extracurricular time; and

''(B) engage families in the development of recommendations for student attendance, expectations, behavior, and school safety, including the development of reasonable disciplinary policies and interventions, such as the implementation of school-wide positive behavior interventions and supports and the phase-out of out-of-school suspension and expulsion and to address bullying and harassment; and''.

SEC. 107. PARAPROFESSIONALS.

Section 1119 (20 U.S.C. 6319) is amended—

(1) by striking subsections (c) through (g) and inserting the following:

''(c) PARAPROFESSIONALS.—

''(1) IN GENERAL.—Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals working in a program supported with funds under this part shall have—

''(A) completed at least 2 years of study at an institution of higher education;

''(B) obtained an associate's (or higher) degree; or

''(C) met a rigorous standard of quality and can demonstrate, through a formal State or local academic assessment—

''(i) knowledge of, and the ability to assist in instructing, reading, writing, and mathematics; or

''(ii) knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

''(2) CLARIFICATION.—The receipt of a secondary school diploma (or its recognized equivalent) shall be necessary but not sufficient to satisfy the requirements of paragraph (1)(C).

''(d) EXCEPTION FOR TRANSLATION AND PARENTAL INVOLVEMENT ACTIVITIES.—Subsection (c) shall not apply to a paraprofessional—

''(1) who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in programs under this part by acting as a translator; or

''(2) whose duties consist solely of conducting parental involvement activities consistent with section 1118.

''(e) GENERAL REQUIREMENT FOR ALL PARAPROFESSIONALS.—Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals working in a program supported with funds under this part, regardless of the paraprofessionals' hiring date, have earned a secondary school diploma or its recognized equivalent.

''(f) DUTIES OF PARAPROFESSIONALS.—

''(1) IN GENERAL.—Each local educational agency receiving assistance under this part shall ensure that a paraprofessional working in a program supported with funds under this part is not assigned a duty inconsistent with this subsection.

''(2) RESPONSIBILITIES PARAPROFESSIONALS MAY BE ASSIGNED.—A paraprofessional described in paragraph (1) may be assigned—

''(A) to provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher;

''(B) to assist with classroom management, such as organizing instructional and other materials;

''(C) to provide assistance in a computer laboratory;

''(D) to conduct parental involvement activities;

''(E) to provide support in a library or media center;

''(F) to act as a translator; or

''(G) to provide instructional services to students in accordance with paragraph (3).

''(3) ADDITIONAL LIMITATIONS.—A paraprofessional described in paragraph (1)—

''(A) may not provide any instructional service to a student unless the paraprofessional is working under the direct supervision of a teacher consistent with section 1119; and

''(B) may assume limited duties that are assigned to similar personnel who are not working in a program supported with funds under this part, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.''.

SEC. 108. COMPARABLE ALLOCATION OF EXPENDITURES.

(a) AMENDMENT.—Section 1120A(c) (20 U.S.C. 6321(c)) is amended to read as follows:

''(c) COMPARABLE ALLOCATION OF EXPENDITURES.—

''(1) IN GENERAL.—

''(A) COMPARABLE FUNDING.—Not later than 5 full school years after the date of enactment the Student Success Act, except as provided in paragraphs (5), (6), and (7), a local educational agency may receive funds under this part for a fiscal year only if, for the preceding fiscal year, the combined expenditure per pupil of State and local funds, including personnel and nonpersonnel costs, in each school served under this part was at least comparable to the average combined expenditure per pupil of State and local funds, including personnel and nonpersonnel costs, across all schools served by the local educational agency that are not receiving funds under this part.

''(B) COMPARABLE FUNDING AMONG TITLE I SCHOOLS.—In any case where all of the schools served by a local educational agency receive support under this part, such agency may receive funds under this part only if, for the preceding fiscal year, the combined expenditure per pupil of State and local funds in each higher poverty school is at least comparable to the average combined expenditure per pupil of State and local funds across all lower poverty schools.

''(2) EQUIVALENCE.—A local educational agency shall be considered to have met the requirements of paragraph (1), and to be eligible to receive funds under this part, if—

''(A) such agency has filed annually with the State educational agency a school-by-school listing of per-pupil expenditures of State and local funds, as described in paragraph (1), for each school served by the agency for the preceding fiscal year; and

''(B) the listing described in subparagraph (A) demonstrates comparable allocation of per-pupil expenditures across schools as required by subparagraph (A) or (B) of paragraph (1).

''(3) BASIS.—A local educational agency may meet the requirements of paragraphs (1) or (2) across all schools or among schools serving a particular grade span, if the local educational agency compares schools within not more than three grade spans.

''(4) REQUIREMENTS.—

''(A) REQUIREMENTS OF THE SECRETARY.—The Secretary shall issue regulations concerning the responsibilities of State educational agencies and local educational agencies for meeting the requirements of this subsection.

''(B) REQUIREMENTS OF STATES.—Each State educational agency receiving funds under this part shall—

''(i) create and distribute to local educational agencies, and make available to the public, regulations on the responsibilities of local educational agencies for meeting the requirements of this subsection; and

''(ii) submit a plan to the Secretary, required under section 1111(d)(1)(B).

''(C) REQUIREMENTS OF LOCAL EDUCATIONAL AGENCIES.—Not later than 18 months after the date of enactment of the Student Success Act, each local educational agency receiving funds under this part shall develop and submit to the State educational agency a plan, which shall be made available to the public, that will ensure comparable allocation of resources as described in paragraph (1) not later than 5 full school years after the date of enactment of the Student Success Act, including information on—

''(i) a timeline and annual benchmarks for making progress toward achieving comparable allocation of resources; and

''(ii) how the local educational agency is aligning school improvement efforts described under section 1116(b) and (c), efforts to improve educator supports and working conditions described in section 2112(b)(3), and efforts to improve the equitable distribution of teachers and principals described in section 2112(b)(5), with efforts to improve the comparable allocation of resources as described in this subsection;

''(5) INAPPLICABILITY.—This subsection shall not apply to a local educational agency that does not have more than one building for each grade span.

''(6) COMPLIANCE.—For the purpose of determining compliance with paragraph (1), a local educational agency—

''(A) shall exclude State and local funds expended for the excess costs of providing English language instruction for Limited English Proficient students as determined by the local educational agency;

''(B) shall exclude State and local funds expended for the excess costs of providing services to children with disabilities as determined by the local educational agency;

''(C) may exclude capital expenditures; and

''(D) may exclude supplemental State or local funds expended in any school attendance area or school for programs that meet the intent and purpose of this part.

''(7) EXCLUSIONS.—A local educational agency need not include unpredictable or significant changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining the comparable allocation of expenditures under this subsection.

''(8) TRANSITIONAL COMPLIANCE.—Beginning on the date of enactment of Student Success Act, for no more than 5 full school years a local educational agency shall be deemed to be in compliance with paragraph (1) and paragraph (4)(C)(i) for any school year, if the teachers hired to fill vacancies for individual schools served under this part, and for the schools not served under this part, improve the comparable allocation of combined State and local per pupil expenditures compared to the preceding school year.

''(9) WAIVER.—A local educational agency may apply to the Secretary to waive the requirement of paragraph (1), for not more than 1 year at a time, if the Secretary determines that the failure to comply with such requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources.

''(10) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded 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 employees and their employers.

''(11) NO FORCED TRANSFERS.—Nothing in this subsection shall be construed to require a local educational agency to transfer school personnel in order to comply with the requirements of this subsection.''.

SEC. 109. COORDINATION REQUIREMENTS.

Section 1120B (20 U.S.C. 6321(c)) is amended to read as follows:

''SEC. 1120B. COORDINATION REQUIREMENTS.

''(a) IN GENERAL.—Each local educational agency receiving assistance under this part shall—

''(1) coordinate, as feasible, with early childhood programs to carry out the activities described in subsection (b); and

''(2) develop agreements with Head Start agencies to carry out the activities described in subsection (b).

''(b) ACTIVITIES.—The activities referred to in subsection (a) are activities that increase coordination between the local educational agency and a Head Start agency and, if feasible, other entities carrying out early childhood development programs serving children who will attend the schools of the local educational agency, including—

''(1) developing and implementing a systematic procedure for receiving records regarding such children, transferred with parental consent from a Head Start program or, where applicable, another early childhood development program;

''(2) establishing channels of communication between school staff and in such Head Start agencies or other entities carrying out early their counterparts (including teachers, social workers, and health staff) childhood development programs, as appropriate, to facilitate coordination of programs;

''(3) conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start teachers or, if appropriate, teachers from other early childhood development programs, to discuss the developmental and other needs of individual children;

''(4) organizing and participating in joint transition-related training of school staff, Head Start program staff, and, where appropriate, other early childhood development program staff; and

''(5) linking the educational services provided by such local educational agency with the services provided by local Head Start agencies.

''(c) COORDINATION OF REGULATIONS.—The Secretary shall work with the Secretary of Health and Human Services to coordinate regulations promulgated under this part with regulations promulgated under the Head Start Act.''.

SEC. 110. TREATMENT OF THE OUTLYING AREAS AND BUREAU OF INDIAN EDUCATION SCHOOLS.

(a) IN GENERAL.—Section 1121 (20 U.S.C. 6331) is amended—

(1) in the section heading, by striking ''**THE OUTLYING AREAS AND**'';

(2) by amending subsection (a) to read as follows:

''(a) RESERVATION OF FUNDS.—

''(1) IN GENERAL.—From the amount appropriated for payments to States for any fiscal year under sections 1002(a) and 1125A(f), the Secretary shall reserve—

''(A) for each fiscal year until the fiscal year described in paragraph (2), .67 percent to provide assistance to the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (b); and

''(B) for the fiscal year described in paragraph (2) and each succeeding fiscal year, 0.75 percent to provide assistance to the Secretary of the Interior in the amount necessary to make payments pursuant to such subsection.

''(2) DESCRIPTION OF FISCAL YEAR.—A fiscal year described in this paragraph is a fiscal year for which the total amount allocated under this part for each State, after reserving funds in accordance with paragraph (1)(B), would be an amount that is not less than the total amount allocated under this part for such State for fiscal year 2015.'';

(3) by striking subsections (b) and (c);

(4) by redesignating subsection (d) as subsection (b); and

(5) in subsection (b), as so redesignated—

(A) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—The amount allotted for payments to the Secretary of the Interior under subsection (a) for any fiscal year shall be used to meet the special educational needs of—

''(A) Indian children on reservations served by elementary schools and secondary schools for Indian children operated or supported by the Department of the Interior; and

''(B) out-of-State Indian children in elementary schools and secondary schools in local educational agencies under special contracts with the Department of the Interior.''; and

(B) in paragraph (2), by striking ''subsection (a)(2)'' and inserting ''subsection (a)''.

(b) ALLOCATIONS TO STATES.—Section 1122 (20 U.S.C. 6332) is amended by striking subsection (e).

(c) BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.—Section 1124(d) (20 U.S.C. 6333(d)) is amended—

(1) in paragraph (2), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(3) by striking ''Notwithstanding section 1122'' and inserting the following:

''(1) IN GENERAL.—Notwithstanding section 1122 and except as provided in paragraph (2)'';

(4) in paragraph (1)(B)(i) (as so redesignated), by striking ''calculated in paragraph (1)'' and inserting ''calculated in subparagraph (A)''; and

(5) by adding at the end the following new paragraph:

''(2) EXCEPTION.—American Samoa, Guam, the Commonwealth of the Northern Mariana

Islands, and the United States Virgin Islands shall each receive one-half of the lesser of the amounts calculated for each such jurisdiction under subparagraphs (A) and (B) of paragraph (1).''.

(d) CONCENTRATION GRANTS TO LOCAL EDUCATIONAL AGENCIES.—Section 1124A(a)(1)(B) (20 U.S.C. 6334(a)(1)(B)) is amended—

(1) by inserting ''STATE MINIMUM.—'' after the subparagraph enumerator;

(2) in clause (ii)—

(A) in subclause (II), by redesignating items (aa) and (bb) as subitems (AA) and (BB), respectively, and indenting appropriately; and

(B) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively, and indenting appropriately;

(3) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and indenting appropriately;

(4) by striking ''Notwithstanding section 1122'' and inserting the following:

''(i) IN GENERAL.—Notwithstanding section 1122 and except as provided in clause (ii)'';

(5) in clause (i)(II)(aa) (as so redesignated) by striking ''calculated under clause (i)'' and inserting ''calculated under subclause (I)''; and

(6) by adding at the end the following new clause:

''(ii) EXCEPTION.—American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands shall each receive one-half of the lesser of the amounts calculated for each such jurisdiction under subclauses (I) and (II) of clause (i).''.

(e) TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES.—Section 1125(e) (20 U.S.C. 6335(e)) is amended—

(1) in paragraph (2), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(3) by striking ''Notwithstanding any other provision of this section or section 1122'' and inserting the following:

''(1) IN GENERAL.—Notwithstanding section 1122 and except as provided in paragraph (2)'';

(4) by adding at the end the following new paragraph:

''(2) EXCEPTION.—American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands shall each receive one-half of the lesser of the amounts calculated for each such jurisdiction under subparagraphs (A) and (B) of paragraph (1).''.

(f) EDUCATION FINANCE INCENTIVE GRANT PROGRAM.—Section 1125A(b) (20 U.S.C. 6337(b)) is amended—

(1) in paragraph (1)(B)—

(A) in clause (ii), by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively, and indenting appropriately;

(B) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and indenting appropriately;

(C) by striking ''Notwithstanding any other provision of this section or section 1122'' and inserting the following:

''(i) IN GENERAL.—Notwithstanding section 1122 and except as provided in clause (ii)''; and

(D) by adding at the end the following new clause:

''(ii) EXCEPTION.—American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands shall each receive one-half of the lesser of the amounts calculated for each such jurisdiction under subclauses (I) and (II) of clause (i).''; and

(2) in paragraph (2)(B)—

(A) in the subparagraph heading, by inserting ''AND CERTAIN OUTLYING AREAS'' before the period at the end; and

(B) by adding after ''Commonwealth of Puerto Rico'' the following: '', American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands''.

(g) DEFINITION.—Section 9101(30) (20 U.S.C. 7801(30)) is amended by striking ''section 1121(b) and any other'' and inserting ''any''.

SEC. 111. SUPPORT FOR HIGH-QUALITY ASSESSMENTS.

(a) AMENDMENT.—Part A of title I (20 U.S.C. 6311 et seq.) is amended by adding at the end the following new subpart:

''Subpart 3—Support for High-Quality Assessments

''SEC. 1131. GRANTS TO IMPROVE DELIVERY OF HIGH-QUALITY ASSESSMENTS AND FOR RELATED ACTIVITIES.

''(a) IN GENERAL.—From the amount reserved under section 1134(b)(5) and subject to subparagraphs (A) and (B) of such section, the Secretary shall make grants by allocating funds in accordance with subsection (b) of this section to States to enable the States to—

''(1) develop, administer, and further align State assessments required by section 1111(b)(3) to State content standards required by section 1111(b)(1);

''(2) ensure the provision of appropriate accommodations as required by section 1111(b)(3) to students with limited English proficiency and students with disabilities to improve the rates of inclusion in State assessments of such students;

''(3) develop State assessment systems aligned to the State's content standards that support systems of continuous improvement and meet the assurance of coordination and alignment as described in section 1111(b)(3)(H);

''(4) support local educational agencies in identifying uses of assessment data, which may include appropriate use of student assessment data as one of multiple measures of student learning for teacher and school leader performance and evaluation, where applicable; and

''(5) carry out the activities described in the report required under subsection (c).

''(b) ALLOCATION OF FUNDS.—From the amount reserved under section 1134(b)(5), each State shall receive an allocation for each fiscal year in an amount equal to—

''(1) $4,000,000; and

''(2) with respect to any amounts remaining after the allocation is made under paragraph (1), an amount that bears the same relationship to such total remaining amounts as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

''(c) STATE REPORT.—Not later than 6 months after a State receives a grant under this section, the State shall, in consultation with education stakeholders, prepare and make publically available a report, that explains how the State has used, or will use, the grant to—

''(1) improve the quality and use of the State's assessment system, including assessments not required by section 1111(b)(3), and for related activities;

''(2) ensure that all summative assessments that are used for accountability purposes, including accountability described in section 1111(c) are valid and reliable, and consistent with relevant, nationally recognized professional and technical standards; and

''(3) improve the use of State assessment data by school leaders, educators, and parents, and for related activities, such as—

''(A) disseminating the assessment data in an accessible and understandable format for educators, parents, and families;

''(B) decreasing time between administering such State assessments and releasing assessment data;

''(C) supporting the dissemination of promising practices from local educational agencies that have successfully used assessment data to improve individual student and overall school performance;

''(D) identifying appropriate uses of assessment data, which may include appropriate use of student assessment data as one of multiple measures of student learning for teacher and school leader performance and evaluation; and

''(E) providing professional development on assessment and data literacy to teachers and school leaders, including on the development and effective use of formative and classroom-based assessments aligned with State content standards.

''SEC. 1132. GRANTS FOR ASSESSMENT SYSTEM ALIGNMENT, QUALITY, AND USE.

''(a) IN GENERAL.—From the amount reserved under section 1134(b)(3), the Secretary shall make grants to States to—

''(1) in the case of a grant awarded under this section to a State for the first time—

''(A) carry out an audit of the State assessment system and ensure that local educational agencies carry out audits of local assessments under subsection (e)(1);

''(B) prepare and carry out the State plan under subsection (e)(6); and

''(C) award subgrants under subsection (f); and

''(2) in the case of a grant awarded under this section to a State that has previously received a grant under this section—

''(A) carry out the State plan on audit findings under subsection (e)(6); and

''(B) award subgrants under subsection (f).

''(b) MINIMUM AMOUNT.—Each State with an approved application shall receive a grant amount of not less than $2,000,000.

''(c) REALLOCATION.—If a State chooses not to apply to receive a grant under this subsection, or if such State's application under subsection (d) is disapproved by the Secretary, the Secretary shall reallocate such grant amount to other States with approved applications.

''(d) APPLICATION.—A State desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(e) AUDITS OF STATE ASSESSMENT SYSTEMS AND LOCAL ASSESSMENTS.—

''(1) AUDIT REQUIREMENTS.—Not later than 1 year after a State receives a grant under this section for the first time, the State shall—

''(A) conduct an audit of the State assessment system;

''(B) ensure that each local educational agency under the State's jurisdiction and receiving funds under this Act—

''(i) conducts an audit of each local assessment administered by the local educational agency; and

''(ii) submits the results of such audit to the State; and

''(C) report the results of each State and local educational agency audit conducted under subparagraphs (A) and (B)—

''(i) in a publicly available format, such as a widely accessible online platform; and

''(ii) with appropriate accessibility provisions for individuals with disabilities and individuals with limited English proficiency.

''(2) RESOURCES FOR LOCAL EDUCATIONAL AGENCIES.—In carrying out paragraph (1)(B), each State shall develop and provide local educational agencies with resources, such as

guidelines and protocols, to assist the agencies in conducting and reporting the results of the audit required under such paragraph (1)(B).

''(3) STATE ASSESSMENT SYSTEM DESCRIPTION.—An audit of a State assessment system conducted under paragraph (1) shall include a description of each State assessment carried out in the State, including—

''(A) the grade and subject matter assessed;

''(B) whether the assessment is required under section 1111(b)(3);

''(C) the annual cost to the State educational agency involved in developing, purchasing, administering, and scoring the assessment;

''(D) the purpose for which the assessment was designed and the purpose for which the assessment is used, including assessments designed to contribute to systems of continuous improvement of teaching and learning;

''(E) the time for disseminating assessment results;

''(F) a description of how the assessment is aligned with the State's content standards;

''(G) a description of any State law or regulation that established the requirement for the assessment;

''(H) the schedule and calendar for all State assessments given; and

''(I) a description of the State's policies for inclusion of students with limited English proficiency and students with disabilities.

''(4) LOCAL ASSESSMENT DESCRIPTION.—An audit of a local assessment conducted under paragraph (1) shall include a description of the local assessment carried out by the local educational agency, including—

''(A) the descriptions listed in subparagraphs (A), (D), and (E) of paragraph (3);

''(B) the annual cost to the local educational agency of developing, purchasing, administering, and scoring the assessment;

''(C) the extent to which the assessment is aligned to the State's content standards;

''(D) a description of any State or local law or regulation that establishes the requirement for the assessment; and

''(E) in the case of a summative assessment that is used for accountability purposes, whether the assessment is valid and reliable and consistent with nationally recognized professional and technical standards.

''(5) STAKEHOLDER FEEDBACK.—Each audit of a State assessment system or local assessment system conducted under subparagraph (A) or (B) of paragraph (1) shall include feedback on such system from education stakeholders, which shall cover information such as—

''(A) how educators and administrators use assessment data to improve and differentiate instruction;

''(B) the timing of release of assessment data;

''(C) the extent to which assessment data is presented in an accessible and understandable format for educators, parents, students, if appropriate, and the community;

''(D) the opportunities, resources, and training educators and administrators are given to review assessment results and make effective use of assessment data;

''(E) the distribution of technological resources and personnel necessary to administer assessments;

''(F) the amount of time educators spend on test preparation;

''(G) the assessments that administrators, educators, parents, and students, if appropriate, do and do not find useful;

''(H) the amount of time students spend taking the assessments; and

''(I) other information as appropriate.

''(6) STATE PLAN ON AUDIT FINDINGS.—

''(A) PREPARING THE STATE PLAN ON AUDIT FINDINGS.—Not later than 6 months after a State conducts an audit under paragraph (1) and based on the results of such audit, the State shall, in coordination with the local educational agencies under the jurisdiction of the State, prepare and submit to the Secretary, a plan to improve and streamline State assessment systems and local assessment systems, including through activities such as—

''(i) eliminating any assessments that are not required by section 1111(b)(3) (such as by buying out the remainder of procurement contracts with assessment developers) and that—

''(I) are low-quality;

''(II) not aligned to the State's content standards;

''(III) in the case of summative assessments used for accountability purposes, are not valid or reliable and are inconsistent with nationally recognized professional and technical standards;

''(IV) do not contribute to systems of continuous improvement for teaching and learning; or

''(V) are redundant;

''(ii) supporting the dissemination of promising practices from local educational agencies or other States that have successfully improved assessment quality and efficiency to improve teaching and learning;

''(iii) supporting local educational agencies or consortia of local educational agencies to carry out efforts to streamline local assessment systems and implementing a regular process of review and evaluation of assessment use in local educational agencies;

''(iv) supporting appropriate uses of assessment data, which may include appropriate use of student assessment data as one of multiple measures of student learning for teacher and school leader performance and evaluation; and

''(v) providing professional development to teachers and school leaders on selecting and implementing formative assessments, designing classroom-based assessments, and assessment and data literacy.

''(B) CARRY OUT THE STATE PLAN ON AUDIT FINDINGS.—A State shall carry out a State plan on audit findings as soon as practicable after the State prepares such State plan under subparagraph (A) and during each grant period of a grant described in subsection (a)(2) that is awarded to the State.

''(f) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

''(1) IN GENERAL.—From the amount awarded to a State under this section, the State shall reserve not less than 20 percent of funds to make subgrants to local educational agencies in the State, or a consortium of such local educational agencies, based on demonstrated need in the agency's or consortium's application to improve assessment quality, use, and alignment with the State's content standards.

''(2) LOCAL EDUCATIONAL AGENCY APPLICATION.—Each local educational agency, or consortium of local educational agencies, seeking a subgrant under this subsection shall submit an application to the State at such time, in such manner, and describing that agency's or consortium's needs to improve assessment quality, use, and alignment (as described in paragraph (1)), and such other information as determined by the State.

''(3) USE OF FUNDS.—A subgrant awarded under this subsection to a local educational agency or consortium of such agencies may be used to—

''(A) conduct an audit of local assessments under subsection (e)(1)(B);

''(B) eliminate any assessments identified for elimination by such audit, such as by buying out the remainder of procurement contracts with assessment developers;

''(C) disseminate the promising practices described in subsection (e)(6)(B);

''(D) improve the capacity of school leaders and educators to disseminate assessment data in an accessible and understandable format for parents and families, including for individuals with disabilities or individuals with limited English proficiency;

''(E) support the appropriate use of assessment data, which may include appropriate use of student assessment data as one of multiple measures of student learning for teacher and school leader performance and evaluation;

''(F) provide professional development to, and time for teacher collaboration on designing classroom-based assessments and improving assessments and data literacy for, teachers and school leaders, which may include providing additional planning time to analyze student and team data and designing instruction based on data analysis;

''(G) improve assessment delivery systems and schedules, including by increasing access to technology and exam proctors, where appropriate;

''(H) hire instructional coaches, or promoting educators who may receive increased compensation to serve as instructional coaches, to support educators to develop classroom-based assessments, interpret assessment data, and design instruction; and

''(I) provide for appropriate assessment accommodations to maximize inclusion of students with disabilities and students with limited English proficiency, including by providing the assessments described in section 1111(b)(6).

"SEC. 1133. INNOVATIVE ASSESSMENT DEMONSTRATION AUTHORITY.

''(a) DEFINITIONS.—In this part:

''(1) COLLEGE AND CAREER READY STANDARDS.—The term 'college and career ready standards' means the academic content and student academic achievement standards adopted by a State under section 1111(b).

''(2) COMPETENCY EDUCATION.—The term 'competency education' is defined, (at a minimum), as a school-level framework for learning that enables personalization, with the goal of students becoming proficient, in which—

''(A) students advance upon mastery;

''(B) competencies are transparent, aligned to State academic standards, and include explicit, measurable, and transferable learning objectives;

''(C) assessment improves teaching and learning in real time and validates when students are ready to demonstrate mastery; and

''(D) students receive timely, differentiated support based on their individual learning needs.

Competencies emphasize growth towards higher order skills, including the application and creation of knowledge and social emotional skills.

''(3) CORE INDICATORS.—The term 'core indicators' means—

''(A) State academic assessments that meet the requirements of section 1111(b)(3) and that provide data that can be compared with data regarding the State academic assessments required under section 1111(b)(3); and

''(B) graduation rates.

''(4) ELIGIBLE ENTITY.—The term 'eligible entity' means a State educational agency or consortium of State educational agencies.

''(5) MASTERY.—The term 'mastery' means a level of knowledge or skill development demonstrated by a student signifying that the student has met a standard and is prepared to progress to a subsequent standard.

''(6) PERFORMANCE ASSESSMENT.—The term 'performance assessment' means a multistep assessment that—

''(A) includes complex activities with clear criteria, expectations, and processes that enable students to interact with meaningful content; and

''(B) measures the depth at which students learn content and apply complex skills to create or refine an original product or solution.

''(b) DEMONSTRATION AUTHORITY.—

''(1) IN GENERAL.—The Secretary may provide eligible entities, in accordance with paragraph (3), with the authority to establish State assessment systems that enable competency education to satisfy the requirements under section 1111(c) and 1111(b)(3) and use results of such competency education assessment system for the purposes of section 1111(c) and section 1116 and in accordance with an application approved under subsection (c).

''(2) DEMONSTRATION PERIOD.—The initial award of demonstration authority under this part shall be for a period of 5 years. After such period, if the Secretary has not withdrawn the demonstration authority from an eligible entity, the eligible entity shall be permitted to operate the assessment system approved under the demonstration authority in lieu of the requirements under section 1111(b)(3), except that the assessments required under section 1111(b)(3) shall be administered at a minimum of once in grades 3 through 56, once in graades 6 through 8, and once in high school.

''(3) INITIAL DEMONSTRATION AUTHORITY; EXPANSION; RENEWAL.—

''(A) INITIAL LIMIT.—During the initial 3-year period of demonstration authority under this section, the Secretary may not provide more than 5 eligible entities with the authority described in paragraph (1).

''(B) EXPANSION OF DEMONSTRATION AUTHORITY.—After the end of the initial demonstration period described in subparagraph (A), the Secretary may provide additional eligible entities with demonstration authority described in paragraph (1), subject to each of the requirements of this part as applicable, if the Secretary determines that the demonstration authority provided under this part during the initial demonstration period has effectively supported student progress on core indicators among students served by the eligible entities, including subgroups of students described in section 1111(c)(3)(A).

''(c) APPLICATIONS.—To be eligible to participate in the demonstration under this part, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, that describes the assessment system that will be used by the eligible entity to enable competency education, including—

''(1) a description of the assessment system the eligible entity will use (consistent with section 1111(b)(3)(B) and covering the subjects described in section 1111(b)(3)(C)), including—

''(A) how the system will provide annual summative student performance data gathered in one of the following ways—

''(i) a statewide summative assessment administered at least once annually in each of grades 3 through 8 and once in grades 9 through 12;

''(ii) a statewide summative instrument administered at least once annually in each of grades 3 through 8 and once in grades 9 through 12 administered as multiple assessments throughout the year; or

''(iii) a combination of a statewide summative assessment and , or in lieu of, local summative assessments administered at least once annually in each of grades 3 through 8 and once in grades 9 through 12, so long as—

''(I) the assessments provide, at a minimum, annual information about student performance to inform determinations about accountability and supports and interventions;

''(II) the statewide assessment occurs at a minimum of once in elementary, once in middle, and once in high school;

''(III) the assessment items are aligned to college- and career-ready State academic standards;

''(IV) the local assessment instruments produce comparable results across the State that are of high technical quality, reliability, and validity; and

''(V) the system of assessments incorporates multiple sources of evidence of student learning, including performance-based tasks; and

''(B) how the system will incorporate formative, interim, and summative assessments, including the use of performance assessments and other sources of evidence of student learning that determine mastery of college and career ready standards and competencies.

''(d) ASSURANCES.—The State educational agency will provide assurances that—

''(1) the system is aligned to college and career ready standards described in section 1111 and State-approved competencies;

''(2) the system has been developed in collaboration with stakeholders representing the interests of students with disabilities, English learners, and civil rights organizations in the State, as demonstrated through modifications made to the assessments resulting from such collaboration;

''(3) the system incorporates the principles of universal design as defined in section 3(a) of the Assistive Technology Act of 1998 (29 U.S.C.14 3002(a));

''(4) the system will allow students to demonstrate progress toward mastery of such standards and State-approved competencies;

''(5) the assessments will assess mastery of State-approved competencies when students are ready to demonstrate mastery of such standards and competencies;

''(6) the system will provide students with multiple opportunities to demonstrate mastery of such standards and competencies;

''(7) the system will engage and support teachers in scoring assessments, including the use of high quality professional development, standardized and calibrated scoring rubrics, and other strategies to ensure inter-rater reliability and comparability of determinations of mastery across the State;

''(8) the system provides educators, students, and parents with real-time data to inform instructional practice and continuously improve student performance;

''(9) the system will provide instructional support and targeted intervention to all students to ensure every student is on-track to master the State approved standards and competencies by graduation;

''(10) the system will only utilize a student's individualized education program, as defined in section 602 of the Individuals with Disabilities Education Act, for purposes specifically allowed under such Act;

''(11) a description of how the system will be used to satisfy the accountability requirements of section 1111(c);

''(12) the State will administer the annual statewide assessment required under section 1111(b)(3) until the secretary removes such requirement as described under subsection (b)(2);

''(13) the eligible entity's plan to—

''(A) ensure that all students, including each student subgroup described in section 1111(c)(3)(A)—

''(i) are held to the same high standard;

''(ii) demonstrate annually, at a minimum, at least 1 year of academic growth consistent with the requirement in section 1111(b)(4)(E); and

''(iii) receive the instructional support needed to attain mastery of college and career ready standards and State-approved competencies;

''(B) train local educational agency and school staff to implement the assessments described in paragraph (2)(A);

''(C) acclimate students to the new assessment and accountability systems; and

''(D) ensure that each local educational agency has the technological infrastructure to operate the accountability and assessment systems described in this section; and

''(14) a description of how instruction and professional development will be enhanced to personalize the educational experience for each student to ensure all students graduate college and career ready, as determined in accordance with State academic achievement standards under section 1111(b); and

''(15) a description of the local educational agencies within the State that will participate in the polit.

''(e) PEER REVIEW.—The Secretary shall—

''(1) implement a peer review process, which shall include a review team comprised of practitioners and experts who are knowledgeable about competency education, to inform the awarding of the demonstration authority under this part; and

''(2) make publicly available the applications submitted under subsection (c) and the peer comments and recommendations on such applications.

''(f) DEMONSTRATION AUTHORITY WITHDRAWN.—The Secretary may withdraw the demonstration authority provided to an eligible entity under this part if at any point after the 3 year demonstration period described in subsection (b)(2), the Secretary determines that student performance for all students served by the eligible entity or any student subgroup described under section 1111(c)(3)(A) has declined on core indicators;

''(g) DISSEMINATION OF BEST PRACTICES.—The Secretary shall disseminate best practices on the implementation of accountability and assessment systems that enable competency education, including on—

''(1) strategies that States used to accelerate mastery of State standards and aligned competencies to close achievement gaps and increase readiness for college and career;

''(2) the effective use of formative, interim, and summative assessments to inform instruction; and

''(4) the development of standardized and calibrated scoring rubrics, and other strategies to ensure inter-rater reliability and comparability of determinations of mastery across the State.

"SEC. 1134. FUNDING.

''(a) AUTHORIZATION OF APPROPRIATIONS.—

''(1) NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.—For the purpose of administering the State assessments under the National Assessment of Educational Progress, there are authorized to be appropriated $72,000,000 for fiscal year 2016, and such sums as may be necessary for each of the 5 succeeding fiscal years.

''(2) STATE ASSESSMENTS AND RELATED ACTIVITIES.—For the purpose of carrying out this subpart, there are authorized to be appropriated $600,000,000 for fiscal year 2016, and such sums as may be necessary for each of the 5 succeeding fiscal years.

''(b) RESERVATION OF APPROPRIATED FUNDS.—From amounts made available for each fiscal year under subsection (a)(2), the Secretary shall—

''(1) reserve one-half of 1 percent for the Bureau of Indian Affairs;

''(2) reserve one-half of 1 percent for the outlying areas;

''(3) reserve 20 percent to carry out section 1132;

''(4) reserve 3 percent to carry out section 1133; and

''(5) reserve the remainder (after reserving funds under paragraphs (1) through (4)) to carry out section 1131, except that—

''(A) for any fiscal year for which the funds appropriated under subsection (a)(2) of this section are equal to or greater than $450,000,000, each State that receives a grant under section 1131 shall use the grant to carry out paragraphs (1) through (5) of section 1131(a); and

''(B) for any fiscal year for which the funds appropriated under subsection (a)(2) of this section are less than $450,000,000, each State that receives a grant under section 1131 shall only be required to use the grant to carry out paragraphs (1) through (3) of section 1131(a).

''SEC. 1135. STATE DEFINED.

''In this section, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.''.

(b) CONFORMING AMENDMENT.—Subpart 1 of part A of title VI (20 U.S.C. 7301 et seq.) is repealed.

SEC. 112. STATE AGENCY PROGRAMS.

Part D of title I (20 U.S.C. 6421 et seq.) is amended—

(1) in section1414(a)(2)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) by redesignating subparagraph (C) as subparagraph (F); and

(C) by inserting after subparagraph (B) the following:

''(C) contain procedures to ensure that each student who has been placed in the State's juvenile justice system is promptly re-enrolled in secondary school or placed in a re-entry program that best meets the educational and social needs of the student;

''(D) contain procedures for facilitating the transfer of credits that such students earned during placement;

''(E) provide that, to the extent feasible, students will have the opportunity to participate in higher education or career pathways; and'';

(2) in section 1416—

(A) by redesignating paragraphs (3), (4), (5), (6), (7) and (8) as paragraphs (4), (5), (7), (8), (9), and (10), respectively;

(B) by inserting after paragraph (2) the following:

''(3) includes the development of an initial education services and transition plan for each child or youth served under this subpart upon entry into the correctional facility, in partnership with the child or youth's family members and the local educational agency that most recently provided services to the child or youth;'';

(C) by inserting after paragraph (5), as so redesignated by subparagraph (A), the following:

''(6) describes how the program will consult with the child or youth's local educational agency for a period jointly determined necessary by the correctional facility and the 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;'';

(D) in paragraph (9), as so redesignated, by striking ''and'' at the end;

(E) in paragraph (10), as so redesignated, by striking the period at the end and inserting ''; and''; and

(F) by adding at the end the following:

''(11) includes an assurance that the State agency will report annually on the number of children and youth released from the correctional facility or institution who returned or did not return to school, the number of children and youth obtaining a secondary school diploma or its recognized equivalent, and the number of children and youth obtaining employment.''; and

(3) in section 1425—

(A) by redesignating paragraphs (10) and (11) as paragraphs (11) and (12), respectively; and

(B) by inserting after paragraph (9) the following:

''(10) where feasible, coordinate with agencies that provide re-entry services to adjudicated youth;''.

SEC. 113. FOSTER YOUTH.

(a) AMENDMENT.—Part D of title I is amended by adding at the end the following:

''Subpart 4—Educational Stability of Children in Foster Care

''SEC. 1441. EDUCATIONAL STABILITY OF CHILDREN IN FOSTER CARE.

''(a) OBLIGATIONS TO COLLABORATE WITH CHILD WELFARE AGENCIES.—

''(1) IN GENERAL.—Each State educational agency receiving assistance under part A shall, in consultation with the State agency responsible for administering the State plans under parts B and E of title IV of the Social Security Act (42 U.S.C. 621 et seq., 670 et seq.), develop and implement a plan to ensure that the following occurs, for each child in the State, when the child moves to a new school attendance area as a result of being placed in foster care (as described in section 1442 (1)), changing foster care placements, or leaving foster care:

''(A) ATTENDANCE AT A SCHOOL OF ORIGIN.—

''(i) IN GENERAL.—The child enrolls or remains in the child's school of origin, unless a determination is made that it is in the child's best interest to attend a different school.″.

''(ii) LIMITATION.—A child who leaves foster care shall only be entitled to remain in the child's school of origin for the remainder of the school year.

''(B) IMMEDIATE ENROLLMENT.—When a determination is made regarding the school that it is in the best interest of a child in foster care to attend, the child shall be immediately enrolled in such school, even if the child is unable to produce records normally required for enrollment, such as previous academic records, immunization and medical records, a birth certificate, guardianship records, proof of residency, or other documentation.

''(C) RECORDS TRANSFER.—Any records ordinarily kept by a school, including records of immunizations, health screenings, and other required health records, academic records, birth certificates, evaluations for special services or programs, and any individualized education programs (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)), regarding a child in foster care shall be—

''(i) maintained so that the records involved are available, in a timely fashion, when a child in foster care enters a new school; and

''(ii) immediately transferred to the enrolling school, even if the child owes fees or fines or was not withdrawn from previous schools in conformance with local withdrawal procedures.

''(2) IMPLEMENTATION.—Each State educational agency receiving assistance under part shall ensure that the plan described in paragraph (1) is implemented by the local educational agencies in the State.

''(b) CREDIT TRANSFER AND DIPLOMAS.—Each State that receives assistance under part A shall have policies for ensuring that—

''(1) a child in foster care who is changing schools can transfer school credits and receive partial credits for coursework satisfactorily completed while attending a prior school or educational program;

''(2) a child in foster care is afforded opportunities to recover school credits lost due to placement instability while in foster care; and

''(3) a child in foster care who has changed secondary schools can receive a secondary school diploma either from one of the schools in which the child was enrolled or through a State-issued secondary school diploma system, consistent with State graduation requirements.

''(c) TRANSPORTATION.—

''(1) IN GENERAL.—The local educational agency and State shall, in consultation with the local child welfare agency, develop and within one year of enactment of this act implement clear written procedures governing how transportation to maintain children in foster care in their school of origin when in their best interest will be provided, arranged, and funded for the duration of the time in foster care and through the remainder of the school year in which the children leave foster care. The procedures shall ensure that children needing transportation to the school of origin will promptly receive transportation in a cost effective manner and in accordance with section 475(1)(G)of the Social Security Act (42 U.S.C. 675(1)(G).

''(2) COST OF TRANSPORTATION.—Where the child in foster care remains in the school of origin pursuant to section 475(1)(G) of the Social Security Act (42 U.S.C. 675(1)(G)), and if there are additional costs incurred in providing transportation to maintain children in their schools of origin, the local educational agency will provide transportation to their school of origin if:

''(A) the local child welfare agency agrees to reimburse the local educational agency for the cost of such transportation;

''(B) the local educational agency agrees to pay for the cost of such transportation; or

''(C) the local educational agency and the local child welfare agency agree to share the cost of such transportation; or

''(D) TRANSPORTATION FOR THE REMAINDER OF THE SCHOOL YEAR.—The local educational agency will provide transportation for the remainder of the academic year in which a child leaves foster care if whomever the child is returned to by the child welfare agency requests transportation and remaining in the school of origin is in the child's best interest.

''(d) POINTS OF CONTACT.—

''(1) LOCAL EDUCATIONAL AGENCIES.—A State that receives assistance under part A shall:

''(A) advise each local educational agency in the State of their option to designate an individual employed by the agency to serve as a point of contact for the child welfare agencies responsible for children in foster care enrolled in the local educational agency and that they must designate such a point of contact if any such local child welfare agency provides written notice it has designated an individual employed by that agency to serve as a point of contact for the local educational agency;

''(B) ensure that local educational agency points of contact oversee the implementation of the local educational agency requirements under this section; and

''(C) ensure that high needs local educational agencies do not designate the same individual as the point of contact for children in foster care and the local educational agency liaison under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act.

''(2) STATE EDUCATIONAL AGENCIES.—

''(A) Each State educational agency receiving assistance under part A shall designate an individual to serve as a point of contact

for child welfare agencies and to oversee the implementation of the State educational agency requirements under this section.

''(B) A State educational agency's point of contact shall not be the individual designated as the State's Coordinator for Education of Homeless Children and Youths under section 722(d)(3) of the McKinney-Vento Homeless Assistance Act.

''SEC. 1442. DEFINITIONS.

''(a) HEADER.—In this part:

''(1) CHILD IN FOSTER CARE.—The term 'child in foster care' means a child whose care and placement is the responsibility of the agency that administers a State plan under part B or E of title IV of the Social Security Act (42 U.S.C. 621 et seq., 670 et seq.), without regard to whether foster care maintenance payments are made under section 472 of the Social Security Act (42 U.S.C. 672) on behalf of the child.

''(2) SCHOOL ATTENDANCE AREA.—The term 'school attendance area' has the meaning given the term in section 1113(a)(2).

''(3) SCHOOL OF ORIGIN.—The term 'school of origin' means, with respect to a child in foster care, any of the following:

''(A) The public school in which the child was enrolled prior to entry into foster care.

''(B) The public school in which the child is enrolled when a change in foster care placement occurs.

''(C) The public school the child attended when last permanently housed, as such term is used in section 722(g)(3)(G) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(3)(G)), if such child was eligible for assistance under such Act before the child became a child in foster care.''.''.

(b) GUIDANCE.—Not later than 90 days after the date of enactment of this Act, the Secretary is directed to issue guidance on the implementation of part E of title I of this Act, including how State and local agencies will work together to ensure that transportation for children in foster care is provided to the school of origin.

SEC. 114. SCHOOL DROPOUT PREVENTION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1803 (20 U.S.C. 6553) is amended by striking ''2002'' and inserting ''2016''.

(b) NATIONAL ACTIVITIES.—Section 1811(b)(4) (20 U.S.C. 6555(b)(4)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''for all students'';

(2) in subparagraph (A)—

(A) by inserting ''for all students'' before ''in that''; and

(B) by striking ''or'' at the end;

(3) by redesignating subparagraph (B) as subparagraph (C);

(4) by inserting after subparagraph (A), as so amended, the following:

''(B) for students in one or more of the subgroups described in section 1111(c)(3)(A); or''; and

(5) in subparagraph (C), as so amended, by inserting ''for all students or for students in one or more of the subgroups described in section 1111(c)(3)(A) with a higher than average dropout rate'' after ''middle school,''.

(c) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—Section 1822(b)(1) (20 U.S.C. 6561a(b)(1)) is amended—

(1) in subparagraph (D), by inserting before the semicolon at the end the following: '', including the development of early warning indicator systems in middle schools, as described in section 1116(c)(5)(A)''; and

(2) in subparagraph (H), by inserting before the semicolon at the end the following: '', including the creation of individualized student success plans''.

(d) APPLICATIONS.—Section 1823(b)(1)(G) (20 U.S.C. 6561b(b)(1)(G)) is amended—

(1) by striking ''about'' and inserting ''and evidence-based''; and

(2) by striking ''reentry'' and inserting ''reentry programs''.

(e) REPORTING AND ACCOUNTABILITY.—Section 1830 (20 U.S.C. 6561i(a)(1)) by striking ''race and ethnicity'' and inserting ''each subgroup described in section 111(c)(3)(A)''.

(f) PROHIBITED USES OF FUNDS.—Subpart 2 of part H of title I (20 U.S.C. 6561 et seq.) is amended by adding at the end the following:

''SEC. 1831. 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.''.

TITLE II—TEACHERS AND LEADERS

SEC. 201. GREAT TEACHERS AND LEADERS.

Title II (20 U.S.C. 6601 et seq.) is amended to read as follows:

''TITLE II—GREAT TEACHERS AND LEADERS

''SEC. 2001. PURPOSE.

''The purpose of this title is to help States and local educational agencies support teachers and school leaders to improve student achievement for all students, including English learners and students with disabilities, by—

''(1) promoting and enhancing the teaching profession;

''(2) supporting the development of qualified and effective of teachers and school leaders;

''(3) recruiting, rewarding, and retaining effective teachers and other school leaders and fostering excellent instructional teams, especially in high-need local educational agencies, schools, fields, and subjects;

''(4) providing teachers with the knowledge, skills, data, support, and collaborative opportunities needed to be effective in the classroom and to the meet the diverse learning needs of their students;

''(5) providing all students with access to effective teachers and school leaders; and

''(6) improving the management of the education workforce in States and local educational agencies.

''SEC. 2002. DEFINITIONS.

''In this title:

''(1) CAREER LADDERS.—The term 'career ladders' means promotion and professional growth opportunities, beyond moving into administration, for effective teachers, as determined by the State or local educational agency, including teacher leaders, instructional or curriculum specialists, and teacher mentors, who help improve teaching and learning in a school or local educational agency.

''(2) HIGH-NEED FIELD.—The term 'high-need field' refers to the fields of special education, bilingual education, and English language acquisition.

''(3) HIGH-NEED SUBJECT.—The term 'high-need subject' means mathematics, science, and any other content area that is designated by a State educational agency or the Secretary as a teacher shortage area.

''(4) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency—

''(A)(i) that serves not fewer than 10,000 children from families with incomes below the poverty line; or

''(ii) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and

''(B)(i) for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach; or

''(ii) for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing.

''(5) QUALIFIED TEACHER.—The term 'qualified teacher' means a teacher who meets the minimum qualifications to teach in a State and—

''(A) when used with respect to a middle school or high school teacher who is entering the profession in a State for the first time, means that the teacher—

''(i) holds at least a bachelor's degree;

''(ii) has demonstrated to the State, content knowledge in the content area that the teacher will teach as determined—

''(I) by passing a rigorous State assessment; or

''(II) by successful completion of an academic major, a graduate degree, or coursework equivalent to an undergraduate academic major in the content area that the teacher will teach;

''(iii) if required by the State to demonstrate teaching skills by passing a State teacher performance assessment, has passed such assessment; and

''(iv) has successfully completed a teacher preparation program; or

''(v) at the State's discretion, may be enrolled in an alternative teacher preparation program, and—

''(I) be on track to successful completion of such program; and

''(II) be supervised by a mentor teacher;

''(B) when used with respect to an elementary school teacher who is entering the profession in a State for the first time, means that the teacher—

''(i) holds at least a bachelor's degree;

''(ii) has demonstrated to the State, content knowledge and teaching skills in reading, writing, mathematics, science, and other areas of the elementary school curriculum—

''(I) by passing a rigorous State assessment or State-required test in reading, writing, mathematics, science, and other areas of the basic elementary school curriculum; or

''(II) by successful completion of an academic major, a graduate degree, or coursework equivalent to an undergraduate academic major in the content areas that the teacher will teach;

''(iii) if required by the State to demonstrate teaching skills by passing a State teacher performance assessment, has passed such assessment; and

''(iv) has successfully completed a teacher preparation program; or

''(v) at the State's discretion, may be enrolled in an alternative teacher preparation program; and

''(I) be on track to successful completion of such program; and

''(II) be supervised by a mentor teacher; and

''(C) means any teacher who is highly qualified as defined in section 9101(23) or section 602(10) of the Individuals with Disabilities Education Act, as such section was in effect on the day before the date of enactment of the Student Success Act.

''(6) INDUCTION.—The term 'induction' means a program for new teachers and new

school leaders, as appropriate, during at least their first 2 years of practice, that is designed to increase effectiveness and retention of new teachers and new school leaders, and that includes—

''(A) high-quality mentoring;

''(B) development of skills and knowledge in areas needed for new teachers, including, content knowledge and pedagogy, instructional strategies for teaching students with diverse learning needs, classroom management (including strategies that improve the school-wide climate for learning, which may include positive behavioral interventions and supports), formative assessment of student learning, and the analysis and use of student assessment data to improve instruction;

''(C) frequent, structured time for collaboration and professional development with teachers and school leaders in the same field, grade, or subject area, and opportunities to draw directly on the expertise of other school and local educational agency staff, staff of high-performing pathways, and other organizations that provide high-quality induction supports;

''(D) regular and structured observation and feedback by mentors, school leaders, or effective teachers, as determined by the State or local educational agency; and

''(E) where feasible, team teaching, reduced teaching load and activities designed to ensure that teachers have appropriate teaching tools and instructional materials for their classroom.

''(7) MENTORING.—The term 'mentoring' means the mentoring of new teachers and school leaders, as appropriate, so as to increase the effectiveness and retention of those teachers and school leaders through a program that—

''(A) includes clear criteria for the selection of teacher and school leaders mentors that take into account a candidate's effectiveness as a teacher or school leader and that individual's ability to facilitate adult learning;

''(B) provides high-quality training for the mentors on how to support new teachers and school leaders effectively;

''(C) provides regularly scheduled time for collaboration and for examination of student work and achievement data, and on-going opportunities for mentors and mentees to observe each other's practice; and

''(D) matches, when possible, each mentee with a mentor who is in the same field, grade, or subject area as the mentee.

''(8) PROFESSIONAL DEVELOPMENT.—The term 'professional development' means coordinated and aligned activities with evidence of increasing effectiveness of educators, which may include teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, early childhood educators, and other school staff that—

''(A) fosters collective responsibility for improved student performance;

''(B) is comprised of professional learning that—

''(i) aligns with State academic content and achievement standards and early learning standards, as appropriate, with local educational agency and school improvement goals and plans, including those identified under section 1116, and with school instructional materials;

''(ii) is aligned to a teacher and school leader evaluation system, where applicable;

''(iii) is conducted among educators at the school and facilitated by trained school leaders and school-based professional development coaches, mentors, master teachers, or other teacher leaders;

''(iv) supports family engagement in their children's education;

''(v) primarily occurs frequently and during significant blocks of time among established teams of teachers, school leaders, and other instructional staff members where the teams of educators engage in a continuous cycle of improvement that—

''(I) defines a clear set of educator learning goals based on the rigorous analysis of data and improves content knowledge, pedagogical skills, and the ability to analyze and use data;

''(II) achieves the educator learning goals identified under subclause (I) by implementing coherent, sustained, and evidence-based learning strategies, such as lesson study and the development of formative assessments, that improve instructional effectiveness and student achievement;

''(III) provides job-embedded coaching or other forms of assistance to support the transfer of new knowledge and skills to the classroom;

''(IV) regularly assesses the effectiveness of the professional development in achieving identified learning goals, improving teaching, and assisting all students in meeting challenging State academic achievement standards;

''(V) informs ongoing improvements in teaching and student learning;

''(VI) may support joint professional development activities for school staff and early childhood educators that address the transition to elementary school, including issues related to school readiness across all major domains of early learning; and

''(VII) may be supported by external assistance with relevant expertise, including content expertise; and

''(C) may be supplemented by activities such as courses, workshops, institutes, networks, and conferences that—

''(i) address the academic goals and objectives established for professional development by educators and school leaders at the school level;

''(ii) advance the ongoing school-based professional development; and

''(iii) are provided for by for-profit and non-profit entities outside the school such as universities, education service agencies, technical assistance providers, networks of content-area specialists, and other education organizations and associations.

''(9) SCHOOL LEADER.—The term 'school leader' means a principal, an assistant principal, administrator or director, or an individual who is—

''(A) an employee or officer of a school; and

''(B) is responsible for managerial operations, instructional leadership, or interscholastic athletic programs of that school.

''(10) SCHOOL LEADERSHIP TEAM.—The term 'school leadership team' means a group that includes the principal, other school leaders, and teachers at a school who work together to develop school plans or goals for the school.

''(11) STATE TEACHER PERFORMANCE ASSESSMENT.—The term 'State-teacher performance assessment' means a rigorous assessment used to measure teacher performance that is developed and approved in collaboration with teachers, and administered by the State and—

''(A) is based on professional teaching standards;

''(B) are aligned to State academic content and achievement and early learning standards;

''(C) is used to document the effectiveness of a teacher's—

''(i) curriculum planning;

''(ii) instruction of students, including appropriate supports for students who are English learners and students who are children with disabilities; and

''(iii) assessment of students, including analysis of evidence of student learning;

''(D) is validated based on professional assessment standards;

''(E) is regularly monitored to ensure the quality, reliability, validity, fairness, consistency, and objectivity of the evaluators' determinations;

''(F) is reliably scored by trained evaluators with appropriate oversight of the process to ensure consistency; and

''(G) the results of which are used to support continuous improvement of educator practice.

''(12) TEACHING RESIDENCY PROGRAM.—The term 'teaching residency program' means a school-based teacher preparation program in which a prospective teacher—

''(A) teaches alongside a mentor teacher, who is the teacher of record, for at least one year;

''(B) receives concurrent instruction in the teaching of the content area in which the teacher will become certified or licensed;

''(C) receives concurrent instruction in effective teaching skills; and

''(D) attains full State teacher certification or licensure, and becomes qualified prior to, or upon, completion of the program.

''(13) EVIDENCE OF CLASSROOM PRACTICE.—The term 'evidence of classroom practice' means evidence gathered through multiple formats and from multiple sources that demonstrate effective teaching skills and—

''(A) shall include—

''(i) multiple classroom observations based on rigorous teacher performance standards or rubrics and conducted by trained personnel;

''(ii) information on the teacher's successful use of data to improve instruction and demonstrate evidence of student learning;

''(iii) student work, lesson plans, feedback provided to students and teacher developed classroom assessments;

''(iv) demonstration of professional responsibility; and

''(B) may include, but which shall have a weight that is less than the weight assigned to the requirements described in subparagraph (A)—

''(i) videos of teacher practice;

''(ii) teacher portfolios; and

''(iii) parent, student, and peer feedback.

''(14) EVIDENCE OF SCHOOL LEADERSHIP.—The term 'evidence of school leadership' means evidence gathered through multiple formats and from multiple sources that shall include an evaluation of—

''(A) data on student learning gains, including evidence of student learning;

''(B) gains in student achievement, including passage of required exams for course progression, credit accumulation, completion of promotion standards, and graduation rates;

''(C) increases in student attendance rates;

''(D) percentage of effective teachers on staff;

''(E) retention rates of effective teachers as determined by the State or local educational agency;

''(F) evidence of successful alignment of teacher evaluation with professional development and teacher support;

''(G) demonstration of instructional leadership, including use of data and assessment to inform decision-making;

''(H) demonstration of effective fiscal management, where applicable;

''(I) evidence of effective community and parent engagement;

''(J) improved teacher attendance rates;

''(K) establishment of learning communities where school leaders and teachers—

''(i) share a school mission and goals with an explicit vision of quality teaching and learning that guides all instructional decisions;

''(ii) commit to improving student outcomes and performances;

''(iii) set a continuous cycle of collective inquiry and improvement;

''(iv) foster a culture of collaboration where teachers and school leaders work together on a regular basis to analyze and improve teaching and learning; and

''(v) support and share leadership; and

''(L) develop and maintain a positive school culture where students, teachers and other staff are motivated to collaborate and work together to achieve goals.

''(15) EVIDENCE OF STUDENT LEARNING.—The term 'evidence of student learning' means data that shall be based on multiple, valid and reliable indicators of student academic growth towards State content and achievement standards, which shall be based significantly on—

''(A) student learning gains on the State student academic assessments under section 1111(c) and, for grades and subjects not covered by the State's student academic assessments, another valid and reliable assessment of student academic achievement, as long as the assessment is used consistently by the local educational agency for the grade or class for which the assessment is administered; and

''(B) other evidence of student learning that is comparable across schools within an local educational agency such as—

''(i) formative and summative assessments;

''(ii) objective performance-based assessments; and

''(iii) representative samples of student work, including progress towards performance standards and evidence of student growth.

''(16) MENTOR PRINCIPAL.—The term 'mentor principal' means an individual with—

''(A) Strong instructional leadership skills in an elementary school or secondary school setting;

''(B) Strong verbal and written communication skills, which may be demonstrated by performance on appropriate assessments; and

''(C) Knowledge and skills to—

''(i) establish and maintain a professional learning community that effectively utilizes data to improve the school culture and personalize instruction to increase student achievement;

''(ii) create and maintain a learning culture within the school that provides a climate conducive to the development of all members of the school community, including one of continuous learning for adults tied to student learning and other school goals;

''(iii) engage in continuous professional development, utilizing a combination of academic study, developmental simulation exercises, self-reflection, mentorship and internship;

''(iv) understand youth development appropriate to the age level served by the school and from this knowledge sets high expectations and standards for the academic, social, emotional and physical development of all students; and

''(v) actively engage the community to create shared responsibility for student academic performance and successful development.

''PART A—EFFECTIVE TEACHER AND LEADER STATE GRANTS

''SEC. 2101. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $3,500,000,000 for fiscal year 2016, and such sums as may be necessary for each of the 5 succeeding fiscal years, to carry out this part.

''Subpart 1—Grants to States

''SEC. 2111. ALLOCATIONS TO STATES.

''(a) RESERVATIONS.—From the amounts made available under section 2101 for this subpart for each fiscal year, the Secretary shall reserve—

''(1) one-half of one percent for the outlying areas, to be distributed among the outlying areas on the basis of their relative need, as determined by the Secretary, for activities consistent with the purposes of this title;

''(2) one-half of one percent for the Secretary of the Interior, for activities, consistent with the purposes of this title described in section 2001, in schools operated by or funded by the Bureau of Indian Education; and

''(3) one-half of one percent for a competitive grant program to encourage consortia of States to develop instructional supports aligned to new college- and career-ready standards that are made widely available to all States and local educational agencies.

''(b) ALLOTMENTS TO STATES, REDUCTIONS.—

''(1) IN GENERAL.—From the amounts made available under section 2101 for this subpart for each fiscal year that remain after the Secretary reserves funds under subsection (a) of this section, the Secretary shall allot to each State with an approved application under section 2112 the sum of—

''(A) an amount that bears the same relationship to 35 percent of the remaining amount as the number of individuals age five 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

''(B) an amount that bears the same relationship to 65 percent of the remaining amount as the number of individuals age five 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.

''(2) FISCAL YEAR 2016.—Notwithstanding paragraph (1), for fiscal year 2016, no State shall receive less than 90 percent of the State's allocation under this part for fiscal year 2015, as such part was in effect on the day before the date of enactment of the Student Success Act.

''(3) SUCCEEDING FISCAL YEARS.—Notwithstanding paragraph (1), for fiscal year 2016 and each succeeding fiscal year, no State shall receive an allotment under paragraph (1) that is less than 90 percent of the State's allotment under such paragraph for the preceding fiscal year.

''(c) RATABLE REDUCTIONS.—If the funds made available to carry out paragraph (1) of subsection (b) are insufficient to pay the full amounts that all States are eligible to receive under subparagraph (2) or (3) of such subsection for any fiscal year, the Secretary shall ratably reduce each such amount for such fiscal year.

''(d) REALLOTMENTS.—If any State does not apply for an allotment under this section, or has its application disapproved by the Secretary, the Secretary shall reallot the amount of that State's allotment to the remaining States that have approved applications in accordance with this subpart.

''SEC. 2112. STATE APPLICATIONS.

''(a) IN GENERAL.—For a State to be eligible to receive a grant under this part, the State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. The Secretary shall provide the State educational agency with the opportunity to apply for funds under this part and part B through a consolidated application.

''(b) CONTENTS.—Each application submitted under this section shall include the following—

''(1) descriptions of any systems of teacher and principal evaluation in the State, including whether each system—

''(A) is designed primarily to—

''(i) increase student learning and improve instruction for students;

''(ii) inform professional development for teachers and school leaders and support interventions for students; and

''(iii) provide on-going and timely, individual and meaningful feedback, and substantive support to the teacher or school leader;

''(B) is developed, implemented, and adopted in collaboration with teachers, school leaders, and other education stakeholders;

''(C) includes—

''(i) multiple measures of teacher and school leader performance, including—

''(I) in the case of teachers, evidence of classroom practice; and

''(II) in the case of school leaders, evidence of school leadership and effective and efficient school program administration;

''(ii) evidence of student learning;

''(iii) contributions to student growth including higher order thinking skills, citizenship, and social and emotional development; and

''(iv) differentiated levels of teacher and school leader performance that are clearly articulated;

''(D) provides results that are comparable and consistent across all teachers and school leaders within a local educational agency consistent with section 2301 that reflect the ages and grades being taught and consistent within individual grade levels and subject areas in each local educational agency;

''(E) evaluates, annually, each teacher and school leader in the local educational agency and takes into consideration the experience and performance level of the teacher or school leader;

''(F) uses evaluation results to inform—

''(i) professional improvement plans for teachers and school leaders, which shall be developed in collaboration with teachers and school leaders, that are appropriate to the level of the individual being evaluated, including support and timelines to carry out each plan; and

''(ii) comprehensive support, mentoring, interventions and timelines to carry out each plan; and

''(G) establishes appropriate training for evaluators and staff being evaluated including—

''(i) a clear articulation of the evaluation system and the process, systems, ratings, and the implications of the results provided to teachers and school leaders;

''(ii) how the system provides teachers and principals the opportunity and assistance to improve consistent with subparagraph (F)(i); and

''(iii) how to identify working conditions that affect teaching and learning, such as facilities and resources, and school climate and safety, and isolating educator impact on student outcomes from these factors;

''(2) a description of how the State educational agency will ensure that within 4 years of the date of enactment of the Student Success Act, each local educational agency in the State that receives a subgrant under subpart 2 makes public the results of an evaluation system if applicable;

''(3) a description of how, within 2 years of the date of enactment of the Student Success Act, each local educational agency in

the State that receives a subgrant under subpart 2 shall conduct an annual assessment of educator support and working conditions that—

''(A) evaluates supports for teachers, leaders, and other school personnel, such as—

''(i) teacher and school leader perceptions of availability of high-quality professional development and instructional materials and opportunities for collaboration;

''(ii) timely availability of data on student academic achievement and growth;

''(iii) the presence of high-quality instructional leadership; and

''(iv) opportunities for professional growth such as career ladders and mentoring and induction programs;

''(B) evaluates working conditions for teachers, school leaders and other school personnel, such as—

''(i) school climate;

''(ii) school safety;

''(iii) class size;

''(iv) availability and use of common planning time and opportunities to collaborate; and

''(v) family and community engagement;

''(C) is developed with teachers, school leaders and other school personnel, parents, students, and the community;

''(D) develops and implements a plan with the groups described in subparagraph (C) and with, at a minimum, annual benchmarks to address the results of the assessment carried described in this paragraph; and

''(E) publicly reports on the results of the evaluations described in subparagraph (A) and (B) and the plan described in subparagraph (C);

''(4) a description of the educator supports the State has developed to assist in the implementation of new college- and career-ready standards, as described in section 1111(b)(2), including the State's plan for making those supports available to its local educational agencies and for prioritizing the introduction of those supports, in conjunction with the appropriate local educational agency, into the State's lowest performing schools;

''(5) a description of how a State will develop and implement a plan for the equitable distribution of teachers and principals that—

''(A) low-income and minority students are not—

''(i) taught at higher rates than are other students by teachers not deemed qualified or who are rated in the lowest evaluation categories, where applicable; and

''(ii) assigned at higher rates than are other students to schools administered by principals who have been rated in the lowest evaluation rating categories, where applicable;

''(B) includes—

''(i) percentage of effective teachers, as determined by the State or local educational agency, for schools in the top quartile of poverty against the schools in the bottom quartile of poverty;

''(ii) percentage of effective teachers, as determined by the State or local educational agency, for schools in the top quartile in percentage of minority students against the bottom quartile of percentage of minority students;

''(iii) specific and measurable goals and strategies to close gaps identified in the plan; and

''(C) uses a combined measure of indicators such as a composite to carry out the plan described in this paragraph that—

''(i) shall include—

''(I) the percentage of first year teachers; and

''(II) the percentage of qualified teachers; and

''(ii) may include—

''(I) with respect to middle schools and high schools, the percentage of core academic courses taught by teachers who have met State licensure requirements for such courses;

''(II) the percentage of teachers whose licensure exam scores fall one standard deviation above passing score of teachers within the State;

''(III) the percent of teachers with more than 10 absences over the course of the school year; and

''(IV) the percentage of teachers hired after the first day of school;

''(6) the State definition of teacher-of-record, how local educational agencies report to the State on the teacher-of-record, and how the definition is used to ensure equitable distribution of effective and highly effective teachers;

''(7) a description of how the State educational agency will develop and implement professional development that prepares teachers and school leaders to support, educate, and properly implement accommodations for students with disabilities;

''(8) a description of how the State will establish and maintain a data system that within 3 years after the date of enactment of the Student Success Act—

''(A) supports data sharing among local educational agencies and a teacher and school leader preparation program described in section 200(6)(A)(IV) of the Higher Education Act of 1965, as amended by section 202 of the Student Success Act, on the program's graduates' students', which may include data on evidence of student learning; and

''(B) publically reports the percentage of effective teachers and school leaders, as determined by the State or local educational agency, by preparation program;

''(9) a description of the State's plan to—

''(A) implement the plan within the required timelines, including annual benchmarks for implementation; and

''(B) report annually to the Secretary on its progress implementing the plan and meeting annual benchmarks outlined under subparagraph (A);

''(10) the State's definition of, or standards and criteria for—

''(A) a qualified teacher; and

''(B) an effective teacher;

''(11) a description of any performance measures in addition to those described in subpart 4 that the State will use to measure the performance of the State and of each local educational agency that receives a subgrant under subpart 2; and

''(12) a description of how the State will carry out the activities outlined in section 2113.

''(c) COMPLIANCE AND DISAPPROVAL.—If the Secretary finds that a State's application does not comply in whole or in part with the requirements of this subpart, the Secretary shall—

''(1) notify the State regarding the specific provisions in the application that do not comply with the requirements of this subpart;

''(2) request any additional information needed to determine whether the application will comply with the requirements of this subpart; and

''(3) before disapproving the application, give the State notice and an opportunity for a hearing.

''SEC. 2113. STATE USES OF FUNDS.

''(a) IN GENERAL.—A State that receives a grant under this subpart shall use—

''(1) 90 percent of the grant funds to award subgrants under subpart 2 to local educational agencies with approved applications under section 2122;

''(2) not more than 5 percent of the grant funds, to plan and administer the activities of the State under this subpart, including the awarding of the subgrants under subpart 2 and the monitoring and enforcement of the requirements for the subgrants, including developing or improving any teacher and principal evaluation systems that are based in part on evidence of student learning and other measures determined by the State.

''(3) at least 2 percent of the grant funds to activities designed to recruit, support, and retain effective principals for high-need and low-performing schools, such as—

''(A) strengthening principal preparation programs to ensure that they are highly selective, include in-depth residency for at least one year or field-based experience in a high-need or low-performing school, and provide induction or other support for at least the first year of a principal's service, including coaching from a mentor principal in instructional leadership and organizational management;

''(B) provide training in school and personnel management, including management of the organization, staff and resources, developing a school climate and instructional program, developing effective relationships with community and parents, and using student-level and school level-data to inform decision-making;

''(C) training on child development, improving instruction and closing achievement gaps;

''(D) providing compensation incentives to attract, retain, and reward effective principals and other school leaders for high-need and low-performing schools;

''(E) developing teacher career ladders with a performance-based selection process that distribute school leadership responsibilities and develop a pipeline of individuals who gain the experience necessary to become an effective principal; and

''(F) activities to improve the effectiveness of school superintendents, principal supervisors, human resources directors, and other local educational agency managers; and

''(4) use any remaining funds reserved at the State level to—

''(A) carry out any other activities designed to help the State make progress toward carrying out the purposes of this title and showing improvement on the performance measures described in subpart 4 and any additional measures described in the State's application, including activities designed to—

''(i) align the State's professional teaching standards, teacher and school leader certification or licensure requirements, teacher-preparation programs, and professional-development requirements with kindergarten-through-grade-12 academic content and achievement standards that build toward college-and-career-readiness;

''(ii) reform teacher and school leader compensation, including by modifying policies and practices and providing technical assistance to local educational agencies, in order to enable those agencies to recruit, reward, and retain effective teachers and school leaders in high-need schools, fields, subjects, and areas;

''(iii) support the training of teachers, principals, and other school leaders in meeting the diverse learning needs of their students, including through universal design for learning, as described in section 5429(b)(21), and multi-tiered system of supports and language acquisition instruction;

''(iv) support the training of teachers, principals, and other school leaders in effectively integrating technology (including technology for students with disabilities) into curricula and instruction and in how to use technology for on-line communication and for collaboration and data analysis;

''(v) strengthen human resource systems in local educational agencies to recruit, train, hire, and place individuals who are or are most likely to be effective teachers and principals, provide effective teachers and principals with support and development opportunities focused on increasing student achievement, and retain effective teachers and school leaders over time by creating school environments that enable excellent teaching including through strategies such as distributed leadership, time for collaboration and use of student data for job-embedded professional development;

''(vi) develop and provide professional development, including through joint professional development opportunities, for early childhood educators, teachers, principals, specialized instructional support personnel, and other school leaders;

''(vii) provide professional development for teachers and school leaders in the State to support, educate, and properly implement accommodations for students with disabilities;

''(viii) develop and implement policies and practices that position the State to be a competitive applicant for grants under part B of this title;

''(ix) support the training of teachers, principals, and other school leaders on how to accelerate the learning of students who are performing below grade level; and

''(x) provide professional development for teachers, principals and other school leaders 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;

''(B) provide technical assistance, as necessary, to each local educational agency that receives a subgrant under subpart 2, in order to help the local educational agency improve performance on the measures described in subpart 4;

''(C) establish policies and practices to ensure the quality of the data reported under this part and the effectiveness of the methods used to analyze those data; and

''(D) develop and disseminate the State report card required under subpart 4, and use the information in the report card to guide efforts under this title.

''(b) SUPPLEMENT, NOT SUPPLANT.—Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

''Subpart 2—Subgrants to Local Educational Agencies

''SEC. 2121. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.

''(a) IN GENERAL.—Each State educational agency that receives an allocation under subpart 1 shall allocate to each local educational agency in the State that has an application approved by the State under section 2122 the sum of—

''(1) the amount that bears the same relationship to 20 percent of the amount allocated to the State educational agency as the number of individuals age 5 through 17 in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all such local educational agencies in the State, as so determined; and

''(2) the amount that bears the same relationship to 80 percent of the amount allocated to the State educational agency as the number of individuals age 5 through 17 from families with incomes below the poverty line in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all such local educational agencies in the State, as so determined.

''(b) MINIMUM ALLOTMENTS.—

''(1) FISCAL YEAR 2016.—For fiscal year 2016, no local educational agency shall receive an allocation under subsection (a) that is less than 90 percent of the allocation the local educational agency received under this part for fiscal year 2015, as this part was in effect on the day before the date of enactment of the Student Success Act.

''(2) SUBSEQUENT FISCAL YEARS.—For fiscal year 2017 and each succeeding fiscal year, no local educational agency receiving an allotment under subsection (a) shall receive less than 90 percent of the allotment the local educational agency received under this subpart for the preceding fiscal year.

''(c) RATABLE REDUCTION.—If the funds described in subsection (a) are insufficient to pay the full amounts that all local educational agencies are eligible to receive under subsection (b) for any fiscal year, the State shall ratably reduce such amounts for such fiscal year.

''SEC. 2122. LOCAL EDUCATIONAL AGENCY NEEDS ASSESSMENT AND APPLICATIONS.

''(a) IN GENERAL.—To receive a subgrant under this subpart a local educational agency shall—

''(1) submit an application to the State educational agency involved at such time, in such manner, and containing such information and assurances as the State educational agency may reasonably require; and

''(2) conduct, in developing its application, and with the involvement of teachers, principals, and other stakeholders, as applicable, an assessment of educator support and working conditions consistent with section 2112(b)(3), in the areas set forth under the performance measures described in subpart 4, identified under the school improvement plans under section 1116, as applicable, and the needs of schools receiving funds under title I.

''(b) CONTENTS.—Each application submitted under this section shall include—

''(1) a description of—

''(A) the results of the needs assessment conducted under subsection (a)(2);

''(B) the performance measures and activities the local educational agency will use to address the needs identified under the assessment;

''(C) the local educational agency's plan for using the subgrant under this subpart, and other local, State, and Federal funds, to ensure the equitable distribution of teachers and principals, within the local educational agency so that low-income and minority students are not—

''(i) taught at higher rates than are other students by teachers not deemed qualified and who are not effective, as determined by the State or local educational agency;

''(ii) assigned to schools administered by principals who not effective, as determined by the State or local educational agency, at higher rates than other students within the local educational agency;

''(D) the local educational agency's plan for using the subgrant under this subpart to support teachers in meeting the diverse learning needs of all their students, including through universal design for learning, as described in section 5429(b)(21), and multi-tiered system of supports and language acquisition; and

''(E) a description of the educator supports the local educational agency will provide to assist with the implementation of new college- and career-ready standards and early learning standards, including the local educational agency's plan for prioritizing the introduction of those supports in its lowest performing schools;

''(F) a description of how the local educational agency will, as appropriate, involve in the delivery of activities and services under this part, external providers that have demonstrated expertise and experience in using evidence-based strategies and programs to deliver evidence-based professional development and to raise the quality of teaching and school leadership; and

''(2) an assurance that, within 5 years of receiving a subgrant under this subpart, the local educational agency will—

''(A) conduct a second needs assessment, with the involvement of teachers, principals, and other stakeholders, as applicable, in the areas set forth in subpart 4 and identified in plans under section 1116, as applicable, particularly the needs of schools receiving funds under title I; and

''(B) submit a revised application to the State, consistent with the requirements of this section.

''SEC. 2123. LOCAL EDUCATIONAL AGENCY USES OF FUNDS.

''(a) USE OF FUNDS.—Subject to the requirements of the State consistent with section 2112(a), a local educational agency that receives a subgrant under this subpart shall, directly, or with other local educational agencies or the State educational agency, use the subgrant funds for activities designed to increase academic achievement for all students, including English learners and students with disabilities, by increasing the number and percentage of effective teachers and principals, as determined by the State or local educational agency, and to ensure the equitable distribution of effective teachers and school leaders through activities that—

''(1) develop and implement, or improve, where applicable, a teacher and principal evaluation system;

''(2) provide meaningful feedback to teachers and principals on evaluation results, where applicable, and use those results in making decisions, including about professional development;

''(3) recruit teachers who are qualified and teachers and principals who are effective, as determined by the State or local educational agency, especially teachers and principals who are needed for high-need and low-performing schools and high-need fields and subjects, including teachers and principals who come from underrepresented backgrounds;

''(4) implement the assessment of educator support and working conditions in accordance with section 2112(b)(3);

''(5) implement the local educational agency's plan for ensuring the equitable distribution of effective teachers and principals, as determined by the State or local educational agency, who have been rated by the teacher and principal evaluation system as at least effective;

''(6) develop and implement an induction program that is designed to increase the effectiveness of new teachers and retain effective teachers, especially in high-need and low-performing schools, such as a program that provides reduced teaching assignments for new teachers, training for instructional coaches or mentors who will participate in induction activities, access to on-line support systems, and frequent feedback to promote continuous learning and instructional improvement;

''(7) work toward reducing class size for kindergarten through third grade by an amount and to a level consistent with what research has found to improve student academic achievement at a minimum in the schools in the lowest quartile of poverty in the local educational agency;

''(8) improve within-school equity in the distribution of effective teachers, as determined by the State or local educational agency, so that low-income and minority students are not taught at higher rates than are other students by teachers rated in one of the two lowest evaluation rating categories, where applicable;

''(9) plan and administer activities carried out under this subpart, including other activities to improve effectiveness and the equity of distribution as required in accordance with the local educational agency's needs assessments under subsection (a)(2);

''(10) develop a plan to expand and improve the capacity of the local educational agency to recruit, select, train, evaluate, and develop effective staff, teachers, school leaders, and school leader managers to work at or with schools identified for improvement under section 1116;

''(11) develop and implement professional development, including to assist teachers in supporting, educating, and properly implementing accommodations for students with different learning styles, particularly students with disabilities, English learners, and gifted and talented students;

''(12) develop a plan to improve the management of school leaders and to address the barriers in schools served by the local educational agency;

''(13) recruit, train, and support teacher leaders or principals for high-need schools; and

''(14) provide meaningful support to principals and their instructional leadership teams.

''(b) SUPPLEMENT, NOT SUPPLANT.—Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

''(c) RULE OF CONSTRUCTION.—Nothing in this subpart shall be construed to require a local educational agency to transfer school personnel in order to comply with the requirements of this part.

"Subpart 3—National Leadership Activities

"SEC. 2131. NATIONAL LEADERSHIP ACTIVITIES.

''From the funds made available under section 2101 for this subpart for any fiscal year, the Secretary may to reserve up to 3 percent for research, development, technical assistance, outreach, and dissemination activities, carried out either directly or through grants, contracts, or cooperative agreements. Such activities may include—

''(1) activities to strengthen teacher and principal evaluation, including establishing a national center to gather, provide benchmarks on, and disseminate best practices and provide technical assistance on teacher and principal evaluation so as to support States and local educational agencies in developing robust and reliable evaluation systems that take evidence of student learning, as defined in section 2002(15) into account;

''(2) direct assistance to nonprofit organizations to enhance their support for local educational agencies and schools, including to community-based organizations that can support multiple local educational agencies in strengthening their teacher and principal pipelines and human-resource practices and provide professional enhancement activities, including advanced credentialing and high-quality, sustained professional development targeted to low-performing schools;

''(3) activities to support development of a leadership academy to train school leaders in effective school management and instructional leadership, with a primary focus on turning around low-performing schools, including—

''(A) effective management of the organization, staff, and resources;

''(B) developing a school climate and instructional program and related evidence-based professional development aligned to the needs of the students and school;

''(C) effective relationships with community and parents; and

''(D) using student-level and school level-data to inform decision-making;

''(4) activities to strengthen evaluation of superintendents including developing model evaluations; and

''(5) activities to support pay for success initiatives to meet the purposes of this part.

"Subpart 4—Accountability

"SEC. 2141. EQUITY ACCOUNTABILITY.

''(a) STATE REQUIREMENTS.—

''(1) IN GENERAL.—Each State that receives a grant under subpart 1 shall—

''(A) in a case in which the comparisons conducted under section 2112(b)(5) of the State plan indicate the inequalities described in paragraph (2) with respect to high-poverty and high-minority local educational agencies—

''(i) in consultation with the local educational agencies in the State, established 2, 4 and 5 year improvement goals that will substantially reduce or eliminate the inequities in the schools of such high-poverty and high-minority local educational agencies; and

''(ii) establish a support plan to assist such high-poverty and high-minority local educational agencies meet such improvement goals; and

''(B) in a case in which a high-poverty and high-minority local educational agency has not achieved the 2-year improvement goals established under subparagraph (A)(i), use 2.5 percent of the grant funds received under subpart 2 to carry out the activities described in subparagraph (A).

''(2) INEQUALITIES.—The inequalities described in this paragraph are as follows:

''(A) Students in high poverty and high minority local educational agencies in the State were being taught at higher rates by teachers rated in the lowest two quartiles based on the combined measure established under section 2112(b)(5)(C) compared to students in low poverty and low minority local educational agencies in the State.

''(B) Students in high poverty and high minority local educational agencies are being taught at higher rates by teachers who are not effective as determined by the State or local educational agency, as compared to students in low poverty and low minority local educational agencies.

''(b) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—

''(1) IN GENERAL.—Subject to paragraph (3), a high-poverty or high-minority local educational agency described in paragraph (2) and with respect to which a State established improvement goals under subsection (a)(1)(A)(i), shall—

''(A) in a case in which the local educational agency fails to meet its 2 year improvement goals established under such subsection, use all funds made available through the subgrant to carry out the activities described in section 2112(b)(5);

''(B) in a case in which the local educational agency fails to meet its 4 year improvement goals established under such subsection—

''(i) receive a subgrant from the State under subpart 2 equal to not more than 50 percent of the subgrant received by the local educational agency in the preceding year under such subpart; and

''(ii) make non-Federal contributions in an amount equal to not less than the Federal funds provided under the subgrant; and

''(C) in a case in which the local educational agency fails to meet its 5 year improvement goals established under such subsection, the local educational agency shall be prohibited from receiving a subgrant subpart 2.

''(2) DESCRIPTION OF LOCAL EDUCATIONAL AGENCIES.—A local educational agency described in this paragraph is a local educational agency that—

''(A) students in high poverty and high minority schools are being taught at higher rates by teachers rated in the lowest two quartiles based on the combined measure established under section 2112(b)(5)(C) compared to students in low poverty and low minority schools; and

''(B) students in high poverty and high minority schools are being taught at higher rates by teachers who are not effective, as determined by the State or local educational agency, compared to students in low poverty and low minority schools.

''(3) EXCEPTION.—Paragraph (1) shall not apply to high poverty and high minority schools where students are being taught at higher rates who are not effective, as determined by the State or local educational agency, compared to students in low poverty and low minority schools in the local educational agency if the performance of the high poverty or high minority school's students, including each group of students described in section 1111(b)(2)(C)(v)(II), on the State's annual student academic assessments has exceeded the statewide average performance for students overall in that subject for at least the previous 2 years.

''(4) INAPPLICABILITY.—This section shall not apply to a local educational agency that does not have more than one building for each grade span.

''(5) TRANSITIONAL COMPLIANCE.—Beginning on the date of enactment of the Student Success Act, for no more than 4 full school years a local educational agency shall be deemed to be in compliance with this section for any school year, if the teachers hired to fill vacancies in local education agencies served under this part, improve the equity in distribution of effective teachers, as determined by the State or local educational agency, between students served by high poverty or high minority schools and students served by low poverty or low minority schools as described in paragraph (2).

''(6) WAIVER.—A local educational agency may apply to the Secretary for a temporary waiver of the requirements of this section in the case of a natural disaster or unpredictable or significant personnel assignments that occur after the beginning of a school year that would affect determination of compliance with this section.

''(7) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to require a local educational agency to transfer school personnel in order to comply with this section.

"Subpart 5—Public Reporting

"SEC. 2151. PUBLIC REPORTING.

''(a) IN GENERAL.—

''(1) STATE REPORT CARD.—Each State that receives a grant under subpart 1 shall annually submit to the Secretary, and make public, a State report card on program performance and results under the grant, in a manner prescribed by the Secretary and containing, analyzing, and updating the information required under subsection (b).

''(2) LOCAL EDUCATIONAL AGENCY REPORT.—Each local educational agency that receives a subgrant under subpart 2 shall annually submit to the State, and make public—

''(A) a report on the local educational agency's program performance and results under the subgrant, in a manner prescribed by the State or the Secretary, containing,

analyzing, and updating the information required under subsection (c); and

''(B) the notifications to parents described in subsection (d).

''(3) PRIVACY.—Information required under this subpart shall be collected, reported, and disseminated in a manner that protects the privacy of individuals.

''(b) STATE REPORT CARD REQUIREMENTS.—Each State described in subsection (a)(1) shall report the following information in accordance with such subsection:

''(1) With respect to the State overall and for each local educational agency in the State, disaggregated by poverty quartile and minority quartile—

''(A) the number and percentage of teachers and principals, for each grant year, who—

''(i) are classified as qualified;

''(ii) are effective, where applicable;

''(iii) have taught for less than one full school year; and

''(iv) have demonstrated content knowledge in the subject or subjects the teachers are assigned to teach;

''(B) with respect to middle and high schools, the percentage of core academic courses taught by teachers who have met State licensure requirements for that course;

''(C) information required under equitable distribution plans for the State and each local educational agency under sections 2112(b)(5) and 2123(a), respectively;

''(D) staff retention rates for effective teachers, as determined by the State or local educational agency; and

''(E) any other performance measures the State is using to measure the performance of local educational agencies that receive a subgrant under subpart 2.

''(2) Results of the data collection reporting under section 2112(b)(7).

''(3) Progress towards meeting the equitable distribution requirements under section 2112(b)(5).

''(4) Results of the assessment of educator support and working conditions described in section 2112(b)(3).

''(5) Results of the needs assessment required under subpart 2 by each school in the State and compared to the rubric which was used to conduct the needs assessment.

''(c) LOCAL EDUCATIONAL AGENCY REPORT CARD REQUIREMENTS.—Each local educational described in subsection (a)(2) shall report the following information, for each grant year, in accordance with such subsection:

''(1) With respect to the local educational agency overall and for schools in the agency by poverty quartile and minority quartile—

''(A) the number and percentage of teachers and principals, for each grant year, who—

''(i) are classified as qualified;

''(ii) are effective, as determined by the State or local educational agency;

''(iii) have taught for less than one full school year; and

''(iv) have demonstrated content knowledge in the subject or subjects the teachers are assigned to teach; and

''(B) with respect to middle school and high school, the percentage of core academic courses taught by teachers who have met State licensure requirements for that course.

''(d) PARENTS' RIGHT TO KNOW.—Each local educational agency that receives a subgrant under subpart 2 shall ensure that each school served by the local educational agency provides, on an annual basis and at the beginning of the school year—

''(1) the teacher's qualified status based on the definition under section 2002(5), including whether the teacher meets the status based on the requirement in subparagraph (A)(v) of such section; and

''(2) in local educational agencies withe teacher evaluation systems—

''(A) written notification to the parent of each student who has, for 2 consecutive years, been assigned an ineffective teacher, as determined by the State or local educational agency, that such student has been so assigned; and

''(B) a description of—

''(i) the supports the school and local educational agency will offer the student to compensate for the teacher assignment;

''(ii) the local educational agency's plan for ensuring this assignment pattern does not continue; and

''(iii) the teacher's qualified status based on the definition under section 2002(5), including whether the teacher meets the status based on the requirement in subparagraph (A)(v) of such section.

''PART B—TEACHER AND LEADER INNOVATION FUND

''SEC. 2201. TEACHER AND LEADER INNOVATION FUND.

''The purpose of this part is to support States and local educational agencies in improving the effectiveness of their teachers and school leaders, especially those teachers and school leaders working in high-need schools, by creating the conditions needed to identify, recruit, prepare, retain, reward, and advance effective teachers, principals, and school leadership teams in such schools.

''SEC. 2202. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated $950,000,000 for fiscal year 2016 and such sums as may be necessary for each of the 5 succeeding fiscal years to carry out this part.

''(b) CONTINUATION.—From the funds made available under subsection (a), the Secretary may reserve funds to continue funding the Teacher Incentive Fund authorized under the fourth, fifth, and sixth provisos of the 'Innovation and Improvement Account' under title III of Public Law 109–149, in accordance with the terms and conditions of such Fund that were in effect on the day before the enactment of the Student Success Act.

''SEC. 2203. GRANTS.

''(a) IN GENERAL.—From the funds made available under section 2202 and not reserved under subsection (b) of such section, for each fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to carry out the purpose of this part.

''(b) ELIGIBLE ENTITY.—In this part, the term 'eligible entity' means—

''(1) a State educational agency or a consortium of such agencies;

''(2) a high-need local educational agency or a consortium of such agencies;

''(3) one or more of the entities described in paragraphs (1) and (2) in partnership with one or more institutions of higher education, nonprofit organization, or educational service agencies; or

''(4) an entity described in paragraph (1) in partnership with 1 or more local educational agencies at least one of which is a high-need local educational agency.

''(c) DURATION.—The Secretary shall award a grant under this part to an eligible entity for an initial period of not more than 3 years, and may renew the grant for up to an additional 2 years if the Secretary finds that the eligible entity is achieving the objectives of the grant and has shown improvement against baseline measures on performance indicators.

''SEC. 2204. APPLICATIONS.

''(a) IN GENERAL.—Each eligible entity that desires a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may reasonably require.

''(b) CONTENTS.—Each application submitted under this section shall contain—

''(1) a description of—

''(A) how the eligible entity will differentiate levels of teacher and principal performance by effectiveness, and the criteria it will use to determine that differentiation, which shall include the use of evidence of student learning as a significant factor, as well as other measures; and

''(B) how that differentiation will be—

''(i) consistent with the teacher and principal evaluation system described in section 2112(b)(1); and

''(ii) used by the local educational agency served by the eligible entity to make decisions about professional development and retention;

''(2) a description of the rigorous performance standards that the eligible entity has established, or will establish, within 2 years of the date of enactment of Student Success Act, that will be used to evaluate performance;

''(3) a plan, developed with appropriate stakeholders, setting forth the activities to be implemented under the grant and how those activities will be aligned with the results of—

''(A) an analysis of workforce data (including teacher and principal surveys) that identifies strengths and weaknesses in the working conditions provided to teachers, school leaders, and other school personnel and the current and future staffing needs within the State or local educational agency;

''(B) a public review of any State or local educational agency statutes, policies, and practices, including employment policies and practices that pose a barrier to staffing schools, particularly high-need schools, with teachers and principals who have been rated in the highest rating categories;

''(C) an analysis of the effectiveness and the cost-effectiveness of applicable State or local educational agency policies and practices related to increasing teacher and principal effectiveness;

''(D) an analysis of the alignment of the policies and practices reviewed and analyzed under subparagraphs (B) and (C) with the goal of ensuring that educators are prepared to help all students achieve to college-and-career-ready standards; and

''(E) as applicable, an analysis of the extent to which the local educational agency's human capital strategies, including career advancement opportunities, salary schedules (including incentives for graduate credit and advanced degrees), and incentives, reward actions, and strategies that improve instruction and student learning; and

''(4) evidence of involvement and support for the proposed grant activities from—

''(A) in the case of an application from an eligible entity that includes a local educational agency or a consortium of such agencies, a local school board, teachers union (where there is a designated exclusive representative for the purpose of collective bargaining), teachers, principals, and other stakeholders; and

''(B) in the case of an application from a State educational agency or consortium of such agencies, the State board of education, State agency for higher education, any participating local educational agency, and other stakeholders.

''(c) SELECTION CRITERION.—In making grants under this part, the Secretary shall consider the extent to which the eligible entity's activities that are carried out through a grant under part A or through State and local funds are aligned with the entity's plan under subsection (b)(3) and the purpose of this part.

''(d) PRIORITY.—The Secretary shall give priority to applications that address particular needs in improving the effectiveness of the education workforce in high-need

schools or the needs of local educational agencies to fill positions in high-need fields and subjects.

"SEC. 2205. USE OF FUNDS.

''(a) IN GENERAL.—A eligible entity under this part—

''(1) shall use its grant funds for activities to—

''(A) improve the use of teacher and principal effectiveness information, which shall include the adoption of an evaluation system by a local educational agency, as described in section 2112(b)(1), and use of such evaluation results in consequential decision-making, including in—

''(i) paying bonuses and increased salaries, if the eligible entity uses an increasing share of non-Federal funds to pay the bonuses and increased salaries each year of the grant, to highly effective teachers or principals who work in high-need schools;

''(ii) activities under sections 2112 and 2122;

''(iii) reforming the local educational agency's system of compensating teachers and principals; and

''(iv) developing and implementing a human capital system; and

''(B) improve teacher and school-leader compensation and career-development systems, which may include instituting performance pay, career advancement systems (such as career ladders or incentives for assuming additional roles and responsibilities intended to improve student academic achievement), or market-based compensation for a high-need school; and

''(2) may use its grant funds for activities to—

''(A) help ensure that high-need and low-performing schools are staffed more effectively and efficiently, such as through—

''(i) the implementation or use of earlier hiring timelines;

''(ii) more effective recruitment strategies (including strategies for recruiting candidates from underrepresented groups);

''(iii) more selective screening; and

''(iv) data systems for tracking attendance, teacher and principal evaluation results, tenure decisions, participation in professional development, and the results of that participation;

''(B) recruit, prepare, support, and evaluate principals who serve in high-need or low-performing schools; and

''(C) recruit and retain teachers and leaders in rural and remote areas.

''(b) STATE GRANTEES.—A State educational agency that is a grantee under this part shall use its grant funds for activities to—

''(1) modify State policies and practices, as needed, to enable local educational agencies to carry out their activities under subsection (a);

''(2) develop and implement improvements to the State's certification or licensure requirements, which shall include using teacher and principal evaluation results in certification or licensure decisions (such as by making them a significant factor in the granting of a full certification or license); and

''(3) implement a human capital system, including pre-service programs providing teachers and principals to schools within the State, that increases the numbers of highly effective teachers and principals, particularly in high-need schools by—

''(A) identifying, recruiting, training, hiring, and placing individuals who are or are most likely to be highly effective teachers and principals;

''(B) distributing highly effective teachers and principals strategically to high need schools;

''(C) providing highly effective teachers and principals with support and development opportunities focused on increasing student achievement; and

''(D) retaining highly effective teachers and principals over time by creating school environments that enable excellent teaching including through strategies such as distributed leadership, time for collaboration and use of student data for internal professional development.

"PART C—GENERAL PROVISIONS

"SEC. 2301. PROHIBITION AGAINST INTERFERENCE WITH STATE AND LOCAL LAWS AND AGREEMENTS.

''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 as well as requirements that local educational agencies negotiate and or meet and confer in good faith) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employers and their employees.

"SEC. 2302. PROTECTING THE INTEGRITY OF EVALUATION SYSTEMS.

''No State or local educational agency receiving funding under this title shall publicly report personally identifiable information included in an individual teacher or principal evaluation, including information that can be used to distinguish an individual's identity when combined with other personal or identifying information.

"SEC. 2303. PROHIBITION.

''Nothing in this title shall authorize any employee of the Federal Government to mandate, direct, control, or exercise any direction or supervision over the development of teacher, principal, or school leader evaluation systems.''.

SEC. 202. HEA CONFORMING AMENDMENTS.

(a) QUALIFIED TEACHER.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(1) in section 200 (20 U.S.C. 1021)—

(A) by amending paragraph (13) to read as follows:

''(13) QUALIFIED.—The term 'qualified' has the meaning given the term 'qualified teacher' in section 2002(5), as amended by section 201 of the Student Success Act.

''(B) in paragraph (17)(B)(ii), by striking 'highly qualified' and inserting 'qualified'; and

''(C) in paragraph (22)(D)(i), by striking 'highly qualified' and inserting 'qualified'.'';

(2) in section 201(3) (20 U.S.C. 1022(3)), by striking ''highly qualified teachers'' and inserting ''qualified teachers'';

(3) in section 202 (20 U.S.C. 1022)—

(A) in subsection (b)(6)(H), by striking ''highly qualified teachers'' and inserting ''qualified teachers'';

(B) in subsection (d)—

(i) in paragraph (1)—

(I) in subparagraph (A)(i)(I), by striking ''highly qualified'' and inserting ''qualified''; and

(II) in subparagraph (B)(iii), by striking ''highly qualified'' and inserting ''qualified''; and

(ii) in paragraph (5), by striking ''highly qualified teachers'' and inserting ''qualified teachers''; and

(C) in subsection (e)(2)(C)(iii)(IV), by striking ''highly qualified teacher, as defined in section 9101,'' and inserting ''qualified teacher, as defined in section 2002(5), as amended by section 201 of the Student Success Act'';

(4) in section 204(a)(4) (20 U.S.C. 1022c) by striking ''highly qualified teachers'' each place it appears and inserting ''qualified teachers'';

(5) in section 205(b)(1)(I) (20 U.S.C. 1022d(b)(1)(I)), by striking ''highly qualified teachers'' and inserting ''qualified teachers'';

(6) in section 207(a)(1) (20 U.S.C. 1022f(a)(1)), by striking ''highly qualified teachers'' and inserting ''qualified teachers'';

(7) in section 208(b) (20 U.S.C. 1022g(b)), by striking ''highly qualified'' each place it appears and inserting ''qualified'';

(8) in section 242(b) (20 U.S.C. 1033a), by striking ''highly qualified'' each place it appears and inserting ''qualified'';

(9) in section 251(b) (20 U.S.C. 1034(b)), by striking ''highly qualified'' each place it appears and inserting ''qualified''; and

(10) in section 258(d)(1) (20 U.S.C. 1036(d)(1)), by striking ''highly qualified'' and inserting ''qualified''.such partner institution.

(c) DEFINITIONS.—Section 200 of the Higher Education Act of 1965 (20 U.S.C. 1021) is amended—

(1) by amending paragraph (6) to read as follows:

''(6) ELIGIBLE PARTNERSHIP.—Except as otherwise provided in section 251, the term 'eligible partnership' means an entity that—

''(A) shall include—

''(i) a high-need local educational agency;

''(ii)(I) a high-need school or a consortium of high-need schools served by the high-need local educational agency; or

''(II) as applicable, a high-need early childhood education program; or

''(iii)(I) the following entities—

''(aa) a partner institution.

''(bb) a school, department, or program of education within such partner institution, which may include an existing teacher professional development program with proven outcomes within a 4-year institution of higher education that provides intensive and sustained collaboration between faculty and local educational agencies consistent with the requirements of this title; and

''(cc) a school or department of arts and sciences within such partner institution; or

''(II) an entity operating a program that provides alternative routes to State certification of teachers that has a teacher preparation program—

''(aa) whose graduates exhibit strong performance on State-determined qualifying assessments for new teachers through demonstrating that 80 percent or more of the graduates of the program who intend to enter the field of teaching have passed all of the applicable State qualification assessments for new teachers, which shall include an assessment of each prospective teacher's subject matter knowledge in the content area in which the teacher intends to teach; and

''(bb) that requires each student in the program to meet high academic standards or demonstrate a record of success, as determined by the institution (including prior to entering and being accepted into a program), and participate in intensive clinical experience, and each student in the program is preparing to become a qualified teacher; and

''(B) may include any of the following:

''(i) The Governor of the State.

''(ii) The State educational agency.

''(iii) The State board of education.

''(iv) The State agency for higher education.

''(v) A business.

''(vi) A public or private nonprofit educational organization.

''(vii) An educational service agency.

''(viii) A teacher organization.

''(ix) A high-performing local educational agency, or a consortium of such local educational agencies, that can serve as a resource to the partnership.

''(x) A charter school (as defined in section 5210).

''(xi) A school or department within a partner institution that focuses on psychology and human development.

''(xii) A school or department within a partner institution with comparable expertise in the disciplines of teaching, learning, and child and adolescent development.

''(xiii) An entity operating a program that provides alternative routes to State certification of teachers.

''(xiv) A school, department, or program of education within a partner institution.

''(xv) A school or department of arts and sciences within a partner institution.'';

(2) by amending paragraph (10) to read as follows:

''(10) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term ″high-need local educational agency has the meaning given such term in section 2002(4), as amended by section 201 of the Student Success Act.'';

(3) by amending paragraph (14) to read as follows:

''(14) INDUCTION PROGRAM.—The term 'induction program' has the meaning given the term 'induction' in section 2002(6), as amended by section 201 of the Student Success Act.''; and

(4) by amending paragraph (21) to read as follows:

''(21) TEACHER MENTORING.—The term 'teacher mentoring' has the meaning given the term 'mentoring' in section 2002(7), as amended by section 201 of the Student Success Act.''.

(d) PURPOSE.—Section 201 of the Higher Education Act of 1965 (20 U.S.C. 1022) is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period and inserting ''; and'' at the end of paragraph (4); and

(3) by inserting at the end the following:

''(5) improve teacher effectiveness.''.

(e) PARTNERSHIP GRANTS.—Section 202 of the Higher Education Act of 1965 (20 U.S.C. 1022a) is amended—

(1) in subsection (b)(6)—

(A) in subparagraph (E)(ii), by striking ''student academic'' and inserting ''college-and-career ready student academic'';

(B) in subparagraph (H)—

(i) in the matter preceding clause (i), by inserting ''or alternative route entity'' after ''partner institution'';

(ii) in clause (i), by striking ''that incorporate'' and all that follows through ''instruction'' and inserting ''consistent with part A of title IV of the Elementary and Secondary Education Act of 1965'';

(iii) in clause (i), insert ''and other educators, including mutli-tiered systems of support and universal design for learning, as described in section 5429(b)(21)'' after ''secondary school teachers'';

(iv) in clause (ii), insert '' and writing instruction'' after ''reading''; and

(v) after clause (ii) insert the following:

''(iii) provide high-quality professional development activities to strengthen the instructional and leadership skills of elementary school and secondary school principals and district superintendents, if the partner institution has a principal preparation program;'';

(C) by redesignating subparagraphs (I) through (K) as subparagraphs (J) through (L), respectively; and

(D) by inserting after subparagraph (H), the following:

''(I) how the partnership will prepare teachers to use data to analyze student performance and adjust teaching practices to improve student achievement;''; and

(2) in subsection (d)(6)(A), by striking ''that incorporate the essential components of literacy instruction'' and inserting ''aligned with part A of title IV of the Elementary and Secondary Education Act of 1965''.

(f) ADMINISTRATIVE PROVISIONS.—Section 203(b)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1022b(b)(2)(A)) is amended by inserting ''or alternative route entity'' after ″institution of higher education

(g) ACCOUNTABILITY AND EVALUATION.—Section 204(a) of the Higher Education Act of 1965 (20 U.S.C. 1022c) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2), the following:

''(3) effective teachers as determined by the State;''.

(h) INFORMATION ON PREPARATION PROGRAMS.—Section 205(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1022d(b)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''teacher preparation program'' and inserting ''teacher and school leader preparation program''; and

(2) by adding at the end the following:

''(M) Within 3 years of the date of enactment of the Student Success Act, information on the impact of each program's graduates on the evidence of student learning, as defined in section 2002(15), of the students that such graduates teach, if that information is available.

''(N) The percentage of each program's graduates who teach in a high-need school.

''(O) The percentage of each program's graduates who are prepared to teach a high-need subject.

''(P) The percentage of each program's graduates who become effective and highly effective teachers or principals as determined by the State.

''(Q) The 3-year retention rate of each program's graduates who become effective and highly effective teachers or principals according to such graduates' ratings by such system.''.

TITLE III—LANGUAGE INSTRUCTION FOR LIMITED ENGLISH PROFICIENT AND IMMIGRANT STUDENTS

SEC. 301. LANGUAGE INSTRUCTION.

Title III (20 U.S.C. 6801 et seq.) is amended—

(1) in section 3001—

(A) by striking ''fiscal year 2002'' and inserting ''fiscal year 2016'' each place it appears; and

(B) in subsection (a)(1), by striking ''$750,000,000'' and inserting ''1,000,000,000'';

(2) by striking ''No Child Left Behind Act of 2001'' and inserting ''Student Success Act'' each place it appears;

(3) in section 3244, by striking ''2002 through 2008'' and inserting ''2016 through 2022'';

(4) by striking ''adequate yearly progress'' and inserting ''progress'' each place it appears;

(5) in sections 3102(8)(B), 3113(b)(5)(B), and 3116(b)(3)(B), by striking '', as described in section 1111(b)(2)(B)'';

(6) in section 3122(a)(3)(A)(iii), by striking ''as described in section 1111(b)(2)(B)'';

(7) by repealing section 3122;

(8) in section 3111(b)(2)(D), by striking ''annual measurable achievement objectives pursuant to section 3122'' and inserting ''performance targets described in section 1111(c)'';

(9) in sections 3113(b), 3116(b), 3121(d)(3), and 3302(b), by striking ''annual measurable achievement objectives described in section 3122'' and inserting ''performance targets described in section 1111(c)'' each place it appears;

(10) in section 3122, by striking ''annual measurable achievement objectives'' and inserting ''performance targets'' each place it appears;

(11) by striking ''section 1111(b)(7)'' and inserting ''section 1111(b)(3)(F)'' each place it appears; and

(12) by striking ''section 1111(b)(1)'' and inserting ''section 1111(b)(4)'' each place it appears.

TITLE IV—21ST CENTURY SCHOOLS

SEC. 401. 21ST CENTURY SCHOOLS.

Title IV (20 U.S.C. 7101 et seq.) is amended to read as follows:

''TITLE IV—21ST CENTURY SCHOOLS

''PART A—21ST CENTURY COMMUNITY LEARNING CENTERS

''SEC. 4001. PURPOSE.

''The purpose of this part is to provide opportunities for communities to establish or expand activities through learning partnerships that—

''(1) provide opportunities for academic enrichment, increased academic achievement, and student success in schools by providing students with additional learning time for more expansive, relevant and rigorous learning opportunities, including opportunities to catch students up in their coursework, and help students accelerate their learning;

''(2) provide a broad array of additional services, programs and activities for a well-rounded education, including youth development activities, music and the arts, outdoor and recreation programs, technology education programs, dual-language programs, character education, and environmental literacy programs that are designed to reinforce and compliment the regular academic program for participating students;

''(3) complement, not replicate, the regular school day, by offering a range of activities that capture student interest and strengthen student engagement in learning, promote higher class attendence, improve retention, and reduce the risk for dropout, and actively address the specific learning needs and interests of all types of students, especially those who may benefit from approaches and experiences not offered in the traditional classroom setting;

''(4) provide teachers and staff in learning partnerships with increased opportunities to work collaboratively, and to participate in professional planning and professional development, within and across grades and subjects to improve teaching and learning;

''(5) provide students with safe learning environments and additional resources to increase student engagement in school; and

''(6) offer families of students served by partnerships opportunities for literacy development and related educational development.

''SEC. 4002. ALLOTMENT TO STATES.

''(a) RESERVATION.—From the funds appropriated under section 4009 for any fiscal year, the Secretary shall reserve not more than 1 percent for payments to the outlying areas and the Bureau of Indian Affairs, 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 4009 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 subpart 2 of part A of title I for the preceding fiscal year bears to the amount all States received under that subpart 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 subsection.

''SEC. 4003. STATE ACTIVITIES.

''(a) IN GENERAL.—A State educational agency may use not more than 5 percent of the amount made available to the State under section 4002(b) for—

''(1) the administrative costs of carrying out its responsibilities under this part; and

''(2) providing technical assistance as described in subsection (b) to learning partnerships;

''(b) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—The technical assistance described in this paragraph includes the following:

''(A) Assisting learning partnerships who are prioritized in section 4005(g) including rural and urban schools by—

''(i) informing those learning partnerships that are prioritized in section 4005(g) that they have a priority for competing for grants under section 4005;

''(ii) providing technical assistance to the learning partnership for the development of the applications described in section 4005(b), including assisting the learning partnership in identifying which elementary schools and secondary schools to serve;

''(iii) providing technical assistance to the learning partnership if they do not receive a grant under section 4005 so that they may recompete in following competitions;

''(B) Assisting each learning partnership that receives an award under section 4005 to plan and implement additional learning time with such funds, including assisting the learning partnership in—

''(i) determining how to implement additional learning time in the schools the learning partnership intends to serve based on the results of the needs assessment described in section 4005(b)(2)(C)(i);

''(ii) identifying additional community partners, which may include multicounty public entities, and resources that may be utilized to implement the additional learning time;

''(iii) strengthening the existing partnerships of the learning partnership, identifying appropriate roles for each of the partners in the implementation of additional learning time in schools served by the learning partnership, and ensuring that the partnership is effective in maintaining strong communication, information sharing, and joint planning and implementation;

''(C) Identifying best practices for professional development for teachers and staff in learning partnerships receiving funding under this part to implement the authorized activities described in section 4006.

''(D) Identifying best practices for using additional learning time to improve academic enrichment, and student academic achievement in schools, and providing technical assistance to the learning partnership in using such best practices to implement and improve additional learning time initiatives.

''(E) Providing guidance on how to provide programs that are age appropriate and address the varying needs of students in elementary (including preschool), middle, and diploma granting schools.

''(F) Supporting pay for success initiatives at the State or local level to meet the purposes of this part.

''(2) SUBGRANTS FOR TECHNICAL ASSISTANCE.—A State educational agency may use a portion of the funds described in paragraph (1) to award subgrants to entities including intermediaries, educational service agencies or other public entities with demonstrated expertise in additional learning time capacity building, or evaluation to carry out the technical assistance described in subparagraph (A).

''SEC. 4004. STATE APPLICATION.

''(a) IN GENERAL.—In order to receive an allotment under section 4002(b) for any fiscal year, a State educational agency shall submit to the Secretary, at such time and in such manner as the Secretary may require, an application that—

''(1) designates the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

''(2) describes how the State educational agency will use funds received under this part, including funds reserved for State-level activities;

''(3) contains an assurance that the State educational agency, in making awards under section 4005, will give priority to learning partnerships that propose to serve—

''(A) students attending schools in need of support and high-priority schools;

''(B) schools with a high number or percentage of students that are eligible for free or reduced price lunch under the Richard B. Russell School Lunch Act (42 U.S.C. 1751 et seq.);

''(4) describes the peer review process as described in section 4005(e) and the selection criteria the State educational agency will use to evaluate applications from, and select, learning partnerships to receive awards under section 4005;

''(5) describes the steps the State educational agency will take to ensure that activities and programs carried out by learning partnerships using such awards—

''(A) implement evidence-based strategies; and

''(B) ensure learning partnerships have the capacity to implement high-quality additional learning time activities that are different from methods which have been proven ineffective during the regular school day;

''(6) describes how the State educational agency will use the indicators under section 4007(a)(3) to measure the performance, on an annual basis, of learning partnerships, and

''(A) use outcomes from multiple indicators and not rely on one indicator in isolation; and

''(B) provide ongoing technical assistance and training and dissemination of promising practices;

''(7) provides an assurance that the State educational agency will set up a process to allow learning partnerships who receive an award under section 4005 and who operate a proven and effective program based on the measures of performance described in paragraph (6) to recompete in their last year of funding for an additional 5-year implementation cycle;

''(8) describes how the State educational agency will, to the extent practicable, distribute funds under this part equitably among geographic areas within the State, including urban and rural areas;

''(9) includes information identifying the per-pupil funding amount range the State educational agency will use to ensure that awards made under section 4005 are of sufficient size and scope to carry out the purposes of the award,

''(10) includes an assurance that in determining award amounts in accordance with paragraph (9), the State educational agency shall take into consideration—

''(A) diverse geographical areas; and

''(B) the quality of activities and programs proposed by learning partnerships applying for such awards;

''(11) provides an assurance that the application will be developed in consultation and coordination with appropriate State officials, including the chief State school officer, and other State agencies administering additional learning time, the heads of the State health and mental health agencies or their designees, teachers, parents, students, the business community, and community-based organizations;

''(12) describes how activities and programs carried out by the learning partnerships under this part will be coordinated with programs under this Act, and other programs as appropriate;

''(13) describes how the State educational agency will provide a fair and transparent competition for learning partnerships that apply for grant funds under section 4005(b);

''(14) provides an assurance that the State educational agency in determining grant awards to learning partnerships will award grants based solely on the quality of the application in relationship to the needs identified by the learning partnership through the needs assessment described in section 4005(b)(2)(C)(i); and

''(15) provides for timely public notice of intent to file an application and an assurance that the application will be available for public review after submission.

''(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 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.

''SEC. 4005. LOCAL COMPETITIVE GRANT PROGRAM.

''(a) IN GENERAL.—Each State that receives an allotment under this part shall reserve not less than 95 percent of the amount allotted to such State under section 4002(b), for each fiscal year for awards to learning partnerships under this section.

''(b) APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive an award under this part, a learning partnership 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 the following:

''(A) IMPLEMENTATION PLAN.—A description of the planning activities that will be conducted during the planning phase, if applicable, that shall include a budget for the planning activities;

''(B) ROLES AND RESPONSIBILITIES.—A description of the learning partnership and the roles and responsibilities of each of the partners of the learning partnership.

''(C) ADDITIONAL LEARNING TIME ACTIVITIES.—A description of—

''(i) the activities that will be carried out by the learning partnership during the additional learning time based solely on the learning partnership's determination of the results of a needs assessment that considers—

''(I) school-wide needs, including planning time and instructional time for teachers and staff in the learning partnership;

''(II) individual student learning needs;

''(III) school and student safety; and

''(IV) the number of additional hours (during the regular school day or outside of the regular school day, as applicable) needed for supervised student enrichment, determined through school, family, and community input;

''(ii) a description of how the learning partnership will align the activities described in this subparagraph with—

''(I) school improvement plans developed and implemented pursuant to section 1116, if applicable;

''(II) academic instruction that occurs during the regular school day at the school proposed to be served by the learning partnership; and

''(III) in the case of a learning partnership implementing additional learning time as described in section 4008(2)(B), school improvement efforts supported by other programs under this Act and other relevant State and local programs;

''(iii) the anticipated number of hours of additional learning time the average and highest-need student will receive, based on evidence-based attendance expectations, and how the number of hours are appropriate based on the needs assessment described in clause (i) and the requirements of (ii);

''(iv) the grade or grade spans (including preschool) to be served by the learning partnerships using award funds;

''(v) how students participating in the activities will travel safely to and from the additional learning time center and home, as applicable; and

''(vi) a description of how the learning partnership will ensure that staff employed by the learning partnership will coordinate to develop and implement activities described in this subparagraph using, in part, the data described in subparagraph (F).

''(D) SELECTION OF SCHOOLS.—A description of the process, considerations, and criteria the learning partnership will use to select schools to implement additional learning time programs and activities that shall take into account the priorities described in section 4005(g);

''(E) FACILITY ASSURANCE.—An assurance that the activities described in subparagraph (C) will take place in a safe and easily accessible facility and a description of how the learning partnership will disseminate information about the facility to the parents and community in a manner that is understandable and accessible;

''(F) DATA SHARING.—An assurance that relevant student level data will be shared within the learning partnership consistent with the requirements of section 444 of the General Education Provisions Act so that the activities described in subparagraph (C)(i) are aligned according to subparagraph (C)(ii).

''(G) PROFESSIONAL DEVELOPMENT ACTIVITIES.—A description of how the learning partnership will provide professional development to the staff employed by the learning partnership.

''(H) PUBLIC RESOURCES.—An identification of Federal, State, and local programs that will be combined or coordinated with the additional learning time program to make the most effective use of public resources.

''(I) SUPPLEMENT, NOT SUPPLANT.—An assurance that funds under this section 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 Federal, State, local, or non-Federal funds;

''(J) EXPERIENCE.—A description of past performance and record of effectiveness of the community based organization within the partnership in providing the activities described in subparagraph (C).

''(K) CONTINUATION AFTER FEDERAL FUNDING.—A description of a preliminary plan for how the additional learning time will continue when funding under this part ends.

''(L) CAPACITY.—An assurance that the learning partnership has the capacity to collect the data relevant to the indicators described under section 4007(a)(3).

''(M) NOTICE OF INTENT.—An assurance that the community of the learning partnership will be given notice of an intent to submit an application and that the application and any waiver request will be available for public review after submission of the application.

''(N) OTHER INFORMATION AND ASSURANCES.—Such other information and assurances as the State educational agency may reasonably require.

''(c) APPROVAL OF CERTAIN APPLICATIONS.—The State educational agency may approve an application under this section for a program to be located in a facility other than an elementary school or secondary school only if the program will be at least as available and accessible to the students to be served as if the program were located in an elementary school or secondary school.

''(d) NON-FEDERAL MATCH.—

''(1) IN GENERAL.—A State educational agency shall require a learning partnership to match funds awarded under this part, except that such match may not exceed the amount of the grant award and may not be derived from other Federal funds.

''(2) SLIDING SCALE.—The amount of a match under paragraph (1) shall be established based on a sliding fee scale that takes into account—

''(A) the relative poverty of the population to be targeted by the learning partnership; and

''(B) the ability of the learning partnership to obtain such matching funds.

''(3) IN-KIND CONTRIBUTIONS.—Each State educational agency shall permit the community-learning partnership to provide all or any portion of such match in the form of in-kind contributions.

''(e) PEER 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.

''(f) DURATION OF AWARDS.—Grants under this section may be awarded for a period of 5 years. Learning partnerships that receive funding under this section and who operate a proven and effective program based on the measures of performance established in section 4004(a)(6) shall be allowed to recompete in their last year of funding for an additional 5 year grant.

''(g) PRIORITY.—In awarding grants under this part, a State educational agency shall give priority to applications proposing to target services to—

''(1) students (including preschool students) who attend schools in need of support and high-priority schools; and

''(2) learning partnerships that propose to serve schools with a high percentage or number of students that are eligible for free and reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

"SEC. 4006. LOCAL ACTIVITIES.

''(a) AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—Each learning partnership that receives an award under section 4005 shall use the award funds to implement additional learning time activities that are consistent with section 4005(b)(2).

''(2) PLANNING PERIOD.—Each learning partnership may use funds under this section for a planning period of not longer than 6 months to develop an implementation plan described in section 4005(b)(2)(A) to carry out the additional learning time activities, or up to one school year to develop an extended school day, week, or year.

"SEC. 4007. REPORTING.

''(a) REPORT BY LEARNING PARTNERSHIPS.—Each learning partnership shall, not later than 1 year after the first day of the first school year in which the additional learning time is implemented, prepare and submit to the State educational agency a report—

''(1) containing a detailed description of the additional learning time activities that were carried out under this part;

''(2) with respect to each school served by the partnership—

''(A) on the actual expenses associated with, carrying out the additional learning time programs and activities in the first school year; and

''(B) a description of how the additional learning time programs and activities were implemented and whether such programs and activities were carried out during non-school hours or periods when school is not in session or added to expand the school day, school week, or school year schedule; and

''(3) containing measures of performance, aggregated and disaggregated, on the following indicators—

''(A) student academic achievement as measured by—

''(i) high-quality State academic assessments; and

''(ii) student growth in accordance with student growth standards;

''(B) for diploma granting schools served by the learning partnerships, graduation rates;

''(C) student attendance, reported separately for in-school attendance and attendance at the nonschool time programs, if applicable;

''(D) performance on a set of comprehensive school performance indicators that may include—

''(i) as appropriate, rate of earned on-time promotion from grade-to-grade;

''(ii) for high schools served by the learning partnerships, the percentage of students taking a college preparatory curriculum, or student rates of enrollment, persistence, and attainment of an associate or baccalaureate degree;

''(iii) the percentage of student suspensions and expulsions;

''(iv) indicators of school readiness for entering kindergartners;

''(v) evidence of increased parent and family engagement and support for children's learning;

''(vi) evidence of increased student engagement in school, which may include completing of assignments and coming to class prepared;

''(vii) evidence of mastery of non-academic skills which may include problem solving, learning to work in teams, and social and civic responsibility;

''(viii) improved personal attitude, which may include initiative, self-confidence, self-esteem and sense of self-efficacy; and

''(ix) development of social skills, which may include behavior, communication, relationships with peers and adults.

''(b) REPORT BY STATE EDUCATIONAL AGENCY.—A State Educational Agency that receives funds under this part shall annually prepare and submit to the Secretary a report that contains all reports submitted by learning partnerships under the jurisdiction of the agency, aggregated and disaggregated, provided under subsection (a).

''(c) PUBLICATION AND AVAILABILITY OF THE REPORT.—The Secretary shall publish and make widely available to the public, including through a website or other means, a summary of the reports received under subsection (b).

''SEC. 4008. DEFINITIONS.

''In this part:

''(1) LEARNING PARTNERSHIP.—The term 'learning partnership' means—

''(A) a local educational agency, a consortium of local educational agencies, or an educational service agency and one or more local educational agencies, in a partnership with 1 or more community-based organizations or other public or private entities; or

''(B) a community-based organization, or other public or private entity, in a partnership with a local educational agency, a consortium of local educational agencies, or an educational service agency and one or more local educational agencies.

''(2) ADDITIONAL LEARNING TIME.—The term 'additional learning time' means—

''(A) time added during non-school hours or periods when school is not in session, such as before or after school or during summer recess for activities that—

''(i) provide opportunities for student academic enrichment, including hands-on, experiential and project-based learning opportunities for subjects including English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, music and the arts, history, geography, health education, physical education, environmental literacy, and activities such as tutoring and service learning that—

''(I) assist students in meeting State and local academic achievement standards in core academic subjects,

''(II) use evidence-based skill training approaches and active forms of learning to promote healthy development, and engage students in learning;

''(III) align and coordinate with the regular school day and school year curriculum;

''(IV) align to school improvement plans developed pursuant to section 1116, as applicable; and

''(V) align to the learning needs of individual students at the school served by the learning partnership;

''(ii) provide students with opportunities for personal and social development;

''(iii) serve the learning needs and interests of all students, including those who already meet or exceed student academic achievement standards as measured by high-quality State academic assessments, and especially those who may not be achieving at grade level in the traditional classroom setting;

''(iv) are developmentally and age appropriate; and

''(v) involve a broad group of stakeholders (including educators, parents, students, and community partners) in carrying out additional learning time programs and activities described in this subparagraph; or

''(B) time added to expand the school day, school week, or school year schedule, that—

''(i) increases the total number of school hours for the school year at a school based on evidence supporting the amount of additional learning time needed to achieve the objectives described in clause (ii);

''(ii) is used to redesign the school's program and schedule—

''(I) to support innovation in teaching, in order to improve the academic achievement of students aligned to the school improvement plan, if applicable, especially those students who may not be achieving at grade level, in reading or language arts, mathematics, science, history and civics, and other core academic subjects;

''(II) to improve the performance of all students, including those students who are struggling to meet college and career ready standards or State early learning standards, as appropriate, and those students who already meet or exceed college and career ready standards as measured by high-quality State academic assessments;

''(III) for additional subjects and enrichment activities that reflect student interest, connect to effective community partners, and contribute to a well-rounded education, which may include music and the arts, health education, physical education, service learning, and experiential and work-based learning opportunities (such as community service, learning apprenticeships, internships, and job shadowing);

''(IV) to advance student learning by providing a learning environment and supporting learning activities that engage students, develop social skills, and cultivate positive personal attitude; and

''(V) for teachers and staff in learning partnerships to collaborate, and plan, within and across grades and subjects;

''(iii) provides school-wide services that are—

''(I) aligned to school improvement plans developed pursuant to section 1116, as applicable; and

''(II) aligned to individual student achievement needs as identified by the school-site staff at the school served by the community-learning partnership; and

''(iv) involve a broad group of stakeholders (including educators, parents, students and community partners) in planning and carrying out additional learning time programs and activities described in this subparagraph.

''(3) ENVIRONMENTAL LITERACY.—The term 'environmental literacy' means a fundamental understanding of ecological principles, the systems of the natural world, and the relationships and interactions between natural and man made environments.

''SEC. 4009. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $1,200,000,000 for fiscal year 2016 and such sums as may be necessary for each succeeding fiscal year.

''PART B—GRANTS TO SUPPORT STUDENT SAFETY, HEALTH, AND SUCCESS

''SEC. 4201. PURPOSE.

''The purposes of this part are—

''(1) to support local educational agencies and schools in providing comprehensive systems of learning supports to students and their families so that students receive their education in safe environments and graduate from school college and career ready;

''(2) to enhance the ability of local educational agencies and schools to leverage resources within schools and within communities to improve instruction, strengthen programs, and identify gaps in existing programs for students and their families;

''(3) to ensure the academic, behavioral, emotional, health, mental health, and social needs of all students, including students from low income families, students with disabilities, English learners, and youth who are involved in or who are identified by evidence-based risk assessment methods as being at high risk of becoming involved in juvenile delinquency or criminal street gangs through a coordinated pipeline or continuum of services for children from birth through college or career;

''(4) to support programs and activities that prevent and respond to violence in and around schools (including bullying, harassment, and mass casualty events), that prevent the illegal use of alcohol, tobacco, and drugs by students, and provide resources and training to foster a safe and drug-free learning environment to support student academic achievement; and

''(5) to enhance partnerships between schools, parents, and communities, and better support family and community engagement in education.

''SEC. 4202. RESERVATIONS AND ALLOTMENTS.

''(a) IN GENERAL.—From the amount made available under section 4210 to carry out this part for each fiscal year, the Secretary—

''(1) shall reserve 1 percent of such amount for grants to the outlying areas to be allotted in accordance with the Secretary's determination of their respective needs and to carry out programs described in this part; and

''(2) shall reserve 1 percent of such amount for the Secretary of the Interior to carry out programs described in this part for Indian youth.

''(b) STATE ALLOTMENTS.—Except as provided in subsection (a), the Secretary shall, for each fiscal year, allot among the States—

''(1) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

''(2) one-half of such remainder according to the ratio between the amount each State received under section 1124A for the preceding year and the sum of such amounts received by all the States.

''(c) MINIMUM.—For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this subsection.

''(d) REALLOTMENT OF UNUSED FUNDS.—

''(1) REALLOTMENT FOR FAILURE TO APPLY.—If any State does not apply for 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.

''(2) REALLOTMENT OF UNUSED FUNDS.—The Secretary may reallot any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within 2 years of such allotment. Such reallotments shall be made on the same basis as allotments are made under subsection (b).

''SEC. 4203. STATE APPLICATIONS.

''(a) APPLICATION.—To receive a grant under this part, a State educational agency shall submit to the Secretary an application at such time and in such manner as the Secretary may require, and containing the information described in subsection (b).

''(b) CONTENTS.—Each application submitted under subsection (a) shall include the following:

''(1) An assurance that the State educational agency will review existing resources and programs across the State and

coordinate any new plans and resources under this part with such existing programs and resources.

''(2) A description of how the State educational agency will identify and eliminate State barriers to the coordination and integration of programs, initiatives, and funding streams so that local educational agencies can provide comprehensive continuums of learning supports.

''(3) A description of the State educational agency's comprehensive school safety plan, which shall address bullying and harassment, provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention, address school-sponsored, off-premises, overnight field trips, disaster preparedness, and crisis and emergency management; and any other issues determined necessary by the State educational agency (existing plans may be used to satisfy the requirements of this section if such existing plans include the information required by this section, or can be modified to do so, and are submitted to the Secretary with such modifications) which—

''(A) shall be submitted to the Secretary not later than 1 year after the enactment of the Student Success Act;

''(B) shall be developed in consultation with public safety and community partners, including police, fire, emergency medical services, emergency management agencies, parents, and other such organizations;

''(C) shall be made available to the public in a manner that is understandable and accessible; and

''(D) the State educational agency shall require all local educational agencies to adopt the plan within 1 year of approval (existing plans may be used to satisfy the requirements of this section if such existing plans are approved by the State educational agency and include the information required by this section, or can be modified to do so).

''(4) A description of how grant funds will be used to identify best practices for professional development for sustainable comprehensive program development.

''(5) A description of how the State educational agency will monitor the implementation of activities under this part, and provide technical assistance to local eligible entities.

''(6) A description of how the State educational agency will ensure subgrants to eligible entities will facilitate school-community planning and effective service coordination, integration, and provision at the local level to achieve high performance standards based on the system developed in paragraph (7).

''(7) A description of how the State educational agency will develop a system for reporting and measuring eligible entity performance, and assist eligible entities in developing and implementing systems for measuring performance based on the indicators in section 4208(a)(3).

''(8) An assurance that the State educational agency will set up a process to allow local eligible entities who receive an award under section 4206 and who operate a proven and effective program based on the measures of performance described in paragraph (7) to recompete in their last year of funding for an additional 5-year cycle.

''(9) A description of the steps the State educational agency will take to ensure that activities and programs carried out by local eligible entities will implement evidence based strategies.

''(10) A description of how the number of youth involved in juvenile delinquency and criminal justice systems will not increase as a results of activities funded under this grant.

''(c) APPROVAL PROCESS.—

''(1) DEEMED APPROVAL.—An application submitted by a State pursuant to this section shall undergo peer review by the Secretary and 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.

''(2) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency and the chief executive officer of the State notice and an opportunity for a hearing.

''(3) NOTIFICATION.—If the Secretary finds that the application is not in compliance, in whole or in part, with this subpart, the Secretary shall—

''(A) give the State educational agency and the chief executive officer of the State notice and an opportunity for a hearing; and

''(B) notify the State educational agency and the chief executive officer of the State 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.

''(4) RESPONSE.—If the State educational agency and the chief executive officer of the State respond to the Secretary's notification described in paragraph (3)(B) during the 45-day period beginning on the date on which the agency received the notification, and resubmit the application with the requested information described in paragraph (3)(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 paragraph (1).

''(5) FAILURE TO RESPOND.—If the State educational agency and the chief executive officer of the State do not respond to the Secretary's notification described in paragraph (3)(B) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit local educational agencies or individual schools from incorporating additional elements to the State-developed comprehensive school safety plan to improve student and school safety reflective of the individual agency or school community.

''SEC. 4204. STATE USE OF FUNDS.

''(a) 95 PERCENT OF FUNDS.—Each State educational agency that receives a grant under this part shall reserve not less than 95 percent of the grant amount, for each fiscal year to award subgrants to local eligible entities in accordance with section 4206.

''(b) 5 PERCENT OF FUNDS.—A State educational agency shall use not more than 5 percent, of which not more than 1 percent may be used for administration of a grant received under this subpart or may subgrant a portion of such funds to educational service agencies, or other public entities with demonstrated expertise to carry out the following activities:

''(1) Identify and eliminate State barriers to the coordination and integration of programs, initiatives, and funding streams so that local educational agencies can provide comprehensive continuums of learning supports.

''(2) Assist local eligible entities who are prioritized in section 4205(b) including those eligible entities that plan to serve rural and urban schools by—

''(A) informing those local eligible entities that they have a priority for competing for grants;

''(B) providing technical assistance to the local eligible entities for the development of the applications described in section 4206;

''(C) providing technical assistance to the local eligible entities if they do not receive a grant under section 4206 so that they may recompete in following competitions;

''(3) Identify best practices for professional development and capacity building for local educational agencies for the delivery of a comprehensive system of learning supports for teachers, administrators, and specialized instructional support personnel in schools that are served by the eligible entity receiving funding under this part to implement the authorized activities described in section 4207.

''(4) Reporting and evaluation activities.

''SEC. 4205. GENERAL SUBGRANT REQUIREMENTS.

''(a) IN GENERAL.—A State educational agency shall use grant funds received under this part to award subgrants to eligible entities.

''(b) ABSOLUTE PRIORITY.—In awarding subgrants to local eligible entities, the State educational agency shall give priority to—

''(1) local eligible entities that propose to serve a high percentage or number of students that are eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

''(2) local eligible entities proposing to serve students who attend schools in need of support and high-priority schools;

''(c) COMPETITIVE PRIORITY.—In awarding subgrants to local eligible entities, the State educational agency shall give competitive priority to—

''(1) in the case of local eligible entities that intend to implement programs described in section 4207(2)(A), local eligible entities that serve schools that implement, or have plans to implement disciplinary policies that are research based and focus on multi-tiered systems of support; and

''(2) in the case of eligible entities that intend to implement programs described in section 4207(2)(C), eligible entities proposing to serve geographic areas most in need of these services and that commit to working with local Promise Coordinating Councils.

''(d) DURATION OF SUBGRANT.—A State educational agency shall award under this part subgrants to eligible local entities for 5 years.

''(e) RENEWAL.—

''(1) IN GENERAL.—A State educational agency may renew a subgrant awarded under this part for a period of 5 years.

''(2) RENEWAL APPLICATION.—To renew a subgrant, an eligible entity shall submit an application to the Secretary every 5 years as long as the eligible entity can demonstrate that they operate a proven and effective program based on performance on the indicators in section 4208(a)(3).

''SEC. 4206. LOCAL ELIGIBLE ENTITY APPLICATION.

''(a) IN GENERAL.—A local eligible entity that seeks a grant under this part shall submit an application to the State at such time, in such manner, and containing such information as the State may require, including the information described in subsection (b).

''(b) CONTENTS.—An application submitted under subsection (a) shall include the following:

''(1) The results of a comprehensive needs assessment (which shall include incident

data, and teacher, parent, or community surveys) and assets assessment which shall include a comprehensive analysis of the following—

''(A) the safety of the schools served by the local eligible entity (which shall include a comprehensive analysis of incidents and prevalence of bullying and harassment at schools served by the local eligible entity);

''(B) the incidence and prevalence of drug, alcohol and substance abuse at schools served by the local eligible entity;

''(C) the needs of youth in the community with respect to evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention, including an assessment of the number of youth who are involved or at-risk of involvement in juvenile delinquency and criminal street gang activity and the number of chronically truant youth;

''(D) the number of specialized instructional support personnel employed by schools served by the local eligible entity and the services provided by those personnel;

''(E) the prevalence of student health (including mental health, physical fitness, and nutrition) needs at schools served by the local eligible entity;

''(F) existing programs and services intended to provide a comprehensive system of support within schools served by local eligible entities, including the support of school governance and leadership for the programs and services and evidence of past successful collaboration in the delivery of services;

''(G) resources available in the community, including public agencies, nonprofit organizations, and community businesses and employers that could be leveraged by schools served by the local eligible entity to create comprehensive systems of support or deliver pipeline services within the schools;

''(H) school discipline data including in-school suspensions, out-of-school suspensions, expulsion, school-based arrests, referrals to law enforcement, and referrals to alternative schools; and

''(I) additional needs identified by the local eligible entity.

''(2) A description of the methodology used in conducting the needs assessment described in paragraph (1);

''(3) any steps that the eligible entity is taking, at the time of the application, to address needs identified during the needs assessment described in paragraph (1)

''(4) A description of the plan to implement grant funds (taking into account the cultural and linguistic needs of the community) which shall include the following components:

''(A) A description of the services (taking into account the cultural and linguistic needs of the community) that will be provided by the local eligible entity which shall include prevention, intervention, and systematic efforts to address student learning needs or pipeline services as identified and prioritized by the needs assessment in paragraph (1).

''(B) A description of how existing resources, services, and programs will be coordinated and integrated with new resources, services, and programs to create a comprehensive system of learning supports or pipeline services that is aligned with school improvement plans required under section 1116, as applicable.

''(C) A description of the partners within the eligible entity and their roles as they relate to the implementation of the comprehensive system of learning supports or pipeline services that will be implemented to address the needs outlined in the needs and assets assessment described in subsection (b)(1).

''(D) A description of how the grant will be used to enhance administrator's, teacher's, and specialized instructional support personnel's identification and response to student learning needs for providing learning supports through professional development, and how school capacity will be enhanced to handle problems facing students such as those identified in the needs assessment.

''(E) A description of how the eligible entity will identify the financial savings from deferred or eliminated costs, or other benefits as a result of the programs or activities implemented by the eligible entities (in the case of an eligible entity who implements programs described in section 4207(2)(C), a comparative analysis of potential savings from criminal justice costs, public assistance costs, and other costs avoided by such programs).

''(F) A description of how the local eligible entity will measure performance based on the indicators described in section 4208(a)(3).

''(G) A description of the process for periodically reviewing the needs of students and assets within the school and community, and involving more community partners as applicable, and how data on performance on the indicators described in section 4208(a)(3) will be used to provide feedback on progress, and institutionalize support mechanisms to maintain and continually improve activities including when grant funds end.

''(c) SPECIAL RULE.—A local eligible entity may use—

''(1) an existing needs assessment to satisfy the requirements of subsection (b)(1), if the assessment includes the information required by such subsection, or can be modified to do so; and

''(2) an existing plan to satisfy the requirements of subsection (b)(3), if the plan meets the requirements of such subsection and is approved by the State educational agency.

''SEC. 4207. LOCAL ELIGIBLE ENTITY USE OF FUNDS.

''A local eligible entity that receives a subgrant under this part shall use such funds to carry out the following activities:

''(1) Implement a comprehensive plan as described in section 4206(b)(4).

''(2) Programs and activities that address the needs of the schools served by the eligible entity as identified by the needs and assets assessment in section 4206(b)(1), which may include—

''(A) violence prevention programs, including—

''(i) programs to provide safe passage to and from school;

''(ii) programs to prevent and appropriately respond to incidents of bullying and harassment (including professional development for teachers and other school personnel);

''(iii) programs that promote positive school environments for learning and reduce the need for suspensions, expulsions, referral to law enforcement, and other practices that remove students from instruction;

''(iv) conflict resolution and restorative practice and mediation programs;

''(v) activities that involve families, community sectors (which may include appropriately trained seniors) and a variety of providers in setting clear expectations against violence and appropriate consequences of violence;

''(vi) professional development and training for, and involvement of, school personnel, specialized instructional personnel, parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to violence prevention;

''(vii) reporting criminal offenses committed on school property;

''(viii) emergency intervention services following traumatic crisis events, such as a shooting, a mass casualty event, or a major accident that has disrupted the learning environment;

''(ix) establishing and maintaining a school safety hotline;

''(x) programs to train school personnel to identify warning signs of youth suicide and to create an action plan to help youth at risk of suicide; or

''(xi) programs that respond to the needs of students who are faced with domestic violence or child abuse;

''(B) drug and alcohol abuse prevention programs, including—

''(i) age appropriate and developmentally based activities that—

''(I) address the consequences of violence and illegal use of drugs, as appropriate;

''(II) promote a sense of individual responsibility and teach students that most people do not illegally use drugs;

''(III) teach students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use; and

''(IV) teach students about the dangers of emerging drugs;

''(ii) activities that involve families, community sectors (which may include appropriately trained seniors) and a variety of providers in setting clear expectations against illegal use of drugs and appropriate consequences for illegal use of drugs;

''(iii) dissemination of drug prevention information to schools and communities;

''(iv) professional development and training for, and involvement of, school personnel, specialized instructional support personnel, parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to drug prevention; or

''(v) community wide planning and organizing to reduce illegal drug use;

''(C) evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention for youth who are involved in, or at risk of involvement in, juvenile delinquency or street gang activity (that shall involve multiple community partners within the local eligible entity through coordination with a local Promise Coordinating Council);

''(D) recruiting, hiring, and maintaining specialized instructional support personnel or providing additional specialized instructional support services, including comprehensive career counseling, with priority given to the highest need schools to be served by the eligible entity;

''(E) implementing multi-tiered systems of support including positive behavior supports;

''(F) support services to address the behavioral, emotional, physical health, mental health and social needs of students, including—

''(i) social and emotional learning programs;

''(ii) mentoring programs;

''(iii) physical fitness, health education, and nutrition education programs;

''(iv) trauma-informed practices;

''(v) programs to meet the unique needs of students with active-duty military and recently discharged veteran parents; and

''(vi) programs to purchase and train personnel to use automated external defibrillators and hemorrhage control kits;

''(G) services and programs to support education of pregnant and parenting teens;

''(H) programs that enable schools to prepare for, respond to, and recover from disasters, crises and emergencies that threaten

safety or disrupt teaching and learning, including programs to purchase and train personnel to use automated external defibrillators and hemorrhage control kits;

''(I) other pipeline services; or

''(J) other services consistent with this section.

''SEC. 4208. ACCOUNTABILITY AND TRANSPARENCY.

''(a) LOCAL ACCOUNTABILITY AND TRANSPARENCY.—On an annual basis, each local eligible entity shall report to the public and the State such information as the State may reasonably require, including—

''(1) the number of students, aggregated and disaggregated by subgroup as described in section 1111(c)(3)(A) who were served by the programs and activities in this part;

''(2) the programs and services provided under this Act;

''(3) outcomes resulting from activities and services funded under this part, aggregated and disaggregated by subgroup as described in section 1111(c)(3)(A) on the following indicators—

''(A) student academic achievement as measured by State academic assessments and student growth over time as described in section 1111(b)(3);

''(B) for diploma granting schools, graduation rates;

''(C) student attendance;

''(D) suspensions and expulsions;

''(E) performance on a set of other indicators that shall be based on the activities and services implemented based on the results of the needs assessment described in section 4206(b)(1) and may include—

''(i) the frequency, seriousness, and incidence of violence, including bullying and harassment, and drug related offenses resulting in suspensions and expulsions;

''(ii) the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities;

''(iii) the safety of both the school and passage to and from school, as measured by a school climate survey;

''(iv) as appropriate, rate of earned on-time promotion from grade to grade;

''(v) for diploma granting schools, the percentage of students taking a college preparatory curriculum, or student rates of enrollment, persistence, and attainment of an associate or baccalaureate degree;

''(vi) academic and developmental transitions, including from elementary to middle school and middle school to high school;

''(vii) referrals to school resource personnel;

''(viii) evidence of increased parent and family engagement and support for children's learning;

''(ix) evidence of increased student engagement in school, which may include completing of assignments and coming to class prepared and on-time;

''(x) student health, including mental health, the number and percentage of students who participate in at least 30 minutes of moderate to vigorous physical activity 5 days a week, and the amelioration of risk factors;

''(F) for early childhood education and kindergarten programs, the number and percentage of children who demonstrate, at the beginning of the program or school year, age-appropriate functioning across multiple domains of early learning as determined using developmentally appropriate early learning measures; and

''(G) other outcome areas as determined by the State educational agency.

''(b) STATE ACCOUNTABILITY AND TRANSPARENCY.—On an annual basis, each State educational agency that receives funds under this part shall annually prepare and submit to the Secretary a report that contains all reports submitted by local eligible entities under the jurisdiction of the agency provided under (a).

''(c) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this part shall be used to supplement, and not supplant, other Federal, State, or local funds that would, in the absence of such grant funds, be made available for comprehensive systems of learning supports and students participating in programs under this part.

''(d) PUBLICATION AND AVAILABILITY OF REPORT.—The Secretary shall publish and make widely available to the public, including through a website or other means, a summary of the reports received under (b).

''SEC. 4209. DEFINITIONS.

''(a) For purposes of this part—

''(1) INCIDENT DATA.—The term 'incident data' means data from incident reports by school officials including, but not limited to, truancy rates; the frequency, seriousness, and incidence of violence and drug-related offenses resulting in suspensions and expulsions; the incidence of bullying and harassment, and the incidence and prevalence of drug use and violence by students in schools.

''(2) COMPREHENSIVE SYSTEM OF LEARNING SUPPORTS.—The term 'comprehensive system of learning supports' means the multifaceted, and cohesive resources, strategies, and practices that provide class-room based or school-wide interventions to address the academic, behavioral, emotional, physical health, mental health, and social needs of students and families to improve student learning, teacher instruction and school management.

''(3) LOCAL ELIGIBLE ENTITY.—The term 'local eligible entity' means a consortium consisting of community representatives that—

''(A) shall include—

''(i) a local educational agency;

''(ii) not less than 1 other community partner organization; and

''(B) may include a broad array of community partners, including a community based organization, a child and youth serving organization, an institution of higher education, an Indian tribe or tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), a foundation, a business, a local government, including a local governmental agency serving children and youth such as a child welfare and juvenile justice agency; students, and parents; and may include representatives from multiple jurisdictions.

''(4) MULTI-TIERED SYSTEM OF SUPPORT.—The term 'multi-tiered system of support' means a comprehensive system of differentiated supports that includes evidence-based instruction, universal screening, progress monitoring, formative assessments, research-based interventions matched to student needs and educational decisionmaking using student outcome data.

''(5) BULLYING.—The term 'bullying'—

''(A) means conduct, including electronic communication, that adversely affects the ability of 1 or more students to participate in and benefit from the school's educational programs or activities by placing the student (or students) in reasonable fear of physical harm; and

''(B) includes conduct that is based on—

''(i) a student's actual or perceived—

''(I) race;

''(II) color;

''(III) national origin;

''(IV) sex;

''(V) disability

''(VI) sexual orientation;

''(VII) gender identity;

''(VIII) religion;

''(IX) immigration or migrant status;

''(X) proficiency in the English language; or

''(XI) state of homelessness;

''(ii) any other distinguishing characteristics that may be defined by a State or local educational agency; or

''(iii) association with a person or group with 1 or more of the actual or perceived characteristics listed in clause (i) or (ii).

''(6) HARASSMENT.—The term 'harassment'—

''(A) means conduct, including electronic communication, that adversely affects the ability of 1 or more students to participate in and benefit from the school's educational programs or activities because the conduct, as reasonably perceived, is so severe, persistent, or persuasive; and

''(B) includes conduct that is based on—

''(i) a student's actual or perceived—

''(I) race;

''(II) color;

''(III) national origin;

''(IV) sex;

''(V) disability

''(VI) sexual orientation;

''(VII) gender identity; or

''(VIII) religion;

''(ii) any other distinguishing characteristics that may be defined by a State or local educational agency; or

''(iii) association with a person or group with 1 or more of the actual or perceived characteristics listed in clause (i) or (ii).

''(7) JUVENILE DELINQUENCY AND CRIMINAL STREET GANG ACTIVITY PREVENTION AND INTERVENTION.—The term 'juvenile delinquency and criminal street gang activity prevention and intervention' means the provision of programs and resources to children and families who have not yet had substantial contact with criminal justice or juvenile justice systems or to youth who are involved in, or who are identified by evidence-based risk assessment methods as being at high risk of continued involvement in, juvenile delinquency or criminal street gangs, that—

''(A) are designed to reduce potential juvenile delinquency and criminal street gang activity risks; and

''(B) are evidence-based or promising educational, health, mental health, school-based, community-based, faith-based, parenting, job training, social opportunities and experiences, or other programs, for youth and their families, that have been demonstrated to be effective in reducing juvenile delinquency and criminal street gang activity risks.

''(8) PROMISE COORDINATING COUNCILS.—The members of a PROMISE Coordinating Council shall be representatives of public and private sector entities and individuals that—

''(A) shall include, to the extent possible, at least one representative from each of the following:

''(i) the local chief executive's office;

''(ii) a local educational agency;

''(iii) a local health agency or provider;

''(iv) a local mental health agency or provider, unless the representative under clause (iii)) also meets the requirements of this subparagraph;

''(v) a local public housing agency;

''(vi) a local law enforcement agency;

''(vii) a local child welfare agency;

''(viii) a local juvenile court;

''(ix) a local juvenile prosecutor's office;

''(x) a private juvenile residential care entity;

''(xi) a local juvenile public defender's office;

''(xii) a State juvenile correctional entity;

''(xiii) a local business community representative; and

''(xiv) a local faith-based community representative;

''(B) shall include two representatives from each of the following:

''(i) parents who have minor children, and who have an interest in the local juvenile or criminal justice systems;

''(ii) youth between the ages of 15 and 24 who reside in the jurisdiction of the unit or Tribe; and

''(iii) members from nonprofit community-based organizations that provide effective delinquency prevention and intervention to youth in the jurisdiction of the eligible entity; and

''(C) may include other members, as appropriate.

''(9) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL.—The term 'specialized instructional support personnel' means school counselors, school social workers, school psychologists, school nurses, and other qualified professionals involved in providing assessment, diagnosis, counseling, educational, therapeutic, medical, and other necessary services (including related services, as such term is defined in section 602 of the Individuals with Disabilities in Education Act (20 U.S.C. 1401)) as part of a comprehensive program to meet student needs.

''(10) PIPELINE SERVICES.—The term 'pipeline services' means a continuum of supports and services for children from birth through college entry, college success, and career attainment, including, at a minimum, strategies to address through services or programs (including integrated student supports) the following:

''(A) Prenatal education and support for expectant parents.

''(B) High-quality early learning opportunities.

''(C) High-quality schools and out-of-school-time programs and strategies.

''(D) Support for a child's transition to elementary school, including the administration of a comprehensive school readiness assessment.

''(E) Support for a child's transition from elementary school to middle school, from middle school to high school, and from high school into and through college or into the workforce.

''(F) Family and community engagement.

''(G) Family and student supports.

''(H) Activities that support college and career readiness, including coordination between such activities, such as—

''(i) assistance with college admissions, financial aid, and scholarship applications, especially for low-income and low-achieving students; and

''(ii) career preparation services and supports.

''(I) Neighborhood-based support for college-age students who have attended the schools in the pipeline, or students who are members of the community, facilitating their continued connection to the community and success in college and the workforce.

''SEC. 4210. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $350,000,000 for fiscal year 2016 and such sums as may be necessary for each succeeding fiscal year.

''PART C—FULL-SERVICE COMMUNITY SCHOOLS

''SEC. 4301. SHORT TITLE.

''This part may be cited as the 'Full-Service Community Schools Act of 2015'.

''SEC. 4302. PURPOSES.

''The purposes of this part are the following:

''(1) Improving student learning and development by providing supports for students that enable them to graduate college- and career-ready.

''(2) Providing support for the planning, implementation, and operation of full-service community schools.

''(3) Improving the coordination and integration, accessibility, and effectiveness of services for children and families, particularly for students attending high-poverty schools, including high-poverty rural schools.

''(4) Enabling educators and school personnel to complement and enrich efforts to improve academic achievement and other results.

''(5) Ensuring that children have the physical, social, and emotional well-being to come to school ready to engage in the learning process every day.

''(6) Promoting and enabling family and community engagement in the education of children.

''(7) Enabling more efficient use of Federal, State, local, and private sector resources that serve children and families.

''(8) Facilitating the coordination and integration of programs and services operated by community-based organizations, nonprofit organizations, and State, local, and tribal governments.

''(9) Engaging students as resources to their communities.

''(10) Engaging the business community and other community organizations as partners in the development and operation of full-service community schools.

''SEC. 4303. DEFINITION.

''In this part, the term 'full-service community school' means a public elementary or secondary school that—

''(1) participates in a community-based effort to coordinate and integrate educational, developmental, family, health, and other comprehensive services through community-based organizations and public and private partnerships; and

''(2) provides access to such services to students, families, and the community, such as access during the school year (including before- and after-school hours and weekends), as well as during the summer.

''SEC. 4304. LOCAL PROGRAMS.

''(a) GRANTS.—The Secretary may award grants to eligible entities to assist public elementary or secondary schools to function as full-service community schools.

''(b) USE OF FUNDS.—Grants awarded under this section shall be used to—

''(1) coordinate not less than 3 existing qualified services and provide not less than 2 additional qualified services at 2 or more public elementary or secondary schools;

''(2) integrate multiple services into a comprehensive, coordinated continuum supported by research-based activities which achieve the performance goals established under subsection (c)(4)(E) to meet the holistic needs of young people; and

''(3) if applicable, coordinate and integrate services provided by community-based organizations and government agencies with services provided by specialized instructional support personnel.

''(c) APPLICATION.—To seek a grant under this section, an eligible entity shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The Secretary shall require that each such application include the following:

''(1) A description of the eligible entity.

''(2) A memorandum of understanding among all partner entities that will assist the eligible entity to coordinate and provide qualified services and that describes the roles the partner entities will assume.

''(3) A description of the capacity of the eligible entity to coordinate and provide qualified services at 2 or more full-service community schools.

''(4) A comprehensive plan that includes descriptions of the following:

''(A) The student, family, and school community to be served, including information about demographic characteristics that include major racial and ethnic groups, median family income, percent of students eligible for free- and reduced-price lunch, and other information.

''(B) A needs assessment that identifies the academic, physical, social, emotional, health, mental health, and other needs of students, families, and community residents.

''(C) A community assets assessment which identifies existing resources which could be aligned.

''(D) The most appropriate metric to describe the plan's reach within a community using either—

''(i) the number of families and students to be served, and the frequency of services; or

''(ii) the proportion of families and students to be served, and the frequency of services.

''(E) Yearly measurable performance goals, including an increase in the percentage of families and students targeted for services each year of the program, which are consistent with the following objectives:

''(i) Children are ready for school.

''(ii) Students are engaged and achieving academically.

''(iii) Students are physically, mentally, socially, and emotionally healthy.

''(iv) Schools and neighborhoods are safe and provide a positive climate for learning that is free from bullying or harassment.

''(v) Families are supportive and engaged in their children's education.

''(vi) Students and families are prepared for postsecondary education and 21st century careers.

''(vii) Students are contributing to their communities.

''(F) Performance measures to monitor progress toward attainment of the goals established under subparagraph (E), including a combination of the following, to the extent applicable:

''(i) Multiple objective measures of student achievement, including assessments, classroom grades, and other means of assessing student performance.

''(ii) Attendance (including absences related to illness and truancy) and chronic absenteeism rates.

''(iii) Disciplinary actions against students, including suspensions and expulsions.

''(iv) Access to health care and treatment of illnesses demonstrated to impact academic achievement.

''(v) Performance in making progress toward intervention services goals as established by specialized instructional support personnel.

''(vi) Participation rates by parents and family members in school-sanctioned activities and activities that occur as a result of community and school collaboration, as well as activities intended to support adult education and workforce development.

''(vii) Number and percentage of students and family members provided services under this part.

''(viii) Valid measures of postsecondary education and career readiness.

''(ix) Service-learning and community service participation rates.

''(x) student satisfaction surveys.

''(G) Qualified services, including existing and additional qualified services, to be coordinated and provided by the eligible entity and its partner entities, including an explanation of—

''(i) why such services have been selected;

''(ii) how such services will improve student academic achievement; and

''(iii) how such services will address performance goals established under subparagraph (E).

''(H) Plans to ensure that each site has full-time coordination of qualified services at each full-service community school, including coordination with existing specialized instructional support personnel.

''(I) Planning, coordination, management, and oversight of qualified services at each school to be served, including the role of the school principal, partner entities, parents, and members of the community.

''(J) Funding sources for qualified services to be coordinated and provided at each school to be served, whether such funding is derived from a grant under this section or from other Federal, State, local, or private sources.

''(K) Plans for professional development for personnel managing, coordinating, or delivering qualified services at the schools to be served.

''(L) Plans for joint utilization and maintenance of school facilities by the eligible entity and its partner entities.

''(M) How the eligible entity and its partner entities will focus services on schools eligible for a schoolwide program under section 1114.

''(N) Plans for periodic evaluation based upon attainment of the performance measures described in subparagraph (F).

''(O) How the qualified services will meet the principles of effectiveness described in subsection (d).

''(5) A plan for sustaining the programs and services outlined in this part.

''(d) PRINCIPLES OF EFFECTIVENESS.—For a program developed pursuant to this section to meet principles of effectiveness, such program shall be based upon—

''(1) an assessment of objective data regarding the need for the establishment of a full-service community school and qualified services at each school to be served and in the community involved;

''(2) an established set of performance measures aimed at ensuring the availability and effectiveness of high-quality services; and

''(3) if appropriate, scientifically based research that provides evidence that the qualified services involved will help students meet State and local student academic achievement standards.

''(e) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities that—

''(1)(A) will serve a minimum of 2 or more full-service community schools eligible for a schoolwide program under section 1114, as part of a community- or district-wide strategy; or

''(B) include a local educational agency that satisfies the requirements of—

''(i) subparagraph (A) or (B) of section 6211(b)(1); or

''(ii) subparagraphs (A) and (B) of section 6221(b)(1); and

''(2) will be connected to a consortium comprised of a broad representation of stakeholders, or a consortium demonstrating a history of effectiveness.

''(f) GRANT PERIOD.—Each grant awarded under this section shall be for a period of 5 years and may be renewed at the discretion of the Secretary based on the eligible entity's demonstrated effectiveness in meeting the performance goals and measures established under subparagraphs (E) and (F) of subsection (c)(4).

''(g) PLANNING.—The Secretary may authorize an eligible entity to use grant funds under this section for planning purposes in an amount not greater than 10 percent of the total grant amount.

''(h) MINIMUM AMOUNT.—The Secretary may not award a grant to an eligible entity under this section in an amount that is less than $75,000 for each year of the 5-year grant period.

''(i) DEFINITIONS.—In this section—

''(1) the term 'additional qualified services' means qualified services directly funded under this part;

''(2) the term 'eligible entity' means a consortium of 1 or more local educational agencies and 1 or more community-based organizations, nonprofit organizations, or other public or private entities;

''(3) the term 'existing qualified services' means qualified services already being financed, as of the time of the application, by Federal, State, local or private sources, or volunteer activities being supported as of such time by civic, business, faith-based, social, and other similar organizations; and

''(4) the term 'qualified services' means any of the following:

''(A) Early childhood education.

''(B) Remedial education activities and enrichment activities, including expanded learning time.

''(C) Summer or after-school enrichment and learning experiences.

''(D) Programs under the Head Start Act, including Early Head Start programs.

''(E) Nurse home visitation services.

''(F) Teacher home visiting.

''(G) Programs that promote parental involvement and family literacy, including the Reading First and Early Reading First programs authorized under part B of title I.

''(H) Mentoring and other youth development programs, including peer mentoring and conflict mediation.

''(I) Parent leadership development activities.

''(J) Parenting education activities.

''(K) Child care services.

''(L) Community service and service-learning opportunities.

''(M) Developmentally appropriate physical education.

''(N) Programs that provide assistance to students who have been truant, suspended, or expelled.

''(O) Job training, internship opportunities, and career counseling services.

''(P) Nutrition services.

''(Q) Primary health and dental care.

''(R) Mental health counseling services.

''(S) Adult education, including instruction in English as a second language.

''(T) Juvenile crime prevention and rehabilitation programs.

''(U) Specialized instructional support services.

''(V) Homeless prevention services.

''(W) Other services consistent with this part.

''SEC. 4305. STATE PROGRAMS.

''(a) GRANTS.—The Secretary may award grants to State collaboratives to support the development of full-service community school programs in accordance with this section.

''(b) USE OF FUNDS.—Grants awarded under this section shall be used only for the following:

''(1) Developing a State comprehensive results and indicators framework to implement full-service community schools, consistent with performance goals described in section 4304(c)(4)(E).

''(2) Planning, coordinating, and expanding the development of full-service community schools in the State, particularly schools in high-poverty local educational agencies, including high-poverty rural local educational agencies.

''(3) Providing technical assistance and training for full-service community schools, including professional development for personnel and creation of data collection and evaluation systems.

''(4) Collecting, evaluating, and reporting data about the progress of full-service community schools.

''(5) Evaluating the impact of State and Federal policies and guidelines on the ability of eligible entities (as defined in section 4304(i)) to integrate Federal and State programs at full-service community schools, and taking action to make necessary changes.

''(c) APPLICATION.—To seek a grant under this section, a State collaborative shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The Secretary shall require that each such application include the following:

''(1) A memorandum of understanding among all governmental agencies and nonprofit organizations that will participate as members of the State collaborative.

''(2) A description of the expertise of each member of the State collaborative—

''(A) in coordinating Federal and State programs across multiple agencies;

''(B) in working with and developing the capacity of full-service community schools; and

''(C) in working with high-poverty schools or rural schools and local educational agencies.

''(3) A comprehensive plan describing how the grant will be used to plan, coordinate, and expand the delivery of services at full-service community schools.

''(4) A comprehensive accountability plan that will be used to demonstrate effectiveness, including the measurable performance goals of the program and performance measures to monitor progress and assess services' impact on students and families and academic achievement.

''(5) An explanation of how the State collaborative will work to ensure State policies and guidelines can support the development of full-service community schools, as well as provide technical assistance and training, including professional development, for full-service community schools.

''(6) An explanation of how the State will collect and evaluate information on full-service community schools.

''(d) GRANT PERIOD.—Each grant awarded under this section shall be for a period of 5 years.

''(e) MINIMUM AMOUNT.—The Secretary may not award a grant to a State collaborative under this section in an amount that is less than $500,000 for each year of the 5-year grant period.

''(f) DEFINITIONS.—For purposes of this section—

''(1) the term 'State' includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States; and

''(2) the term 'State collaborative' means a collaborative of a State educational agency and not less than 2 other governmental agencies or nonprofit organizations that provide services to children and families.

''SEC. 4306. ADVISORY COMMITTEE.

''(a) ESTABLISHMENT.—There is hereby established an advisory committee to be known as the 'Full-Service Community Schools Advisory Committee' (in this section referred to as the 'Advisory Committee').

''(b) DUTIES.—Subject to subsection (c), the Advisory Committee shall—

''(1) consult with the Secretary on the development and implementation of programs under this part;

''(2) identify strategies to improve the coordination of Federal programs in support of full-service community schools; and

''(3) issue an annual report to the Congress on efforts under this part, including a description of—

''(A) the results of local and national evaluations of such efforts; and

''(B) the scope of services being coordinated under this part.

''(c) CONSULTATION.—In carrying out its duties under this section, the Advisory Committee shall consult annually with eligible entities awarded grants under section 4304, State collaboratives awarded grants under section 4305, and other entities with expertise in operating full-service community schools.

''(d) MEMBERS.—The Advisory Committee shall consist of 5 members as follows:

''(1) The Secretary of Education (or the Secretary's delegate).

''(2) The Attorney General of the United States (or the Attorney General's delegate).

''(3) The Secretary of Agriculture (or the Secretary's delegate).

''(4) The Secretary of Health and Human Services (or the Secretary's delegate).

''(5) The Secretary of Labor (or the Secretary's delegate).

''SEC. 4307. GENERAL PROVISIONS.

''(a) TECHNICAL ASSISTANCE.—The Secretary, directly or through grants, shall provide such technical assistance as may be appropriate to accomplish the purposes of this part.

''(b) EVALUATIONS BY SECRETARY.—The Secretary shall conduct evaluations on the effectiveness of grants under sections 4304 and 4305 in achieving the purposes of this part.

''(c) EVALUATIONS BY GRANTEES.—The Secretary shall require each recipient of a grant under this part—

''(1) to conduct periodic evaluations of the progress achieved with the grant toward achieving the purposes of this part;

''(2) to use such evaluations to refine and improve activities conducted with the grant and the performance measures for such activities; and

''(3) to make the results of such evaluations publicly available, including by providing public notice of such availability.

''(d) CONSTRUCTION CLAUSE.—Nothing in this part shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district 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 employees and their employers.

''(e) SUPPLEMENT, NOT SUPPLANT.—Funds made available to a grantee under this part may be used only to supplement, and not supplant, any other Federal, State, or local funds that would otherwise be available to carry out the activities assisted under this part.

''(f) MATCHING FUNDS.—

''(1) IN GENERAL.—The Secretary shall require each recipient of a grant under this part to provide matching funds from non-Federal sources in an amount determined under paragraph (2).

''(2) DETERMINATION OF AMOUNT OF MATCH.—

''(A) SLIDING SCALE.—Subject to subparagraph (B), the Secretary shall determine the amount of matching funds to be required of a grantee under this subsection based on a sliding fee scale that takes into account—

''(i) the relative poverty of the population to be targeted by the grantee; and

''(ii) the ability of the grantee to obtain such matching funds.

''(B) MAXIMUM AMOUNT.—The Secretary may not require any grantee under this section to provide matching funds in an amount that exceeds the amount of the grant award.

''(3) IN-KIND CONTRIBUTIONS.—The Secretary shall permit grantees under this section to match funds in whole or in part with in-kind contributions.

''(4) CONSIDERATION.—Notwithstanding this subsection, the Secretary shall not consider an applicant's ability to match funds when determining which applicants will receive grants under this part.

''(g) SPECIAL RULE.—Entities receiving funds under this part shall comply with all existing Federal statutes that prohibit discrimination.

''SEC. 4308. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2020.

''(b) ALLOCATION.—Of the amounts appropriated to carry out this part for each fiscal year—

''(1) 85 percent shall be for section 4304, and of the funds allocated for new grants under such section, at least 10 percent shall be made available for local educational agencies that satisfy the requirements of—

''(A) subparagraph (A) or (B) of section 6211(b)(1); or

''(B) subparagraphs (A) and (B) of section 6221(b)(1);

''(2) 10 percent shall be for section 4305; and

''(3) 5 percent shall be for subsections (a) and (b) of section 4307, of which not less than $500,000 shall be for technical assistance under section 4307(a).

''PART D—GENERAL PROVISIONS

''SEC. 4401. PROHIBITED USE OF FUNDS.

''No funds under this title may be used for—

''(1) the development, establishment, implementation, or enforcement of zero-tolerance school discipline policies unless otherwise required by Federal law; and

''(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 consent decree for civil rights violations; or

''(D) already receiving substantial Federal funds for the placement of law enforcement in schools.''.

TITLE V—WELL-ROUNDED STUDENTS AND ENGAGED FAMILIES

Subtitle A—Public Charter Schools

SEC. 501. SUBPART HEADING; PURPOSE.

(a) SUBPART HEADING.—The heading for subpart 1 of part B of title V (20 U.S.C. 7221 et seq.) is amended to read as follows: ''**Charter School Program**''.

(b) PURPOSE.—Section 5201 (20 U.S.C. 7221) is amended to read as follows:

''SEC. 5201. 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;

''(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. 502. PROGRAM AUTHORIZED.

Section 5202 (20 U.S.C. 7221a) is amended to read as follows:

''SEC. 5202. 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 5211 for a fiscal year, the Secretary shall—

''(1) reserve 12.5 percent to support charter school facilities assistance under section 5204;

''(2) reserve not more than 10 percent to carry out national activities under section 5205; and

''(3) use the remaining amount after the Secretary reserves funds under paragraphs (1) and (2) to carry out section 5203.

''(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 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 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 5203(b)(1)(C) is appropriate; and

''(2) if determined not to be appropriate, makes recommendations on the appropriate reservation of funding for such administrative costs.''.

SEC. 503. GRANTS TO SUPPORT HIGH-QUALITY CHARTER SCHOOLS.

Section 5203 (20 U.S.C. 7221b) is amended to read as follows:

"SEC. 5203. GRANTS TO SUPPORT HIGH-QUALITY CHARTER SCHOOLS.

''(a) IN GENERAL.—From the amount reserved under section 5202(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 5210(1)(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 5211—

''(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 any such requirement relating to the elements of a charter school described in section 5210(1), 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 purpose 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 5210(8) 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 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 student 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 5210(1); 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 core academic subjects, and science, technology, engineering, and math education, including computer science;

''(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;

''(xiv) in the case of a State entity defined in subsection (i)(4), will work with the State to provide assistance to 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 eligible applicants, 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, as described in section 1111(d)(1)(I);

''(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 receiving 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 an 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 charter school in recruiting, enrolling, and meeting the needs of all students, including students with disabilities and English learners; and

''(ii) ensures that each 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 paragraph (2)(B); 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 decision-making about the public school system in the State; and

''(G) The State entity will ensure that each charter school in the State 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(c)(3)(A); and

''(iv) any other information the State requires all other public schools to report for purposes of section 1111(i)(1).

''(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, 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 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 necessary waivers where applicable.

''(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) In the case of a State entity located in a State that allows an entity other than a local educational agency to be an authorized public chartering agency, the State has a quality authorized public chartering agency that is an entity other than a local educational agency.

''(B) 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.

''(C) The State entity is located in a State that uses charter schools and best practices from charter schools to help improve struggling schools and local educational agencies.

''(D) 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.

''(E) The State entity supports charter schools that support at-risk students through activities such as dropout prevention, dropout recovery, or comprehensive career counseling practices.

''(F) The State entity authorizes all charter schools in the State to serve as school food authorities.

''(G) The State entity has taken steps to ensure that all authorizing public chartering agencies implement quality standards as described in section 1111(d)(1)(I).

''(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) 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.

''(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. 504. FACILITIES FINANCING ASSISTANCE.

Section 5204 (20 U.S.C. 7221c) is amended to read as follows:

''SEC. 5204. FACILITIES FINANCING ASSISTANCE.

''(a) GRANTS TO ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—From the amount reserved under section 5202(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 this section;

''(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 this section 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 this section 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.

''(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 this section (excluding subsection (k)), 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 5202(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. 505. NATIONAL ACTIVITIES.

Section 5205 (20 U.S.C. 7221d) is amended to read as follows:

''SEC. 5205. NATIONAL ACTIVITIES.

''(a) IN GENERAL.—From the amount reserved under section 5202(b)(2), the Secretary shall—

''(1) use not less than 75 percent of such funds to award grants in accordance with subsection (b); and

''(2) use not more than 25 percent of such funds to—

''(A) provide technical assistance to State entities in awarding subgrants under section 5203, and eligible entities and States receiving grants under section 5204;

''(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 5202(a)(1), subparagraphs (A) through (C) of section 5203(a)(1), and section 5203(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 5203.

''(3) CHARTER MANAGEMENT ORGANIZATIONS.—The Secretary shall—

''(A) use not less than 75 percent of the funds described in subsection (a)(1) to make grants, on a competitive basis, to eligible applicants described in paragraph (4)(B) except that no eligible applicant, including any applicant acting as lead fiscal agent if applying in consortium for a grant under this paragraph, may operate more than one active grant at a time; and

''(B) notwithstanding paragraphs (1)(A) and (2) of section 5203(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), 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 5210) that—

''(A) desires to open a charter school in—

''(i) a State that did not apply for a grant under section 5203; or

''(ii) a State that did not receive a grant under section 5203; 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. 506. RECORDS TRANSFER.

Section 5208 (20 U.S.C. 7221g) is amended—

(1) by inserting ''as quickly as possible and'' before ''to the extent practicable''; and

(2) by striking ''section 602'' and inserting ''section 602(14)''.

SEC. 507. DEFINITIONS.

Section 5210 (20 U.S.C. 7221i) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) 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.'';

(2) by redesignating paragraphs (2) through (4) as paragraphs (4) through (6), respectively;

(3) by inserting after paragraph (1), the following:

''(2) CHARTER MANAGEMENT ORGANIZATION.—The term 'charter management organization' means a not-for-profit organization that manages a network of charter schools linked by centralized support, operations, and oversight.

''(3) 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.'';

(4) in paragraph (5)(B), as so redesignated, by striking ''under section 5203(d)(3)''; and

(5) by adding at the end the following:

''(7) 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.

''(8) 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)(2)(C)(v)(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.

''(9) 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.''.

SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

Section 5211 (20 U.S.C. 7221j) is amended to read as follows:

''SEC. 5211. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subpart $300,000,000 for fiscal year 2016 and each of the 5 succeeding fiscal years.''.

SEC. 509. CONFORMING AMENDMENTS.

(a) REPEAL.—Subpart 2 of part B of title V (20 U.S.C. 7223 et seq.) is repealed.

(b) TABLE OF CONTENTS.—The table of contents in section 2 is amended—

(1) by striking the item relating to subpart 1 of part B of title V and inserting the following:

''Subpart 1—Charter School Program'';

(2) by striking the item relating to section 5203 and inserting the following:

''Sec. 5203. Grants to support high-quality charter schools.'';

(3) by striking the item relating to section 5204 and inserting the following:

''Sec. 5204. Facilities financing assistance.''; and

(4) by striking the items relating to subpart 2 of part B of title V.

Subtitle B—Magnet Schools

SEC. 510. DURATION OF AWARD; ACCOUNTABILITY.

Section 5309 (20 U.S.C. 7231h) is amended—

(1) in the heading by inserting ''**; ACCOUNTABILITY**'';

(2) in subsection (a), by striking ''3'' and inserting ''5''; and

(3) by adding at the end the following:

''(e) ACCOUNTABILITY.—The Secretary may reduce grant funding awarded to a local educational agency, or a consortium of such agencies, under this part if the agency or consortium does not show progress in the elimination, reduction, or prevention of minority group isolation in its magnet school program over the first 3-year period during which the agency or consortium was awarded such grant.''.

SEC. 511. AUTHORIZATION OF APPROPRIATIONS; RESERVATION.

Section 5311(a) (20 U.S.C. 7231j(a)) is amended by striking ''$125,000,000 for fiscal year 2002'' and inserting ''$300,000,000 for fiscal year 2016''.

Subtitle C—Fund for the Improvement of Education

SEC. 512. FUND FOR THE IMPROVEMENT OF EDUCATION.

(a) IN GENERAL.—Part D of title V (20 U.S.C. 7241 et seq.) is amended to read as follows:

''PART D—A WELL-ROUNDED EDUCATION

''SUBPART 1—GRANTS TO SUPPORT STEM EDUCATION

''SEC. 5401. PURPOSE.

''The purpose of this subpart is to improve student academic achievement in STEM subjects by—

''(1) improving instruction in such subjects from preschool through grade 12;

''(2) improving student engagement in, and increasing student access to, courses in such subjects;

''(3) improving the quality and effectiveness of classroom instruction by recruiting, training, and supporting effective teachers and providing robust tools and supports for students and teachers in such subjects;

''(4) implementing and integrating college and career ready standards, described in section 1111(b)(2), in STEM subjects and assessments aligned with those standards;

''(5) closing student achievement gaps, and preparing more students for postsecondary education and careers, in such subjects, particularly students who are traditionally underrepresented in STEM subject fields; and

''(6) Recognizing that STEM subjects are diverse and that STEM education programs must expose students to content and skills in a host of constantly changing and evolving content areas.

''SEC. 5402. GRANTS; ALLOTMENTS.

''(a) RESERVATIONS.—

''(1) IN GENERAL.—From the amounts appropriated under section 5410 for a fiscal year, the Secretary shall reserve—

''(A) $35,000,000 for a STEM Master Teachers Corps program under section 5405;

''(B) 3 percent to carry out activities described in section 5405 and technical assistance to States, including technical assistance with implementation of programs consistent with the purpose of this subpart; and

''(C) if funds are not awarded by formula, as described in subsection (c)(1), 5 percent for State capacity-building grants in accordance with paragraph (2).

''(2) CAPACITY-BUILDING GRANTS.—

''(A) IN GENERAL.—In any year for which funding is distributed competitively, as described in subsection (b)(1), the Secretary may award 1 capacity-building grant to each eligible entity that does not receive a grant under subsection (b), on a competitive basis, to enable such States to become more competitive in future years.

''(B) DURATION.—Grants awarded under subparagraph (A) shall be for a period of 1 year.

''(b) COMPETITIVE GRANTS.—

''(1) IN GENERAL.—For each fiscal year for which the amount appropriated to carry out this subpart is less than $250,000,000, the Secretary shall award grants, on a competitive basis, to eligible entities to enable such eligible entities to carry out the activities described in this subpart.

''(2) DURATION.—Grants awarded under this subsection shall be for a period of not more than 3 years.

''(3) RENEWAL.—

''(A) IN GENERAL.—If an eligible entity demonstrates progress, as measured by the metrics reported in section 5406(a)(5), the Secretary may renew a grant for an additional 2-year period.

''(B) REDUCED FUNDING.—Grant funds awarded under subparagraph (A) shall be awarded at a reduced amount.

''(c) FORMULA GRANTS.—

''(1) IN GENERAL.—For each fiscal year for which the amount appropriated to carry out this subpart is equal to or more than $250,000,000, the Secretary shall award grants to States, based on the formula described in paragraph (2).

''(2) DISTRIBUTION OF FUNDS.—The Secretary shall allot to each State—

''(A) an amount that bears the same relationship to 35 percent of the excess amount as the number of individuals ages 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

''(B) an amount that bears the same relationship to 65 percent of the excess amount as the number of individuals ages 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.

''(3) FUNDING MINIMUM.—No State receiving an allotment under this subsection may receive less than one-half of 1 percent of the

total amount allotted under paragraph (1) for a fiscal year.

''(4) REALLOTMENT OF UNUSED FUNDS.—If a State does not successfully apply for or receive an allotment under this subsection for a fiscal year, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this subsection.

"SEC. 5403. APPLICATIONS.

''(a) IN GENERAL.—Each eligible entity desiring a grant under this subpart, whether through a competitive grant under section 5402(b) or through an allotment under section 5402(c), shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(b) CONTENTS.—At a minimum, an application submitted under subsection (a) shall include the following:

''(1) A description of how grant funds will be used by the eligible entity.

''(2) A description of how the eligible entity has involved a variety of stakeholders in the development of the application and a description of how the State or eligible entity will continue to involve stakeholders in any education reform efforts related to STEM subject instruction.

''(3) A description of the steps the eligible entity will take to ensure that programs implemented by the subgrantees use evidence-based strategies, ensure high-quality curricula, and provide high-quality professional development.

''(4) An assurance that the eligible entity, in making awards under section 5404(c), will give priority to subgrantees that—

''(A) propose to serve students in schools in need of support and persistently low achieving schools; or

''(B) propose to serve schools with a high percentage or number of students that are eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(5) A description of how the eligible entity's activities and subgrants will be coordinated with other Federal, State, and local programs and activities, including career and technical education programs authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

''(6) A review of the industry and business workforce needs in the State in jobs that require knowledge or training in STEM subject areas and a description of how that review will inform efforts to improve education in STEM subjects.

''(7) A description of how the eligible entity will allocate funds in a manner that will provide services to both elementary schools and secondary schools.

''(8) A description of the technical assistance that the eligible entity will provide to subgrantees to support the activities undertaken by the subgrantees, including—

''(A) activities to employ multi-tiered systems of support to provide early intervening services and to increase student achievement in STEM subjects;

''(B) activities to ensure increased access for students who are traditionally underrepresented in STEM subject fields (including female students, minority students, students who are limited English proficient, students who are children with disabilities, and students from low-income families) to high-quality courses and other learning experiences;

''(C) implementing evidence-based programs of instruction based on college and career ready standards and high-quality assessments in the identified subjects; and

''(D) developing curricula consistent with the principles of universal design for learning as defined in section 103 of the Higher Education Act of 1965.

''(9) A description of the key data metrics that will be used and reported annually under section 5406(a)(5), that shall include—

''(A) student academic achievement on mathematics and science State academic assessments and student growth; and

''(B) for diploma granting schools, graduation rates.

''(10) Assurances that the eligible entity will monitor implementation of approved subgrantee plans.

"SEC. 5404. AUTHORIZED ACTIVITIES.

''(a) REQUIRED ACTIVITIES.—Each eligible entity that receives a grant under this subpart shall use not more than 5 percent of the grant funds to carry out each of the following activities:

''(1) Providing technical assistance to subgrantees as described in section 5403(b)(7) and technical assistance to subgrantees that are prioritized in section 5404(d), including subgrantees that serve low-capacity rural and urban areas by—

''(A) informing those subgrantees that they have a priority for competing for grants under section 5404(b); and

''(B) providing subgrantees who do not receive a grant under section 5404(c) technical assistance so that they may re-compete in following competitions.

''(2) Identifying and supporting high-quality professional development and other comprehensive systems of support for teachers and school leaders to promote high-quality instruction and instructional leadership in the identified subjects, aligned to college and career ready standards where applicable.

''(3) Disseminating information, including making publicly available on the websites of the State educational agency, on promising practices to improve student achievement in STEM subject areas.

''(b) PERMISSIBLE ACTIVITIES.—Each eligible entity that receives a grant under this subpart may use the grant funds to carry out 1 or more of the following activities:

''(1) Recruiting qualified teachers and instructional leaders who are trained in identified subjects, including teachers who have transitioned into the teaching profession from a career in a STEM field.

''(2) Providing induction and mentoring services to new teachers in identified subjects.

''(3) Developing instructional supports, such as curricula and assessments, which shall be evidence-based and aligned with State academic standards and may include online education.

''(4) Training personnel of subgrantees to use data systems to continuously improve student achievement in STEM subjects and use the data to better target curriculum and instruction to meet the needs of each student.

''(c) SUBGRANTS.—

''(1) IN GENERAL.—Each eligible entity that receives a grant under this subpart shall award subgrants, on a competitive basis, to eligible subgrantees.

''(2) MINIMUM SUBGRANT.—An eligible entity shall award subgrants under this subsection that are of sufficient size and scope to support high-quality, evidence-based, effective programs that are consistent with the purpose of this subpart.

''(3) SUBGRANTEE APPLICATION.—Each subgrantee desiring a subgrant under this subsection shall submit an application to the eligible entity at such time, in such manner, and accompanied by such information as the eligible entity may require, including, at a minimum:

''(A) A description of the needs identified by the subgrantee, based on a needs assessment which shall include—

''(i) data for elementary school and secondary school grades, as applicable and to the extent that such data are available, on—

''(I) student achievement in science and mathematics, including such data collected in accordance with the State academic assessments;

''(II) science and mathematics teacher evaluation results or ratings;

''(III) student access to mathematics and science courses needed to enroll in credit-bearing coursework at institutions of higher education in the State;

''(IV) access to science and mathematics courses for student prekindergarten through grade 12 attending schools prioritized under section 5404(d);

''(V) the percentage of students successfully—

''(aa) completing Advanced Placement (AP) or International Baccalaureate (IB) courses in science and mathematics subjects; or

''(bb) completing rigorous postsecondary education courses in science and mathematics subjects;

''(VI) rates of college remediation in mathematics; and

''(VII) teacher shortages and teacher distribution among the local educational agencies and schools served by the subgrantee in science and mathematics subjects; and

''(ii) an analysis of the implementation of any multi-tiered systems of support that have been employed by the local educational agency served by the subgrantee to address the learning needs of students in any STEM subjects.

''(B) A description of the activities that the subgrantee will carry out based on the findings of the needs assessment described in subparagraph (A), and how such activities will improve teaching and student academic achievement in the identified subjects, in a manner consistent with evidence-based research.

''(C) A description of how the subgrantee will use funds provided under this subsection to serve students and teachers in schools prioritized under section 5404(d).

''(D) A description of how funds provided under this subsection will be coordinated with other Federal, State, and local programs and activities, including career and technical education programs authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

''(E) If the subgrantee is working with outside partners, a description of how such outside partners will be involved in improving instruction and increasing access to high-quality learning experiences in the identified subjects.

''(4) SUBGRANTEE USE OF FUNDS.—

''(A) REQUIRED USE OF FUNDS.—Each subgrantee that receives a subgrant under this subsection shall use the subgrant funds to carry out activities for students from preschool through grade 12, consistent with the analysis and the activities described in the subgrantee's application, which shall include—

''(i) high-quality teacher and instructional leader recruitment, support, evaluation, and professional development in the identified subjects;

''(ii) professional development, which may include development and support for instructional coaches, to enable teachers and instructional leaders to increase student achievement in identified subjects, through—

''(I) implementation of classroom assessments; and

''(II) differentiation of instruction in identified subjects for all students, including for

students with disabilities and students who are English learners;

''(iii) activities to—

''(I) improve the content knowledge of teachers; and

''(II) facilitate professional collaboration, which may include providing time for such collaborations;

''(iv) training to principals and teachers in implementing STEM subject initiatives, particularly in the areas of—

''(I) utilizing data;

''(II) assessing the quality of STEM subject instruction; and

''(III) providing time and support for teachers to plan STEM subject instruction;

''(v) the development, adoption, and improvement of high-quality curricula, assessments, materials, and instructional supports that—

''(I) are aligned with State academic standards; and

''(II) the subgrantee will use to improve student academic achievement in identified subjects; and

''(vi) the development or improvement, and implementation, of multi-tiered systems of support to provide early intervening services and to increase student achievement in 1 or more of the identified subjects.

''(B) PERMISSIBLE USE OF FUNDS.—In addition to the required activities described in subparagraph (A), each subgrantee that receives a subgrant under this subsection, may also use the subgrant funds to—

''(i) support the participation of low-income students in nonprofit competitions and out-of-school activities related to STEM (such as robotics, science research, invention, mathematics, and technology competitions), including—

''(I) the purchase of parts and supplies needed to participate in such competitions;

''(II) incentives and stipends for teachers and instructional leaders who are involved in assisting students and preparing students for such competitions, if such activities fall outside the regular duties and responsibilities of such teachers and instructional leaders; and

''(III) paying expenses associated with the participation of low-income students in such local, regional, or national competitions;

''(ii) improve the laboratories of schools served by the subgrantee and provide instrumentation as part of a comprehensive program to enhance the quality of STEM instruction, including—

''(I) purchase, rental, or leasing of equipment, instrumentation, and other scientific educational materials;

''(II) maintenance, renovation, and improvement of laboratory facilities;

''(III) professional development and training for teachers;

''(IV) development of instructional programs designed to integrate the laboratory experience with classroom instruction and to be consistent with college and career ready content standards in STEM subjects;

''(V) training in laboratory safety for school personnel;

''(VI) design and implementation of hands-on laboratory experiences to encourage the interest of students, especially students who are traditionally underrepresented in STEM subject fields (including female students, minority students, students who are limited English proficient, students who are children with disabilities, and students from low-income families) in STEM subjects and help prepare such students to pursue postsecondary studies in these fields; and

''(VII) assessment of the activities funded under this subparagraph;

''(iii) broaden secondary school students' access to, and interest in, careers that require academic preparation in 1 or more identified subjects;

''(iv) integrate instruction in the identified subjects with instruction in reading, English language arts, or other core and noncore academic subjects;

''(v) develop and implement a STEAM curriculum, which means the integration of instruction in the identified subjects with instruction in the arts and design; or

''(vi) establish or access online or distance learning programs for STEM subject teachers using evidence-based curricula.

''(C) LIMITATION.—Each subgrantee that receives a subgrant under this subsection shall not expend more than 15 percent of the subgrant funds on the activities described in subparagraph (B).

''(D) MATCHING FUNDS.—

''(i) IN GENERAL.—A State or eligible entity may require an eligible subgrantee receiving a subgrant under this subsection to demonstrate that such subgrantee has obtained a commitment from 1 or more outside partners to match, using non-Federal funds, a portion of the amount of subgrant funds, in an amount determined by the State or eligible entity.

''(ii) REQUIRED MINIMUM.—Notwithstanding clause (i), if an eligible subgrantee partners with an outside partner that is a for-profit entity, such subgrantee shall obtain matching funds from the outside partner in an amount equal to not less than 15 percent of the amount of the subgrant.

''(d) PRIORITY.—In awarding grants under this subpart, an eligible entity shall give priority to subgrantees proposing to target services to—

''(1) students in schools in need of support and high-priority schools; or

''(2) schools with a high percentage of students that are eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

"SEC. 5405. NATIONAL COORDINATION.

''From the amount reserved under section 5402(a)(1)(B), the Secretary shall consult with the Director of the National Science Foundation and other Federal agencies conducting STEM education programs to enhance such programs and to improve coordination across agencies, such as—

''(1) clarifying the appropriate roles for the Department of Education and the National Science Foundation in the execution of summer workshops, institutes, or partnerships to improve STEM education in elementary and secondary schools; or

''(2) integrating afterschool, out-of-school, and informal education efforts conducted across Federal agencies into strategies for enhancing and improving STEM education.

"SEC. 5406. STEM MASTER TEACHER CORPS PROGRAM.

''(a) GRANTS AUTHORIZED.—From the funds reserved under section 5402(a)(1)(A), the Secretary shall award 1 or more grants, on a competitive basis, to entities described in subsection (b)(1) to enable such entities to establish and operate a one-time STEM master teacher corps program.

''(b) STEM MASTER TEACHER CORPS.—The term 'STEM master teacher corps' (referred to in this section as the 'corps') means a one-time program—

''(1) that establishes the viability of creating a long-term national-level master teacher corps as a means to recognize and reward accomplished STEM educators;

''(2) operated by 1 or more State educational agencies, or a consortium of local educational agencies, acting in partnership with 1 or more outside partners that have a demonstrated record of success in improving the effectiveness of STEM teachers or increasing the retention of such teachers;

''(3) that selects a group of highly rated teachers (through a process, and for a duration, determined by the entity described in paragraph (1)), as members of the corps, that constitutes not less than 5 percent and not more than 10 percent of elementary school, middle school, and high school teachers who teach STEM subjects and who—

''(A) teach in a participating high-need school in the region served by the entity described in paragraph (1); or

''(B) agree to teach in a participating high-need school in the region served by the entity described in paragraph (1) if accepted as a member of the corps; and

''(4) that aims to attract, improve, and retain teachers who teach STEM subjects and to increase student achievement in such subjects, including by—

''(A) providing instructional leadership responsibilities for corps members in their schools, local educational agencies, or States, such as mentoring beginning STEM teachers and leading professional development activities for teachers not participating in the corps;

''(B) providing corps members with research-based professional development on instructional leadership and effective teaching methods for STEM subjects, including coordinating with out-of-school-time and afterschool programs to provide engaging STEM programs;

''(C) providing each teacher who is a corps member with a salary supplement of not less than $10,000 per year, in recognition of such teacher's teaching accomplishments, leadership, and increased responsibilities, for each year such teacher serves as a member of the corps; and

''(D) building a community of practice among corps members to enable such members to network, collaborate, and to share best practices and resources with each other.

''(c) DURATION.—Grants awarded under this section shall be for a period of not more than 3 years, after which the program under this subsection shall end.

''(d) APPLICATION.—Each entity described in subsection (b)(1) desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(e) MATCHING FUNDS.—The Secretary may require a grantee under this section to provide non-Federal matching funds in an amount equal to the amount of grant funds awarded under this section.

"SEC. 5407. REPORTING REQUIREMENTS.

''(a) ELIGIBLE ENTITY REPORTS.—Each State educational agency receiving an award under section 5403 shall report annually to the Secretary regarding the State educational agency's progress in addressing the purposes of this subpart. Such report shall include, at a minimum, a description of—

''(1) the professional development activities provided under the award, including types of activities and entities involved in providing professional development to classroom teachers and other program staff;

''(2) the types of programs and, for children from preschool to kindergarten entry, program settings, funded under the award;

''(3) the ages and demographic information that is not individually identifiable of children served by the programs funded under the award;

''(4) student performance on data metrics identified under section 5403(b)(8) used for STEM initiatives; and

''(5) the outcomes of programs and activities provided under the award.

''(b) ELIGIBLE SUBGRANTEE REPORTS.—Each eligible entity receiving a subgrant under section 5404(c) shall report annually to the

State educational agency regarding the eligible entity's progress in addressing the purposes of this subpart. Such report shall include, at a minimum, a description of—

''(1) how the subgrant funds were used; and

''(2) student performance on relevant program metrics, as identified in the State education agency's implementation plan under section 5403(b)(8).

''SEC. 5408. SUPPLEMENT NOT SUPPLANT.

''Funds received under this subpart shall be used to supplement, and not supplant, funds that would otherwise be used for activities authorized under this subpart.

''SEC. 5409. MAINTENANCE OF EFFORT.

''A State that receives funds under this subpart for a fiscal year shall maintain the fiscal effort provided by the State for the subjects supported by the funds under this subpart at a level equal to or greater than the level of such fiscal effort for the preceding fiscal year.

''SEC. 5410. DEFINITIONS.

''In this subpart:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a State educational agency in partnership with—

''(A) another State educational agency;

''(B) a consortium of State educational agencies; or

''(C) the State agencies that oversee childcare programs, state-funded prekindergarten, and part C of Individuals with Disabilities Education Act.

''(2) ELIGIBLE SUBGRANTEE.—The term 'eligible subgrantee' means—

''(A) a local educational agency;

''(B) 1 or more local educational agencies providing early learning programs, or 1 or more public or private early learning programs, serving children from preschool through kindergarten entry, such as a Head Start agency, a child care program, or a State-funded pre-kindergarten program, as appropriate;

''(C) an educational service agency serving more than 1 local educational agency;

''(D) a national intermediary with demonstrated expertise in STEM;

''(E) a consortium of local educational agencies; or

''(F) any of the entities described in subparagraphs (A) through (D) working in partnership with an outside partner.

''(3) MULTI-TIERED SYSTEM OF SUPPORT.—The term 'multi-tiered system of support' means a comprehensive system of differentiated supports that includes evidence-based instruction, universal screening, progress monitoring, formative assessments, research-based interventions matched to student needs and educational decisionmaking using student outcome data.

''(4) OUTSIDE PARTNER.—The term 'outside partner' means an entity that has expertise and a demonstrated record of success in improving student learning and engagement in the STEM subjects, including any of the following:

''(A) A nonprofit or community-based organization, such as an Indian tribe.

''(B) A business.

''(C) A nonprofit cultural organization, such as a museum or learning center.

''(D) An institution of higher education.

''(E) An educational service agency.

''(F) Another appropriate entity.

''(5) STEM SUBJECTS.—The term 'STEM Subjects' means the subjects of science, technology, engineering, and mathematics, including other academic subjects that build on or are integrated with these subjects, such as statistics, computer science, and environmental literacy, the arts and design, or other subjects a State identifies as important to the workforce of the State.

''SEC. 5411. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subpart $500,000,000 for fiscal year 2016 and such sums as may be necessary for subsequent fiscal years.

''SUBPART 2—GRANTS TO SUPPORT COMPREHENSIVE LITERACY EDUCATION

''SEC. 5421. PURPOSES.

''The purposes of this subpart are—

''(1) to improve student literacy and academic achievement, including the ability to problem solve, communicate effectively, and acquire new knowledge and skills;

''(2) to assist State educational agencies and local educational agencies in the development, coordination, and implementation of comprehensive literacy plans that promote high-quality evidence based instruction in alignment with State early learning and college- and career-ready standards from preschool through grade 12;

''(3) to identify and support students reading and writing significantly below grade level by providing evidence-based, intensive interventions to help the students acquire the language and literacy skills the students need to stay on track for graduation;

''(4) to support State educational agencies and local educational agencies in improving reading, writing, and literacy-based academic achievement for children and students, especially children and students who are low-income, are English learners, are migratory, are children with disabilities, are Indian or Alaskan Native, are neglected or delinquent, are homeless, are in the custody of the child welfare system, or have dropped out of school;

''(5) to provide assistance to local educational agencies in order to provide educators with ongoing, job-embedded professional development and other support focusing on imparting and employing—

''(A) the characteristics of effective language and literacy instruction;

''(B) the special knowledge and skills necessary to teach and support literacy development effectively across the developmental span and age span;

''(C) the essential components of reading instruction; and

''(D) the essential components of writing instruction;

''(6) to evaluate whether the professional development activities and approaches are effective in building knowledge and skills of educators and their use of appropriate and effective practices.

''(7) to support State educational agencies and local educational agencies in using age appropriate and developmentally appropriate instructional materials and strategies that assist teachers as the teachers work with students to develop reading and writing competencies appropriate to the students' grade and skill levels;

''(8) to support efforts to link and align college and career-ready standards and evidence-based teaching practices and instruction in early childhood education programs serving children from preschool through kindergarten entry;

''(9) strengthening coordination among schools, early literacy programs, family literacy programs, juvenile justice programs, public libraries, and outside-of-school programs that provide children and youth with strategies, curricula, interventions, and assessments designed to advance early and continuing language and literacy development in ways appropriate for each context; and

''(10) to engage the participation of parents in supporting their child's communication and literacy development.

''SEC. 5422. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Secretary is authorized—

''(1) to award State planning grants in accordance with section 5423; and

''(2) to award State implementation grants in accordance with section 5424 to enable the State educational agency to—

''(A) carry out the State activities described in section 5425;

''(B) award subgrants to eligible entities in accordance with section 5426; and

''(C) award subgrants to eligible entities in accordance with section 5427.

''(b) AWARDS TO STATE EDUCATIONAL AGENCIES.—

''(1) AMOUNTS LESS THAN $250,000,000.—If the amount appropriated under section 5430 for a fiscal year is less than $250,000,000, then the Secretary shall—

''(A) reserve not more than 5 percent to award planning grants, on a competitive basis, to State educational agencies, in accordance with section 5423; and

''(B) use the amount not reserved under subparagraphs (A) to make awards, on a competitive basis, to State educational agencies serving States that have applications approved under section 5424(b) to enable the State educational agencies to carry out sections 5424 and 5425.

''(2) AMOUNTS EQUAL TO OR EXCEEDING $250,000,000.—

''(A) IN GENERAL.—If the amount appropriated under section 5430 for a fiscal year equals or exceeds $250,000,000, then the Secretary shall—

''(i) reserve a total of 1 percent of such amount for—

''(I) allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among such outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purposes of this subpart; and

''(II) the Secretary of the Interior for programs under sections 5423, 5424, 5425, 5426, and 5427 in schools operated or funded by the Bureau of Indian Education;

''(ii) reserve not more than 5 percent to award planning grants, to State educational agencies serving States, in accordance with section 5423;

''(iii) reserve not more than 3 percent for national activities, such as evaluations, training, and technical assistance, to the Department of Education to support comprehensive literacy reform at the State level; and

''(iv) use the amount not reserved under clauses (i), and (ii) to make awards, from allotments under subparagraph (C), to State educational agencies serving States that have applications approved under section 5424 and that are not receiving an allotment under clause (i)(I), to enable the State educational agencies to carry out sections 5424 and 5425.

''(B) SPECIAL RULES.—

''(i) PROPORTIONAL DIVISION.—In each fiscal year, the amount reserved under subparagraph (A)(i) shall be divided between the uses described in subclauses (I) and (II) of subparagraph (A)(i) in the same proportion as the amount reserved under section 1121(a) is divided between the uses described in paragraphs (1) and (2) of such section for such fiscal year.

''(ii) CONSULTATION.—A State educational agency that receives an allotment under this paragraph shall engage in timely and meaningful consultation with representatives of Indian tribes located in the State in order to

improve the coordination and quality of activities designed to develop effective approaches to achieve the purposes of this subpart consistent with the cultural, language, and educational needs of Indian students.

''(C) STATE ALLOTMENT FORMULA.—The Secretary shall allot the amount made available under subparagraph (A)(iv) for a fiscal year among the States not receiving an allotment from the reservation under subparagraph (A)(i)(I) in proportion to the number of children, from preschool through age 17, who reside within the State and are from families with incomes below the poverty line for the most recent fiscal year for which satisfactory data are available, compared to the number of such children who reside in all such States for that fiscal year.

''(3) MINIMUM AWARD AMOUNT.—Notwithstanding paragraphs (1) and (2), no State educational agency receiving an award under this section for a fiscal year may receive less than one-fourth of 1 percent of the total amount appropriated under section 5430 for the fiscal year, except as provided under paragraph (2)(A)(i).

''(c) PEER REVIEW.—The Secretary shall convene a peer review panel to evaluate the application for each grant awarded to a State educational agency under sections 5423 and 5424 and shall make a copy of the peer review comments available to the public.

''(d) SUPPLEMENT NOT SUPPLANT.—Award funds provided under this subpart shall supplement, and not supplant, other Federal, State, or local funds that would, in the absence of such award funds, be made available for literacy instruction and support of children and students participating in programs assisted under this subpart.

''(e) MAINTENANCE OF EFFORT.—Each State educational agency that receives an award under sections 5423 and 5424, and each eligible entity that receives a subgrant under section 5426 or 5427, shall maintain for the fiscal year for which the grant or subgrant is received and for each subsequent fiscal year the expenditures of the State educational agency or eligible entity, respectively, for literacy instruction at a level not less than the level of such expenditures maintained by the State educational agency or eligible entity, respectively, for the fiscal year preceding such fiscal year for which the grant or subgrant is received.

''SEC. 5423. STATE PLANNING GRANTS.

''(a) PLANNING GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From any amounts made available under paragraph (1)(A) or (2)(A)(ii) of section 5422(b), the Secretary may award planning grants to State educational agencies to enable the State educational agencies to develop or improve a comprehensive planning to carry out activities that improve literacy for children and students from preschool through grade 12.

''(2) GRANT PERIOD.—A planning grant awarded under this section shall be for a period of not more than 1 year.

''(3) NONRENEWABILITY.—The Secretary shall not award a State educational agency more than 1 planning grant under this section.

''(4) LIMITATION.—A State educational agency may not receive a planning grant under this section at the same time it is receiving an implementation grant under section 5424.

''(b) APPLICATION.—

''(1) IN GENERAL.—Each State educational agency desiring a planning 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) EXISTING PLAN.—An existing federally funded State literacy plan can be used to meet the requirements of this subsection.

''(c) REQUIRED ACTIVITIES.—A State educational agency receiving planning grant funds under this section shall carry out each of the following activities:

''(1) Reviewing reading, writing, or other literacy resources and programs, such as school library programs, high-quality distance learning programs, and data across the State to identify any literacy needs and gaps in the State.

''(2) Forming or designating a State literacy leadership team which shall execute the following functions:

''(A) Creating a comprehensive State literacy plan that—

''(i) is designed to improve language, reading, writing, and academic achievement for children and students, especially those reading below grade level;

''(ii) includes a needs assessment and an implementation plan, including an analysis of child and student literacy data to identify baseline and benchmark levels of literacy and early literacy skills in order to monitor progress and improvement, and a plan to improve literacy levels among all children and students;

''(iii) ensures high quality strategies and instruction in early literacy development (which includes communication, reading, and writing) in early childhood education programs serving children from preschool through kindergarten entry and in kindergarten through grade 12 programs;

''(iv) provides for activities designed to improve literacy achievement for students who—

''(I) read or write below grade level;

''(II) attend schools in need of support and high-priority schools; and

''(III) attend schools with a high percentage or number of students that are eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

''(v) is submitted to the Secretary.

''(B) Providing recommendations to guide the State educational agency in the State educational agency's process of strengthening State literacy standards and embedding State literacy standards with the State's college and career ready standards, academic achievement standards, and early learning standards.

''(C) Providing recommendations to guide the State educational agency in the State educational agency's process of measuring, assessing, and monitoring progress in literacy at the school, local educational agency, and State levels.

''(D) Identifying criteria for high quality professional development providers, which providers may include qualified teachers within the State, for the State educational agency and local educational agencies.

''(E) Advising the State educational agency on how to help ensure that local educational agencies and schools provide timely and appropriate data to teachers to inform and improve instruction.

''(F) Providing recommendations to guide the State educational agency in the State educational agency's planning process of building educators' capacity to provide high-quality literacy instruction.

''(3) REPORTING REQUIREMENT.—Not later than 1 year after a State educational agency receives a planning grant under this section, the State educational agency shall submit a report to the Secretary on the State educational agency's performance of the activities described in this subsection.

''SEC. 5424. STATE IMPLEMENTATION GRANTS.

''(a) IMPLEMENTATION GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From awards made available under paragraph (1)(B) or (2)(A)(iv) of section 5422(b), the Secretary shall, on a competitive basis or through allotments, respectively, award implementation grants to State educational agencies to enable the State educational agencies—

''(A) to implement a comprehensive literacy plan that meets the criteria in section 5423(c)(2)(A) for programs serving children from preschool through kindergarten entry through grade 12 programs;

''(B) to carry out State activities under section 5425; and

''(C) to award subgrants under sections 5426 and 5427.

''(2) LIMITATION.—The Secretary shall not award a implementation grant under this section to a State for any year for which the State has received a planning grant under section 5423.

''(3) DURATION OF GRANTS.—An implementation grant under this section shall be awarded for a period of not more than 5 years.

''(4) RENEWALS.—

''(A) IN GENERAL.—Implementation grants under this section may be renewed.

''(B) CONDITIONS.—In order to be eligible to have an implementation grant renewed under this paragraph, the State educational agency shall demonstrate to the satisfaction of the Secretary that—

''(i) the State educational agency has complied with the terms of the grant, including using the funds to—

''(I) increase access to high-quality professional development;

''(II) use developmentally appropriate curricula and teaching materials; and

''(III) use developmentally appropriate classroom-based instructional assessments and developmentally appropriate screening and diagnostic assessments; and

''(ii) with respect to students in kindergarten through grade 12, during the period of the grant there has been significant progress in student achievement, as measured by the metrics described in section 5424(b)(2)(C).

''(b) STATE APPLICATIONS.—

''(1) IN GENERAL.—A State educational agency that desires to receive an implementation grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The State educational agency shall collaborate with all State agencies responsible for administering early childhood education programs, and the State agency responsible for administering child care programs, in the State in writing and implementing the early learning portion of the grant application under this subsection.

''(2) CONTENTS.—An application described in paragraph (1) shall include the following:

''(A) A description of the members of the State literacy leadership team and a description of how the State educational agency has developed a comprehensive State literacy plan, as described in section 5423(c)(2)(A).

''(B) An implementation plan that includes a description of how the State educational agency will—

''(i) carry out the State activities described in section 5425;

''(ii) assist eligible entities with—

''(I) providing strategic and intensive literacy instruction based on scientifically valid research for students who are reading and writing below grade level, including through the use of multi-tiered systems of support, including addressing the literacy needs of children and youth with disabilities or developmental delays and English learners in early childhood education programs serving children from preschool through kindergarten entry and programs serving students from preschool through grade 12;

''(II) providing training to parents, as appropriate, so that the parents can participate in the literacy related activities described in sections 5426 and 5427 to assist in the language and literacy development of their children;

''(III) selecting and using reading and writing assessments;

''(IV) providing classroom-based instruction that is supported by one-to-one and small group work;

''(V) using curricular materials and instructional tools, which may include technology, to improve instruction and literacy achievement;

''(VI) providing for high-quality professional development; and

''(VII) using the principles of universal design for learning, as described in section 5429(b)(21);

''(iii) ensure that local educational agencies in the State have leveraged and are effectively leveraging the resources needed to implement effective literacy instruction, and have the capacity to implement literacy initiatives effectively;

''(iv) continually coordinate and align the activities assisted under this section and sections 5426 and 5427 with reading, writing, and other literacy resources and programs across the State and locally that serve children and students and their families and promote literacy instruction and learning, including strengthening partnerships among schools, libraries, local youth-serving agencies, and programs, in order to improve literacy for all children and youth; and

''(v) ensure that funds provided under this section are awarded in a manner that will provide services to all grade levels, including proportionally to middle schools and high schools.

''(C) A description of the key data metrics that will be used and reported annually under section 5427(b)(1)(E), that shall include—

''(i) student academic achievement on the English language arts State academic assessments and student growth over time;

''(ii) for diploma granting schools, graduation rates;

''(D) An assurance that the State educational agency will use implementation grant funds under this section for literacy programs as follows:

''(i) Not less than 10 percent of such grant funds shall be used for State and local programs and activities pertaining to learners from preschool through kindergarten entry.

''(ii) Not less than 40 percent of such implementation grant funds shall be used for State and local programs and activities allocated equitably among the grades of kindergarten through grade 5.

''(iii) Not less than 40 percent of such implementation grant funds shall be used for State and local programs and activities, allocated equitably among grades 6 through 12.

''(iv) Not more than 10 percent of such implementation grant funds shall be used for the State activities described in section 5425.

''(E) An assurance that the State educational agency shall give priority to awarding a subgrant to an eligible entity—

''(i) under section 5426 based on the number or percentage of children younger than the age of kindergarten entry and the number of students from kindergarten through 17 who are—

''(I) served by the eligible entity; and

''(II) from families with income below the poverty line, based on the most recent satisfactory data provided to the Secretary by the Bureau of the Census for determining eligibility under section 1124(c)(1)(A); and

''(ii) under section 5427, that proposes to serve—

''(I) a high number or percentage of students served by the eligible entity that are reading and writing below grade level according to State assessments;

''(II) students that attend schools in need of support and high-priority schools; and

''(III) students that attend schools with a high percentage or number of students that are eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(c) APPROVAL OF APPLICATIONS.—

''(1) IN GENERAL.—The Secretary, in consultation with the peer review panel established under paragraph (2), shall evaluate State educational agency applications under subsection (b) based on the responsiveness of the applications to the application requirements under such subsection.

''(2) PEER REVIEW.—The Secretary shall convene a peer review panel in accordance with section 5422(c) to evaluate applications for each implementation grant awarded to a State educational agency under this section.

''(3) EARLY LEARNING.—In order for a State educational agency's application under this section to be approved by the Secretary, the application shall contain an assurance that the State agencies responsible for administering early childhood education programs and services, including the State agency responsible for administering child care programs and the State Advisory Council on Early Childhood Education and Care established under section 642B(b) of the Head Start Act (42 U.S.C. 9837b(b)), approves of, and will be extensively consulted in the implementation of related activities and services consistent with section 5426 with respect to, the early learning portion of the application.

''SEC. 5425. STATE ACTIVITIES.

''(a) REQUIRED ACTIVITIES.—A State educational agency shall use funds made available under section 5422(a)(2)(A) and described in section 5424(b)(2)(D)(iv) to carry out the activities proposed in a State's plan consistent with section 5424(b)(2), including the following activities:

''(1) Carrying out the assurances and activities provided in the State application under section 5424(b)(2).

''(2) In consultation with the State literacy leadership team, providing technical assistance or engaging qualified providers to provide technical assistance to eligible entities to enable the eligible entities to design and implement a literacy program under sections 5426 and 5427.

''(3) Providing technical assistance to eligible entities that are prioritized in section 5424(b)(2)(E), including eligible entities that serve low-capacity rural and urban areas by—

''(A) informing those eligible entities that they have a priority for competing for grants under section 5426 and 5427; and

''(B) providing eligible entities who do not receive a grant under section 5426 and 5427 technical assistance so that they may recompete in following competitions.

''(4) Continuing to consult with the State literacy leadership team and continuing to coordinate with institutions of higher education in the State—

''(A) in order to provide recommendations to strengthen and enhance preservice courses for students preparing, at institutions of higher education in the State, to teach children from preschool through grade 12 in explicit, systematic, and intensive instruction in evidence-based literacy methods; and

''(B) by following up reviews completed by the State literacy leadership team with recommendations to ensure that such institutions offer courses that meet the highest standards.

''(5) Reviewing and updating, in collaboration with teachers, statewide educational and professional organizations representing teachers, and statewide educational and professional organizations representing institutions of higher education, State licensure and certification standards in the area of literacy instruction in early childhood education through grade 12.

''(6) Making publicly available, including on the State educational agency's website, information on promising instructional practices to improve student literacy achievement.

''(b) PERMISSIVE ACTIVITIES.—After carrying out activities described in subsection (a), a State educational agency may use remaining funds made available under section 5422(a)(2)(A) and described in section 5424(b)(2)(D)(iv) to carry out 1 or more of the following activities:

''(1) Training the personnel of eligible entities to use data systems that track student literacy achievement.

''(2) Developing literacy coach training programs and training literacy coaches.

''(3) Building public support among local educational agency personnel, early childhood education programs, and the community for comprehensive literacy instruction for children and students from preschool through grade 12.

''SEC. 5426. SUBGRANTS TO ELIGIBLE ENTITIES IN SUPPORT OF PRESCHOOL THROUGH KINDERGARTEN ENTRY LITERACY.

''(a) SUBGRANTS.—

''(1) IN GENERAL.—A State educational agency, in consultation with the State agencies responsible for administering early childhood education programs and services, including the State agency responsible for administering child care programs and the State Advisory Council on Early Childhood Education and Care established under section 642B(b) of the Head Start Act (42 U.S.C. 9837b(b)), shall use implementation grant funds provided under section 5422(a)(2)(B) to award subgrants, on a competitive basis, to eligible entities to enable the eligible entities to support high-quality early literacy initiatives for children from preschool through kindergarten entry.

''(2) DURATION.—The term of subgrant under this section shall be for 5 years.

''(b) SUFFICIENT SIZE AND SCOPE.—Each subgrant awarded under this section shall be of sufficient size and scope to allow the eligible entity to carry out high-quality early literacy initiatives for children from preschool through kindergarten entry.

''(c) LOCAL APPLICATIONS.—An eligible entity desiring to receive a subgrant under this section shall submit an application to the State educational agency, at such time, in such manner, and containing such information as the State educational agency may require. Such application shall include a description of—

''(1) how the subgrant funds will be used to enhance the language and literacy aspects of school readiness of children, from preschool through kindergarten entry, in early childhood education programs, including an analysis of the data used to identify how funds will be used to improve language and literacy;

''(2) the programs assisted under the subgrant, including demographic and socioeconomic information on the children enrolled in the programs;

''(3) a budget for the eligible entity that projects the cost of developing and implementing literacy initiatives to carry out the activities described in subsection (e);

''(4) how, if the eligible entity is requesting a planning period, the eligible entity will use that planning period to prepare for successful implementation of a plan to support the

development of learning and literacy consistent with the purposes of this subpart;

''(5) the literacy initiatives, if any, in place and how these initiatives will be coordinated and integrated with activities supported under this section;

''(6) how the subgrant funds will be used to prepare and provide ongoing assistance to staff in the programs, through high-quality professional development;

''(7) how the subgrant funds will be used to provide services, incorporate activities, and select and use literacy instructional materials that meet the diverse developmental and linguistic needs of children, including English learners and children with disabilities and developmental delays, and that are based on scientifically valid research on child development and learning for children from preschool through kindergarten entry;

''(8) how the subgrant funds will be used to provide screening assessments, diagnostic assessments, classroom-based instructional assessments, and assessments of developmental progress;

''(9) how families and caregivers will be involved, as appropriate, in supporting their children's literacy development, instruction, and assessment;

''(10) how the subgrant funds will be used to help children, particularly children experiencing difficulty with oral and written language, to make the transition from early childhood education to formal classroom instruction;

''(11) how the activities assisted under the subgrant will be coordinated with literacy instruction at the kindergarten through grade 5 level;

''(12) how the subgrant funds will be used—

''(A) to evaluate the success of the activities assisted under the subgrant in enhancing the early language and literacy development of children from preschool through kindergarten entry; and

''(B) to evaluate data for program improvement; and

''(13) such other information as the State educational agency may require.

''(d) APPROVAL OF LOCAL APPLICATIONS.—The State educational agency, in consultation with the State agencies responsible for administering early childhood education programs, including the State agency responsible for administering child care programs and the State Advisory Council on Early Childhood Education and Care established under section 642B(b) of the Head Start Act (42 U.S.C. 9837b(b)), shall—

''(1) select applications for funding under this section based on the quality of the applications submitted, including the relationship between literacy activities proposed and the research base or data supporting such activities, as appropriate, and the recommendations of—

''(A) the State literacy leadership team; and

''(B) other experts in the area of early literacy; and

''(2) place priority for funding programs based on the criteria in section 5424(b)(2)(E)(i).

''(e) LOCAL USES OF FUNDS.—

''(1) IN GENERAL.—An eligible entity that receives a subgrant under this section shall use the subgrant funds consistent with the application proposed in subsection (c) to carry out the following activities:

''(A) Enhancing and improving early childhood education programs to ensure that children in such programs are provided with high-quality oral language and literature- and print-rich environments in which to develop early literacy skills.

''(B) Providing high-quality professional development.

''(C) Acquiring, providing training for, and implementing screening assessments, diagnostic assessments, and classroom-based instructional assessments.

''(D) Selecting, developing, and implementing a multi-tiered system of support.

''(E) Integrating evidence-based instructional materials, activities, tools, and measures into the programs offered by the eligible entity to improve development of early learning language and literacy skills.

''(F) Training providers and personnel to support, develop, and administer high-quality early learning literacy initiatives that—

''(i) utilize data—

''(I) to inform instructional design; and

''(II) to assess literacy needs; and

''(ii) provide time and support for personnel to meet to plan literacy instruction.

''(G) Providing for family literacy services, as appropriate, and partnering with families to support their child's learning.

''(H) Annually collecting, summarizing, and reporting to the State educational agency data—

''(i) to document and monitor, for the purpose of improving or increasing early literacy and language skills development pursuant to activities carried out under this section;

''(ii) to stimulate and accelerate improvement by identifying the programs served by the eligible entity that produce significant gains in skills development; and

''(iii) for all subgroups of students and categories of students that—

''(I) utilizes a variety of data; and

''(II) is consistent across the State.

''(2) LIMITATION.—An eligible entity that receives a subgrant under this section shall not use more than 10 percent of the subgrant funds to purchase curricula and assessment materials.

''(f) PROHIBITION.—The use of assessment items and data on any assessment authorized under this section to provide rewards or sanctions for individual children, early childhood educators, teachers, program directors, or principals is prohibited.

''SEC. 5427. CONSEQUENCES OF INSUFFICIENT PROGRESS, REPORTING REQUIREMENTS, AND CONFLICTS OF INTEREST.

''(a) CONSEQUENCES OF INSUFFICIENT PROGRESS.—

''(1) CONSEQUENCES FOR GRANT RECIPIENTS.—If the Secretary determines that a State educational agency receiving an award under section 5422(b) or an eligible entity receiving a subgrant under section 5426 or 5427 is not making significant progress in meeting the purposes of this subpart and the key metrics identified by the State educational agency under section 5424(b)(2)(C) after the submission of a report described in subsection (b), then the Secretary may withhold, in whole or in part, further payments under this subpart in accordance with section 455 of the General Education Provisions Act (20 U.S.C. 1234d) or take such other action authorized by law as the Secretary determines necessary, including providing technical assistance upon request of the State educational agency or eligible entity, respectively.

''(2) CONSEQUENCES FOR SUBGRANT RECIPIENTS.—

''(A) IN GENERAL.—A State educational agency receiving an award under section 5422(b) may refuse to award subgrant funds to an eligible entity under section 5426 or 5427 if the State educational agency finds that the eligible entity is not making significant progress in meeting the purposes of this subpart, after—

''(i) affording the eligible entity notice, a period for correction, and an opportunity for a hearing; and

''(ii) providing technical assistance to the eligible entity.

''(B) FUNDS AVAILABLE.—Subgrant funds not awarded under subparagraph (A) shall be redirected to an eligible entity serving similar children and students in the same area or region as the eligible entity not awarded the subgrant funds, to the greatest extent practicable.

''(b) REPORTING REQUIREMENTS.—

''(1) STATE EDUCATIONAL AGENCY REPORTS.—Each State educational agency receiving an award under section 5422(b) shall report annually to the Secretary regarding the State educational agency's progress in addressing the purposes of this subpart. Such report shall include, at a minimum, a description of—

''(A) the professional development activities provided under the award, including types of activities and entities involved in providing professional development to classroom teachers and other program staff, such as school librarians;

''(B) the instruction, strategies, activities, curricula, materials, and assessments used in the programs funded under the award;

''(C)(i) the types of programs and, for children from preschool to kindergarten entry, program settings, funded under the award; and

''(ii) the ages and demographic information that is not individually identifiable of children served by the programs funded under the award;

''(D) the experience and qualifications of the program staff who provide literacy instruction under the programs funded under the award, including the experience and qualifications of those staff working with children with disabilities or developmental delays and with English learners and children from preschool to kindergarten entry;

''(E) key data metrics identified under section 5424(b)(2)(C) used for literacy initiatives;

''(F) student performance on relevant program metrics, as identified in the State education agency's implementation plan under section 5424(b)(2)(C); and

''(G) the outcomes of programs and activities provided under the award.

''(2) ELIGIBLE ENTITY REPORTS.—Each eligible entity receiving a subgrant under section 5426 or 5427 shall report annually to the State educational agency regarding the eligible entity's progress in addressing the purposes of this subpart. Such report shall include, at a minimum, a description of—

''(A) how the subgrant funds were used; and

''(B) student performance on relevant program metrics, as identified in the State education agency's implementation plan under section 5424(b)(2)(C).

''(c) CONFLICTS OF INTEREST.—The Secretary shall ensure that each member of the peer review panel described in section 5422(c) and each member of a State literacy leadership team participating in a program or activity assisted under this subpart does not stand to benefit financially from a grant or subgrant awarded under this subpart.

''SEC. 5428. DEFINITIONS.

''In this subpart:

''(1) CHARACTERISTICS OF EFFECTIVE LITERACY STRATEGIES AND INSTRUCTION.—The term 'characteristics of effective literacy strategies and instruction' means—

''(A) for children from preschool through kindergarten entry—

''(i) providing high quality professional development opportunities for early childhood educators, teachers, and school leaders in—

''(I) literacy development;

''(II) language development;

''(III) English language acquisition (as appropriate); and

''(IV) effective language and literacy instruction and teaching strategies aligned to State standards;

''(ii) reading aloud to children, engaging children in shared reading experiences, discussing reading with children, and modeling age and developmentally appropriate reading strategies;

''(iii) encouraging children's early attempts at communication, reading, writing, and drawing, and talking about the meaning of the reading, writing, and drawing with others;

''(iv) creating conversation rich classrooms and using oral modeling techniques to build oral language skills;

''(v) multiplying opportunities for children to use language with peers and adults;

''(vi) providing strategic and explicit instruction in the identification of speech sounds, letters, and letter-sound correspondence;

''(vii) integrating oral and written language;

''(viii) stimulating vocabulary development;

''(ix) using differentiated instructional approaches or teaching strategies, including—

''(I) individual and small group instruction or interactions; and

''(II) professional development, curriculum development, and classroom instruction;

''(x) applying the principles of universal design for learning, as described in section 5429(b)(21);

''(xi) using age-appropriate screening assessments, diagnostic assessments, formative assessments, and summative assessments to identify individual learning needs, to inform instruction, and to monitor—

''(I) student progress and the effects of instruction over time; and

''(II) for children between the ages of preschool and kindergarten entry, progress and development within established norms;

''(xii) coordinating the involvement of families, early childhood education program staff, principals, other school leaders, and teachers in the reading and writing achievement of children served under this subpart;

''(xiii) using a variety of age and developmentally appropriate, high quality materials for language development, reading, and writing;

''(xiv) encouraging family literacy experiences and practices, and educating teachers, public librarians, and parents and other caregivers about literacy development and child literacy development; and

''(xv) using strategies to enhance children's—

''(I) motivation to communicate, read, and write; and

''(II) engagement in self-directed learning;

''(B) for students in kindergarten through grade 3—

''(i) providing high quality professional development opportunities, for teachers, literacy coaches, literacy specialists, English as a second language specialists (as appropriate), school librarians, and principals, on literacy development, language development, English language acquisition, and effective literacy instruction that—

''(I) aligns to State standards as well as local curricula and instructional assessments; and

''(II) addresses literacy development opportunities across the curricula;

''(ii) providing age appropriate direct and explicit instruction;

''(iii) providing strategic, systematic, and explicit instruction in phonological awareness, phonic decoding, vocabulary, reading fluency, and reading comprehension;

''(iv) making available and using diverse texts at the reading, development, and interest level of students;

''(v) providing multiple opportunities for students to write individually and collaboratively with instruction and feedback;

''(vi) using differentiated instructional approaches, including individual, small group, and classroom-based instruction and discussion;

''(vii) using oral modeling techniques and opportunities for students to use language with the students' peers and adults to build student language skills;

''(viii) providing time and opportunities for systematic and intensive instruction, intervention, and practice to supplement regular instruction, which can be provided inside and outside the classroom as well as during and outside regular school hours;

''(ix) providing instruction in uses of print materials and technological resources for research and for generating and presenting content and ideas;

''(x) using screening assessments, diagnostic assessments, formative assessments, and summative assessments to identify student learning needs, to inform instruction, and to monitor student progress and the effects of instruction over time;

''(xi) coordinating the involvement of families, caregivers, teachers, principals, other school leaders, and teacher literacy teams in the reading and writing achievement of children served under this subpart;

''(xii) encouraging family literacy experiences and practices; and

''(xiii) using strategies to enhance students'—

''(I) motivation to read and write; and

''(II) engagement in self-directed learning; and

''(C) for students in grades 4 through 12—

''(i) providing high quality professional development opportunities for teachers, literacy coaches, literacy specialists, English as a second language specialists (as appropriate), school librarians, and principals, including professional development on literacy development, language development, and effective literacy instruction embedded in schools and aligned to State standards;

''(ii) providing direct and explicit comprehension instruction;

''(iii) providing direct and explicit instruction that builds academic vocabulary and strategies and knowledge of text structure for reading different kinds of texts within and across core academic subjects;

''(iv) making available and using diverse texts at the reading, development, and interest level of the students;

''(v) providing multiple opportunities for students to write with clear purposes and critical reasoning appropriate to the topic and purpose and with specific instruction and feedback from teachers and peers;

''(vi) using differentiated instructional approaches;

''(vii) using strategies to enhance students'—

''(I) motivation to read and write; and

''(II) engagement in self-directed learning;

''(viii) providing for text-based learning across content areas;

''(ix) providing systematic, strategic, and individual and small group instruction, including intensive supplemental intervention for students reading significantly below grade level, which may be provided inside and outside the classroom as well as during and outside regular school hours;

''(x) providing instruction in the uses of technology and multimedia resources for classroom research and for generating and presenting content and ideas;

''(xi) using screening assessments, diagnostic assessments, formative assessments, and summative assessments to identify learning needs, inform instruction, and monitor student progress and the effects of instruction;

''(xii) coordinating the involvement of families and caregivers, to the extent feasible and appropriate as determined by the Secretary, to improve reading, writing, and academic achievement; and

''(xiii) coordinating the involvement of school librarians, teachers, principals, other school leaders, teacher literacy teams, and English as a second language specialists (as appropriate), that analyze student work and plan or deliver instruction over time.

''(2) CLASSROOM-BASED INSTRUCTIONAL ASSESSMENT.—The term 'classroom-based instructional assessment' means an assessment, for children between preschool through grade 3, that—

''(A) is valid and reliable for the age and population of children being assessed;

''(B) is used to evaluate children's developmental progress and learning, including systematic observations by teachers of children performing tasks, including academic and literacy tasks, that are part of their daily classroom experience; and

''(C) is used to improve classroom instruction.

''(3) COMPREHENSIVE LITERACY INSTRUCTION.—The term 'comprehensive literacy instruction' means instruction that—

''(A) involves the characteristics of effective literacy instruction; and

''(B) is designed to support the essential components of reading instruction and the essential components of writing instruction.

''(4) DEVELOPMENTAL DELAY.—The term 'developmental delay' has the meaning given the term in section 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1432).

''(5) DIAGNOSTIC ASSESSMENT.—The term 'diagnostic assessment' means an assessment that—

''(A) is valid, reliable, and based on scientifically valid research on language, literacy, and English language acquisition;

''(B) is used for the purposes of—

''(i) identifying a student's specific areas of strengths and weaknesses in oral language and literacy;

''(ii) determining any difficulties that the student may have in oral language and literacy and the potential cause of such difficulties; and

''(iii) helping to determine possible literacy intervention strategies and related special needs of the student; and

''(C) in the case of young children, is conducted after a screening assessment that identifies potential risks or a lack of school preparedness, including oral language and literacy development, or delayed development.

''(6) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) when used with respect to children from preschool through kindergarten entry—

''(i) 1 or more local educational agencies providing early childhood education programs, or 1 or more public or private early childhood education programs, serving children from preschool through kindergarten entry (such as a Head Start program, a child care program, a State-funded prekindergarten program, a public library program, or a family literacy program), that has a demonstrated record of providing effective literacy instruction for the age group such agency or program proposes to serve under section 5426; or

''(ii) 1 or more entities described in clause (i) acting in partnership with 1 or more public agencies or private nonprofit organizations that have a demonstrated record of effectiveness—

''(I) in improving the early literacy development of children from preschool through kindergarten entry; and

''(II) in providing professional development aligned with the activities described in section 5426(e)(1); or

''(B) when used with respect to students in kindergarten through grade 12—

''(i) that is—

''(I) a local educational agency;

''(II) a consortium of local educational agencies; or

''(III) or a local educational agency or consortium of local educational agencies that may act in partnership with 1 or more public agencies or private nonprofit organizations, which agencies or organizations shall have a demonstrated record of effectiveness, consistent with the purposes of their participation, in improving literacy achievement of students from kindergarten through grade 12 and in providing professional development described in section 5427(a)(3)(B);

''(ii) that—

''(I) is among, or consists of, the local educational agencies in the State with the highest numbers or percentages of students reading or writing below grade level, based on the most currently available State academic assessment data;

''(II) has jurisdiction over a significant number or percentage of schools that are identified for school improvement under section 1116; or

''(iii) has the highest numbers or percentages of children who are counted under section 1124(c), in comparison to other local educational agencies in the State.

''(7) ENGLISH LANGUAGE ACQUISITION.—

''(A) IN GENERAL.—The term 'English language acquisition' means the process by which a non-native English speaker acquires proficiency in speaking, listening, reading, and writing the English language.

''(B) INCLUSIONS FOR ENGLISH LEARNERS IN SCHOOL.—For an English language learner in school, such term includes not only the social language proficiency needed to participate in the school environment, but also the academic language proficiency needed to acquire literacy and academic content and demonstrate the student's learning.

''(8) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term 'essential components of reading instruction' means developmentally appropriate, contextually explicit, systematic instruction, and frequent practice, in reading across content areas.

''(9) ESSENTIAL COMPONENTS OF WRITING INSTRUCTION.—The term 'essential components of writing instruction' means developmentally appropriate and contextually explicit instruction, and frequent practice, in writing across content areas.

''(10) FAMILY LITERACY SERVICES.—The term 'family literacy services' means literacy services provided on a voluntary basis that are of sufficient intensity in terms of hours and duration and that integrate all of the following activities:

''(A) Interactive literacy activities between or among parents and their children, including parent literacy training.

''(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.

''(11) FORMATIVE ASSESSMENT.—The term 'formative assessment' means a process that—

''(A) is teacher-generated or selected by teachers and students during instructional learning;

''(B) is embedded within the learning activity and linked directly to the current unit of instruction; and

''(C) provides feedback to adjust ongoing teaching and learning to improve students' achievement of intended instructional outcomes.

''(12) HIGH-QUALITY PROFESSIONAL DEVELOPMENT.—The term 'high-quality professional development' means professional development that—

''(A) is job-embedded, ongoing, and based on scientifically valid research;

''(B) is sustained, intensive, and classroom-focused;

''(C) is designed to increase the knowledge and expertise of teachers, early childhood educators and administrators, principals, other school leaders, and other program staff in applying—

''(i) the characteristics of effective literacy instruction;

''(ii) the essential components of reading instruction;

''(iii) the essential components of writing instruction; and

''(iv) instructional strategies and practices that are appropriate to the age, development, and needs of children and improve student learning, including strategies and practices consistent with the principles of universal design for learning, as described in section 5429(b)(21);

''(D) includes and supports teachers in effectively administering age appropriate and developmentally appropriate assessments, and analyzing the results of such assessments for the purposes of planning, monitoring, adapting, and improving effective classroom instruction or teaching strategies to improve student literacy;

''(E) for educators working with students in kindergarten through grade 12—

''(i) supports the characteristics of effective literacy instruction through core academic subjects, and through career and technical education subjects where such career and technical education subjects provide for the integration of core academic subjects; and

''(ii) includes explicit instruction in discipline-specific thinking and how to read and interpret discipline-specific text structures and features;

''(F) includes instructional strategies utilizing one-to-one, small group, and classroom-based instructional materials and approaches based on scientifically valid research on literacy;

''(G) provides ongoing instructional literacy coaching—

''(i) to ensure high-quality implementation of effective practices of literacy instruction that are content-centered, integrated across the curricula, collaborative, and embedded in the school, classroom, or other setting; and

''(ii) that uses student data to improve instruction;

''(H) includes and supports teachers in setting high reading and writing achievement goals for all students and provides the teachers with the instructional tools and skills to help students reach such goals; and

''(I) is differentiated for educators working with children from preschool through kindergarten entry, students in kindergarten through grade 5, and students in grades 6 through 12, and, as appropriate, by student grade or student need.

''(13) LITERACY COACH.—The term 'literacy coach' means a professional—

''(A) who—

''(i) has previous teaching experience and—

''(I) a master's degree with a concentration in reading and writing education;

''(II) demonstrated proficiency in teaching reading or writing in a core academic subject consistent with the characteristics of effective literacy instruction; or

''(III) in the case of a literacy coach for children from preschool through kindergarten entry, a concentration, credential, or significant experience in child development and early literacy development; and

''(ii) is able to demonstrate the ability to help teachers—

''(I) apply research on how students become successful readers, writers, and communicators;

''(II) apply multiple forms of assessment to guide instructional decisionmaking and use data to improve literacy instruction;

''(III) improve student writing and reading in and across content areas such as mathematics, science, social studies, and language arts;

''(IV) develop and implement differentiated instruction and teaching approaches to serve the needs of the full range of learners, including English learners and children with disabilities;

''(V) apply principles of universal design for learning, as described in section 5429(b)(21);

''(VI) employ best practices in engaging principals, early childhood educators and administrators, teachers, and other professionals supporting literacy instruction to change school cultures to better encourage and support literacy development and achievement; and

''(VII)(aa) for children from preschool through kindergarten entry, set developmentally appropriate expectations for language; and

''(bb) for all children, set literacy development and high reading and writing achievement goals and select, acquire, and use instructional tools and skills to help the children reach such goals; and

''(B) whose role with teachers and professionals supporting literacy instruction is—

''(i) to provide high-quality professional development;

''(ii) to work cooperatively and collaboratively with principals, teachers, and other professionals in employing strategies to help teachers identify and support student language and literacy needs and teach literacy across content areas and developmental domains; and

''(iii) to work cooperatively and collaboratively with other professionals in employing strategies to help teachers teach literacy across content areas so that the teachers can meet the needs of all students, including children with disabilities, English learners, and students who are reading at or above grade level.

''(14) MULTI-TIERED SYSTEM OF SUPPORT.—The term 'multi-tiered system of support' means a comprehensive system of differentiated supports that includes evidence-based instruction, universal screening, progress monitoring, formative assessments, evidence-based interventions matched to student needs and educational decisionmaking using student outcome data.

''(15) READING.—The term 'reading' means a complex system of deriving meaning from print that requires, in ways that are developmentally, content, and contextually appropriate, all of the following:

''(A) PHONEMES.—The skills and knowledge to understand how phonemes, or speech sounds, are connected to print.

''(B) ACCURACY, FLUENCY, AND UNDERSTANDING.—The ability to read accurately, fluently, and with understanding.

''(C) READING COMPREHENSION.—The use of background knowledge and vocabulary to make meaning from a text.

''(D) ACTIVE STRATEGIES.—The development and use of appropriate active strategies

to interpret and construct meaning from print.

''(16) SCIENTIFICALLY VALID RESEARCH.—The term 'scientifically valid research' has the meaning given the term in section 200 of the Higher Education Act of 1965 (20 U.S.C. 1021).

''(17) SCREENING ASSESSMENT.—The term 'screening assessment' means an assessment that—

''(A) is valid, reliable, and based on scientifically valid research on literacy and English language acquisition; and

''(B) is a procedure designed as a first step in identifying children who may be at high risk for delayed development or academic failure and in need of further diagnosis of the children's need for special services or additional literacy instruction.

''(18) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL (SISP).—The term 'Specialized Instructional Support Personnel' or 'SISP' 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 (included 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.

''(19) STATE.—The term 'State' has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

''(20) STATE LITERACY LEADERSHIP TEAM.—

''(A) IN GENERAL.—The term 'State literacy leadership team' means a team that—

''(i) is appointed and coordinated by the State educational agency;

''(ii) assumes the responsibility to guide the development and implementation of a statewide, comprehensive literacy plan;

''(iii) is composed of not less than 11 individuals; and

''(iv) shall include—

''(I) not less than 3 individuals who have literacy expertise in one of each of the areas of—

''(aa) preschool through school entry, such as the State Head Start collaboration director;

''(bb) kindergarten entry through grade 5; and

''(cc) grades 6 through 12;

''(II) a school principal;

''(III) teachers and administrators with expertise in literacy and special education;

''(IV) teachers and administrators with expertise in teaching the English language to English learners;

''(V) a representative from the State educational agency who oversees literacy initiatives; and

''(VI) a representative from higher education who is actively involved in research, development, or teacher preparation in literacy instruction and intervention based on scientifically valid research.

''(B) INCLUSION OF A PREEXISTING PARTNERSHIP.—If, before the date of enactment of the Student Success Act, a State educational agency established a consortium, partnership, or any other similar body that was considered a literacy partnership for purposes of subpart 1 or 2 of part B of title I and that includes the individuals required under subparagraph (A)(iv), such consortium, partnership, or body may be considered a State literacy leadership team for purposes of subparagraph (A).

''(21) SUMMATIVE ASSESSMENT.—The term 'summative assessment' means an assessment that—

''(A) is valid, reliable, and based on scientifically valid research on literacy and English language acquisition; and

''(B) measures—

''(i) for children from preschool through kindergarten entry, how the children have progressed over time relative to developmental norms; and

''(ii) for students in kindergarten through grade 12, what the students have learned over time, relative to academic content standards.

''(22) UNIVERSAL DESIGN FOR LEARNING.—The term 'universal design for learning' has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

''(23) WRITING.—The term 'writing' means—

''(A) composing meaning in print or through other media, including technologies, to communicate and to create new knowledge in ways appropriate to the context of the writing and the literacy development stage of the writer;

''(B) composing ideas individually and collaboratively in ways that are appropriate for a variety of purposes, audiences, and occasions;

''(C) choosing vocabulary, tone, genre, and conventions, such as spelling and punctuation, suitable to the purpose, audience, and occasion; and

''(D) revising compositions for clarity of ideas, coherence, logical development, and precision of language use.

''SEC. 5430. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subpart $500,000,000 for fiscal year 2016 and such sums as may be necessary for subsequent fiscal years.

''SUBPART 3—A WELL-ROUNDED EDUCATION

''SEC. 5431. PROGRAM AUTHORIZED.

''From the amount appropriated each fiscal year to carry out this subpart, the Secretary—

''(1) shall—

''(A) reserve not less than 5 percent for national activities under section 5438; and

''(B) of the funds remaining after the Secretary reserves funds under subparagraph (A)—

''(i) use at least 25 percent to award grants to eligible entities under this subpart to carry out proven practices, strategies, or programs in American history, civic education, and geography;

''(ii) use at least 15 percent to award grants to eligible entities under this subpart to carry out proven practices, strategies, or programs in economic and financial literacy education and entrepreneurship education;

''(iii) use at least 15 percent to award grants to eligible entities under this subpart to carry out proven practices, strategies, or programs in foreign language education;

''(iv) use at least 15 percent to award grants to eligible entities under this subpart to carry out proven practices, strategies, or programs for music and the arts education; and

''(v) use at least 10 percent to award grants to eligible entities under this subpart to carry out proven practices, strategies, or programs in Javits gifted and talented education; and

''(vi) use at least 10 percent to award grants to eligible entities as described in section 5432(2) to carry out proven practices, strategies, or programs in ready-to-learn; and

''(2) may use the funds remaining after the Secretary reserves and uses funds under paragraph (1) to award grants to eligible entities under this subpart to carry out any of the proven practices, strategies, or programs described in clauses (i) through (v) of paragraph (1)(B).

''SEC. 5432. ELIGIBLE ENTITY DEFINED.

''In this subpart, an eligible entity means one of the following:

''(1) A State educational agency, local educational agency, or an educational service agency with a local educational agency that is in partnership with one or more of the following:

''(A) An institution of higher education.

''(B) A nonprofit organization with demonstrated expertise in the content areas described in section 5431(1)(B).

''(C) A library or museum.

''(2) A public telecommunications entity that is able to demonstrate each of the following:

''(A) A capacity for the development and national distribution of educational and instructional television programming of high quality that is accessible by a large majority of disadvantaged preschool and elementary school children.

''(B) A capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality.

''(C) A capacity, consistent with the entity's mission and nonprofit nature, to negotiate such contracts in a manner that returns to the entity an appropriate share of any ancillary income from sales of any program-related products.

''(D) A capacity to localize programming and materials to meet specific State and local needs and to provide educational outreach at the local level.

''SEC. 5433. GRANT PRIORITY, DURATION, AND SIZE AND SCOPE REQUIREMENTS.

''(a) PRIORITY.—In awarding grants under this subpart, the Secretary shall give priority to—

''(1) eligible entities proposing to serve schools in need of support or persistently low achieving schools; and

''(2) eligible entities proposing to serve a high percentage and number of children from families with incomes below the poverty line according to the most recent census data approved by the Secretary.

''(b) DURATION.—The Secretary shall award grants under this subpart for a period of 5 years.

''(c) SUFFICIENT SIZE AND SCOPE.—In awarding grants under this subpart, the Secretary shall ensure that grants are of sufficient size and scope.

''SEC. 5434. SUPPLEMENT, NOT SUPPLANT.

''Funds received under this subpart shall be used to supplement, not supplant, Federal and non-Federal funds available to support child and youth services.

''SEC. 5435. APPLICATION REQUIREMENTS.

''(a) IN GENERAL.—To receive a grant under one or more of the grant programs described in clauses (i) through (v) of section 5431(1)(B), an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing the information that the Secretary may require, including the information described in subsection (c).

''(b) MULTIPLE APPLICATIONS.—An eligible entity may apply for one or more grant programs under this subpart, and may use a consolidated application to apply for more than one grant program under this subpart .

''(c) APPLICATION REQUIREMENTS.— An application submitted under subsection (a) shall contain the following:

''(1) A description of the promising or proven practice, strategy, or program that the applicant proposes to implement in a content area listed in clauses (i) through (v) of section 5431(1)(B).

''(2) A description of how the proposed practice, strategy, or program is evidence-based and will improve teaching practices as well as student achievement or student academic growth especially with high-need student populations.

''(3) A description of how the proposed practice, strategy, or program fits into the

State or local educational agency's overall strategy that students have access to a well-rounded education.

''(4) A description of how the proposed practice, strategy, or program will be aligned with school improvement plans.

''(5) A description of how the activities will adequately address the needs of students with disabilities and English learners.

''(6) A description of the applicant's plan for data collection, analysis, and dissemination of results and outcomes, including an assurance that the applicant will make this information publicly available and accessible to educators, researchers, and other experts.

''(7) A description of how the applicant will provide for the completion of an independent evaluation of the project (including through the use of formative and summative evaluation methodologies) during the grant period to assess its impact on student achievement, student academic growth, student engagement, and other program goals, including its potential for replication and expansion.

''(8) If the applicant proposes to expand an existing practice, strategy, or program with at least moderate evidence, a description of how the applicant proposes to reach additional participants in such practice, strategy, or program.

''(d) PEER REVIEW.—The Secretary shall establish a peer-review process to assist in review of applications submitted under this section.

''SEC. 5436. USES OF FUNDS.

''(a) IN GENERAL.—Each eligible entity that receives a grant under this subpart shall carry out one or more of the following:

''(1) Plan, develop, expand, or improve practices, strategies, and programs in the applicable content area.

''(2) Develop and implement instructional materials, assessments (including performance-based assessments), and curriculum, aligned with State standards in a content area listed in clauses (i) through (v) of section 5431(1)(B), which embed principles of universal design for learning, as described in section 5429(b)(21), to support students with diverse learning needs including English learners and students with disabilities.

''(3) Develop and implement professional development for teachers in the applicable content area in order to improve classroom practices.

''(4) Align practices, strategies, and programs with postsecondary programs for the continuation of instruction in the academic subject for which the program strategy or practice proposes to increase student achievement or student growth.

''(5) Supporting the use of open educational resources or other innovative uses of technology that are designed to serve students at all levels of achievement.

''(6) Support efforts to expand access to advanced coursework, especially for high-need students.

''(7) In the case of an eligible entity that is a State educational agency, the eligible entity may also provide technical assistance to local programs within the State.

''(b) PROGRAM SPECIFIC REQUIREMENTS FOR GEOGRAPHY GRANTS.—In addition to meeting the requirements of subsection (a), an eligible entity receiving a grant described in section 5431(1)(B)(i) may use the grant to—

''(1) carry out local, field-based activities for teachers and students to improve their knowledge of the concepts and tools of geography while enhancing understanding of their home region; and

''(2) apply geographic information systems and technology to the teaching of geography; and

''(3) using internet or distance-learning technology.

''(c) PROGRAM SPECIFIC REQUIREMENTS FOR ECONOMIC, FINANCIAL LITERACY, AND ENTREPRENEURSHIP EDUCATION GRANTS.—In addition to meeting the requirements of subsection (a), an eligible entity receiving a grant described in section 5431(1)(B)(ii)—

''(1) may use the grant to—

''(A) carry out programs to teach personal financial management skills;

''(B) carry out programs to teach the basic principles involved with earning, spending, saving, investing, credit, and insurance; and

''(C) implement financial and economic literacy activities and sequences of study within, or coordinated with, core academic subjects; and

''(2) is strongly encouraged to—

''(A) include interactions with the local business community to the fullest extent possible to reinforce the connection between economic and financial literacy; and

''(B) work with private businesses to obtain matching contributions for Federal funds and assist recipients in working toward self-sufficiency.

''(d) PROGRAM SPECIFIC REQUIREMENTS FOR FOREIGN LANGUAGE GRANTS.—In addition to meeting the requirements of subsection (a), an eligible entity receiving a grant described in section 5431(1)(B)(iii) may use the grant to carry out the following activities:

''(1) Developing and implementing intensive summer foreign language programs for professional development.

''(2) Linking nonnative English speakers in the community with the schools in order to promote two-way language learning.

''(3) Promoting the sequential study of a foreign language for students, beginning in elementary schools.

''(4) Making effective use of technology, such as computer-assisted instruction, language laboratories, or distance learning, to promote foreign language study.

''(5) Developing and implementing, high quality dual language programs.

''(6) Promoting innovative activities, such as foreign language immersion, partial foreign language immersion, or content-based instruction.

''(7) Providing opportunities for maximum foreign language exposure for students domestically, such as the creation of immersion environments in the classroom and school, on weekend or summer experiences, and special tutoring and academic support.

''(8) providing for the possibility for multiple entry points for studying the foreign language.

''(9) Creating partnerships with elementary and secondary schools in other countries to facilitate language and cultural learning and exchange.

''(10) Providing support for a language supervisor to oversee and coordinate the progress of the articulated foreign language program across grade levels in the local educational agency funded under this subpart.

''(e) PROGRAM SPECIFIC REQUIREMENTS FOR JAVITS GIFTED AND TALENTED GRANTS.—In addition to meeting the requirements of subsection (a), an eligible entity receiving a grant described in section 5431(1)(B)(v) may use the grant to carry out the following activities:

''(1) Providing funds for challenging, high-level course work, disseminated through technologies (including distance learning), for individual students or groups of students in schools and local educational agencies that would not otherwise have the resources to provide such course work.

''(2) Ensuring that assessments provide diagnostic information that informs instruction for high-achieving students.

''(3) Carrying out training and professional development for school personnel involved in the teaching of high-achieving, educationally disadvantaged students, such as instructional staff, principals, counselors, and psychologists.

''(4) Conducting education and training for parents of high-achieving, educationally disadvantaged students to support educational excellence for such students.

''(f) PROGRAM SPECIFIC REQUIREMENTS FOR READY-TO-LEARN.—In addition to meeting the requirements of subsection (a), an eligible entity receiving a grant described in section 5431(1)(B)(vi) may use the grant to carry out the following activities:

''(1) to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate student academic achievement;

''(2) to facilitate the development, directly or through contracts with producers of children and family educational television programming, of educational programming for preschool and elementary school children, and the accompanying support materials and services that promote the effective use of such programming;

''(3) to facilitate the development of programming and digital content containing Ready-to-Learn-based children's programming and resources for parents and caregivers that is specially designed for nationwide distribution over public television stations' digital broadcasting channels and the Internet;

''(4) to contract with entities (such as public telecommunications entities) so that programs developed under this section are disseminated and distributed to the widest possible audience appropriate to be served by the programming, and through the use of the most appropriate distribution technologies; and

''(5) to develop and disseminate education and training materials, including interactive programs and programs adaptable to distance learning technologies, that are designed—

''(A) to promote school readiness; and

''(B) to promote the effective use of materials developed under subparagraphs (2) and (3) among parents, teachers, Head Start providers, Even Start providers, providers of family literacy services, child care providers, early childhood development personnel, elementary school teachers, public libraries, and afterschool program personnel caring for preschool and elementary school children.

''SEC. 5437. EVALUATION.

''Each eligible entity receiving a grant under this subpart shall conduct an independent program-level evaluation and submit preliminary results to the Secretary at such a time and in such manner as the Secretary may require in order to determine the eligible entity's eligibility to continue to receive funding under this subpart.

''SEC. 5438. NATIONAL ACTIVITIES.

''(a) IN GENERAL.—From the amounts reserved under section 5431(1)(A), the Secretary shall carry out the national activities described in subsection (b) directly or by entering into contracts with an eligible educational entity.

''(b) NATIONAL ACTIVITIES.—The national activities that shall be carried out under this section are as follows:

''(1) Technical assistance.

''(2) Development of curricula.

''(3) Production, development, and dissemination of high-quality educational content (including digital content) in academic content areas under this subpart.

''(4) Research and collecting information on, and identifying, effective programs and best practices and disseminating that information to States, local educational agencies, institutions of higher education, and other stakeholders.

"SEC. 5439. PROFESSIONAL DEVELOPMENT ACTIVITIES.

''(a) ELIGIBLE EDUCATIONAL ENTITY DEFINED.—In this section, the term 'eligible educational entity' means a national nonprofit educational entity with a proven track record and demonstrated expertise in one or more of the following areas as related to the activities described in subsection (b):

''(1) High-quality professional development programs, including writing programs for teachers across disciplines and at all grade levels.

''(2) History education programs.

''(3) Civics and government education programs.

''(4) Economic and financial literacy education programs.

''(5) Geography education programs.

''(6) Foreign Language education programs.

''(7) Music and the arts education programs.

''(8) Gifted and talented programs.

''(9) Reading and book distribution programs, including pediatric early literacy programs that engage parents.

''(10) Educational and instructional video programming (including early literacy programming) for a public telecommunications entity.

''(b) PRIORITY.—In awarding a contract to an eligible educational entity under this section, the Secretary shall give priority to an entity that provides support to the eligible entities receiving a grant under this subpart or eligible entities receiving a grant under the subpart 1 or 2 to develop instructional systems that provide—

''(1) a systematic and coherent combination of instructional materials;

''(2) embedded formative and interim assessments;

''(3) professional development;

''(4) information on student learning; and

''(5) academic interventions based on cognitive science and content-area knowledge and are aligned with college- and career-ready standards.

"SEC. 5440. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subpart $250,000,000 for fiscal year 2016 and such sums as may be necessary for each succeeding fiscal year.

''SUBPART 4—TRANSFORMING EDUCATION THROUGH TECHNOLOGY GRANTS

"SEC. 5441. PURPOSES.

''The purposes of this subpart are to—

''(1) improve the achievement, academic growth, and college-and-career readiness of students who have developed the ability to think critically, apply knowledge to solve complex problems, work collaboratively, communicate effectively, be self-directed, and be responsible digital citizens;

''(2) ensure all students have access to individualized, rigorous, and engaging digital learning experiences;

''(3) ensure that educators have the knowledge and skills to develop and implement digital learning curriculum, use technology effectively in order to personalize and strengthen instruction, and effectively create, deliver, and utilize assessments to measure student outcomes and support student success;

''(4) ensure that administrators have the leadership, management, knowledge, and skills to design, develop, and implement a school or local educational agency-wide digital age learning environment; and

''(5) improve the efficiency and productivity of education through technology.

"SEC. 5442. E-RATE RESTRICTION.

''Funds awarded under this subpart may be used to address the networking needs of a recipient of such funds for which the recipient is eligible to receive support under the E-rate program, except that such funds may not be duplicative of support received by the recipient under the E-rate program.

"SEC. 5443. RULE OF CONSTRUCTION REGARDING PURCHASING.

''Nothing in this subpart shall be construed to permit a recipient of funds under this subpart to purchase goods or services using such funds without ensuring that the purchase is free of any conflict of interest between such recipient, or any partner of such recipient, and the person or entity receiving such funds.

"SEC. 5444. DEFINITIONS.

''In this subpart:

''(1) DIGITAL LEARNING.—The term 'digital learning' means any instructional practice that effectively uses technology to strengthen a student's learning experience and encompasses a wide spectrum of tools and practices, including—

''(A) interactive learning resources that engage students in academic content;

''(B) access to online databases and other primary source documents;

''(C) the use of data to personalize learning and provide targeted supplementary instruction;

''(D) student collaboration with content experts and peers;

''(E) online and computer-based assessments;

''(F) digital content, adaptive, and simulation software or courseware,

''(G) online courses, online instruction, or digital learning platforms;

''(H) mobile and wireless technologies for learning in school and at home;

''(I) learning environments that allow for rich collaboration and communication;

''(J) authentic audiences for learning in a relevant, real world experience;

''(K) teacher participation in virtual professional communities of practice; and

''(L) hybrid or blended learning, which occurs under direct instructor supervision at a school or other location away from home and, at least in part, through online delivery of instruction with some element of student control over time, place, path, or pace.

''(2) ELIGIBLE TECHNOLOGY.—The term 'eligible technology' means modern information, computer, and communication technology hardware, software, services, or tools, including computer or mobile hardware devices and other computer and communications hardware, software applications, systems and platforms, and digital and online content, courseware, and online instruction and other online services and supports, including technology that is interoperable and is in accordance with principles of universal design for learning, as described in section 5429(b)(21).

''(3) STUDENTS WITH DISABILITIES.—The term 'students with disabilities' means students with disabilities as defined under the Individuals with Disabilities Education Act and section 504 of the Rehabilitation Act of 1973.

''(4) STUDENT TECHNOLOGY LITERACY.—The term 'student technology literacy' means student knowledge and skills in using contemporary information, communication, and learning technologies in a manner necessary for successful employment, lifelong learning, and citizenship in the knowledge-based, digital, and global 21st century, including, at a minimum, the ability to—

''(A) effectively communicate and collaborate;

''(B) analyze and solve problems;

''(C) access, evaluate, manage, and create information and otherwise gain information literacy;

''(D) demonstrate creative thinking, construct knowledge, and develop innovative products and processes; and

''(E) carry out the activities described in subparagraphs (A) through (D) in a safe and ethical manner.

''(5) TECHNOLOGY READINESS SURVEY.—The term 'technology readiness survey' means a survey completed by a local educational agency that provides standardized information comparable to the information collected through the technology readiness survey administered under the Race to the Top Assessment program under section 14006 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) on the quantity and types of technology infrastructure and access available to the students served by the local educational agency, including computer devices, Internet connectivity, operating systems, related network infrastructure, data systems, and—

''(A) requiring—

''(i) an internal review of the degree to which instruction, additional student support, and professional development is delivered in digital formats, media, and platforms and is available to students and educators at any time;

''(ii) an internal review of the ability of educators to use assessments and other student data to personalize and strengthen instruction and identify professional development needs and priorities; and

''(iii) any other information required by the State educational agency serving the local educational agency; and

''(B) may include an assessment of local community needs to ensure students have adequate on-line access and access to devices for school-related work during out-of-school time.

"SEC. 5445. TECHNOLOGY GRANTS PROGRAM AUTHORIZED.

''(a) IN GENERAL.—From the amounts appropriated under section 5451, the Secretary shall award State Grants for Technology Readiness and Access (in this title referred to as 'grants') to State educational agencies to strengthen State and local technological infrastructure and professional development that supports digital learning through State activities under section 5447(c) and local activities under section 5448(c).

''(b) GRANTS TO STATE EDUCATIONAL AGENCIES.—

''(1) RESERVATIONS.—From the amounts appropriated under section 5451 for any fiscal year, the Secretary shall reserve—

''(A) three-fourths of 1 percent for the Secretary of Interior to provide assistance under this title for schools operated or funded by the Bureau of Indian Education; and

''(B) 1 percent to provide assistance under this title to the outlying areas.

''(2) GRANTS.—From the amounts appropriated under section 106 for any fiscal year and remaining after the Secretary makes reservations under paragraph (1), the Secretary shall make a grant for the fiscal year to each State educational agency with an approved application under section 5446 in an amount that bears the same relationship to such remainder as the amount the State educational agency received under part A of title I for such year bears to the amount all State educational agencies with an approved application under section 102 received under such part (20 U.S.C. 6311 et seq.) for such year.

''(c) MINIMUM.—The amount of a grant to a State educational agency under subsection (b)(2) for a fiscal year may not be less than one-half of 1 percent of the total amount made available for grants to all State educational agencies under such subsection for such year.

''(d) REALLOTMENT OF UNUSED FUNDS.—If any State educational agency does not apply for a grant under subsection (b)(2) for a fiscal year, or does not use its entire grant under subsection (b)(2) for such year, the Secretary shall reallot the amount of the State educational agency's grant, or the unused portion of the grant, to the remaining State educational agencies that use their entire grant amounts under subsection (b)(2) for such year.

''(e) MATCHING FUNDS.—

''(1) IN GENERAL.—A State educational agency that receives a grant under subsection (b)(2) shall provide matching funds, from non-Federal sources, in an amount equal to 20 percent of the amount of grant funds provided to the State educational agency to carry out the activities supported by the grant. Such matching funds may be provided in cash or in-kind, except that any such in-kind contributions shall be provided for the purpose of supporting the State educational agency's activities under section 104(c).

''(2) WAIVER.—The Secretary may waive the matching requirement under paragraph (1) for a State educational agency that demonstrates that such requirement imposes an undue financial hardship on the State educational agency.

''SEC. 5446. STATE APPLICATIONS.

''(a) APPLICATION.—To receive a grant under section 5445(b)(2), a State educational agency shall submit to the Secretary an application at such time and in such manner as the Secretary may require and containing the information described in subsection (b).

''(b) CONTENTS.—Each application submitted under subsection (a) shall include the following:

''(1) A description of the State Educational Agency's long-term goals and strategies for improving student academic achievement, including through student technology literacy, through the effective use of technology.

''(2) A description of how the State educational agency will meet the following goals:

''(A) Use technology to ensure all students achieve college-and-career readiness and technology literacy, including by providing high-quality education opportunities to economically or geographically isolated student populations.

''(B) Provide educators with the tools, devices, content, and resources to—

''(i) significantly improve teaching and learning, including support to increase personalization for and engagement of students in pursuit of college-and-career readiness and technology literacy; and

''(ii) develop and use assessments to improve instruction, including instruction consistent with the principles of universal design for learning, as described in section 5429(b)(21), and instruction for students with disabilities and English-language learners.

''(C) Ensure administrators and school leaders have the flexibility and capacity to develop and manage systems to carry out activities described in subparagraphs (A) and (B), and support administrators and school leaders in utilizing technology to promote equity and increase efficiency and productivity.

''(D) Enable local educational agencies to build the technological capacity and infrastructure (including through local purchasing of eligible technology), necessary for the full implementation of on-line assessments for all students, (including students with disabilities and English-language learners) and to—

''(i) ensure the interoperability of data systems and eligible technology; and

''(ii) carry out subparagraphs (A) through (C).

''(3) A description of the results of the technology readiness in the State as determined by local educational agency responses to the technology readiness survey, including—

''(A) the status of the ability of each local educational agency served by the State educational agency to meet the goals described in section 104(b)(1);

''(B) an assurance that not less 90 percent of the local educational agencies served by the State educational agency have completed and submitted the technology readiness survey to the State educational agency; and

''(C) an assurance that the results of the technology readiness survey for each such local educational agency are made available to the Secretary and the public through the Website of the local educational agency.

''(4) A description of the plan for the State educational agency to support each local educational agency served by the State educational agency in meeting the goals described in section 104(b)(1) not later than 3 years after the local educational agency completes the technology readiness survey by addressing the readiness gaps identified in such survey.

''(5) A description of the State's process for the adoption, acquisition, distribution, and use of content, how the State will ensure integrity of such processes, and how such processes support the goals under paragraph (1) or how a State will change such processes to support such goals, and how the State will ensure content quality.

''(6) A description of how the State educational agency will ensure its data systems and eligible technology are interoperable.

''(7) An assurance that the State educational agency will consider making content widely available through open educational resources when making purchasing decisions with funds received under this title.

''(8) A description of the State's student technology literacy standards and the technology standards for teachers and administrators, and an assurance that the State's student technology literacy standards meet the requirements of section 7(8).

''(9) An assurance that subgrant awards under section 104 will be carried out by the local educational agency staff with responsibility for leadership, coordination, and implementation of instructional and other classroom technologies.

''(10) A description of how the State educational agency will award subgrants to local educational agencies under section 104.

''(11) A description of the process, activities, performance measures, and outcomes in learning, assessment, teaching, infrastructure, and communication that the State educational agency will use to evaluate the impact and effectiveness of the grant and subgrants funds awarded under this subpart across the State and in each local educational agency.

''(12) A description of how the State educational agency will, in providing technical and other assistance to local educational agencies, give priority to the local educational agencies proposing to target services to—

''(A) students in schools in need of support and high-priority schools; and

''(B) schools with a high percentage of students that are eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(13) A description of how the State educational agency consulted with local educational agencies in the development of the State educational agency's application under this subsection.

''(14) An assurance that the State educational agency will provide matching funds as required under section 101(e).

''(15) A description of how the State educational agency will ensure that funds received under this title is not duplicative of support received under the E-rate program.

''(16) An assurance that the State educational agency, in making awards under section 5448, to improve equity of technology resources, will expend funds first to local educational agencies that—

''(A) serve students in schools identified as persistently low achieving or in need of support to remedy resource inequities identified in school improvement plans as described in section 1116; or

''(B) serve schools with a high percentage of students that are eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(17) An assurance that the State educational agency will protect the privacy and safety of students and teachers, consistent with requirements of section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the 'Family Educational Rights and Privacy Act of 1974') and section 2441(a).

''SEC. 5447. STATE USE OF GRANT FUNDS.

''(a) RESERVATION FOR SUBGRANTS TO SUPPORT TECHNOLOGY INFRASTRUCTURE.—Each State educational agency that receives a grant under section 101(b)(2) shall expend not less 90 percent of the grant amount for each fiscal year to award subgrants to local educational agencies in accordance with section 5448.

''(b) RESERVATION FOR STATE ACTIVITIES.—

''(1) IN GENERAL.—A State educational agency shall reserve not more than 10 percent of the grant received under section 101(b)(2) for the State activities described in subsection (c).

''(2) GRANT ADMINISTRATION.—Of the amount reserved by a State educational agency under paragraph (1), the State educational agency may reserve not more than 1 percent or 3 percent, in the case of a State educational agency awarding subgrants under section 104(a)(2), for the administration of the grant under this title, except that a State educational agency that forms a State purchasing consortium under subsection (d)—

''(A) may reserve an additional 1 percent to carry out the activities described in subsection (d)(1); and

''(B) shall receive direct approval from the local educational agencies receiving subgrants under section 104(a) from the State educational agency prior to reserving more than the additional percentage authorized under subparagraph (A) to carry out the activities described in subsection (d)(1).

''(c) PRIORITY.—In awarding subgrants under this subpart, the State educational agency shall give priority to local educational agencies proposing to target services to—

''(1) students in schools in need of support or high-priority schools; and

''(2) schools with a high percentage or number of students that are eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(c) STATE ACTIVITIES.—A State educational agency shall use funds described in subsection (b) to carry out each of the following:

''(1) Except for the awarding of subgrants in accordance with section 104, activities described in the State educational agency's application under section 102(b).

''(2) Providing technical assistance to local educational agencies to—

''(A) identify and address technology readiness needs;

''(B) redesign curriculum and instruction, improve educational productivity, and deliver computer-based and online assessment;

''(C) use technology, consistent with the principles of universal design for learning, as described in section 5429(b)(21), to support the learning needs of all students including students with disabilities and English-language learners;

''(D) support principals to have the expertise to evaluate teachers' proficiency in implementing digital tools for teaching and learning; and

''(E) build capacity of individual school and local educational agency leaders.

''(3) Developing or utilizing research-based or innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including digital learning technologies and assistive technology.

''(4) Integrating and coordinating activities under this title with other educational resources and programs across the State.

''(5) Disseminating information, including making publicly available on the Websites of the State educational agency promising practices to improve technology instruction, and acquiring and implementing technology tools and applications.

''(6) Ensuring that teachers, paraprofessionals, library and media personnel, specialized instructional support personnel, and administrators possess the knowledge and skills to use technology—

''(A) for curriculum redesign to change teaching and learning and improve student achievement;

''(B) for formative and summative assessment administration, data analysis, and to personalize learning;

''(C) to improve student technology literacy;

''(D) to expand the range of supports and accommodations available to English-language learners and students with disabilities; and

''(E) for their own ongoing professional development and for access to teaching resources and tools.

''(7) Coordinating with teacher and school leader preparation programs to—

''(A) align digital learning teaching standards; and

''(B) provide ongoing professional development for teachers and school leaders that is aligned to State student technology standards and activities promoting college-and-career readiness.

''(d) PURCHASING CONSORTIA.—

''(1) IN GENERAL.—A State educational agency receiving a grant under section 101(b)(2) may—

''(A) form a State purchasing consortium with 1 or more State educational agencies receiving such a grant to carry out the State activities described in clause, including purchasing eligible technology;

''(B) encourage local educational agencies to form local purchasing consortia under section 104(c)(4); and

''(C) promote pricing opportunities to local educational agencies for the purchase of eligible technology that are—

''(i) negotiated by the State educational agency or the State purchasing consortium of the State educational agency; and

''(ii) available to such local educational agencies.

''(2) RESTRICTIONS.—A State educational agency receiving a grant under section 101(b)(2) may not—

''(A) except for promoting the pricing opportunities described in paragraph (1)(C), make recommendations to local educational agencies for or require use of any specific commercial products and services by local educational agencies;

''(B) require local educational agencies to participate in a State purchasing consortia or local purchasing consortia; or

''(C) use more than the reservation amount authorized for the administration of the grant under subsection (b) to carry out the activities described in paragraph (1), unless the State educational agency receives approval in accordance with subsection (b)(2)(B).

''SEC. 5448. LOCAL SUBGRANTS.

''(a) SUBGRANTS.—

''(1) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—From the grant funds provided under section 101(b)(2) to a State educational agency that are remaining after the State educational agency makes reservations under section 104(b) for any fiscal year and subject to paragraph (2), the State educational agency shall award subgrants for the fiscal year to local educational agencies served by the State educational agency and with an approved application under subsection (b) by allotting to each such local educational agency an amount that bears the same relationship to the remainder as the amount received by the local educational agency under part A of title I for such year bears to the amount received by all such local educational agencies under such part for such year, except that no local educational agency may receive less than $5,000.

''(2) COMPETITIVE GRANTS TO LOCAL EDUCATIONAL AGENCIES.—If the amount of funds appropriated under section 5459 is less than $750,000,000 for any fiscal year, a State educational agency—

''(A) shall not award subgrants under paragraph (1); and

''(B) shall—

''(i) award subgrants, on a competitive basis, to local educational agencies based on the quality of applications submitted under (b), including—

''(I) the level of technology readiness as determined by the technology readiness surveys completed by local educational agencies submitting such applications; and

''(II) the technology plans described in subsection (b)(3) and how the local educational agencies with such plans will carry out the alignment and coordination described in such subsection; and

''(ii) ensure that such subgrants are of sufficient size and scope to carry out the local activities described in subsection (c).

''(3) DEFINITION OF LOCAL EDUCATIONAL AGENCY FOR CERTAIN FISCAL YEARS.—For purposes of awarding subgrants under paragraph (2), the term 'local educational agency' means—

''(A) a local educational agency;

''(B) an educational service agency; or

''(C) a local educational agency and an educational service agency.

''(b) APPLICATION.—A local educational agency that desires to receive a subgrant under subsection (a) shall submit an application to the State at such time, in such manner, and accompanied by such information as the State educational agency may require, including—

''(1) a description of how the local educational agency will—

''(A) carry out the goals described in subparagraphs (A) through (C) of section 101(b)(1); and

''(B) enable schools served by the agency to build the technological capacity and infrastructure (including through local purchasing of eligible technology), necessary for the full implementation of on-line assessments for all students (including students with disabilities and English-language learners) and to—

''(i) ensure the interoperability of data systems and eligible technology; and

''(ii) carry out the goals described in subparagraphs (A) through (C) of section 101(b)(1); and

''(C) align activities funded under this subpart with school improvement plans, when applicable, described under section 1116(b)(3);

''(2) a description of the results of the technology readiness survey completed by the local educational agency and a description of the plan for the local educational agency to meet the goals described in paragraph (1) within 3 years of completing the survey;

''(3) a description of the local educational agency's technology plan to carry out paragraphs (1) and (3) and how the agency will align and coordinate the activities under this section with other activities across the local educational agency;

''(4) a description of the team of educators that will coordinate and carry out the activities under this section, including individuals with responsibility and expertise in instructional technology, teachers that specialize in supporting students with disabilities and English-language learners, school leaders, technology officers, and staff responsible for assessments and data analysis;

''(5) a description of how the local educational agency will evaluate teachers' proficiency and progress in implementing technology for teaching and learning;

''(6) a description of how the local educational agency will ensure that principals have the expertise to evaluate teachers' proficiency and progress in implementing technology for teaching and learning and the interoperability of data systems and eligible technology;

''(7) a description of the local educational agency's procurement process and process for the creation, acquisition, distribution, and use of content, how the local educational agency will ensure integrity of such processes, and how such processes support the goals described in paragraph (1) or how a local educational agency will change such processes to support such goals, and how the local educational agency will ensure content quality;

''(8) a description of how the local educational agency will carry out activities under subsection (c);

''(9) a description of how the subgrant funds received under subsection (a) will be coordinated with and supported by other Federal, State, and local funds to support activities under this title;

''(10) a description of how the local educational agency will ensure that the subgrant received under subsection (a) is not duplicative of support received under the E-rate program; and

''(11) an assurance that the local educational agency will protect the privacy and safety of students and teachers, consistent with requirements section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the 'Family Educational Rights and Privacy Act of 1974') and section 2441(a).

''(c) USE OF FUNDS.—

''(1) TECHNOLOGY INFRASTRUCTURE.—Subject to paragraph (3), a local educational agency receiving a subgrant under subsection (a) shall use not less than 35 percent of such funds to support activities for the acquisition of eligible technology needed to—

''(A) except for the activities described in paragraph (2), carry out activities described in the application submitted under subsection (b), including purchasing devices, equipment, and software applications, and improving connectivity to and within schools; and

''(B) address readiness shortfalls identified under the technology readiness survey completed by the local educational agency.

''(2) PROFESSIONAL DEVELOPMENT FOR DIGITAL LEARNING.—Subject to paragraph (3), a local educational agency receiving a subgrant under subsection (a)—

''(A) shall use not less than 40 percent of such funds to carry out—

''(i) digital age professional development opportunities for teachers, paraprofessionals, library and media personnel, specialized instructional support personnel, technology coordinators, and administrators in the effective use of modern information and communication technology tools and digital resources to deliver instruction, curriculum and school classroom management, including for classroom teachers to assess, support, and provide engaging student learning opportunities, including professional development that—

''(I) is ongoing, sustainable, and scalable;

''(II) is participatory;

''(III) includes communication and regular interactions with instructors, facilitators, and peers and is directly related to up-to-date teaching methods in content areas;

''(IV) includes strategies and tools for improving communication with parents and family engagement;

''(V) may be built around active professional learning communities or online communities of practice or other tools that increase collaboration among teachers across schools, local educational agencies, or States; and

''(VI) may contain on-demand components, such as instructional videos, training documents, or learning modules;

''(ii) ongoing professional development in strategies, pedagogy, and assessment in the core academic subjects that involve the use of technology and curriculum redesign as key components of supporting effective, innovative teaching and learning, and improving student achievement;

''(iii) ongoing professional development in the use of educational technologies to ensure every educator achieves and maintains technology literacy, including possessing and maintaining the knowledge and skills to use technology—

''(I) across the curriculum for student learning;

''(II) for real-time data analysis and online or digital assessment to enable individualized instruction; and

''(III) to develop and maintain student technology literacy;

''(iv) ongoing professional development for school leaders to provide and promote leadership in the use of—

''(I) educational technology to ensure a digital-age learning environment, including the capacity to lead the reform or redesign of curriculum, instruction, assessment; and

''(II) data through the use of technology in order to increase student learning opportunity, student technology literacy, student access to technology, and student engagement in learning; and

''(v) a review of the effectiveness of the professional development and regular intervals of learner feedback and data; and

''(B) may use such funds for—

''(i) the use of technology coaches to work directly with teachers, including through the preparation of teachers as technology leaders or master teachers—

''(I) who are provided with the means to serve as experts and to create professional development opportunities for other teachers in the effective use of technology; and

''(II) who may leverage technologies, such as distance learning and online virtual educator-to-educator peer communities, as a means to support ongoing, participatory professional growth around the integration of effective educational technologies;

''(ii) innovative approaches to ongoing professional development such as non-standard achievement recognition strategies, including digital badging, gamification elements, use of learner-created learning objects, integration of social and professional networking tools, rating and commenting on learning artifacts, and personalization of professional development; and

''(iii) any other activities required to carry out the local educational agency's technology plan described in subsection (b)(4).

''(3) MODIFICATION OF FUNDING ALLOCATIONS.—A State educational agency may authorize a local educational agency to modify the percentage of the local educational agency's subgrant funds required to carry out the activities described in paragraphs (1) or (2) if the local educational agency demonstrates that such modification will assist the local educational agency in more effectively carrying out such activities.

''(4) PURCHASING CONSORTIA.—Local educational agencies receiving subgrants under subsection (a) may—

''(A) form a local purchasing consortia with other such local educational agencies to carry out the activities described in this subsection, including purchasing eligible technology; and

''(B) use such funds for purchasing eligible technology through a State purchasing consortia under section 103(d).

''SEC. 5449. REPORTING.

''(a) LOCAL EDUCATIONAL AGENCIES.—Each local educational agency receiving a subgrant under section 104 shall submit to the State educational agency that awarded such subgrant an annual report the meets the requirements of subsection (c).

''(b) STATE EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under section 101(b)(2) shall submit to the Secretary an annual report that meets the requirements of subsection (c).

''(c) REPORT REQUIREMENTS.—A report submitted under subsection (a) or (b) shall include, at a minimum, a description of—

''(1) the status of the State education agency's plan described in section 102(b)(3) or local educational agency's technology plan under section 104(b)(4), as applicable;

''(2) the categories of eligible technology acquired and types of programs funded under this title and how such technology is being used;

''(3) the professional development activities funded under this title, including types of activities and entities involved in providing such professional development; and

''(4) information on the impact of the grant on students and student outcomes, such as—

''(A) the number of and demographic information about students who are served under this subpart;

''(B) student achievement, student growth, and graduation rates of such students;

''(C) college-and-career readiness data about such students, such as rates of credit accumulation, course taking and completion, and college enrollment and persistence;

''(D) student attendance and participation rates;

''(E) student engagement and discipline;

''(F) school climate and teacher working conditions;

''(G) increases in inclusion of students with disabilities and English-language learners; and

''(H) such other information the Secretary may require or other information State educational agencies or local educational agencies served under this subpart propose to include, as approved by the Secretary.

''SEC. 5450. INVESTING IN INNOVATION.

''From the amounts appropriated under section 5459, the Secretary may reserve up to 30 percent to—

''(1) fund the identification, development, evaluation, and expansion of innovative, evidence-based practices, programs, and strategies in order to significantly—

''(A) increase student academic achievement and decrease achievement gaps;

''(B) increase secondary school graduation rates;

''(C) increase college enrollment rates, rates of college persistence, and rates of attainment of other post-secondary credentials;

''(D) improve teacher and principal effectiveness or retention of highly effective teachers or principals; and

''(E) increase the identification and dissemination of innovative educational strategies in rural areas; and

''(2) support the rapid development, expansion, and adoption of tools and resources that improve the efficiency, effectiveness, or pace of adoption of such educational practices, programs, and strategies.

''SEC. 5451. ESTABLISHMENT OF THE ADVANCED RESEARCH PROJECT AGENCY-EDUCATION.

''(a) PROGRAM ESTABLISHED.—From the amounts appropriated under section 5459, the Secretary may reserve up to 5 percent to—

''(1) establish and carry out the Advanced Research Projects Agency-Education (in this section referred to as 'ARPA-ED)' to—

''(A) identify and promote advances in learning, fundamental and applied sciences, and engineering that may be translated into new learning technologies;

''(B) develop, test, and evaluate new learning technologies and related processes; and

''(C) accelerate transformational technological advances in education;

''(2) convene an advisory panel under subsection (d); and

''(3) carry out the evaluation and dissemination requirements under subsection (e).

''(b) APPOINTMENTS.—

''(1) DIRECTOR.—ARPA–ED shall be under the direction of the Director of ARPA–ED, who shall be appointed by the Secretary.

''(2) QUALIFIED INDIVIDUALS.—The Secretary shall appoint, for a term of not more than 4 years, qualified individuals who represent scientific, engineering, professional, and other personnel with expertise in carrying out the activities described in this section to positions in ARPA–ED, at rates of compensation determined by the Secretary, without regard to the provisions of title 5, United States Code, except that such rates of compensation shall not to exceed the rate for level I of the Executive Schedule under section 5312 of such title.

''(c) FUNCTIONS OF ARPA–ED.—Upon consultation with the advisory panel convened under subsection (d), the Secretary shall select public and private entities to carry out the activities described in subsection (a)(1) by—

''(1) awarding such entities grants, contracts, cooperative agreements, or cash prizes; or

''(2) entering into such other transactions with such entities as the Secretary may prescribe in regulations.

''(d) ADVISORY PANEL.—

''(1) IN GENERAL.—The Secretary shall convene an advisory panel to advise and consult with the Secretary, Director, and the qualified individuals appointed under subsection (b)(2) on—

''(A) ensuring that the awards made and transaction entered into under subsection (c) are consistent with the purposes described in subsection (a)(1); and

''(B) ensuring the relevance, accessibility, and utility of such awards and transactions to education practitioners.

''(2) APPOINTMENT OF MEMBERS.—The Secretary shall appoint the following qualified individuals to serve on the advisory panel:

''(A) Education practitioners.

''(B) Experts in technology.

''(C) Specialists in rapid gains in student achievement and school turnaround.

''(D) Specialists in personalized learning.

''(E) Researchers, including at least one representative from a comprehensive center established under 203 of the Educational Technical Assistance Act of 2002 (20 U.S.C. 9602) or the regional laboratories system established under section 174 of the Education Sciences Reform Act (20 U.S.C. 9564).

''(F) Other individuals with expertise who will contribute to the overall rigor and quality of ARPA–ED.

''(3) APPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel convened under this subsection and any appointee to such panel shall not be considered an 'employee' under section 2105 of title 5, United States Code.

''(e) EVALUATION AND DISSEMINATION.—

''(1) EVALUATION.—The Secretary shall obtain independent, periodic, and rigorous evaluation of—

''(A) the effectiveness of the processes ARPA–Ed is using to achieve the purposes described in subsection (a)(1);

''(B) the relevance, accessibility, and utility of the awards made and transactions entered into under subsection (c) to education practitioners; and

''(C) the effectiveness of the projects carried out through such awards and transactions, using evidence standards developed in consultation with the Institute of Education Sciences, and the suitability of such projects for further investment or increased scale.

''(2) DISSEMINATION AND USE.—The Secretary shall disseminate information to education practitioners, including teachers, principals, and local and State superintendents, on effective practices and technologies developed under ARPA–ED, as appropriate, through—

''(A) the comprehensive centers established under 203 of the Educational Technical Assistance Act of 2002 (20 U.S.C. 9602);

''(B) the regional laboratories system established under section 174 of the Education Sciences Reform Act (20 U.S.C. 9564); and

''(C) such other means as the Secretary determines to be appropriate.

''(f) ADMINISTRATIVE REQUIREMENTS.—Notwithstanding section 437(d) of the General Education Provisions Act (20 U.S.C. 1232(d)), the Secretary shall establish such processes as may be necessary for the Secretary to manage and administer ARPA–ED, which are not constrained by other Department of Education-wide administrative requirements that may prevent ARPA–ED from carrying out the purposes described in subsection (a)(1).

''SEC. 5452. NATIONAL ACTIVITIES.

''(a) IN GENERAL.—Subject to subsection (b), the Secretary shall reserve not more than 10 percent of the funds reserved under this section for each fiscal year to carry out activities of national significance, which may include—

''(1) technical assistance, including to applicants from rural areas;

''(2) pre-application workshops or web-based seminars for potential applicants, including applicants from rural areas;

''(3) the recruitment of peer reviewers, including individuals with a background in rural education and individuals with expertise in education technology, to participate in the review of applications submitted under section 5354;

''(4) dissemination of best practices, in consultation with the regional educational laboratories established under part D of the Education Sciences Reform Act of 2002 (20 U.S.C. 9561 et seq.) and comprehensive centers established under section 203 of the Educational Technical Assistance Act of 2002 (20 U.S.C. 9602), developed with grant funds provided under this part, including best practices developed with grant funds in rural areas;

''(5) entering into partnerships with other agencies, nonprofits, and the private sector to carry out advanced research and development activities, including research and activities in rural areas; and

''(6) carrying out prize awards, in a manner consistent with section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719).

''(b) RESERVATION OF FUNDS FOR DISSEMINATION.—The Secretary shall reserve not less than 50 percent of the funds reserved under this section to carry out the dissemination activities described in subsection (a)(4).

''SEC. 5453. PROGRAM AUTHORIZED; LENGTH OF GRANTS; PRIORITIES.

''(a) PROGRAM AUTHORIZATION.—From the amounts appropriated under this section and not reserved under section 5452, the Secretary shall award grants, on a competitive basis, to eligible entities to carry out the activities described in section 5455.

''(b) DURATION OF GRANTS.—The Secretary shall award grants to eligible entities under this section for a period of not more than 3 years, and may extend such grants for an additional 2-year period if the eligible entity demonstrates to the Secretary that it is making significant progress on the program performance measures identified in section 5456.

''(c) RURAL AREAS.—The Secretary shall ensure that not less than 25 percent of the funds awarded under this section for any fiscal year are for projects that meet both of the following requirements:

''(1) The eligible entity is—

''(A) a local educational agency with an urban-centric district locale code of 32, 33, 41, 42, or 43, as determined by the Secretary;

''(B) a consortium of such local educational agencies; or

''(C) an educational service agency or a nonprofit organization with demonstrated expertise in serving students from rural areas.

''(2) A majority of the schools to be served by the project are designated with a school locale code of 41, 42, or 43, or a combination of such codes, as determined by the Secretary.

''(d) SUPPORT FOR NEW PRACTICES, STRATEGIES, OR PROGRAMS.—The Secretary shall ensure that not less than one-half of the funds awarded under this section for any fiscal year are for projects that—

''(1) meet an evidence standard described in paragraph (2) or (3) of subsection (f); and

''(2) do not meet the evidence standard described in paragraph (1) of subsection (f).

''(e) PRIORITIES.—In awarding grants under this section, the Secretary may give priority to an eligible entity that includes, in its application under section 5354, a plan to—

''(1) improve early learning outcomes and academic connections between early learning and elementary school;

''(2) support college access, persistence, and success;

''(3) support family and community engagement;

''(4) address the unique learning needs of students with disabilities or English language learners;

''(5) support the effective use of education technology to improve teaching and learning;

''(6) improve the teaching and learning of science, technology, engineering, computing, or mathematics;

''(7) serve schools in rural local educational agencies;

''(8) train teachers or principals to adopt and implement college and career ready standards;

''(9) develop alternative career pathways or differentiated school staffing models for effective teachers or principals to expand their impact on student learning;

''(10) train or support principals or teacher leaders, including teacher leaders preparing for principal roles;

''(11) support, improve, or develop any other area of school innovation, as determined by the Secretary; and

''(12) address the learning needs of Indian, Native American, Alaska Native, or migrant children in school.

''(f) STANDARDS OF EVIDENCE.—The Secretary shall set standards for the quality of evidence that an eligible entity shall provide to demonstrate that the activities the eligible entity proposes to carry out with grant funds under this section are likely to succeed in improving student outcomes or outcomes on other performance measures. These standards may include any of the following:

''(1) Strong evidence that the activities proposed by the eligible entity will have a statistically significant effect on student academic achievement, student growth, graduation rates, or outcomes on other performance measures.

''(2) Moderate evidence that the activities proposed by the eligible entity will improve student academic achievement, student growth, graduation rates, or outcomes on other performance measures.

''(3) Evidence of promise or a strong theory that the activities proposed by the eligible entity will improve student academic achievement, student growth, graduation rates, or outcomes on other performance measures.

''SEC. 5454. APPLICATIONS.

''(a) APPLICATIONS.—An eligible entity that desires to receive a grant under section 5453 shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(b) CONTENTS.—Each application submitted by an eligible entity under subsection (a) shall—

''(1) describe the project for which the eligible entity is seeking a grant and how the evidence supporting that project meets the standards of evidence established by the Secretary under section 5453(f);

''(2) describe how the eligible entity will address at least one of the areas described in section 5455(a)(1);

''(3) provide an estimate of the number of students that the eligible entity plans to serve under the proposed project, including the percentage of those students who are from low-income families, and the number of students to be served through additional expansion after the grant ends;

''(4) demonstrate that the eligible entity has established one or more partnerships with the private sector, which may include philanthropic organizations, and that the partner or partners will provide matching funds, except that the Secretary may waive, on a case-by-case basis, the matching funds requirement under this paragraph upon a showing of exceptional circumstances, such as the difficulty of raising matching funds for a project to serve a rural area;

''(5) describe the eligible entity's plan for continuing the proposed project after the

grant funding under section 5453 ends, including a plan for dissemination of best practices and collaboration with other local educational agencies;

''(6) demonstrate that the proposed project has incorporated input and feedback from educators working in the area to be served;

''(7) if the eligible entity is a local educational agency—

''(A) document the local educational agency's record in—

''(i) increasing student achievement, including achievement for each subgroup described in section 1111(b)(2)(C)(v); or

''(ii) decreasing achievement gaps; and

''(B) demonstrate how the local educational agency has made significant improvements in other outcomes, as applicable, on the performance measures described in section 5456;

''(8) if the eligible entity is a nonprofit organization—

''(A) provide evidence that the nonprofit organization has helped at least one high-need school or high-need local educational agency significantly—

''(i) increase student achievement, including achievement for each subgroup described in section 1111(b)(2)(C)(v);

''(ii) reduce achievement gaps; or

''(iii) increase graduation rates; and

''(B) describe how the nonprofit organization has helped at least 1 school or local educational agency make a significant improvement, as applicable, in other outcomes on the performance measures described in section 5456;

''(9) if the eligible entity is an educational service agency—

''(A) provide evidence that the agency has helped at least one high-need school or high-need local educational agency significantly—

''(i) increase student achievement, including achievement for each subgroup described in section 1111(b)(2)(C)(v);

''(ii) reduce achievement gaps; or

''(iii) increase graduation rates; and

''(B) describe how the agency has helped at least 1 school or local educational agency make a significant improvement, as applicable, in other outcomes on the performance measures described in section 5456;

''(10) provide a description of the eligible entity's plan for independently evaluating the effectiveness of activities carried out with funds under section 5453;

''(11) provide an assurance that the eligible entity will—

''(A) cooperate with cross-cutting evaluations;

''(B) make evaluation data available to third parties for validation and further study consistent with protections established by applicable Federal, State, and local privacy requirements and other on provisions on the protection of personally identifiable information; and

''(C) participate in communities of practice; and

''(12) if the eligible entity is a nonprofit organization that intends to make subgrants, consistent with section 5455(b), provide an assurance that the eligible entity will apply paragraphs (1) through (10), as appropriate, in the eligible entity's selection of subgrantees and in the oversight of such subgrants.

''(c) CRITERIA FOR EVALUATING APPLICATIONS.—The Secretary shall award grants under section 5453 on a competitive basis, based on the quality of the applications under this section submitted and, consistent with the standards established under section 5453(f), each eligible entity's likelihood of achieving success in improving student outcomes or outcomes on other performance measures.

''SEC. 5455. USES OF FUNDS.

''(a) USES OF FUNDS.—Each eligible entity that receives a grant under section 5453—

''(1) shall use the grant funds to address, at a minimum, one of the following areas of school innovations:

''(A) Improving the effectiveness and distribution of teachers or principals.

''(B) Strengthening the use of data to improve teaching and learning.

''(C) Providing high-quality instruction based on rigorous standards that build toward college and career readiness and measuring students' mastery using high-quality assessments aligned to those standards.

''(D) Turning around the lowest-performing schools.

''(E) Supporting the effective use of technology to improve teaching or principals and learning, including training teachers or principals in the innovative use of technology.

''(F) Any other area of school innovation, as determined by the Secretary;

''(2) shall use those funds to develop or expand strategies to improve the performance of high-need students on the performance measures described in section 5456; and

''(3) may use the grant funds for an independent evaluation, as required by section 5454(b)(9), of the innovative practices carried out with the grant.

''(b) AUTHORITY TO SUBGRANT.—In the case of an eligible entity receiving a grant under section 5453 that is nonprofit organization such eligible entity may use the grant funds to make subgrants to other entities to provide support to one or more high-need schools or high-need local educational agencies. Any entity receiving a subgrant under this subsection shall comply with the requirements of this part for eligible entities, as appropriate.

''SEC. 5456. PERFORMANCE MEASURES.

''(a) IN GENERAL.—The Secretary shall establish performance measures for the projects carried out under this part. These measures, at a minimum, shall track an eligible entity's progress in—

''(1) improving outcomes for each subgroup described in section 1111(b)(2)(C)(v) that is served by the grantee on measures, including, as applicable, by—

''(A) increasing student achievement and decreasing achievement gaps;

''(B) increasing secondary school graduation rates;

''(C) increasing college enrollment rates and rates of college persistence;

''(D) improving teacher and principal effectiveness or the retention of highly effective teachers or principals;

''(E) improving school readiness; or

''(F) any other indicator as the Secretary or grantee may determine; and

''(2) implementing the eligible entity's project in rural schools, as applicable.

''(b) DATA COLLECTION PERIOD.—From the amounts appropriated under this section, the Secretary may—

''(1) approve, for an eligible entity receiving a grant under section 5453, a data collection period of not more than 72 months beginning after the end of the eligible entity's grant period; and

''(2) provide the eligible entity with funding during such period for the sole purpose of collecting, analyzing, and reporting performance information under this subsection on the project carried out during the grant period.

''SEC. 5457. ANNUAL REPORT.

''An eligible entity that receives a grant under section 5453 shall submit to the Secretary, at such time and in such manner as the Secretary may require, an annual report that includes information on—

''(1) the eligible entity's progress on the performance measures established under section 5456; and

''(2) the data supporting such progress.

''SEC. 5458. DEFINITIONS.

''In this part:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a local educational agency;

''(B) an educational service agencies; or

''(C) a nonprofit organization in partnership with a local educational agency or consortium of schools.

''(2) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency—

''(A) that serves not fewer than 10,000 children from families with incomes below the poverty line;

''(B) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; or

''(C) that is in the highest quartile of local educational agencies in the State, based on student poverty.

''(3) HIGH-NEED SCHOOL.—The term 'high-need school'' means—

''(A) an elementary school or middle school in which not less than 50 percent of the enrolled students are children eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

''(B) a high school in which not less than 40 percent of the enrolled students are children eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), which may be calculated using comparable data from feeder schools.

''(4) PRINCIPAL.—The term 'principal' includes an assistant principal.

''(5) TEACHER.—The term 'teacher' includes teacher leaders.

''(6) TEACHER LEADER.—The term 'teacher leader' means a teacher who has demonstrated effectiveness and assumes leadership responsibilities to work with other teachers to raise student achievement in multiple classrooms.

''SEC. 5459. AUTHORIZATION.

''There are authorized to be appropriated to carry out this subpart $750,000,000 for fiscal year 2016 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

(b) REPEAL.—Part B of title I (20 U.S.C. 6361 et seq.) is repealed.

Subtitle D—Family Engagement in Education Programs

SEC. 521. FAMILY ENGAGEMENT IN EDUCATION PROGRAMS.

Title V of the Act (20 U.S.C. 5101 et seq.) is a amended by adding at the end the following new part:

''PART E—FAMILY ENGAGEMENT IN EDUCATION PROGRAMS

''SEC. 5701. PURPOSES.

''The purposes of this part 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 part 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. 5702. GRANTS AUTHORIZED.

''(a) STATEWIDE FAMILY ENGAGEMENT CENTERS.—From the amount appropriated under section 4306, the Secretary is authorized to award grants for each fiscal year to statewide organizations (and consortia of such organizations and State educational agencies), 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 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. 5703. APPLICATIONS.

''(a) SUBMISSIONS.—Each statewide organization, or a consortium of such an organization and a State educational agency, that desires a grant under this part 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 applicant, including a letter from the applicant 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; and

''(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) 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 part 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 part; 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 part 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; and

''(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.

''SEC. 5704. USES OF FUNDS.

''(a) IN GENERAL.—Grantees shall use grant funds received under this part, based on the needs determined under section 4303(b)(5)(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 college and career ready 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 afterschool 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 decisionmaking;

''(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, implement, and assess parental involvement policies under sections 1112 and 1118.

''(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 4306 to carry out this part to provide technical assistance, by 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. 5705. 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 or Indian-serving nonprofit parent organizations to establish and operate Family Engagement Centers.

''SEC. 5706. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $30,000,000 for fiscal year 2016 and such sums as may be necessary for subsequent fiscal years.''.

Subtitle E—Fast Track to College

SEC. 531. SHORT TITLE.

This subtitle may be cited as the ''Fast Track to College Act of 2013''.

SEC. 532. PURPOSE.

The purpose of this subtitle is to increase secondary school graduation rates and the percentage of students who complete a recognized postsecondary credential by the age of 26, including among low-income students and students from other populations underrepresented in higher education.

SEC. 533. DEFINITIONS.

For purposes of this subtitle:

(1) DUAL ENROLLMENT PROGRAM.—The term ''dual enrollment program'' means an academic program through which a secondary school student is able simultaneously to earn credit toward a secondary school diploma and a postsecondary degree or credential.

(2) EARLY COLLEGE HIGH SCHOOL.—The term ''early college high school'' means a secondary school that provides a course of study that enables a student to earn a secondary school diploma and either an associate's degree or one to two years of postsecondary credit toward a postsecondary degree or credential.

(3) EDUCATIONAL SERVICE AGENCY.—The term ''educational service agency'' has the meaning given such term in section 9101(17) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(17)).

(4) ELIGIBLE ENTITY.—The term ''eligible entity'' means a local educational agency, which may be an educational service agency, in a collaborative partnership with an institution of higher education. Such partnership also may include other entities, such as a nonprofit organization with experience in youth development.

(5) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(6) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given such term in section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26)).

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

(8) LOW-INCOME STUDENT.—The term ''low-income student'' means a student described in section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)).

SEC. 534. AUTHORIZATION OF APPROPRIATIONS; RESERVATIONS.

(a) IN GENERAL.—To carry out this subtitle, there are authorized to be appropriated $150,000,000 for fiscal year 2014 and such sums as may be necessary for each of fiscal years 2015 through 2019.

(b) EARLY COLLEGE HIGH SCHOOLS.—The Secretary shall reserve not less than 45 percent of the funds appropriated under subsection (a) to support early college high schools under section 535.

(c) DUAL ENROLLMENT PROGRAMS.—The Secretary shall reserve not less than 45 percent of such funds to support dual enrollment programs (other than early college high schools) under section 535.

(d) STATE GRANTS.—The Secretary shall reserve 10 percent of such funds, or $10,000,000, whichever is less, for grants to States under section 539.

SEC. 535. AUTHORIZED PROGRAM.

(a) IN GENERAL.—The Secretary is authorized to award 6-year grants to eligible entities seeking to establish a new, or support an existing, early college high school or other dual enrollment program in accordance with section 536.

(b) GRANT AMOUNT.—The Secretary shall ensure that grants are of sufficient size to enable grantees to carry out all required activities and otherwise meet the purposes of this subtitle, except that a grant under this section may not exceed $2,000,000.

(c) MATCHING REQUIREMENT.—

(1) IN GENERAL.—An eligible entity shall contribute matching funds toward the costs of the early college high school or other dual enrollment program to be supported under this section, of which not less than half shall be from non-Federal sources, which funds shall represent not less than the following:

(A) Twenty percent of the grant amount received in each of the first and second years of the grant.

(B) Thirty percent in each of the third and fourth years.

(C) Forty percent in the fifth year.

(D) Fifty percent in the sixth year.

(2) DETERMINATION OF AMOUNT CONTRIBUTED.—The Secretary shall allow an eligible entity to satisfy the requirement of this subsection through in-kind contributions.

(d) SUPPLEMENT, NOT SUPPLANT.—An eligible entity shall use a grant received under this section only to supplement funds that would, in the absence of such grant, be made available from non-Federal funds for support of the activities described in the eligible entity's application under section 537, and not to supplant such funds.

(e) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applicants—

(1) that propose to establish or support an early college high school or other dual enrollment program that will serve a student population of which 0 percent or more are students counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)); and

(2) from States that provide assistance to early college high schools or other dual enrollment programs, such as assistance to defray the costs of higher education (including costs of tuition, fees, and textbooks).

(f) GEOGRAPHIC DISTRIBUTION.—The Secretary shall, to the maximum extent practicable, ensure that grantees are from a representative cross-section of urban, suburban, and rural areas.

SEC. 536. USES OF FUNDS.

(a) MANDATORY ACTIVITIES.—An eligible entity shall use grant funds received under section 535 to support the activities described in its application under section 537, including the following:

(1) PLANNING YEAR.—In the case of a new early college high school or dual enrollment program, during the first year of the grant—

(A) hiring a principal and staff, as appropriate;

(B) designing the curriculum and sequence of courses in collaboration with (at a minimum) teachers from the local educational agency and faculty from the partner institution of higher education;

(C) informing parents and the community about the school or program and opportunities to become actively involved in the school or program;

(D) establishing a course articulation process for defining and approving courses for secondary school and postsecondary credit or credential;

(E) outreach programs to ensure that secondary school students and their families are aware of the early college high school or dual enrollment program;

(F) liaison activities among partners in the eligible entity; and

(G) coordinating secondary and postsecondary support services, academic calendars, and transportation.

(2) IMPLEMENTATION PERIOD.—During the remainder of the grant period—

(A) academic and social support services, including counseling;

(B) liaison activities among partners in the eligible entity;

(C) data collection and use of such data for student and instructional improvement and program evaluation;

(D) outreach programs to ensure that secondary school students and their families are aware of the early college high school or dual enrollment program;

(E) professional development, including joint professional development for secondary school and faculty from the institution of higher education; and

(F) school or program design and planning team activities, including curriculum development.

(b) ALLOWABLE ACTIVITIES.—An eligible entity may also use grant funds received under section 535 otherwise to support the activities described in its application under section 537, including—

(1) purchasing textbooks and equipment that support the school or program's curriculum;

(2) developing learning opportunities for students that complement classroom experiences, such as internships, career-based capstone projects, and opportunities provided under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.);

(3) transportation; and

(4) planning time for secondary school and educators from an institution of higher education to collaborate.

SEC. 537. APPLICATION.

(a) IN GENERAL.—To receive a grant under section 535, an eligible entity shall submit to the Secretary an application at such time, in such manner, and including such information as the Secretary determines to be appropriate.

(b) CONTENTS OF APPLICATION.—At a minimum, the application described in subsection (a) shall include a description of—

(1) the early college high school's or other dual enrollment program's budget;

(2) each partner in the eligible entity and its experience with early college high schools or other dual enrollment programs, key personnel from each partner and their responsibilities for the early college high school or dual enrollment program, and how the eligible entity will work with secondary and postsecondary teachers, other public and private entities, community-based organizations, businesses, labor organizations, and parents to ensure that students will be prepared to succeed in postsecondary education and employment, which may include the development of an advisory board;

(3) how the eligible entity will target and recruit at-risk youth, including those at risk of dropping out of school, first generation college students, and students from populations described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II));

(4) a system of student supports including, but not limited to, small group activities, tutoring, literacy and numeracy skill development in all academic disciplines, parental and community outreach and engagement, extended learning time, and college readiness activities, such as early college academic seminars and counseling;

(5) in the case of an early college high school, how a graduation and career plan will be developed, consistent with State graduation requirements, for each student and reviewed each semester;

(6) how parents or guardians of students in the early college high school or dually enrolled students will be informed of their academic performance and progress and, subject to paragraph (5), involved in the development of their career and graduation plan;

(7) coordination that will occur between the institution of higher education and the local educational agency, including regarding academic calendars, provision of student services, curriculum development, and professional development;

(8) how the eligible entity will ensure that teachers in the early college high school or other dual enrollment program receive appropriate professional development and

other supports, including to enable them to utilize effective parent and community engagement strategies, and help English-language learners, students with disabilities, and students from diverse cultural backgrounds to succeed;

(9) learning opportunities for students that complement classroom experiences, such as internships, career-based capstone projects, and opportunities provided under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.);

(10) how policies, agreements, and courses taken will ensure that postsecondary credits earned will be transferable to, at a minimum, public institutions of higher education within the State, consistent with existing statewide articulation agreements;

(11) student assessments and other measurements of student achievement including benchmarks for student achievement;

(12) outreach programs to provide elementary and secondary school students, especially those in middle grades, and their parents, teachers, school counselors, and principals information about and academic preparation for the early college high school or other dual enrollment program;

(13) how the local educational agency and institution of higher education will work together, as appropriate, to collect and use data for student and instructional improvement and program evaluation;

(14) how the eligible entity will help students meet eligibility criteria for postsecondary courses and ensure that students understand how their credits will transfer; and

(15) how the eligible entity will access and leverage additional resources necessary to sustain the early college high school or other dual enrollment program after the grant expires, including by engaging businesses and non-profit organizations.

(c) ASSURANCES.—An eligible entity's application under subsection (a) shall include assurances that—

(1) in the case of an early college high school, the majority of courses offered, including postsecondary courses, will be offered at facilities of the institution of higher education;

(2) students will not be required to pay tuition or fees for postsecondary courses;

(3) postsecondary credits earned will be transcribed upon completion of the requisite course work; and

(4) faculty teaching postsecondary courses meet the normal standards for faculty established by the institution of higher education.

(d) WAIVER.—The Secretary may waive the requirement of subsection (c)(1) upon a showing that it is impractical to apply due to geographic considerations.

SEC. 538. PEER REVIEW.

(a) PEER REVIEW OF APPLICATIONS.—The Secretary shall establish peer review panels to review applications submitted pursuant to section 537 to advise the Secretary regarding such applications.

(b) COMPOSITION OF PEER REVIEW PANELS.—The Secretary shall ensure that each peer review panel is not comprised wholly of full-time officers or employees of the Federal Government and includes, at a minimum—

(1) experts in the establishment and administration of early college high schools or other dual enrollment programs from the secondary and postsecondary perspective;

(2) faculty at institutions of higher education and secondary school teachers with expertise in dual enrollment; and

(3) experts in the education of at-risk students.

SEC. 539. GRANTS TO STATES.

(a) IN GENERAL.—The Secretary is authorized to award 5-year grants to State agencies responsible for secondary or postsecondary education for efforts to support or establish early college high schools or other dual enrollment programs.

(b) GRANT AMOUNT.—The Secretary shall ensure that grants are of sufficient size to enable grantees to carry out all required activities.

(c) MATCHING REQUIREMENT.—A State shall contribute matching funds from non-Federal sources toward the costs of carrying out activities under this section, which funds shall represent not less than 50 percent of the grant amount.

(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to States that provide assistance to early college high schools or other dual enrollment programs, such as assistance to defray the costs of higher education, such as tuition, fees, and textbooks.

(e) APPLICATION.—To receive a grant under this section, a State agency shall submit to the Secretary an application at such time, in such manner, and including such information as the Secretary determines to be appropriate.

(f) CONTENTS OF APPLICATION.—At a minimum, the application described in subsection (e) shall include—

(1) how the State will carry out all of the required State activities described in subsection (g);

(2) how the State will identify and eliminate barriers to implementing effective early college high schools and dual enrollment programs after the grant expires, including by engaging businesses and non-profit organizations;

(3) how the State will access and leverage additional resources necessary to sustain early college high schools or other dual enrollment programs; and

(4) such other information as the Secretary determines to be appropriate.

(g) STATE ACTIVITIES.—A State receiving a grant under this section shall use such funds for—

(1) creating outreach programs to ensure that secondary school students, their families, and community members are aware of early college high schools and dual enrollment programs in the State;

(2) planning and implementing a statewide strategy for expanding access to early college high schools and dual enrollment programs for students who are underrepresented in higher education to raise statewide rates of secondary school graduation, readiness for postsecondary education, and completion of postsecondary degrees and credentials, with a focus on at-risk students, including identifying any obstacles to such a strategy under State law or policy;

(3) providing technical assistance to early college high schools and other dual enrollment programs, such as brokering relationships and agreements that forge a strong partnership between elementary and secondary and postsecondary partners;

(4) identifying policies that will improve the effectiveness and ensure the quality of early college high schools and dual enrollment programs, such as access, funding, data and quality assurance, governance, accountability and alignment policies;

(5) planning and delivering statewide training and peer learning opportunities for school leaders and teachers from early college high schools and dual enrollment programs, which may include providing instructional coaches who offer on-site guidance;

(6) disseminating best practices in early college high schools and dual enrollment programs from across the State and from other States; and

(7) facilitating statewide data collection, research and evaluation, and reporting to policymakers and other stakeholders.

SEC. 540. REPORTING AND OVERSIGHT.

(a) REPORTING BY GRANTEES.—

(1) IN GENERAL.—The Secretary shall establish uniform guidelines for all grantees concerning information such grantees annually shall report to the Secretary to demonstrate a grantee's progress toward achieving the goals of this subtitle.

(2) CONTENTS OF REPORT.—At a minimum, the report described in paragraph (1) shall include, for eligible entities receiving funds under section 535, for students participating in the early college high school or other dual enrollment program within each category of students described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C.6311(h)(1)(C)(i)):

(A) The number of students.

(B) The percentage of students scoring advanced, proficient, basic, and below basic on the assessments described in section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).

(C) The performance of students on other assessments or measurements of achievement.

(D) The number of secondary school credits earned.

(E) The number of postsecondary credits earned.

(F) Attendance rate, as appropriate.

(G) Graduation rate.

(H) Placement in postsecondary education or advanced training, in military service, and in employment.

(I) A description of the school or program's student, parent, and community outreach and engagement.

(b) REPORTING BY SECRETARY.—The Secretary annually shall compile and analyze the information described in subsection (a) and shall submit a report containing such analysis to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives. The report shall include identification of best practices for achieving the goals of this subtitle.

(c) MONITORING VISITS.—The Secretary's designee shall visit each grantee at least once for the purpose of helping the grantee achieve the goals of this subtitle and to monitor the grantee's progress toward achieving such goals.

(d) NATIONAL EVALUATION.—Not later than 6 months after the date on which funds are appropriated to carry out this subtitle, the Secretary shall enter into a contract with an independent organization to perform an evaluation of the grants awarded under this subtitle. Such evaluation shall apply rigorous procedures to obtain valid and reliable data concerning participants' outcomes by social and academic characteristics and monitor the progress of students from secondary school to and through postsecondary education.

(e) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to eligible entities concerning best practices in early college high schools and dual enrollment programs and shall disseminate such best practices among eligible entities and State and local educational agencies.

SEC. 541. RULES OF CONSTRUCTION.

(a) EMPLOYEES.—Nothing in this subtitle shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded to the employees of local educational agencies (including schools) or institutions of higher education 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 employees and their employers.

(b) GRADUATION RATE.—A student who graduates from an early college high school

supported under this subtitle in the standard number of years for graduation described in the eligible entity's application shall be considered to have graduated on time for purposes of section 1111(b)(2)(C)(6) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(6)).

TITLE VI—FLEXIBILITY AND ACCOUNTABILITY

SEC. 601. FLEXIBILITY AND ACCOUNTABILITY.

Title VI (20 U.S.C. 7301 et seq.), as amended by section 110(b), is further amended by amending section 6234—

(1) by striking ''fiscal year 2002'' and inserting ''fiscal year 2016''; and

(2) by striking '', to be distributed equally between subparts 1 and 2''.

TITLE VII—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

SEC. 701. IN GENERAL.

Title VII (20 U.S.C. 7401 et seq.) is amended—

(1) by striking ''Bureau of Indian Affairs'' each place it appears and inserting ''Bureau of Indian Education'';

(2) by striking ''No Child Left Behind Act of 2001'' each place it appears and insert ''Student Success Act''; and

(3) in sections 7152, 7205(c), and 7304(d)(1), by striking ''fiscal year 2002'' each place it appears and inserting ''fiscal year 2016''.

Subtitle A—Indian Education

SEC. 711. PURPOSE.

Section 7102 (20 U.S.C. 7402) is amended to read as follows:

''SEC. 7102. 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 ensure the academic achievement of American Indian and Alaska Native students by meeting their unique cultural, language, and educational needs, consistent with section 1111(c);

''(2) to ensure that Indian and Alaska Native students gain knowledge and understanding of Native communities, languages, tribal histories, traditions, and cultures; and

''(3) to ensure that principals, teachers, and other staff who serve Indian and Alaska Native students have the ability to provide culturally appropriate and effective instruction to such students.''.

PART 1—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

SEC. 721. FORMULA GRANT PURPOSE.

Section 7111 (20 U.S.C. 7421) is amended to read as follows:

''SEC. 7111. PURPOSE.

''(a) PURPOSE.—It is the purpose of this subpart to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to improve the academic achievement of American Indian and Alaska Native students by meeting their unique cultural, language, and educational needs.

''(b) PROGRAMS.—This subpart carries out the purpose described in subsection (a) by authorizing programs of direct assistance for—

''(1) meeting the unique educational and culturally related academic needs of Indians and Alaska Natives;

''(2) strengthening American Indian, Native Hawaiian, and Alaska Native students' knowledge of their languages, history, traditions, and cultures;

''(3) the education of Indian children and adults;

''(4) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and

''(5) research, evaluation, data collection, and technical assistance.''.

SEC. 722. GRANTS TO LOCAL EDUCATIONAL AGENCIES, TRIBES, AND INDIAN ORGANIZATIONS.

Section 7112 (20 U.S.C. 7422) is amended—

(1) in subsection (a), by striking ''and Indian tribes'' and inserting '', Indian tribes, and Indian organizations'';

(2) in subsection (b)(2), by striking ''a reservation'' and inserting ''an Indian reservation''; and

(3) by striking subsection (c) and inserting the following:

''(c) INDIAN TRIBES AND INDIAN ORGANIZATIONS.—

''(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 7114(c)(5) for such grant, an Indian tribe, an Indian organization, or a consortium of such entities, that represents more than one-half of the eligible Indian children who are served by such local educational agency may apply for such grant.

''(2) UNAFFILIATED INDIAN TRIBES.—An Indian tribe that operates a school and is not affiliated with either the local educational agency or the Bureau of Indian Education shall be eligible to apply for a grant under this subpart.

''(3) SPECIAL RULE.—

''(A) IN GENERAL.—The Secretary shall treat each Indian tribe, Indian organization, or consortium of such entities applying for a grant pursuant to paragraph (1) or (2) as if such tribe, Indian organization, or consortium were a local educational agency for purposes of this subpart.

''(B) EXCEPTIONS.—Notwithstanding subparagraph (A), such Indian tribe, Indian organization, or consortium shall not be subject to the requirements of subsections (b)(7) or (c)(5) of section 7114 or section 7118(c) or 7119.

''(4) ASSURANCE TO SERVE ALL INDIAN CHILDREN.—An Indian tribe, Indian organization, or consortium of such entities that is eligible to apply for a grant under paragraph (1) shall include, in the application required under section 7114, an assurance that the entity will use the grant funds to provide services to all Indian students served by the local educational agency.

''(d) INDIAN COMMUNITY-BASED ORGANIZATION.—

''(1) IN GENERAL.—If no local educational agency pursuant to subsection (b), and no Indian tribe, Indian organization, or consortium pursuant to subsection (c), applies for a grant under this subpart, an Indian community-based organization serving the community of the local educational agency may apply for such grant.

''(2) APPLICABILITY OF SPECIAL RULE.—The Secretary shall apply the special rule in subsection (c)(3) 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, or consortium.

''(3) DEFINITION OF INDIAN COMMUNITY-BASED ORGANIZATION.—In this subsection, the term 'Indian community-based organization' means any organization that—

''(A) is composed primarily of Indian parents and community members, tribal government education officials, and tribal members from a specific community;

''(B) assists in the social, cultural, and educational development of Indians in such community;

''(C) meets the unique cultural, language, and academic needs of Indian students; and

''(D) demonstrates organizational capacity to manage the grant.

''(e) CONSORTIA.—

''(1) IN GENERAL.—A local educational agency, Indian tribe, or Indian organization that meets the eligibility requirements under this section may form a consortium with other eligible local educational agencies, Indian tribes, or Indian organizations for the purpose of obtaining grants and operating programs under this subpart.

''(2) REQUIREMENTS FOR LOCAL EDUCATIONAL AGENCIES IN CONSORTIA.—In any case where 2 or more local educational agencies that are eligible under subsection (b) form or participate in a consortium to obtain a grant, or operate a program, under this subpart, each local educational agency participating in such a consortium shall—

''(A) provide, in the application submitted under section 7114, an assurance that the eligible Indian children served by such local educational agency will receive the services of the programs funded under this subpart; and

''(B) agree to be subject to all requirements, assurances, and obligations applicable to a local educational agency receiving a grant under this subpart.''.

SEC. 723. AMOUNT OF GRANTS.

Section 7113(b) (20 U.S.C. 7423(b)) is amended—

(1) in paragraph (1), by striking ''$3,000'' and inserting ''$10,000'';

(2) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (2), as so redesignated, by striking ''$4,000'' and inserting ''$15,000''.

SEC. 724. APPLICATIONS.

(a) IN GENERAL.—Section 7114 (20 U.S.C. 7424) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''is consistent with'' and inserting ''supports''; and

(II) by inserting '', tribal,'' after ''State''; and

(ii) in subparagraph (B), by striking ''such goals'' and all that follows through the semicolon at the end and inserting ''such goals, to ensure such students meet the same college and career ready State academic achievement standards under section 1111(b) for all children;'';

(B) in paragraph (5)—

(i) in subparagraph (A), by striking ''and'' after the semicolon; and

(ii) by adding at the end the following:

''(C) the parents of Indian children, and representatives of Indian tribes, on the committee described in subsection (c)(5) will participate in the planning of the professional development materials;'';

(C) in paragraph (6)—

(i) in subparagraph (B)—

(I) by adding at the end the following:

''(iii) the Indian tribes whose children are served by the local educational agency; and''; and

(ii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(7) describes—

''(A) the formal process the local educational agency used to collaborate with Indian tribes located in the community in the development of the comprehensive programs; and

''(B) the actions taken as a result of the collaboration.'';

(2) in subsection (c)—

(A) in paragraph (2), by adding at the end the following:

''(A) determine the extent to which such activities address the unique cultural, language, and educational needs of Indian students;'';

(B) in paragraph (3)(C), by inserting ''representatives of Indian tribes with reservations located within 50 miles of any of the schools that have Indian children in any

such school,'' after ''Indian children and teachers'';

(C) in paragraph (4)(A)—

(i) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(ii) by inserting the following after clause (i):

''(ii) representatives of Indian tribes with reservations located within 50 miles of any of the schools that have children in any such school;''.

(D) in subparagraph (4)(B), by adding ''or representatives of Indian tribes described in subparagraph (A)(ii)'' after ''children''; and

(E) in subparagraph (4)(D)—

(i) by striking ''; and'' at the end of clause (i); and

(ii) by adding at the end the following:

''(iii) determined that the program will directly enhance the educational experience of Indian and Alaska Native students; and''; and

(3) by adding at the end the following:

''(d) OUTREACH.—The Secretary shall monitor the applications for grants under this subpart to identify eligible local educational agencies and schools operated by the Bureau of Indian Education that have not applied for such grants, and shall undertake appropriate outreach activities to encourage and assist eligible entities to submit applications for such grants.''.

SEC. 725. AUTHORIZED SERVICES AND ACTIVITIES.

Section 7115 (20 U.S.C. 7425) is amended—

(1) in subsection (b)—

(A) by inserting before paragraph (2) the following:

''(1) activities that support Native American language immersion programs and Native American language restoration programs,'';

(B) in paragraph (3), by striking ''challenging State academic content and student academic achievement standards'' and inserting ''college and career ready State academic content and student academic achievement standards under section 1111(b)'';

(C) by striking paragraph (4) and inserting the following:

''(4) integrated educational services in combination with other programs to meet the unique needs of Indian children and their families, including programs that promote parental involvement—

''(A) in school activities; and

''(B) to increase student achievement;'';

(D) by striking paragraph (6) and inserting the following:

''(6) activities that educate individuals so as to prevent violence, suicide, and substance abuse;'';

(E) by striking paragraph (9) and inserting the following:

''(9) 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 the college and career ready State academic achievement standards under section 1111(b);'';

(F) in paragraph (11) by striking ''children,'' and all that follows through the period and inserting ''children;''; and

(G) by adding at the end the following:

''(12) dropout prevention strategies for Indian and Alaska Native students; and

''(13) 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.''.

(2) in subsection (c) by adding at the end the following:

''(3) the local educational agency identifies in its application how the use of such funds in a schoolwide program will produce benefits to the Indian students that would not be achieved if the funds were not used in a schoolwide program.''.

SEC. 726. STUDENT ELIGIBILITY FORMS.

Section 7117(e) (20 U.S.C. 7427(e)) is amended to read as follows:

''(e) 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 7113, 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 DUPLICATE DETERMINATIONS.—Once a child is determined to be an Indian eligible to be counted for such grant award, the local educational 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 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 enactment of such Act, shall remain valid for such Indian student.''.

SEC. 727. TECHNICAL ASSISTANCE.

Subpart 1 of part A of title VII is amended by adding at the end the following new section:

''SEC. 7120. TECHNICAL ASSISTANCE.

''The Secretary shall, directly or through contract, provide technical assistance to a local educational agency upon request, in addition to any technical assistance available under section 1116 or available through the Institute of Education Sciences, to support the services and activities described under this section, including for the—

''(1) development of applications under this section;

''(2) improvement in the quality of implementation, content of activities, and evaluation of activities supported under this subpart;

''(3) integration of activities under this title with other educational activities established by the local educational agency; and

''(4) coordination of activities under this title with programs administered by each Federal agency providing grants for the provision of educational and related services.''.

SEC. 728. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.

Section 7121(c)(1)(G) (20 U.S.C. 7441(c)(1)(G)) is amended to read as follows:

''(G) high-quality early childhood education programs that support children's school readiness, including kindergarten and prekindergarten programs, family-based preschool programs, and the provision of services to Indian children with disabilities;''.

PART 2—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

SEC. 731. PROFESSIONAL DEVELOPMENT FOR TEACHERS AND EDUCATION PROFESSIONALS.

Section 7122 (20 U.S.C. 7442) is amended—

(1) in subsection (a), by striking paragraphs (1) and (2) and inserting the following:

''(1) to increase the number of qualified and effective Indian teachers and administrators serving Indian students;

''(2) to provide training to qualified Indian individuals to become teachers, administrators, social workers, and other educators; and'';

(2) by striking subsection (e) and inserting the following:

''(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. At a minimum, an application under this section shall describe how the eligible entity will—

''(1) recruit qualified Indian individuals, such as students who may not be of traditional college age, to become teachers or principals;

''(2) use funds made available under the grant to support the recruitment, preparation, and professional development of Indian teachers or principals in local educational agencies that serve a high proportion of Indian students; and

''(3) assist participants in meeting the requirements under subsection (h).''; and

(4) by striking subsection (g) and inserting the following:

''(g) GRANT PERIOD.—The Secretary shall award grants under this section for an initial period of not more than 3 years, and may renew such grants for not more than an additional 2 years if the Secretary finds that the grantee is achieving the objectives of the grant.''.

PART 3—NATIONAL ACTIVITIES

SEC. 741. NATIONAL ACTIVITIES.

Section 7131(c)(2) (20 U.S.C. 7451(c)(2)) is amended by striking ''Office of Indian Education Programs'' and inserting ''Bureau of Indian Education''.

SEC. 742. IMPROVEMENT OF ACADEMIC SUCCESS FOR STUDENTS THROUGH NATIVE AMERICAN LANGUAGE.

Subpart 3 of part A of title VII (20 U.S.C. 7451 et seq.) is amended by striking sections 7132 through 7136 and inserting the following:

''SEC. 7132. 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 award grants under this section for an initial period of not more than 3 years, and may renew such grants for not more than an additional 2 years if the Secretary finds that the grantee is achieving the objectives of the grant.

''(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. 7133. IMPROVING STATE AND TRIBAL EDUCATION AGENCY COLLABORATION.

''The Secretary, in consultation with the Director of the Bureau of Indian Education, shall conduct a study of the relationship among State educational agencies, local educational agencies, and other relevant State and local agencies, and tribes or tribal representatives to—

''(1) identify examples of best practices in collaboration among those entities that result in the provision of better services to Indian students; and

''(2) provide recommendations on—

''(A) State educational agency functions that tribal educational agencies could perform;

''(B) areas and agency functions in which greater State educational agency and tribal education agency collaboration is needed; and

''(C) other steps to reducing barriers to serving Indian students, especially such students who are at risk of academic failure.''.

Subtitle B—Native Hawaiian Education; Alaska Native Education

SEC. 751. NATIVE HAWAIIAN EDUCATION AND ALASKA NATIVE EDUCATION.

Title VII (20 U.S.C. 7401 et seq.) is amended—

(1) in the heading of part B, by inserting ''; **ALASKA NATIVE EDUCATION**'' after ''**NATIVE HAWAIIAN EDUCATION**''; and

(2) by inserting before section 7201 the following:

''Subpart 1—Native Hawaiian Education''.

SEC. 752. FINDINGS.

Section 7202 (20 U.S.C. 7512) is amended to read as follows:

''SEC. 7202. 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. 753. PURPOSES.

Section 7203 (20 U.S.C. 7513) is amended to read as follows:

''SEC. 7203. PURPOSES.

''The purposes of this part are—

''(1) to develop, implement, assess, and evaluate innovative educational 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 State academic content and achievement standards as described in section 1111(b);

''(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. 754. NATIVE HAWAIIAN EDUCATION COUNCIL GRANT.

Section 7204 (20 U.S.C. 7514) is amended to read as follows:

''SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL GRANT.

''(a) GRANT AUTHORIZED.—In order to carry out the purposes of 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) 1 shall be the President of the University of Hawaii (or a designee);

''(B) 1 shall be the Governor of the State of Hawaii (or a designee);

''(C) 1 shall be the Superintendent of the State of Hawaii Department of Education (or a designee);

''(D) 1 shall be the chairperson of the Office of Hawaiian Affairs (or a designee);

''(E) 1 shall be the executive director of Hawaii's Charter School Network (or a designee);

''(F) 1 shall be the chief executive officer of the Kamehameha Schools (or a designee);

''(G) 1 shall be the chairperson of the Queen Liliuokalani Trust (or a designee);

''(H) 1 shall be a member, selected by the other members of the Education Council, who represents a private grant-making entity;

''(I) 1 shall be the Mayor of the County of Hawaii (or a designee);

''(J) 1 shall be the Mayor of Maui County (or a designee from the Island of Maui);

''(K) 1 shall be the Mayor of the County of Kauai (or a designee);

''(L) 1 shall be appointed by the Mayor of Maui County from the Island of either Molokai or Lanai;

''(M) 1 shall be the Mayor of the City and County of Honolulu (or a designee);

''(N) 1 shall be the chairperson of the Hawaiian Homes Commission (or a designee); and

''(O) 1 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.—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 of, and serving as a clearinghouse for, the educational services and programs for Native Hawaiians.

''(2) Providing direction and guidance, such as through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources relating to Native Hawaiian education.

''(3) provide technical assistance to Native Hawaiian organizations that are grantees or potential grantees under this part;

''(4) assessing and evaluating the individual and aggregate impact of grants and activities funded under this part and how well they meet the needs of Native Hawaiians, 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 7205(c) that are related to the specific goals and purposes of each grantee's grant project, using metrics related to these priorities;

''(5) assess and define the educational needs of Native Hawaiians; and

''(6) may use funds to hire an executive director to enable the Council to carry out the activities described in this subsection.

''(e) USE OF FUNDS FOR COMMUNITY CONSULTATIONS.—The Education Council shall use funds made available though the grant under subsection (a) to hold not less than 1 community consultation each year on each of the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and Kauai, at which—

''(1) not less than 3 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) REPORTS.—

''(1) ANNUAL EDUCATION COUNCIL REPORT.—The Education Council shall use funds made available through the grant under this section to prepare and submit to the Secretary, before the end of each calendar year, annual reports that contain—

''(A) a description of the activities of the Education Council during the preceding calendar year;

''(B) recommendations of the Education Council, if any, regarding priorities to be established under section 7205(b);

''(C) significant barriers to achieving the goals under this subpart;

''(D) a summary of each community consultation session, as described in subsection (d); and

''(E) recommendations to establish funding priorities based on an assessment of—

''(i) the educational needs of Native Hawaiians;

''(ii) programs and services currently available to address such needs, including the effectiveness of such programs in improving educational performance of Native Hawaiians; and

''(iii) priorities for funding in specific geographic communities.

''(2) REPORT BY THE SECRETARY.—Not later than 2 years after the date of enactment of the Student Success Act, the Secretary shall prepare and submit to the Committee on Indian Affairs of the Senate and the authorizing committees a report that—

''(A) summarizes the annual reports of the Education Council;

''(B) describes the allocation and use of funds under this subpart and the information gathered since the first annual report submitted by the Education Council to the Secretary under this section; and

''(C) contains recommendations for changes in Federal, State, and local policy to advance the purposes of this subpart.

''(g) FUNDING.—For each fiscal year, the Secretary shall use the amount described in section 7206(d)(2), to make a payment under the grant. Funds made available through the grant shall remain available until expended.''.

SEC. 755. GRANT PROGRAM AUTHORIZED.

Section 7205 (20 U.S.C. 7515 et seq.) is amended to read as follows:

''SEC. 7205. 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; or

''(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 7204(d)(6)(E);

''(2) 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 State academic content and achievement standards as described in Section 1111(b) including the use of Native Hawaiian language and preservation or reclamation of Native Hawaiian culture-based educational practices; and

''(3) programs in which a local educational agency, institution of higher education, or a State educational agency apply for a grant or contract as part of a partnership or consortium with a nonprofit entity serving underserved communities within the Native Hawaiian population.

''(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 system to provide a continuum of high-quality early learning services for Native Hawaiian children;

''(2) the operation of family-based education centers that provide such services as—

''(A) programs for Native Hawaiian parents and students;

''(B) early education programs for Native Hawaiians; and

''(C) 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;

''(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 curricular 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 enactment of the Student Success Act shall remain available until expended. The Secretary may 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, such as through digital archives.

''(3) Informal education programs that promote 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. 756. ADMINISTRATIVE PROVISIONS; AUTHORIZATION OF APPROPRIATIONS.

Section 7206 (20 U.S.C. 7516) is amended to read as follows:

''SEC. 7206. 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 section, and sections 7204 and 7205, such sums as may be necessary for fiscal year 2016 and each of the 5 succeeding fiscal years.

''(2) RESERVATION.—Of the funds appropriated under this subsection, the Secretary shall reserve, for each fiscal year after the date of enactment of the Student Success Act not less than $500,000 for the grant to the Education Council under section 7204.

''(3) AVAILABILITY.—Funds appropriated under this subsection shall remain available until expended.''.

SEC. 757. DEFINITIONS.

Section 7207 (20 U.S.C. 7517) is amended—

(1) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively; and

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

''(1) COMMUNITY CONSULTATION.—The term 'community consultation' means a public gathering—

''(A) to discuss Native Hawaiian education concerns; and

''(B) about which the public has been given not less than 30 days notice.''.

SEC. 758. ALASKA NATIVE EDUCATION.

(a) IN GENERAL.—Subpart B of title VII (20 U.S.C. 7511 et seq.) is further amended by adding at the end the following:

''Subpart C—Alaska Native Education

''SEC. 7301. SHORT TITLE.

''This part may be cited as the ″Alaska Native Educational Equity, Support, and Assistance Act

''SEC. 7302. 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 Native peoples 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. 7303. PURPOSES.

''The purposes of this part are as follows:

''(1) To recognize and address the unique educational needs of Alaska Natives in order to help such students meet State academic content and achievement standards as described in 1111(b).

''(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 Native people.

''(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, implementation, management, and evaluation of programs designed to serve Alaska Natives students, and to ensure Alaska Native organizations play a meaningful role in providing supplemental educational services to Alaska Native students.

''SEC. 7304. PROGRAM AUTHORIZED.

''(a) GENERAL AUTHORITY.—

''(1) GRANTS AND CONTRACTS.—To carry out programs that meet the purposes of this subpart, the Secretary is authorized to make grants to, or enter into contracts with:

''(A) Alaska Native Organizations; and

''(B) Alaska Native Organizations that are in partnership with State educational agencies and local educational agencies.

''(2) 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, strategies, and activities to improve the academic achievement of Alaska Native students by meeting their unique cultural and language needs in order to help such students meet State academic content and achievement standards as described in section 1111(b).

''(B) The collection of data to assist in the evaluation of the programs carried out under this part.

''(3) 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.

''(iv) Methods to evaluate teachers' inclusion of diverse Alaska Native cultures in their lesson plans.

''(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 and incorporate them into lesson plans.

''(ii) Recruitment and preparation of Alaska Natives, and other individuals who live in communities with high a concentration of Alaska Natives, to become teachers.

''(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 such research and evaluation activities related to programs funded under this subpart.

''(E) Activities designed to increase Alaska Native students' graduation rates and prepare Alaska Native students to be college or career ready upon graduation from high 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 ways 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) instructing Alaska Native youth in leadership, communication, Native culture, music and the arts, and languages;

''(III) providing 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;

''(V) cultural immersion activities.

''(VI) culturally-informed curriculum intended to preserve and promote Alaska Native culture;

''(VII) Native language immersion activities; and

''(VIII) school-within-a-school model programs.

''(G) Student and teacher exchange programs, cross-cultural immersion programs, and culture camps designed to build mutual respect and understanding among participants.

''(H) Education programs for at-risk urban Alaska Native students that are designed to improve academic proficiency and graduation rates, utilize strategies otherwise permissible under this subpart, and incorporate a strong data collection and continuous evaluation component.

''(I) Programs and strategies 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 such as 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.

''(J) 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.

''(K) 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.

''(L) 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.

''(M) Strategies designed to increase parents' involvement in their children's education.

''(N) other activities consistent with the purpose of this part, to meet the educational needs of Alaska Native children and adults.

''(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) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part such sums as may be necessary for the fiscal years 2016 through 2020.

''SEC. 7305. 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 seeking the grant or contract submits an application to the Secretary in such time, in such manner, and containing such information as the Secretary may determine necessary to carry out the provisions of this part.

''(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 6204(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 play the lead role in its partnership and in the implementation and evaluation of the funded program.

''SEC. 7306. 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 0rganization' means a federally recognized tribe or a tribal organization (as the terms are defined by the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), and a consortium of such entities, that—

''(A) has expertise or traditional knowledge that is relevant to the purposes and activities described in this part; and

''(B) has Alaska Native people in substantive, policymaking, and leadership positions within the organization.''.

(b) CONFORMING AMENDMENT.—Part C of title VII (20 U.S.C. 7541 et seq.) is repealed.

TITLE VIII—IMPACT AID

SEC. 801. PURPOSE.

Section 8001 (20 U.S.C. 7701) is amended by striking ''challenging State standards'' and inserting ''State academic standards''.

SEC. 802. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

Section 8002 (20 U.S.C. 7702) is amended—

(1) in subsection (b)(1)(B), by striking ''section 8014(a)'' and inserting ''section 3(d)(1)''; and

(2) by amending subsection (f) to read as follows:

''(f) SPECIAL RULE.—Beginning with fiscal year 2016, 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.'';

(3) 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 paragraph (2) is formed at any time after 1938 by the consolidation of two or more former school districts, the local educational agency may elect to have the Secretary determine its eligibility and any amount for which the local educational agency is eligible under this section for such fiscal year on the basis of one or more of those former districts, as designated by the local educational agency.

''(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency described in this paragraph is—

''(A) any local educational agency that, for fiscal year 1994 or any preceding fiscal year, applied for, 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 school districts, at least one 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 notifies the Secretary not later than 30 days after the date of enactment of the Student Success Act of the designation described in paragraph (1); and

''(ii) for fiscal year 2016, and each subsequent fiscal year, the local educational agency includes the designation in its application under section 8005 or any timely amendment to such application.

''(3) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law limiting the period during which the Secretary may obligate funds appropriated for any fiscal year after fiscal year 2005, the Secretary may obligate funds remaining after final payments have been made for any of such fiscal years to carry out this subsection.'';

(4) 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'';

(5) by repealing subsection (k);

(6) by redesignating subsection (l) as subsection (k);

(7) by amending subsection (k) (as so redesignated) by striking ''(h)(4)(B)'' and inserting ''(h)(2)'';

(8) by repealing subsection (m); and

(9) by redesignating subsection (n) as subsection (j).

SEC. 803. 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 5,000 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 fails to meet the requirements of clause (i) for a fiscal year by reason of having 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, subclause (I) shall be applied as if 'and the subsequent fiscal year' were inserted before the period at the end.'';

(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:

''(ii)(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 subparagraphs (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 2012 shall not be required to have an enrollment of children described in subparagraphs (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 ''5,000'';

(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)—

(i) by striking ''subparagraph (C)(i)(II)(bb)'' and inserting ''subparagraph (B)(i)(II)(bb)(BB)''; and

(ii) by amending clause (ii) to read as follows:

''(ii) beginning in fiscal year 2010, a local educational agency shall be deemed to meet the average tax rate requirements for general fund purposes of this paragraph if the average tax rate calculation submitted to the Department by the agency has been—

''(I) calculated by the State educational agency in which the applying agency resides to meet the - requirements of this paragraph for average tax rate for general fund purposes; and

''(II) the Department accepted calculation of average tax rate for general fund purposes from the state educational agency on behalf of the applying agency in at least 5 prior years.

''(III) notwithstanding any other provision of law limiting the period during which the Secretary may obligate funds appropriated for any fiscal year after 2010, the Secretary may obligate funds remaining after final payments have been made from any funds of such fiscal years in order to carry out this subparagraph.''.

(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 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)''; and

(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) subparagraph (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.—

(1) IN GENERAL.—The total amount the Secretary shall pay a local educational agency under subsection (b)—

(A) beginning in fiscal year 2016 and for any fiscal year thereafter in which a local educational agency's payment is reduced by an amount greater than $5,000,000 or 20 percent from the amount received in the previous fiscal year, the Secretary shall pay a local educational agency for each of the 3 years following the reduction under subsection (b)—

(i) for the first year shall not be less than 90 percent of the total amount that the local educational agency received under subsection (b)(1) or (b)(2) in the fiscal year prior to the reduction herein referred to as the base year;

(ii) for the second year shall not be less than 85 percent of the total amount that the local educational agency received under subsection (b)(1) or (b)(2) in the base year; and

(iii) for the third year shall not be less than 80 percent of the total amount that the local educational agency received under subsection (b) (1) or (b) (2) in the base year.

(2) RATABLE REDUCTION.—

(A) IN GENERAL.—If the sums made available under this title for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under paragraph (1) for such year, then the Secretary shall ratably reduce the payments to all such agencies for such year.

(B) ADDITIONAL FUNDS.—If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subparagraph (A) shall be increased on the same basis as such payments were reduced.

(f) MAINTENANCE OF EFFORT.—Section 8003 (20 U.S.C. 7703) is amended by striking subsection (g).

SEC. 804. POLICIES AND PROCEDURES RELATING TO CHILDREN RESIDING ON INDIAN LANDS.

Section 8004(e)(9) is amended by striking ''Bureau of Indian Affairs'' and inserting ''Bureau of Indian Education''.

SEC. 805. 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. 806. 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 8003(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.'';

(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); and

(D) by striking paragraph (7).

SEC. 807. 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. 808. STATE CONSIDERATION OF PAYMENTS PROVIDING STATE AID.

Section 8009 (20 U.S.C. 7709) is amended—

(1) in subsection (c)(1)(B), by striking ''and contain the information''; and

(2) in subsection (d)(2)—

(A) by striking ''A State'' and inserting the following:

''(A) IN GENERAL.—A State''; and

(B) by adding at the end of the following:

''(B) STATES THAT ARE NOT EQUALIZED STATES.—A State that has not been approved

as an equalized State under subsection (b) shall not consider funds received under section 8002 or section 8003 of this title in any State formula or place a limit or direct the use of such funds for the purposes of determining a local educational agency's fund balance.''.

SEC. 809. ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW.

Section 8011(a) (20 U.S.C. 7711(a)) is amended by striking ''or under the Act'' and all the follows through ''1994)''.

SEC. 810. 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.)'';

(4) in paragraph (8)(A), by striking ''and verified by'' and inserting '', and verified by,''; and

(5) in paragraph (9)(B), by inserting a comma before ''on a case-by-case basis''.

SEC. 811. AUTHORIZATION OF APPROPRIATIONS.

Section 8014 (20 U.S.C. 7801) is amended—

(1) by striking ''2000'' each place it appears and inserting ''2016'';

(2) by striking ''2001'' and inserting ''2017''; and

(3) by striking ''2002'' and inserting ''2018''.

SEC. 812. CONFORMING AMENDMENTS.

Subsection (c) of the Impact Aid Improvement Act of 2012 (20 U.S.C. 6301 note; Public Law 112-239; 126 Stat. 1748) is amended—

(1) (1) by striking paragraphs (1) and (4); and

(2) (2) by redesignating paragraphs (2) and (3), as paragraphs (1) and (2), respectively.

TITLE IX—GENERAL PROVISIONS

SEC. 900. GENERAL AMENDMENTS.

(a) GENERAL PROHIBITION.—Section 9527(a) (20 U.S.C. 7907(a)) is amended by inserting ''specific instructional content, academic standards or assessments,'' after ''school's curriculum,''.

(b) RULE OF CONSTRUCTION.—Section 9534 (20 U.S.C. 7914) is amended by adding at the end the following:

''(c) RULE OF CONSTRUCTION.—Any public or private entity that receives funds allocated under this Act including from a State educational agency or local educational agency shall be considered a program under subsection (a) and be subject to the requirements of subsection (a) in carrying out programs or activities funded under this Act.''.

Subtitle A—Protecting Students From Sexual and Violent Predators

SEC. 901. BACKGROUND CHECKS.

Subpart 2 of part E of title IX (20 U.S.C. 7901 et seq.) is amended by adding at the end the following:

''SEC. 9537. CRIMINAL BACKGROUND CHECKS.

''(a) IN GENERAL.—A State educational agency that receives funds under this Act shall have in effect—

''(1) requirements, policies, and procedures to require and conduct criminal background checks for each school employee including prospective school employees described in subsection (c)(1); and

''(2) prohibit the employment of a school employee as described in subsection (c).

''(b) REQUIREMENTS.—A criminal background check for a school employee under subsection (a) shall include—

''(1) a search of the State criminal and sex offender registry or repository in the State where the school employee resides, and each State where such school employee resided during the preceding 5 years;

''(2) a search of State-based child abuse and neglect registries and databases in the State where the school employee resides, and each State where such school employee resided during the preceding 5 years;

''(3) a search of the National Crime Information Center;

''(4) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

''(5) a search of 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) PROHIBITIONS.—

''(1) SCHOOL EMPLOYEE.—A school employee shall be ineligible for employment by a local educational agency or State educational agency that is receiving funds under this Act if such individual—

''(A) refuses to consent to the criminal background check described in subsection (b);

''(B) knowingly makes a materially false statement in connection with such criminal background check;

''(C) is registered, or is required to be registered, on a State sex offender registry or repository 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.); or

''(D) has been convicted of a felony consisting of—

''(i) murder, as described in section 1111 of title 18, United States Code;

''(ii) child abuse or neglect;

''(iii) a crime against children, including child pornography;

''(iv) spousal abuse;

''(v) a crime involving rape or sexual assault;

''(vi) kidnapping;

''(vii) arson;

''(viii) physical assault or battery; or

''(ix) a drug-related offense committed during the preceding 5 years; or

''(E) has been convicted of a violent misdemeanor committed as an adult against a child, including the following crimes: child abuse, child endangerment, sexual assault, or of a misdemeanor involving child pornography.

''(2) STATE EDUCATIONAL AGENCY OR LOCAL EDUCATIONAL AGENCY.—A State educational agency or local educational agency described in paragraph (1) shall be ineligible for assistance under this Act if the agency employs or contracts with a school employee who is ineligible for employment under paragraph (1).

''(d) SUBMISSION OF REQUESTS FOR BACKGROUND CHECKS.—

''(1) IN GENERAL.—A State educational agency or local educational agency covered by subsection (c) shall submit a request, to the appropriate State agency designated by a State, for a criminal background check described in subsection (b), for each school employee.

''(2) SCHOOL EMPLOYEES.—Subject to paragraph (4), in the case of an individual who became a school employee before the date of enactment of the Student Success Act shall submit such a request—

''(A) prior to the last day described in subsection (k)(1); and

''(B) not less often than once during each 5-year period following the first submission date under this paragraph for that school employee.

''(3) PROSPECTIVE SCHOOL EMPLOYEES.—Subject to paragraph (4), in the case of an individual who is a prospective school employee on or after that date of enactment, the provider shall submit such a request—

''(A) prior to the date the individual becomes a school employee; and

''(B) not less than once during each 5-year period following the first submission date under this paragraph for that staff member.

''(e) BACKGROUND CHECK RESULTS AND APPEALS.—

''(1) BACKGROUND CHECK RESULTS.—The State shall carry out the request of a State educational agency or local educational agency for a criminal background check as expeditiously as possible, but not to exceed 45 days after the date on which such request was submitted, and shall provide the results of the criminal background check to such agency provider and to the school employee staff member.

''(2) PRIVACY.—

''(A) IN GENERAL.—The State shall provide the results of the criminal background check to the State educational agency or local educational agency in a statement that indicates whether a school employee is eligible or ineligible for employment described in subsection (c), without revealing any disqualifying crime or other related information regarding the individual.

''(B) INELIGIBLE SCHOOL EMPLOYEE.—If the school employee is ineligible for such employment due to the background check, the State will, when providing the results of the background check, include information related to each disqualifying crime, in a report to the school employee.

''(C) PUBLIC RELEASE OF RESULTS.—No State shall publicly release or share the results of individual background checks, except States may release aggregated data by crime as listed under subsection (c)(1)(D) from background check results, as long as such data does not contain personally identifiable information.

''(3) APPEALS.—

''(A) IN GENERAL.—The State shall provide for a process by which a school employee may appeal the results of a criminal background check conducted under this section to challenge the accuracy or completeness of the information contained in such member's criminal background report.

''(B) APPEALS PROCESS.—The State shall ensure that—

''(i) each school employee shall be given notice of the opportunity to appeal;

''(ii) a school employee will receive instructions about how to complete the appeals process if the school employee wishes to challenge the accuracy or completeness of the information contained in such employee's criminal background report; and

''(iii) the appeals process is completed in a timely manner for each school employee not to exceed 45 days.

''(C) COSTS.—A school employee who has successfully challenged the findings contained in such employee's criminal background check report in the appeals process under this paragraph shall be allowed to seek compensation for any reasonable costs incurred from such appeal.

''(4) REVIEW.—

''(A) IN GENERAL.—The State shall establish a timely review process not to exceed 45 days through which the State may determine that a school employee identified in subsection (c) is eligible for employment with the educational agency.

''(B) FACTORS.—The review process shall be an individualized assessment consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) and the U.S. Equal Employment Opportunity Commission Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions, and may include consideration of the following factors—

''(i) nature and seriousness of the offense;

''(ii) circumstances under which the offense was committed;

''(iii) lapse of time since the offense was committed or the individual was released from prison;

''(iv) individual's age at the time of the offense;

''(v) social conditions which may have fostered the offense;

''(vi) relationship of the nature of the offense to the position sought;

''(vii) number of criminal convictions;

''(viii) honesty and transparency of the candidate in admitting the conviction record;

''(ix) individual's work history, including evidence that the individual performed the same or similar work, post-conviction, with the same or different employer, with no known incidents of criminal conduct;

''(x) evidence of rehabilitation as demonstrated by the individual's good conduct while in correctional custody and/or the community; counseling or psychiatric treatment received; acquisition of additional academic or vocational schooling; successful participation in correctional work-release programs and the recommendations of persons who have or have had the applicant under their supervision;

''(xi) whether the individual is bonded under Federal, state, or local bonding program; and

''(xii) any other factor that may lead to the conclusion that the individual does not pose a risk to children.

''(C) LIMITATION.—This paragraph shall not apply to a school employee who has been convicted of a serious violent or sexual felony against a child, as determined by the State.

''(5) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be construed to create a private right of action if a State educational agency or local educational agency has acted in accordance with this section.

''(f) FEES FOR BACKGROUND CHECKS.—

''(1) Fees that a State may charge for the costs of processing applications and administering a criminal background check as required by this section shall not exceed the actual costs to the State for the processing and administration.

''(2) A local educational agency or State educational agency may use administrative funds received under this Act to pay for any reasonable fees charged for conducting a criminal background check under this section.

''(g) TRANSPARENCY.—The State must ensure that the policies and procedures under this section are published on the Web site (or otherwise publicly available venue in the absence of a Web site) of the State and the Web sites of local lead agencies.

''(h) CONSTRUCTION.—

''(1) DISQUALIFICATION FOR OTHER CRIMES.—Nothing in this section shall be construed to prevent a State from disqualifying individuals as a school employee based on their conviction for crimes not specifically listed in this section that bear upon the fitness of an individual to provide care for and have responsibility for the safety and well-being of children.

''(2) RIGHTS AND REMEDIES.—Nothing in this section shall be construed to alter or otherwise affect the rights and remedies provided for a school employee residing in a State that disqualifies individuals as a school employee for crimes not specifically provided for under this section.

''(i) REPORTING.—Not later than one year after the date of the enactment of this Act, the Secretary of Education shall report to Congress on—

''(1) any information available about numbers of individuals restricted or disqualified from being a school employee on the basis of a criminal record identified in the background check, pursuant to this section in total, and for each type of conviction, as specified in sections (c)(1)(D) and (c)(1)(E) and disaggregated by race, gender, national origin, and ethnicity;

''(2) the identity of each state's agency with jurisdiction over the background check results and appeals process described in section (e);

''(3) the identity of each state's agency with jurisdiction over the individualized assessment, as described in section (e)(4);

''(4) the numbers of individuals approved for consideration as a school employee by the individualized assessment, as defined in section (e)(4) in total, and for each type of conviction, as specified in sections (c)(1)(D) and (c)(1)(E) and disaggregated by race, gender, national origin, and ethnicity; and

''(5) the numbers of successful and unsuccessful appeals to the accuracy and completeness of records or information, in total, by State, and by type of conviction, as specified in section sections (c)(1)(D) and (c)(1)(E) and disaggregated by race, gender, national origin, and ethnicity.

''(j) DEFINITION.—In this section, the term 'school employee' means—

''(1) an employee of, or a person seeking employment with, a local educational agency or State educational agency, and who, as a result of such employment, has (or will have) a job duty that results in unsupervised access to elementary school or secondary school students;

''(2) any person, or an employee of any person who has a contract or agreement to provide services with an elementary school or secondary school, local educational agency, or State educational agency, and such person or employee, as a result of such contract or agreement, has a job duty that results in unsupervised access to elementary school or secondary students; and

''(3) an employee of or a person seeking employment with a high-quality prekindergarten program (as defined in section 1112 of the Student Success Act) who has unsupervised access to children or a person who has a contract or agreement with such program and has unsupervised access to children.

''(k) EFFECTIVE DATE.—

''(1) IN GENERAL.—A State that receives funds under this Act shall meet the requirements of this section for the provision of criminal background checks for a school employee described in subsection (d)(1) not later than the last day of the second full fiscal year after the date of enactment of the Student Success Act.

''(2) EXTENSION.—The Secretary may grant a State an extension of time, of not more than 1 fiscal year, to meet the requirements of this section if the State demonstrates a good faith effort to comply with the requirements of this section.

''(3) PENALTY FOR NONCOMPLIANCE.—Except as provided in paragraphs (1) and (2), for any fiscal year that a State fails to comply substantially with the requirements of this section, the Secretary shall withhold 5 percent of the funds that would otherwise be allocated to that State in accordance with this Act for the following fiscal year.

''SEC. 9538. EQUALITY IN ATHLETIC PROGRAMS.

''(a) REPORT.—Each coeducational elementary or secondary school that participates in any program under this Act and has an athletic program, shall annually, for the immediately preceding academic year, prepare a report that contains the following information:

''(1) The number of students that attended the school and for each student an identification of such student's—

''(A) sex;

''(B) race; and

''(C) ethnicity.

''(2) A listing of the teams that competed in athletic competition and for each such team the following data:

''(A) The total number of participants as of the day of the first scheduled contest for the team, and for each participant an identification of such participant's—

''(i) sex;

''(ii) race; and

''(iii) ethnicity.

''(B) The year the team began.

''(C) The total expenditures for each team from school and nonschool sources, including a listing of the following data for each team:

''(i) Expenditures for travel.

''(ii) Expenditures for equipment (including any equipment replacement schedule).

''(iii) Expenditures for uniforms (including any uniform replacement schedule).

''(iv) Expenditures for facilities (including locker rooms, fields, and gymnasiums) and their maintenance and repair.

''(v) Expenditures for training and medical facilities and services.

''(vi) Expenditures for publicity for competitions (including press guides, press releases, game programs, and publicity personnel).

''(D) The total number of trainers and medical personnel, and for each trainer or medical personnel an identification of such person's—

''(i) sex;

''(ii) employment status (including whether such person is employed full-time or part-time, and whether such person is a head or assistant trainer or medical services provider) and duties other than providing training or medical services; and

''(iii) qualifications, including whether the person is a professional or student.

''(E) The total number of coaches, and for each coach an identification of such coach's—

''(i) sex;

''(ii) employment status (including whether such coach is employed full-time or part-time, and whether such coach is a head or assistant coach) and duties other than coaching; and

''(iii) qualifications, including whether the person is a professional or student.

''(F) Total annual revenues generated by the team (including contributions from outside sources such as booster clubs), disaggregated by source.

''(G) The total number of competitions scheduled, and for each scheduled competition an indication of what day of the week and time the competition was scheduled.

''(H) The total number of practices scheduled, and for each scheduled practice an indication of what day of the week and time the practice was scheduled.

''(I) The season in which the team competed.

''(J) Whether such team participated in postseason competition, and the success of such team in any postseason competition.

''(3) The average annual institutional salary attributable to coaching of the head coaches of men's teams, across all offered sports, and the average annual institutional salary attributable to coaching of the head coaches of women's teams, across all offered sports.

''(4) The average annual institutional salary attributable to coaching of the assistant coaches of men's teams, across all offered sports, and the average annual institutional

salary attributable to coaching of the assistant coaches of women's teams, across all offered sports.

''(b) SPECIAL RULE.—For the purpose of reporting the information described in paragraphs (3) and (4) of subsection (a), if a coach has responsibilities for more than 1 team and the school does not allocate such coach's salary by team, the school should divide the salary by the number of teams for which the coach has responsibility and allocate the salary among the teams on a basis consistent with the coach's responsibilities for the different teams.

''(c) DISCLOSURE OF INFORMATION TO STUDENTS AND PUBLIC.—On an annual basis, each coeducational elementary or secondary school described in subsection (a) shall—

''(1) make available to students, potential students, and the public, upon request, the information contained in each report by the school under this section by October 15 of each school year; and

''(2) ensure that all students at the school and members of the relevant community are informed of their right to request such information.

''(d) SUBMISSION; INFORMATION AVAILABILITY.—On an annual basis, each coeducational elementary or secondary school described in subsection (a) shall provide the information contained in each report by the school under this section to the Commissioner for Education Statistics not later than 15 days after the date that the school makes such information available under subsection (c).

''(e) DUTIES OF COMMISSIONER FOR EDUCATION STATISTICS.—The Commissioner for Education Statistics shall—

''(1) ensure that the data required under this section are posted on the Department of Education's Web site within a reasonable period of time; and

''(2) not later than 180 days after the date of the enactment of the Student Success Act, notify all elementary and secondary schools in all States about the requirements under subsection (c) and issue guidance to all elementary and secondary schools on how to collect and report the information required under this section.''.

SEC. 902. CONFORMING AMENDMENT.

Section 2 is amended by adding after the item relating to section 9536 the following:

''Sec. 9537. Background checks.

''Sec. 9538. Equality in athletic programs.''.

Subtitle B—Evaluation Authority

SEC. 911. EVALUATION AUTHORITY.

Title IX (20 U.S.C. 7801 et seq.) is further amended by amending part F to read as follows:

''PART F—EVALUATION AUTHORITY

''SEC. 9911. EVALUATION AUTHORITY.

''(a) RESERVATION OF FUNDS.—The Secretary shall reserve not less than 1 percent of the amount appropriated to carry out each categorical program and demonstration project authorized under this Act, except the Secretary may not reserve more than 1 percent of title I, part A to carry out the evaluation activities described in this section.

''(b) EVALUATION ACTIVITIES.—From funds reserved under subsection (a), the reserved amounts—

''(1) shall first be used by the Secretary, acting through the Director of the Institute of Education Sciences, to—

''(A) conduct comprehensive, high-quality evaluations of the program that—

''(i) are consistent with the evaluation plan under subsection (d); and

''(ii) primarily include impact evaluations that use experimental or quasi-experimental designs, where practicable and appropriate, and other rigorous methodologies that permit the strongest possible causal inferences;

''(B) conduct studies of the effectiveness of the program and the administrative impact of the program on schools and local educational agencies; and

''(C) widely disseminate evaluation findings under this section related 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, or in another relevant place; and

''(iv) in a manner that promotes the utilization of such findings; and

''(2) may be used by the Secretary, acting through the Director of the Institute of Education Sciences—

''(A) to evaluate the aggregate short- and long-term effects and cost efficiencies across Federal programs assisted or authorized under this Act and related Federal early childhood education, preschool, elementary school, and secondary school programs under any other Federal law; and

''(B) assist grantees of such programs in collecting and analyzing data related to conducting high-quality evaluations under paragraph (1).

''(c) TITLE I.—The Secretary, acting through the Director of the Institute of Education Sciences, shall use funds authorized under subsection(a)(1) to carry out evaluation activities under this section related to title I.

''(d) CONSOLIDATION.—Notwithstanding any other provision of this section the Secretary in consultation with the Director of the Institute of Education Sciences—

''(1) may consolidate the funds reserved under subsections (a) or (c) for purposes of carrying out the activities under subsection (b)(1) and subsection (g); and

''(2) shall not be required to evaluate under subsection (b)(1) each program authorized under this Act each year.

''(e) EVALUATION PLAN.—The Director of the Institute of Education Sciences, shall, on a biennial basis, develop, submit to Congress, and make publicly available an evaluation plan, that—

''(1) describes the specific activities that will be carried out under subsection (b) for the 2-year period applicable to the plan, and the timelines of such activities;

''(2) contains the results of the activities carried out under subsection (b) for the most recent 2-year period; and

''(3) describes how programs authorized under this Act will be regularly evaluated.

''(f) EVALUATION ACTIVITIES AUTHORIZED ELSEWHERE.—If, under any other provision of this Act, funds are authorized to be reserved or used for evaluation activities with respect to a program, the Secretary may not reserve additional funds under this section for the evaluation of that program.''.

Subtitle C—Keeping All Students Safe

SEC. 911. KEEPING ALL STUDENTS SAFE.

Title IX (20 U.S.C. 7801 et seq.) is further amended by adding at the end the following:

''PART G—KEEPING ALL STUDENTS SAFE

''SEC. 9701. DEFINITIONS.

''In this part:

''(1) CHEMICAL RESTRAINT.—The term 'chemical restraint' means a drug or medication used on a student to control behavior or restrict freedom of movement that is not—

''(A) prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under State law, for the standard treatment of a student's medical or psychiatric condition; and

''(B) administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under State law.

''(2) MECHANICAL RESTRAINT.—The term 'mechanical restraint' has the meaning given the term in section 595(d)(1) of the Public Health Service Act (42 U.S.C. 290jj(d)(1)), except that the meaning shall be applied by substituting 'student's' for 'resident's'.

''(3) PHYSICAL ESCORT.—The term 'physical escort' has the meaning given the term in section 595(d)(2) of the Public Health Service Act (42 U.S.C. 290jj(d)(2)), except that the meaning shall be applied by substituting 'student' for 'resident'.

''(4) PHYSICAL RESTRAINT.—The term 'physical restraint' mean a personal restriction that immobilizes or reduces the ability of an individual to move the individual's arms, legs, torso, or head freely. Such term does not include a physical escort, mechanical restraint, or chemical restraint.

''(5) POSITIVE BEHAVIOR SUPPORTS.—The term 'positive behavior supports' means a systematic approach to embed evidence-based practices and data-driven decision-making to improve school climate and culture, including a range of systemic and individualized strategies to reinforce desired behaviors and diminish reoccurrence of problem behaviors, in order to achieve improved academic and social outcomes and increase learning for all students, including students with the most complex and intensive behavioral needs.

''(6) PROTECTION AND ADVOCACY SYSTEM.—The term 'protection and advocacy system' means a protection and advocacy system established under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

''(7) SCHOOL.—The term 'school' means an entity—

''(A) that—

''(i) is a public or private—

''(I) day or residential elementary school or secondary school; or

''(II) early childhood, elementary school, or secondary school program that is under the jurisdiction of a school, local educational agency, educational service agency, or other educational institution or program; and

''(ii) receives, or serves students who receive, support in any form from any program supported, in whole or in part, with funds appropriated under the Student Success Act; or

''(B) that is a school funded or operated by the Department of the Interior.

''(8) SCHOOL PERSONNEL.—The term 'school personnel' has the meaning—

''(A) given the term in section 4151(10); and

''(B) given the term 'school resource officer' in section 4151(11).

''(9) SECLUSION.—The term 'seclusion' means—

''(A) the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving; and

''(B) does not include a time out.

''(10) STATE-APPROVED CRISIS INTERVENTION TRAINING PROGRAM.—The term 'State-approved crisis intervention training program' means a training program approved by a State and the Secretary that, at a minimum, provides—

''(A) training in evidence-based techniques shown to be effective in the prevention of physical restraint and seclusion;

''(B) training in evidence-based techniques shown to be effective in keeping both school

personnel and students safe when imposing physical restraint or seclusion;

''(C) evidence-based skills training related to positive behavior supports, safe physical escort, conflict prevention, understanding antecedents, de-escalation, and conflict management;

''(D) training in first aid and cardiopulmonary resuscitation;

''(E) information describing State policies and procedures that meet the minimum standards established by regulations promulgated pursuant to section 9702(a); and

''(F) certification for school personnel in the techniques and skills described in subparagraphs (A) through (D), which shall be required to be renewed on a periodic basis.

''(11) STUDENT.—The term 'student' means a student enrolled in a school defined in paragraph (7), except that in the case of a student enrolled in a private school or private program, such term means a student who receives support in any form from any program supported, in whole or in part, with funds appropriated under the Student Success Act.

''(12) TIME OUT.—The term 'time out' has the meaning given the term in section 595(d)(5) of the Public Health Service Act (42 U.S.C. 290jj(d)(5)), except that the meaning shall be applied by substituting 'student' for 'resident'.

''SEC. 9702. MINIMUM STANDARDS; RULE OF CONSTRUCTION.

''(a) MINIMUM STANDARDS.—Not later than 180 days after the date of the enactment of the Student Success Act, to ensure a safe learning environment and protect each student from physical or mental abuse, aversive behavioral interventions that compromise student health and safety, or any physical restraint or seclusion imposed solely for purposes of discipline or convenience or in a manner otherwise inconsistent with this part, the Secretary shall promulgate regulations establishing the following minimum standards:

''(1) School personnel shall be prohibited from imposing on any student the following:

''(A) Mechanical restraints.

''(B) Chemical restraints.

''(C) Physical restraint or physical escort that restricts breathing.

''(D) Aversive behavioral interventions that compromise health and safety.

''(2) School personnel shall be prohibited from imposing physical restraint or seclusion on a student unless—

''(A) the student's behavior poses an imminent danger of physical injury to the student, school personnel, or others;

''(B) less restrictive interventions would be ineffective in stopping such imminent danger of physical injury;

''(C) such physical restraint or seclusion is imposed by school personnel who—

''(i) continuously monitor the student face-to-face; or

''(ii) if school personnel safety is significantly compromised by such face-to-face monitoring, are in continuous direct visual contact with the student;

''(D) such physical restraint or seclusion is imposed by—

''(i) school personnel trained and certified by a State-approved crisis intervention training program (as defined in section 9701(16)); or

''(ii) other school personnel in the case of a rare and clearly unavoidable emergency circumstance when school personnel trained and certified as described in clause (i) are not immediately available due to the unforeseeable nature of the emergency circumstance; and

''(E) such physical restraint or seclusion ends immediately upon the cessation of the conditions described in subparagraphs (A) and (B).

''(3) States, in consultation with local educational agencies and private school officials, shall ensure that a sufficient number of personnel are trained and certified by a State-approved crisis intervention training program (as defined in section 9701(16)) to meet the needs of the specific student population in each school.

''(4) The use of physical restraint or seclusion as a planned intervention shall not be written into a student's education plan, individual safety plan, behavioral plan, or individualized education program (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)). Local educational agencies or schools may establish policies and procedures for use of physical restraint or seclusion in school safety or crisis plans, provided that such school plans are not specific to any individual student.

''(5) Schools shall establish procedures to be followed after each incident involving the imposition of physical restraint or seclusion upon a student, including—

''(A) procedures to provide to the parent of the student, with respect to each such incident—

''(i) an immediate verbal or electronic communication on the same day as the incident; and

''(ii) written notification within 24 hours of the incident; and

''(B) any other procedures the Secretary determines appropriate.

''(b) SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall ensure that schools operated or funded by the Department of the Interior comply with the regulations promulgated by the Secretary under subsection (a).

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize the Secretary to promulgate regulations prohibiting the use of—

''(1) time out (as defined in section 9701(20));

''(2) devices implemented by trained school personnel, or utilized by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed, including—

''(A) restraints for medical immobilization;

''(B) adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or

''(C) vehicle safety restraints when used as intended during the transport of a student in a moving vehicle; or

''(3) handcuffs by school resource officers (as such term is defined in section 4151(11))—

''(A) in the—

''(i) case when a student's behavior poses an imminent danger of physical injury to the student, school personnel, or others; or

''(ii) lawful exercise of law enforcement duties; and

''(B) less restrictive interventions would be ineffective.

''SEC. 9703. STATE PLAN AND REPORT REQUIREMENTS AND ENFORCEMENT.

''(a) STATE PLAN.—Not later than 2 years after the Secretary promulgates regulations pursuant to section 9702(a), and each year thereafter, each State educational agency shall submit to the Secretary a State plan that provides—

''(1) assurances to the Secretary that the State has in effect—

''(A) State policies and procedures that meet the minimum standards, including the standards with respect to State-approved crisis intervention training programs, established by regulations promulgated pursuant to section 9702(a); and

''(B) a State mechanism to effectively monitor and enforce the minimum standards;

''(2) a description of the State policies and procedures, including a description of the State-approved crisis intervention training programs in such State; and

''(3) a description of the State plans to ensure school personnel and parents, including private school personnel and parents, are aware of the State policies and procedures.

''(b) REPORTING.—

''(1) REPORTING REQUIREMENTS.—Not later than 2 years after the date the Secretary promulgates regulations pursuant to section 9702(a), and each year thereafter, each State educational agency shall (in compliance with the requirements of section 444 of the General Education Provisions Act (commonly known as the 'Family Educational Rights and Privacy Act of 1974') (20 U.S.C. 1232g)) prepare and submit to the Secretary, and make available to the public, a report that includes the information described in paragraph (2), with respect to each local educational agency, and each school not under the jurisdiction of a local educational agency, located in the same State as such State educational agency.

''(2) INFORMATION REQUIREMENTS.—

''(A) GENERAL INFORMATION REQUIREMENTS.—The report described in paragraph (1) shall include information on—

''(i) the total number of incidents in the preceding full-academic year in which physical restraint was imposed upon a student; and

''(ii) the total number of incidents in the preceding full-academic year in which seclusion was imposed upon a student.

''(B) DISAGGREGATION.—

''(i) GENERAL DISAGGREGATION REQUIREMENTS.—The information described in subparagraph (A) shall be disaggregated by—

''(I) the total number of incidents in which physical restraint or seclusion was imposed upon a student—

''(aa) that resulted in injury;

''(bb) that resulted in death; and

''(cc) in which the school personnel imposing physical restraint or seclusion were not trained and certified as described in section 9702(a)(2)(D)(i); and

''(II) the demographic characteristics of all students upon whom physical restraint or seclusion was imposed, including—

''(aa) the categories identified in section 1111(h)(1)(C)(i);

''(bb) age; and

''(cc) disability status (which has the meaning given the term 'individual with a disability' in section 7(20) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20))).

''(ii) UNDUPLICATED COUNT; EXCEPTION.—The disaggregation required under clause (i) shall—

''(I) be carried out in a manner to ensure an unduplicated count of the—

''(aa) total number of incidents in the preceding full-academic year in which physical restraint was imposed upon a student; and

''(bb) total number of incidents in the preceding full-academic year in which seclusion was imposed upon a student; and

''(II) not be required in a case in which the number of students in a category would reveal personally identifiable information about an individual student.

''(c) ENFORCEMENT.—

''(1) IN GENERAL.—

''(A) USE OF REMEDIES.—If a State educational agency fails to comply with subsection (a) or (b), the Secretary shall—

''(i) withhold, in whole or in part, further payments under an applicable program (as such term is defined in section 400(c) of the

General Education Provisions Act (20 U.S.C. 1221)) in accordance with section 455 of such Act (20 U.S.C. 1234d);

''(ii) require a State educational agency to submit, and implement, within 1 year of such failure to comply, a corrective plan of action, which may include redirection of funds received under an applicable program; or

''(iii) issue a complaint to compel compliance of the State educational agency through a cease and desist order, in the same manner the Secretary is authorized to take such action under section 456 of the General Education Provisions Act (20 U.S.C. 1234e).

''(B) CESSATION OF WITHHOLDING OF FUNDS.—Whenever the Secretary determines (whether by certification or other appropriate evidence) that a State educational agency who is subject to the withholding of payments under subparagraph (A)(i) has cured the failure providing the basis for the withholding of payments, the Secretary shall cease the withholding of payments with respect to the State educational agency under such subparagraph.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the Secretary's authority under the General Education Provisions Act (20 U.S.C. 1221 et seq.).

''SEC. 9704. GRANT AUTHORITY.

''(a) IN GENERAL.—From the amount appropriated under section 922, the Secretary may award grants to State educational agencies to assist the agencies in—

''(1) establishing, implementing, and enforcing the policies and procedures to meet the minimum standards established by regulations promulgated by the Secretary pursuant to section 9702(a);

''(2) improving State and local capacity to collect and analyze data related to physical restraint and seclusion; and

''(3) improving school climate and culture by implementing school-wide positive behavior support approaches.

''(b) DURATION OF GRANT.—A grant under this section shall be awarded to a State educational agency for a 3-year period.

''(c) APPLICATION.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require, including information on how the State educational agency will target resources to schools and local educational agencies in need of assistance related to preventing and reducing physical restraint and seclusion.

''(d) AUTHORITY TO MAKE SUBGRANTS.—

''(1) IN GENERAL.—A State educational agency receiving a grant under this section may use such grant funds to award subgrants, on a competitive basis, to local educational agencies.

''(2) APPLICATION.—A local educational agency desiring to receive a subgrant under this section shall submit an application to the applicable State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

''(e) PRIVATE SCHOOL PARTICIPATION.—

''(1) IN GENERAL.—A local educational agency receiving subgrant funds under this section shall, after timely and meaningful consultation with appropriate private school officials, ensure that private school personnel can participate, on an equitable basis, in activities supported by grant or subgrant funds.

''(2) PUBLIC CONTROL OF FUNDS.—The control of funds provided under this section, 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.

''(f) REQUIRED ACTIVITIES.—A State educational agency receiving a grant, or a local educational agency receiving a subgrant, under this section shall use such grant or subgrant funds to carry out the following:

''(1) Researching, developing, implementing, and evaluating strategies, policies, and procedures to prevent and reduce physical restraint and seclusion in schools, consistent with the minimum standards established by regulations promulgated by the Secretary pursuant to section 9702(a).

''(2) Providing professional development, training, and certification for school personnel to meet such standards.

''(3) Carrying out the reporting requirements under section 9703(b) and analyzing the information included in a report prepared under such section to identify student, school personnel, and school needs related to use of physical restraint and seclusion.

''(g) ADDITIONAL AUTHORIZED ACTIVITIES.—In addition to the required activities described in subsection (f), a State educational agency receiving a grant, or a local educational agency receiving a subgrant, under this section may use such grant or subgrant funds for one or more of the following:

''(1) Developing and implementing high-quality professional development and training programs to implement evidence-based systematic approaches to school-wide positive behavior supports, including improving coaching, facilitation, and training capacity for administrators, teachers, specialized instructional support personnel, and other staff.

''(2) Providing technical assistance to develop and implement evidence-based systematic approaches to school-wide positive behavior supports, including technical assistance for data-driven decisionmaking related to behavioral supports and interventions in the classroom.

''(3) Researching, evaluating, and disseminating high-quality evidence-based programs and activities that implement school-wide positive behavior supports with fidelity.

''(4) Supporting other local positive behavior support implementation activities consistent with this subsection.

''(h) EVALUATION AND REPORT.—Each State educational agency receiving a grant under this section shall, at the end of the 3-year grant period for such grant—

''(1) evaluate the State's progress toward the prevention and reduction of physical restraint and seclusion in the schools located in the State, consistent with the minimum standards established by regulations promulgated by the Secretary pursuant to section 9702(a); and

''(2) submit to the Secretary a report on such progress.

''(i) DEPARTMENT OF THE INTERIOR.—From the amount appropriated under section 9708, the Secretary may allocate funds to the Secretary of the Interior for activities under this section with respect to schools operated or funded by the Department of the Interior, under such terms as the Secretary of Education may prescribe.

''SEC. 9705. NATIONAL ASSESSMENT.

''(a) NATIONAL ASSESSMENT.—The Secretary shall carry out a national assessment to determine the effectiveness of this part, which shall include—

''(1) analyzing data related to physical restraint and seclusion incidents;

''(2) analyzing the effectiveness of Federal, State, and local efforts to prevent and reduce the number of physical restraint and seclusion incidents in schools;

''(3) identifying the types of programs and services that have demonstrated the greatest effectiveness in preventing and reducing the number of physical restraint and seclusion incidents in schools; and

''(4) identifying evidence-based personnel training models with demonstrated success in preventing and reducing the number of physical restraint and seclusion incidents in schools, including models that emphasize positive behavior supports and de-escalation techniques over physical intervention.

''(b) REPORT.—The Secretary shall 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—

''(1) not later than 3 years after the date of enactment of the Student Success Act, an interim report that summarizes the preliminary findings of the assessment described in subsection (a); and

''(2) not later than 5 years after the date of the enactment of the Student Success Act, a final report of the findings of the assessment.

''SEC. 9706. PROTECTION AND ADVOCACY SYSTEMS.

''Protection and Advocacy Systems shall have the authority provided under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043) to investigate, monitor, and enforce protections provided for students under this part.

''SEC. 9707. LIMITATION OF AUTHORITY.

''(a) IN GENERAL.—Nothing in this part shall be construed to restrict or limit, or allow the Secretary to restrict or limit, any other rights or remedies otherwise available to students or parents under Federal or State law or regulation.

''(b) APPLICABILITY.—

''(1) PRIVATE SCHOOLS.—Nothing in this part shall be construed to affect any private school that does not receive, or does not serve students who receive, support in any form from any program supported, in whole or in part, with funds appropriated to the Department of Education.

''(2) HOME SCHOOLS.—Nothing in this part shall be construed to—

''(A) affect a home school, whether or not a home school is treated as a private school or home school under State law; or

''(B) consider parents who are schooling a child at home as school personnel.

''SEC. 9708. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary to carry out this part for fiscal year 2016 and each of the 4 succeeding fiscal years.

''SEC. 9709. PRESUMPTION OF CONGRESS RELATING TO COMPETITIVE PROCEDURES.

''(a) PRESUMPTION.—It is the presumption of Congress that grants awarded under this part will be awarded using competitive procedures based on merit.

''(b) REPORT TO CONGRESS.—If grants are awarded under this part using procedures other than competitive procedures, the Secretary shall submit to Congress a report explaining why competitive procedures were not used.''.

Subtitle D—Protecting Student Athletes From Concussions

SEC. 931. PROTECTING STUDENT ATHLETES FROM CONCUSSIONS.

Title IX (20 U.S.C. 7801 et seq.) is further amended by adding at the end the following:

''PART H—PROTECTING STUDENT ATHLETES FROM CONCUSSIONS

''SEC. 9801. MINIMUM STATE REQUIREMENTS.

''Beginning with fiscal year 2016, in order to be eligible to receive funds for such year or a subsequent fiscal year under this Act each State educational agency shall issue

regulations establishing the following minimum requirements in order to protect student academic achievement from the impact of concussions:

''(1) LOCAL EDUCATIONAL AGENCY CONCUSSION SAFETY AND MANAGEMENT PLAN.—Each local educational agency in the State, in consultation with members of the community in which such agency is located, shall develop and implement a standard plan for concussion safety and management that includes—

''(A) the education of students, parents, and school personnel about concussions, such as—

''(i) the training and certification of school personnel, including coaches, athletic trainers, and school nurses, on concussion safety and management; and

''(ii) using and maintaining standardized release forms, treatment plans, observation, monitoring and reporting forms, recordkeeping forms, and post-injury fact sheets;

''(B) supports for students recovering from a concussion, such as—

''(i) guiding such student in resuming participation in athletic activity and academic activities with the help of a multi-disciplinary team, which may include—

''(I) a health care professional, the parents of such student, a school nurse, or other relevant school personnel; and

''(II) an individual who is assigned by a public school to oversee and manage the recovery of such student;

''(ii) providing appropriate academic accommodations; and

''(iii) referring students whose symptoms of concussion reemerge or persist upon the reintroduction of cognitive and physical demands for evaluation of the eligibility of such students for services under the Individual with Disabilities Education Act (20 U.S.C. 1400 et seq.) and the Rehabilitation Act of 1973 (29 U.S.C. 701 note et seq.); and

''(C) best practices designed to ensure, with respect to concussions, the uniformity of safety standards, treatment, and management, such as—

''(i) disseminating information on concussion management safety and management to the public; and

''(ii) applying uniform standards for concussion safety and management to all students enrolled in public schools.

''(2) POSTING OF INFORMATION ON CONCUSSIONS.—Each public elementary school and each secondary school shall post on school grounds, in a manner that is visible to students and school personnel, and make publicly available on the school website, information on concussions that—

''(A) is based on peer-reviewed scientific evidence (such as information made available by the Centers for Disease Control and Prevention);

''(B) shall include—

''(i) the risks posed by sustaining a concussion;

''(ii) the actions a student should take in response to sustaining a concussion, including the notification of school personnel; and

''(iii) the signs and symptoms of a concussion; and

''(C) may include—

''(i) the definition of a concussion;

''(ii) the means available to the student to reduce the incidence or recurrence of a concussion; and

''(iii) the effects of a concussion on academic learning and performance.

''(3) RESPONSE TO CONCUSSION.—If any school personnel, including coaches and athletic trainers, of a public school suspects that a student has sustained a concussion during a school-sponsored athletic activity—

''(A) the student shall be—

''(i) immediately removed from participation in such activity; and

''(ii) prohibited from returning to participate in school-sponsored athletic activities—

''(I) on the day such student sustained a concussion; and

''(II) until such student submits a written release from a health care professional stating that the student is capable of resuming participation in school-sponsored athletic activities; and

''(B) such personnel shall report to the parent or guardian of such student—

''(i) the date, time, and extent of the injury suffered by such student; and

''(ii) any actions taken to treat such student.

''(4) RETURN TO ATHLETICS AND ACADEMICS.—Before a student who has sustained a concussion in a school-sponsored athletic activity resumes participation in school-sponsored athletic activities or academic activities, the school shall receive a written release from a health care professional, that—

''(A) states that the student is capable of resuming participation in such activities; and

''(B) may require the student to follow a plan designed to aid the student in recovering and resuming participation in such activities in a manner that—

''(i) is coordinated, as appropriate, with periods of cognitive and physical rest while symptoms of a concussion persist; and

''(ii) reintroduces cognitive and physical demands on such student on a progressive basis only as such increases in exertion do not cause the reemergence or worsening of symptoms of a concussion.

''SEC. 9802. REPORT TO SECRETARY OF EDUCATION.

''Not later than 6 months after promulgating regulations pursuant to section 9801 in order to be eligible to receive funds under this Act, each State educational agency shall submit to the Secretary of Education a report that contains—

''(1) a description of the State regulations promulgated pursuant to section 9801; and

''(2) an assurance that the State has implemented such regulations.

''SEC. 9803. RULE OF CONSTRUCTION.

''Nothing in this subtitle shall be construed to alter or supersede State law with respect to education standards or procedures or civil liability.

''SEC. 9804. DEFINITIONS.

''In this subtitle:

''(1) CONCUSSION.—The term 'concussion' means a type of traumatic brain injury that—

''(A) is caused by a blow, jolt, or motion to the head or body that causes the brain to move rapidly in the skull;

''(B) disrupts normal brain functioning and alters the mental state of the individual, causing the individual to experience—

''(i) any period of observed or self-reported —

''(I) transient confusion, disorientation, or impaired consciousness;

''(II) dysfunction of memory around the time of injury; and

''(III) loss of consciousness lasting less than 30 minutes;

''(ii) any one of four types of symptoms of a headache, including—

''(I) physical symptoms, such as headache, fatigue, or dizziness;

''(II) cognitive symptoms, such as memory disturbance or slowed thinking;

''(III) emotional symptoms, such as irritability or sadness; and

''(IV) difficulty sleeping; and

''(C) can occur—

''(i) with or without the loss of consciousness; and

''(ii) during participation in any organized sport or recreational activity.

''(2) HEALTH CARE PROFESSIONAL.—The term 'health care professional' means a physician, nurse, certified athletic trainer, physical therapist, neuropsychologist or other qualified individual who—

''(A) is a registered, licensed, certified, or otherwise statutorily recognized by the State to provide medical treatment;

''(B) is experienced in the diagnosis and management of traumatic brain injury among a pediatric population; and

''(C) may be a volunteer.

''(3) SCHOOL PERSONNEL.—The term 'school personnel' has the meaning given such term in section 4151.

''(4) SCHOOL-SPONSORED ATHLETIC ACTIVITY.—The term 'school-sponsored athletic activity' means—

''(A) any physical education class or program of a school;

''(B) any athletic activity authorized during the school day on school grounds that is not an instructional activity; and

''(C) any extracurricular sports team, club, or league organized by a school on or off school grounds.''.

TITLE X—EDUCATION FOR HOMELESS CHILDREN AND YOUTHS

SEC. 1001. EDUCATION FOR HOMELESS CHILDREN AND YOUTHS.

Subtitle B of title VII of the McKinney-Vento Homeless Assistance Act is amended to read as follows:

"Subtitle B—Education for Homeless Children and Youths

"SEC. 721. STATEMENT OF POLICY.

''The following is the policy of Congress:

''(1) Each State educational agency shall ensure that each homeless child and youth has access to the same free, appropriate public education, including a public preschool education, as provided to other children and youth.

''(2) In any State where compulsory residency requirements or other requirements of laws, regulations, practices, or policies may act as a barrier to the identification, enrollment, attendance, or success in school of homeless children and youth, the State shall review and revise such laws, regulations, practices, or policies to ensure that homeless children and youth are afforded the same free appropriate public education as is provided to other children and youth.

''(3) Homelessness is not a sufficient reason to separate students from the mainstream school environment.

''(4) Homeless children and youth shall have access to the education and other services that such children and youth need to ensure that such children and youth have an opportunity to meet the same college and career ready State student academic achievement standards to which all students are held.

''SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTHS.

''(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants to States from allotments made under subsection (c) and in accordance with this section to enable such States to carry out the activities described in subsections (d) through (g).

''(b) APPLICATION.—In order for a State to be eligible to receive a grant under this section, the State educational agency, in consultation with other relevant State agencies, shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

''(c) ALLOCATION AND RESERVATIONS.—

''(1) ALLOCATION.—

''(A) IN GENERAL.—Subject to subparagraph (C), the Secretary is authorized to allot to

each State an amount that bears the same ratio to the amount appropriated for such year under section 727 that remains after the Secretary reserves funds under paragraph (2) and uses funds to carry out section 724(d) and (h), as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332) to the State for that year bears to the total amount allocated under section 1122 of such Act to all States for that year, except as provided in subparagraph (B)—

''(B) MINIMUM ALLOTMENTS.—No State shall receive for a fiscal year less under this paragraph than the greater of—

''(i) $300,000; or

''(ii) an amount that bears the same ratio to the amount appropriated for such year under section 727 that remains after the Secretary reserves funds under paragraph (2) and uses funds to carry out section 724 (d) and (h), as the amount the State received under this paragraph for the preceding fiscal year bears to the total amount received by all States under this paragraph for the preceding fiscal year.

''(C) REDUCTION FOR INSUFFICIENT FUNDS.—If there are insufficient funds in a fiscal year to allot to each State the minimum amount under subparagraph (B), the Secretary shall ratably reduce the allotments to all States based on the proportionate share that each State received under this subsection for the preceding fiscal year.

''(2) RESERVATIONS.—

''(A) STUDENTS IN TERRITORIES.—The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year under section 727 to be allocated by the Secretary among the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, according to their respective need for assistance under this title, as determined by the Secretary. Funds allocated under this subparagraph shall be used for programs that are consistent with the purposes of the programs described in this subtitle.

''(B) INDIAN STUDENTS.—

''(i) TRANSFER.—The Secretary shall transfer 1 percent of the amount appropriated for each fiscal year under section 727 to the Department of the Interior for programs that are for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), and that are consistent with the purposes of the programs described in this title.

''(ii) AGREEMENT.—The Secretary of Education and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this title, for the distribution and use of the funds described in clause (i) under terms that the Secretary of Education determines best meet the purposes of the programs described in this title. Such agreement shall set forth the plans of the Secretary of the Interior for the use of the funds transferred, including appropriate goals, objectives, and milestones for that use.

''(d) STATE ACTIVITIES.—Grant funds from a grant made to a State under this section shall be used for the following:

''(1) To provide activities for and services to improve the identification of homeless children and youth and enable such children and youth to enroll in, attend, and succeed in school, including in early childhood education programs.

''(2) To establish or designate an Office of the Coordinator for Education of Homeless Children and Youth in the State educational agency in accordance with subsection (f) that has sufficient knowledge, authority, and time to carry out the duties described in this title.

''(3) To prepare and carry out the State plan described in subsection (g).

''(4) To develop and implement professional development activities for liaisons designated under subsection (g)(1)(J)(ii), other local educational agency school personnel, and community agencies to improve their—

''(A) identification of homeless children and youth; and

''(B) awareness of, and capacity to respond to, specific needs in the education of homeless children and youth.

''(e) STATE AND LOCAL SUBGRANTS.—

''(1) MINIMUM DISBURSEMENTS BY STATES.—From the grant funds made available each year to a State under subsection (a) to carry out this title, the State educational agency shall distribute not less than 75 percent by making subgrants under section 723 to local educational agencies for the purposes of carrying out section 723.

''(2) USE BY STATE EDUCATIONAL AGENCY.—A State educational agency may use any grant funds remaining after making subgrants under section 723 to conduct activities under subsection (f) directly or through making grants or entering into contracts.

''(3) PROHIBITION ON SEGREGATING HOMELESS STUDENTS.—In providing a free public education to a homeless child or youth, no State receiving funds under this title shall segregate such child or youth in a separate school, or in a separate program within a school, based on such child's or youth's status as homeless.

''(A) EXCEPTION.—Notwithstanding paragraph (3), paragraphs (1)(J)(i) and (3) of subsection (g), section 723(a)(2), and any other provision of this title relating to the placement of homeless children or youths in schools, a State that has a separate school for homeless children or youths that was operated and in receipt of funds under this title in fiscal year 2015 in a covered county shall be eligible to receive funds under this title for programs carried out in such school.

''(B) DEFINITION.—For purposes of this paragraph, the term 'covered county' means San Diego County, California.

''(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator for Education of Homeless Children and Youth established in each State shall—

''(1) gather and make publicly available reliable, valid, and comprehensive information on

''(A) the nature and extent of the problems homeless children and youth have in gaining access to public preschool programs, and to public elementary schools and secondary schools;

''(B) the difficulties in identifying the special needs and barriers to participation and achievement of such children and youth;

''(C) any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties; and

''(D) the success of the programs under this title in identifying homeless children and youth and allowing homeless children and youth to enroll in, attend, and succeed in school; and

''(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, reports containing such information as the Secretary determines is necessary to assess the educational needs of homeless children and youth within the State including data requested pursuant to section 724(h);

''(4) improve the provision of comprehensive education and related support services to homeless children and youth and their families, and to minimize educational disruption, through coordination of activities and collaboration with—

''(A) educators, including teachers, administrators, specialized instructional support personnel, and child development and preschool program personnel;

''(B) providers of services to homeless children and youth and homeless families, public and private child welfare and social service 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 youth, and their families, including public housing agencies, shelter operators, operators of transitional housing facilities, and providers of transitional living programs for homeless youth;

''(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 youth and their families; and

''(5) provide professional development and technical assistance to and conduct monitoring of 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 paragraphs (3) through (8) of subsection (g), and subsection (e)(3); and

''(g) STATE PLAN.—

''(1) IN GENERAL.—Each State shall submit to the Secretary and implement a plan to provide for the education of homeless children and youth within the State. Such plan shall include the following:

''(A) A description of how such children and youth are (or will be) given the opportunity

''(i) to meet the same challenging State academic achievement standards all students are expected to meet; and

''(ii) to become college and career ready.

''(B) A description of the procedures the State educational agency will use, in coordination with local educational agencies, 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 arising under this title, which shall—

''(i) be developed in coordination and collaboration with the liaisons designated under subparagraph (J)(ii);

''(ii) be readily available and provided in a written format and, to the extent practicable, in a manner and form understandable to the parents and guardians of homeless children and youth;

''(iii) take into account the educational best interest of the homeless child or youth, or unaccompanied youth, involved; and

''(iv) ensure that parents and guardians of homeless children and youth, and unaccompanied youth, who have exhausted the procedures available under this paragraph are able to appeal to the State educational agency, and are enrolled in school pursuant to paragraph (4)(C) and receive transportation pursuant to subparagraph (J)(iii) pending final resolution of the dispute.

''(D) A description of programs for school personnel (including the liaisons, principals, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel) to increase the awareness of such personnel of the specific needs of homeless adolescents, including runaway and homeless youth.

''(E) A description of procedures that ensure that homeless children and youth are able to participate in Federal, State, or local nutrition programs.

''(F) A description of procedures that ensure that—

''(i) homeless children have access to public preschool programs, administered by the State educational agency or local educational agency, including through the policies and practices required under paragraph (3);

''(ii) homeless youths and youth separated from the public schools, are identified and accorded equal access to appropriate and available secondary education and support services, including receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, and for work completed after their enrollment in a new school, consistent with State graduation requirements and accreditation standards; and

''(iii) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local educational programs, such as

''(I) innovative school models, including charter schools, magnet schools, and blended learning schools;

''(II) expanded learning time and out-of-school time programs, including before- and after-school programs and summer schools;

''(III) middle and secondary school enrichment programs, including career and technical education, advanced placement, international baccalaureate, and dual enrollment courses;

''(IV) online learning opportunities, including virtual schools; and

''(V) relevant workforce investment programs.

''(G) Strategies to address problems identified in the reports provided to the Secretary under subsection (f)(3).

''(H) Strategies to address other problems with respect to the education of homeless children and youth, including enrollment problems related to—

''(i) immunization and other required health records and screenings;

''(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 and schools in the State have developed, and shall review and revise, their policies and practices to remove barriers to the identification, enrollment, attendance, retention, and success of homeless children and youth in schools, including early childhood education programs, 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 youth are not stigmatized or segregated on the basis of their status as homeless;

''(ii) local educational agencies will designate an appropriate staff person as the local educational agency liaison for homeless children and youth, who shall have sufficient training and time to carry out the duties described in paragraph (7)(A), and who may also be a coordinator for other Federal programs.

''(iii) the State and local educational agencies in the State will adopt policies and practices to ensure that transportation is provided at the request of the parent or guardian involved (or in the case of an unaccompanied youth, the liaison), to and from the school of origin for as long as the student has the right to attend the school of origin as determined in paragraph (4)(A), in accordance with the following, where applicable:

''(I) If the child or youth continues to live in the area served by the local educational agency for the school of origin, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency for the school of origin.

''(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 the child's or youth's 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 for the area in which the child or youth is living shall agree upon a method to apportion the responsibility and cost for providing 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 between the agencies.

''(iv) The State educational agency and local educational agencies will adopt policies and practices to promote school success for homeless children and youth, including access to full participation in academic and extracurricular activities that are made available to non-homeless students.

''(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 (8).

''(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 title 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 the child or youth becomes a homeless child or youth 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) BEST INTEREST.—In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

''(i) presume that keeping a homeless child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the wishes of the child's or youth's parent or guardian;

''(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 or guardian or the unaccompanied youth involved;

''(iii) if, after conducting the best interest determination described 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 or origin or the school requested by the parent, guardian, or unaccompanied youth, provide, in coordination with the local educational agency liaison, the homeless child's or youth's parent or guardian or the unaccompanied youth, with a written explanation in a manner or form understandable to such parent, guardian, or youth, to the extent practicable, including a statement regarding the right to appeal under subparagraph (E);

''(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); and

''(v) provide transportation pursuant to paragraphs (1)(J)(iii) and (5).

''(C) ENROLLMENT.—

''(i) ENROLLMENT.—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 traditionally required for enrollment, including previous academic records, health records, proof of residency or guardianship, or other documentation;

''(II) has unpaid fines or fees from prior schools or is unable to pay fees in the school selected; or

''(III) has missed application or enrollment deadlines during any period of homelessness.

''(ii) CONTACTING SCHOOL LAST ATTENDED.—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 enroll the child or youth and immediately refer the parent or guardian of the child or youth, or the unaccompanied youth, to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall assist in obtaining necessary immunizations or screenings or other required health records, in accordance with subparagraph (D).

''(iv) NO LIABILITY.—Whenever the school selected enrolls an unaccompanied youth in accordance with this paragraph, no liability shall be imposed upon the school by reason of enrolling the youth without parent or guardian consent.

''(D) RECORDS.—Any record ordinarily kept by the school, including immunization or medical 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 when a child or youth enters a new school or school district, even if the child or youth owes fees or fines or did not withdraw from the previous school in conformance with local withdrawal procedures; and

''(ii) in a manner consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

''(E) DISPUTES.—If a dispute arises over eligibility, enrollment, school selection or service in a public school or public preschool, or any other issue relating to services under this title—

''(i) in the case of a dispute relating to eligibility for enrollment or school selection, 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 or guardian of the child or youth shall be provided with a written explanation of the school's decision regarding eligibility for enrollment, school selection, or services, made by the school or the local educational agency, which shall include information about the right to appeal the decision;

''(iii) the child, youth, parent, or guardian 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 such dispute; and

''(iv) in the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in the 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 involved 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 the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

''(ii) RECEIVING SCHOOL.—When a 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 the feeder school that the child or youth attended.

''(H) CONTACT INFORMATION.—Nothing in this title 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, paying particular attention to preventing disruption of the living situation of the child or youth and to supporting the safety of such children and youth who are survivors of domestic violence and unaccompanied youth.

''(J) ACADEMIC ACHIEVEMENT.—The school selected in accordance with this paragraph shall ensure that homeless children and youth have opportunities to meet the same college and career ready State student academic achievement standards to which other students are held, including implementing the policies and practices required by paragraph (1)(J)(iv).

''(4) COMPARABLE SERVICES.—In addition to receiving services provided for homeless children and youth under this title or other Federal, State, or local laws, regulations, policies, or practices, each homeless child or youth to be assisted under this title shall be provided services comparable to services offered to other students in the school selected under paragraph (4), 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.), similar State or local programs, charter schools, magnet schools, educational programs for children with disabilities, and educational programs for students with limited English proficiency.

''(C) Programs in vocational and technical education.

''(D) Programs for gifted and talented students.

''(E) School nutrition programs.

''(F) Health and counseling services, as appropriate.

''(5) COORDINATION.—

''(A) IN GENERAL.—Each local educational agency shall coordinate—

''(i) the provision of services under this title with the services of local social services agencies and other agencies or entities providing services to homeless children and youth 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.—Each State educational agency and local educational agency that receives assistance under this title shall coordinate, if applicable, 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 youth 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 youth are identified within a reasonable time frame;

''(ii) ensure that all homeless children and youth 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 youth who are to be assisted both under this title, 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 title with the provision of programs for children with disabilities served by such 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 youth, designated under paragraph (1)(J)(ii), shall ensure that—

''(i) all homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies;

''(ii) homeless children and youth are enrolled in, and have a full and equal opportunity to succeed in, schools of that local educational agency;

''(iii) homeless families, children, and youth have access to educational services for which such families, children, and youth are eligible, including services through Head Start, Early Head Start, early intervention, and Even Start programs, and preschool programs;

''(iv) homeless families, and homeless children and youth, receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services;

''(v) homeless children and youth are certified as eligible for free meals offered under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), without further application;

''(vi) the parents or guardians of homeless children and youth are informed of the educational and related opportunities available to their children, including early learning opportunities, and are provided with meaningful opportunities to participate in the education of their children;

''(vii) public notice of the educational rights of homeless children and youth is incorporated into documents related to residency requirements or enrollment, provided upon school enrollment and withdrawal, posted on the local educational agency's website, and disseminated in locations frequented by parents and guardians of homeless children and youth and unaccompanied youth, including schools, shelters, public libraries, and soup kitchens in a manner and form understandable to parents and guardians of homeless children and youth and unaccompanied youth;

''(viii) disputes are resolved in accordance with paragraph (3)(E);

''(ix) the parent or guardian of a homeless child or youth, or 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 (4)(A).

''(x) school personnel are adequately prepared to implement this title and receive professional development, resource materials, technical assistance, and other support; and

''(xi) unaccompanied youth—

''(I) are enrolled in school;

''(II) have opportunities to meet the same college and career ready State student academic achievement standards to which other students are held, including through implementation of the policies and practices required by subparagraphs (F)(ii) and (J)(iv) of paragraph (1); 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), including through school counselors that have received professional development about unaccompanied youth, 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 appointed under subsection (d)(2) and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families and homeless children and youth of the contact information and duties of the local educational agency liaisons, including publishing an annually updated list of the liaisons working in the State on the State educational agency's website.

''(C) LOCAL AND STATE COORDINATION.—the local educational agency liaisons 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 support services to homeless children and youth. 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).

''(D) PROFESSIONAL DEVELOPMENT.—The local educational agency liaisons shall participate in the professional development and other technical assistance activities provided by the State Coordinator pursuant to subsection (f)(5).

''(h) EMERGENCY DISASTER GRANTS.—

''(1) IN GENERAL.—The Secretary shall make emergency disaster grants to eligible local educational agencies and eligible States described in paragraph (2), in order to increase the capacity for such local educational agencies and States to respond to major disasters.

''(2) ELIGIBILITY; APPLICATION.—

''(A) ELIGIBILITY.—

''(i) LOCAL EDUCATIONAL AGENCY ELIGIBILITY.—A local educational agency shall be eligible to receive an emergency disaster grant under this subsection, based on demonstrated need, if such local educational agency's enrollment of homeless children and youth has increased as a result of a hurricane, flood, or other natural disaster for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.).

''(ii) STATE ELIGIBILITY.—A State, through the Office of the Coordinator for Education of Homeless Children and Youths in the State educational agency, shall be eligible to receive an emergency disaster grant under this subsection if there are 1 or more eligible local educational agencies, as described in clause (i), located within the State.

''(B) APPLICATION.—In order for an eligible State or an eligible local educational agency to receive a grant under this subsection, the State educational agency, in consultation with other relevant State agencies, or local educational agency shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

''(3) DISTRIBUTION OF GRANTS.—The Secretary shall distribute emergency disaster grant funds—

''(A) based on demonstrated need, to State educational agencies or local educational agencies for local educational agencies whose enrollment of homeless children and youths has increased as a result of a hurricane, flood, or other natural disaster for which the President has declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.);

''(B) expeditiously, and in no case later than 75 days after such funds are appropriated to the Secretary; and

''(C) in a manner that enables local educational agencies to use such funds for the immediate needs of disaster response and ongoing disaster recovery.

''(4) AMOUNT OF GRANTS.—The Secretary shall distribute grants under this subsection in amounts determined by the Secretary and related to the increase in enrollment of homeless children and youths as a result of such major disaster.

''(5) USES OF FUNDS.—A local educational agency or State educational agency that receives an emergency disaster grant under this subsection shall use the grant funds to carry out the activities described in section 723(d).

''SEC. 723. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.

''(a) GENERAL AUTHORITY.—

''(1) IN GENERAL.—The State educational agency shall, in accordance with section 722(e), and from amounts made available to such agency under section 727, make subgrants to local educational agencies for the purpose of facilitating the identification, enrollment, attendance, and success in school of homeless children and youth.

''(2) SERVICES.—

''(A) IN GENERAL.—Services under paragraph (1)—

''(i) may be provided through programs on school grounds or at other facilities; and

''(ii) shall, to the maximum extent practicable, be provided through existing programs and mechanisms that integrate homeless children and youth with nonhomeless children and youth.

''(B) SERVICES ON SCHOOL GROUNDS.—If services under paragraph (1) are provided to homeless children and youth on school grounds, the schools involved may use funds under this subtitle to provide the same services to other children and youth who are determined by the local educational agency serving the school to be at risk of failing in, or dropping out of, school.

''(3) REQUIREMENT.—Services provided under this section shall not replace the regular academic program and shall be designed to expand upon or improve services provided as part of the school's regular academic program.

''(4) DURATION OF GRANTS.—Subgrants under this section shall be for terms not to exceed 3 years.

''(b) APPLICATION.—A local educational agency that desires to receive a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State educational agency may reasonably require. Such application shall include the following:

''(1) An assessment of the educational and related needs of homeless children and youth in the area served by such agency (which may be undertaken as part of a needs assessment for other disadvantaged group).

''(2) A description of the services and programs for which assistance is sought to address the needs identified in paragraph (1).

''(3) An assurance that the local educational agency's combined fiscal effort per student, or the aggregate expenditures of that agency and the State with respect to the provision of free public education by such agency for the fiscal year preceding the fiscal year for which the subgrant determination is made, was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

''(4) An assurance that the applicant complies with, or will use requested funds to comply with, paragraphs (3) through (7) of section 722(g).

''(5) A description of policies and procedures that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and youth.

''(6) 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).

''(7) An assurance that the local educational agency has removed the policies and practices that have created barriers to the identification, enrollment, attendance, retention, and success in school of all homeless children and youth.

''(c) AWARDS.—

''(1) IN GENERAL.—The State educational agency shall, in accordance with the requirements of this subtitle and from amounts made available to it under section 722(a), make subgrants on a competitive basis to local educational agencies that submit applications under subsection (b). Such subgrants shall be awarded on the basis of the need of such agencies under this subtitle and the quality of the applications submitted.

''(2) NEED.—

''(A) IN GENERAL.—In determining need under paragraph (1), the State educational agency may consider the number of homeless children and youth enrolled in preschool, elementary schools, and secondary schools within the area served by the local educational agency, and shall consider the needs of such children and youth and the ability of the local educational agency to meet such needs.

''(B) OTHER CONSIDERATIONS.—The State educational agency may also consider the following:

''(i) The extent to which the proposed use of funds will facilitate the identification, enrollment, retention, and educational success of homeless children and youth.

''(ii) The extent to which the application reflects coordination with other local and State agencies that serve homeless children and youth.

''(ii) The extent to which the application reflects coordination with other local and State agencies that serve homeless children and youth.

''(iii) The extent to which the applicant exhibits in the application and in current practice (as of the date of submission of the application) a commitment to education for all homeless children and youth.

''(iv) Such other criteria as the State agency determines to be appropriate.

''(3) QUALITY.—In determining the quality of applications under paragraph (1), the State educational agency shall consider the following:

''(A) The applicant's needs assessment under subsection (b)(1) and the likelihood that the program presented in the application will meet such needs.

''(B) The types, intensity, and coordination of the services to be provided under the program.

''(C) The extent to which the applicant will promote meaningful involvement of parents or guardians of homeless children or youth in the education of their children.

''(D) The extent to which homeless children and youths will be integrated into the regular education program involved.

''(E) The quality of the applicant's evaluation plan for the program.

''(F) The extent to which services provided under this subtitle will be coordinated with other services available to homeless children and youth and their families, including housing and social services and services provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), and similar State and local programs.

''(G) The extent to which the local educational agency will use the subgrant to leverage resources, including by maximizing funding for the position of the liaison described in section 722(g)(1)(J)(ii) and the provision of transportation.

''(H) The local educational agency's use of funds to serve homeless children and youth under section 1113(c)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(c)(3)).

''(I) The extent to which the applicant's program meets such other measures as the State educational agency considers to be indicative of a high-quality program, including the extent to which the local educational agency will provide services to unaccompanied youth and preschool-aged children.

''(J) The extent to which the application describes how the applicant will meet the requirements of section 722(g)(4).

''(d) AUTHORIZED ACTIVITIES.—A local educational agency may use funds awarded under this section for activities that carry out the purpose of this subtitle, including the following:

''(1) The provision of tutoring, supplemental instruction, and enriched educational services that are linked to the achievement of the same college and career ready State academic content standards and

college and career ready State student academic achievement standards the State establishes for other children and youths.

''(2) The provision of expedited evaluations of the strengths, needs, and eligibility of homeless children and youth, including needs and eligibility for programs and services (including educational programs for gifted and talented students, children with disabilities, and students with limited English proficiency, charter school programs, magnet school programs, programs in career and technical education, and school nutrition programs).

''(3) Professional development and other activities for educators and specialized instructional support personnel that are designed to heighten the understanding and sensitivity of such educators and personnel to the needs of homeless children and youth, the rights of such children and youth under this subtitle, and the specific educational needs of runaway and homeless youth.

''(4) The provision of referral services to homeless children and youths for medical, dental, mental, and other health services.

''(5) The provision of assistance to defray the excess cost of transportation under paragraphs (1)(J)(iii) and (5)(A) of section 722(g) not otherwise provided through Federal, State, or local funding.

''(6) The provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding.

''(7) The provision of services and assistance to attract, engage, and retain homeless children and youth, particularly homeless children and youth who are not enrolled in school, in public school programs and services provided to nonhomeless children and youths.

''(8) The provision for homeless children and youths of before- and after-school, mentoring, and summer programs in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities.

''(9) If necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to facilitate the appropriate placement of homeless children and youths in school, including birth certificates, immunization or medical records, academic records, guardianship records, and evaluations for special programs or services.

''(10) The provision of education and training to the parents of homeless children and youths about the rights of, and resources available to, such children and youth, and other activities designed to increase the meaningful involvement of families of homeless children or youth in the education of their children.

''(11) The development of coordination of activities between schools and agencies providing services to homeless children and youths, as described in section 722(g)(6).

''(12) The provision of pupil services (including counseling) and referrals for such services.

''(13) Activities to address the particular needs of homeless children and youth that may arise from domestic violence and parental mental health or substance abuse problems.

''(14) The adaptation of space and purchase of supplies for any nonschool facilities made available under subsection (a)(2) to provide services under this subsection.

''(15) The provision of school supplies, including those supplies to be distributed at shelters or temporary housing facilities, or other appropriate locations.

''(16) The provision of assistance to defray the cost of the position of liaison designated pursuant to section 722(g)(1)(J)(ii), not otherwise provided through Federal, State, or local funding.

''(17) The provision of other extraordinary or emergency assistance needed to enable homeless children and youth to enroll, attend, and succeed in school, including in early childhood education programs.

''SEC. 724. SECRETARIAL RESPONSIBILITIES.

''(a) REVIEW OF STATE PLANS.—In reviewing the State plan submitted by a State educational agency under section 722(g), the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plan adequately address the problems of all homeless children and youth relating to access to education and placement as described in such plan.

''(b) TECHNICAL ASSISTANCE.—The Secretary shall—

''(1) provide support and technical assistance to a State educational agencies to assist such agencies in carrying out their responsibilities under this subtitle; and

''(2) establish or designate a Federal Office of the Coordinator for Education of Homeless Children and Youths that has sufficient capacity, resources, and support to carry out the responsibilities described in this subtitle.

''(c) NOTICE.—

''(1) IN GENERAL.—The Secretary shall, before the next school year that begins after the date of enactment of the Student Success Act, develop and disseminate a public notice of the educational rights of homeless children and youth. The notice shall include information regarding the definition of homeless children and youth in section 726.

''(2) DISSEMINATION.—The Secretary shall disseminate the notice nationally. The Secretary also shall disseminate such notice to heads of other Department of Education offices, including those responsible for special education programs, higher education, and programs under parts A, B, C, D, G, and H of title I, title III, title IV, and part B of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq., 6361 et seq., 6391 et seq., 6421 et seq., 6531 et seq., 6551 et seq., 6801 et seq., 7102 et seq., and 7221 et seq.). The Secretary shall also disseminate such notice to heads of other Federal agencies, and grant recipients and other entities carrying out federally funded programs, including Head Start programs, grant recipients under the Health Care for the Homeless program of the Health Resources and Services Administration of the Department of Health and Human Services, grant recipients under the Emergency Food and Shelter National Board Program of the Federal Emergency Management Agency, grant recipients under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.), grant recipients under the John H. Chafee Foster Care Independence program, grant recipients under homeless assistance programs administered by the Department of Housing and Urban Development, and recipients of Federal funding for programs carried out by the Administration on Children, Youth and Families of the Department of Health and Human Services.

''(d) EVALUATION AND DISSEMINATION.—The Secretary shall conduct evaluation, dissemination, and technical assistance activities of programs designed to meet the educational needs of homeless preschool, elementary school, and secondary school students, and may use funds appropriated under section 727 to conduct such activities.

''(e) SUBMISSION AND DISTRIBUTION.—The Secretary shall require applications for grants under section 722 to be submitted to the Secretary not later than the expiration of the 120-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the 180-day period beginning on such date.

''(f) DETERMINATION BY SECRETARY.—The Secretary, based on the information received from the States and information gathered by the Secretary under subsection (h), shall determine the extent to which State educational agencies are ensuring that each homeless child and homeless youth has access to a free appropriate public education, as described in section 721(1). The Secretary shall provide support and technical assistance to State educational agencies in areas in which barriers to a free appropriate public education persist.

''(g) PUBLICATION.—The Secretary shall develop, issue, and publish in the Federal Register, not later than 90 days after the date of enactment of the Student Success Act, a summary of the changes enacted by that Act and related strategies, which summary shall include—

''(1) strategies by which a State can assist local educational agencies to implement the provisions amended by the Act;

''(2) strategies by which a State can review and revise State policies and procedures that may present barriers to the identification, enrollment, attendance, and success of homeless children and youth in school; and

''(3) strategies by which entities carrying out preschool programs can implement requirements of section 722(g)(3).

''(h) INFORMATION.—

''(1) IN GENERAL.—From funds appropriated under section 727, the Secretary shall, directly or through grants, contracts, or cooperative agreements, periodically, but not less frequently than every two years, collect and disseminate publicly data and information regarding—

''(A) the number and location of homeless children and youth;

''(B) the education and related support services such children and youth receive;

''(C) the extent to which the needs of homeless children and youth are being met;

''(D) the academic progress being made by homeless children and youth, including the percent or number of homeless children and youth participating in State assessments; and

''(E) such other data and information as the Secretary determines to be necessary and relevant to carry out this subtitle.

''(2) COORDINATION.—The Secretary shall coordinate such collection and dissemination with other agencies and entities that receive assistance and administer programs under this subtitle.

''(i) REPORT.—Not later than 4 years after the date of enactment of the Student Success Act, the Secretary shall prepare and submit to the President 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 a report on the status of education of homeless children and youths, which shall include information on—

''(1) the education of homeless children and youth; and

''(2) the actions of the Secretary and the effectiveness of the programs supported under this subtitle.

''SEC. 725. RULE OF CONSTRUCTION.

''Nothing in this subtitle shall be construed to diminish the rights of parents or guardians of homeless children or youth, or unaccompanied youth, otherwise provided under State law, policy, or practice, including laws or policies that authorize the best interest determination in section 722(g)(3) to be made solely by the parent, guardian, or youth involved.

"SEC. 726. DEFINITIONS.

''In this subtitle:

''(1) ENROLL; ENROLLMENT.—The terms 'enroll' and 'enrollment' include attending classes and participating fully in school activities.

''(2) HOMELESS CHILDREN AND YOUTH.—The term 'homeless children and youth'—

''(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1));

''(B) includes—

''(i) children and youth who—

''(I) are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

''(II) are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;

''(III) are living in emergency or transitional shelters;

''(IV) subject to subparagraph (C), are awaiting foster care placement; and

''(V) are abandoned in hospitals;

''(ii) children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C));

''(iii) children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

''(iv) migratory children (as such term is defined in section 1312 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii); and

''(C) 1 year after the date of enactment of the Student Success Act, shall not include the children and youth described in subparagraph (B)(i)(IV).

''(3) LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.—The terms 'local educational agency' and 'State educational agency' have the meanings given such terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

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

''(5) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(6) UNACCOMPANIED YOUTH.—The term 'unaccompanied youth' means a homeless child or youth not in the physical custody of a parent or legal guardian.

"SEC. 727. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—For the purpose of carrying out this subtitle, other than section 725, there are authorized to be appropriated to the Secretary $100,000,000 for fiscal year 2016 and such sums as may be necessary for each of fiscal years 2017 through 2022.

''(b) EMERGENCY DISASTER GRANTS.—In addition to sums authorized under subsection (a), there are authorized to be appropriated to the Secretary to carry out subsection (h) such additional sums as may be necessary.''.

TITLE XI—PREKINDERGARTEN ACCESS

Subtitle A—Access to Voluntary Prekindergarten for Low- and Moderate-Income Families

SEC. 1111. PURPOSES.

The purposes of this subtitle are to—

(1) establish a Federal-State partnership to provide access to high-quality public prekindergarten programs for all children from low-income and moderate-income families to ensure that they enter kindergarten prepared for success;

(2) broaden participation in such programs to include children from additional middle-class families; and

(3) promote access to high-quality kindergarten, and high-quality early childhood education programs and settings for children.

SEC. 1112. DEFINITIONS.

In this subtitle:

(1) CHILD WITH A DISABILITY.—The term ''child with a disability'' has the meaning given the term in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(2) COMPREHENSIVE EARLY LEARNING ASSESSMENT SYSTEM.—The term ''comprehensive early learning assessment system''—

(A) means a coordinated and comprehensive system of multiple assessments, each of which is valid and reliable for its specified purpose and for the population with which it will be used, that—

(i) organizes information about the process and context of young children's learning and development to help early childhood educators make informed instructional and programmatic decisions; and

(ii) conforms to the recommendations of the National Research Council reports on early childhood; and

(B) includes, at a minimum—

(i) child screening measures to identify children who may need follow-up services to address developmental, learning, or health needs in, at a minimum, areas of physical health, behavioral health, oral health, child development, vision, and hearing;

(ii) child formative assessments;

(iii) measures of environmental quality; and

(iv) measures of the quality of adult-child interactions.

(3) DUAL LANGUAGE LEARNER.—The term ''dual language learner'' means an individual who is limited English proficient.

(4) EARLY CHILDHOOD EDUCATION PROGRAM.—The term ''early childhood education program'' has the meaning given the term under section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

(5) ELEMENTARY SCHOOL.—The term ''elementary school'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) ELIGIBILITY DETERMINATION DATE.—The term ''eligibility determination date'' means the date used to determine eligibility for public elementary school in the community in which the eligible local entity involved is located.

(7) ELIGIBLE LOCAL ENTITY.—The term ''eligible local entity'' means—

(A) a local educational agency, including a charter school or a charter management organization that acts as a local educational agency, or an educational service agency in partnership with a local educational agency—

(i) that has met the requirement described in section 1112(9)(B); or

(ii) whose teachers are in progress of meeting such requirement within two years;

(B) an entity (including a Head Start program or licensed child care setting) that carries out, administers, or supports an early childhood education program and—

(i) that has met the requirement described in section 1112(9)(B); or

(ii) whose teachers are in progress of meeting such requirement within two years; or

(C) a consortium of entities described in subparagraph (A) or (B).

(8) FULL-DAY.—The term ''full-day'' means a day that is—

(A) equivalent to a full school day at the public elementary schools in a State; and

(B) not less than 5 hours a day.

(9) HIGH-QUALITY PREKINDERGARTEN PROGRAM.—The term ''high-quality prekindergarten program'' means a prekindergarten program supported by an eligible local entity that includes, at a minimum, the following elements based on nationally recognized standards:

(A) Serves children who—

(i) are age 4 or children who are age 3 or 4, by the eligibility determination date (including children who turn age 5 while attending the program); or

(ii) have attained the legal age for State-funded prekindergarten.

(B) Requires high qualifications for staff, including that teachers meet the requirements of 1 of the following clauses:

(i) The teacher has a bachelor's degree in early childhood education or a related field with coursework that demonstrates competence in early childhood education.

(ii) The teacher—

(I) has a bachelor's degree in any field;

(II) has demonstrated knowledge of early childhood education by passing a State-approved assessment in early childhood education;

(III) while employed as a teacher in the prekindergarten program, is engaged in ongoing professional development in early childhood education for not less than 2 years; and

(IV) not more than 3 years after starting employment as a teacher in the prekindergarten program, enrolls in and completes a State-approved educator preparation program in which the teacher receives training and support in early childhood education.

(iii) The teacher has bachelor's degree with a credential, license, or endorsement that demonstrates competence in early childhood education.

(C) Maintains an evidence-based maximum class size.

(D) Maintains an evidence-based child to instructional staff ratio.

(E) Offers a full-day program.

(F) Provides developmentally appropriate learning environments and evidence-based curricula that are aligned with the State's early learning and development standards described in section 1115(1).

(G) Offers instructional staff salaries comparable to kindergarten through grade 12 teaching staff.

(H) Provides for ongoing monitoring and program evaluation to ensure continuous improvement.

(I) Offers accessible comprehensive services for children that include, at a minimum—

(i) screenings for vision, dental, hearing, health (including mental health), and development (including early literacy and math skill development) and referrals, and assistance obtaining services, when appropriate;

(ii) family engagement opportunities that take into account home language, such as parent conferences (including parent input about their child's development) and support services, such as parent education, home visiting, and family literacy services;

(iii) nutrition services, including nutritious meals and snack options aligned with requirements set by the most recent Child and Adult Care Food Program guidelines promulgated by the Department of Agriculture as well as regular, age-appropriate, nutrition education for children and their families;

(iv) programs coordinated with local educational agencies and entities providing programs authorized under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419 and 1431 et seq.);

(v) physical activity programs aligned with evidence-based guidelines, such as those recommended by the Institute of Medicine, and which take into account and accommodate children with disabilities;

(vi) additional support services, as appropriate, based on the findings of the needs analysis as described in section 1120; and

(vii) on-site coordination, to the maximum extent feasible.

(J) Provides high-quality professional development for all staff, including regular in-classroom observation for teachers and teacher assistants by individuals trained in such observation and which may include evidence-based coaching.

(K) Meets the education performance standards in effect under section 641A(a)(1)(B) of the Head Start Act (42 U.S.C. 9836a(a)(1)(B)).

(L) Maintains evidence-based health and safety standards.

(M) Maintains disciplinary policies that do not include expulsion or an extended suspension of participating children, and that include providing appropriate early educational services for participating children who are suspended for a short period of time.

(10) GOVERNOR.—The term ''Governor'' means the chief executive officer of a State.

(11) HOMELESS CHILD.—The term ''homeless child'' means a child or youth described in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2).

(12) 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).

(13) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms ''Indian tribe'' and ''tribal organization'' have the meanings given the terms in 658P of the Child Care and Development Block Grant of 1990 (42 U.S.C. 9858n).

(14) LIMITED ENGLISH PROFICIENT.—The term ''limited English proficient'' has the meaning given the term in section 637 of the Head Start Act (42 U.S.C. 9832).

(15) LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY; EDUCATIONAL SERVICE AGENCY.—The terms ''local educational agency'', ''State educational agency'', and ''educational service agency'' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(16) MIGRANT OR SEASONAL AGRICULTURAL LABOR.—The term ''migrant or seasonal agricultural labor'' refers to an individual who is engaged in agricultural labor, including those who have changed their residence from one grographic location to another in the proceeding 36 months.

(17) MIGRATORY CHILD.—The term ''migratory child'' has the meaning given the term in section 1309 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6399).

(18) OUTLYING AREA.—The term ''outlying area'' means each of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau.

(19) POVERTY LINE.—The term ''poverty line'' means the official poverty line (as defined by the Office of Management and Budget)—

(A) adjusted to reflect the percentage change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor for the most recent 12-month period or other interval for which the data are available; and

(B) applicable to a family of the size involved.

(20) SECONDARY SCHOOL.—The term ''secondary school'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

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

(22) STATE.—Except as otherwise provided in this subtitle, the term ''State'' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

(23) STATE ADVISORY COUNCIL ON EARLY CHILDHOOD EDUCATION AND CARE.—The term ''State Advisory Council on Early Childhood Education and Care'' means the State Advisory Council on Early Childhood Education and Care established under section 642B(b) of the Head Start Act (42 U.S.C. 9837b(b)).

SEC. 1113. PROGRAM AUTHORIZATION.

From amounts made available to carry out this subtitle, the Secretary, in consultation with the Secretary of Health and Human Services, shall award grants to States to implement high-quality prekindergarten programs, consistent with the purposes of this subtitle described in section 1111. For each fiscal year, the funds provided under a grant by a State shall equal the allotment determined for the State under section 1114.

SEC. 1114. ALLOTMENTS AND RESERVATIONS OF FUNDS.

(a) RESERVATION.—From the amount made available each fiscal year to carry out this subtitle, the Secretary shall—

(1) reserve not less than 1 percent and not more than 2 percent for payments to Indian tribes and tribal organizations;

(2) reserve ½ of 1 percent for the outlying areas to be distributed among the outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purposes of this subtitle;

(3) reserve ½ of 1 percent for eligible local entities that serve children in families who are engaged in migrant or seasonal agricultural labor; and

(4) reserve not more than 1 percent or $30,000,000, whichever amount is less, for national activities, including administration, technical assistance, and evaluation.

(b) ALLOTMENTS.—

(1) IN GENERAL.—From the amount made available each fiscal year to carry out this subtitle and not reserved under subsection (a), the Secretary shall make allotments to States in accordance with paragraph (2) that have submitted an approved application.

(2) ALLOTMENT AMOUNT.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall allot the amount made available under paragraph (1) for a fiscal year among the States in proportion to the number of children who are age 4 who reside within the State and are from families with incomes at or below 200 percent of the poverty line for the most recent year for which satisfactory data are available, compared to the number of such children who reside in all such States for that fiscal year.

(B) MINIMUM ALLOTMENT AMOUNT.—No State receiving an allotment under subparagraph (A) may receive less than ½ of 1 percent of the total amount allotted under such subparagraph.

(3) REALLOTMENT AND CARRY OVER.—

(A) IN GENERAL.—If one or more States do not receive an allotment under this subsection for any fiscal year, the Secretary may use the amount of the allotment for that State or States, in such amounts as the Secretary determines appropriate, for either or both of the following:

(i) To increase the allotments of States with approved applications for the fiscal year, consistent with subparagraph (B).

(ii) To carry over the funds to the next fiscal year.

(B) REALLOTMENT.—In increasing allotments under subparagraph (A)(i), the Secretary shall allot to each State with an approved application an amount that bears the same relationship to the total amount to be allotted under subparagraph (A)(i), as the amount the State received under paragraph (2) for that fiscal year bears to the amount that all States received under paragraph (2) for that fiscal year.

(4) STATE.—For purposes of this subsection, the term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(c) FLEXIBILITY.—The Secretary may make minimal adjustments to allotments under this subsection, which shall neither lead to a significant increase or decrease in a State's allotment determined under subsection (b), based on a set of factors, such as the level of program participation and the estimated cost of the activities specified in the State plan under section 1116(a)(2).

SEC. 1115. STATE ELIGIBILITY CRITERIA.

A State is eligible to receive a grant under this subtitle if the State demonstrates to the Secretary that the State—

(1) has established or will establish early learning and development standards that describe what children from birth to kindergarten entry should know and be able to do, are universally designed and developmentally, culturally, and linguistically appropriate, are aligned with the State's challenging academic content standards and challenging student academic achievement standards, as adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)), and cover all of the essential domains of school readiness, which address—

(A) physical well-being and motor development;

(B) social and emotional development;

(C) approaches to learning, including music and the arts;

(D) developmentally appropriate oral and written language and literacy development; and

(E) cognition and general knowledge, including early mathematics and early scientific development;

(2) has the ability or will develop the ability to link prekindergarten data with its elementary school and secondary school data for the purpose of collecting longitudinal information for all children participating in the State's high-quality prekindergarten program and any other Federally-funded early childhood program that will remain with the child through the child's public education through grade 12;

(3) offers State-funded kindergarten for children who are eligible children for that service in the State; and

(4) has established a State Advisory Council on Early Childhood Education and Care.

SEC. 1116. STATE APPLICATIONS.

(a) IN GENERAL.—To receive a grant under this subtitle, the Governor of a State, in consultation with the Indian tribes and tribal organizations in the State, if any, shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. At a minimum, each such application shall include—

(1) an assurance that the State—

(A) will coordinate with and continue to participate in the programs authorized under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419 and 1431 et seq.), the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and the maternal, infant, and early childhood home visiting programs funded under section 511 of the Social Security Act (42 U.S.C. 711) for the duration of the grant;

(B) will designate a State-level entity (such as an agency or joint interagency office), selected by the Governor, for the administration of the grant, which shall coordinate and consult with the State educational agency if the entity is not the State educational agency; and

(C) will establish, or certify the existence of, program standards for all State prekindergarten programs consistent with the definition of a high-quality prekindergarten program under section 1112;

(2) a description of the State's plan to—

(A) use funds received under this subtitle and the State's matching funds to provide high-quality prekindergarten programs, in accordance with section 1117(d), with open enrollment for all children in the State who—

(i) are described in section 1112(9)(A); and

(ii) are from families with incomes at or below 200 percent of the poverty line;

(B) develop or enhance a system for monitoring eligible local entities that are receiving funds under this subtitle for compliance with quality standards developed by the State and to provide program improvement support, which may be accomplished through the use of a State-developed system for quality rating and improvement;

(C) if applicable, expand participation in the State's high-quality prekindergarten programs to children from families with incomes above 200 percent of the poverty line;

(D) carry out the State's comprehensive early learning assessment system, or how the State plans to develop such a system, ensuring that any assessments are culturally, developmentally, and age-appropriate and consistent with the recommendations from the study on Developmental Outcomes and Assessments for Young Children by the National Academy of Sciences, consistent with section 649(j) of the Head Start Act (42 U.S.C. 9844);

(E) develop, implement, and make publicly available the performance measures and targets described in section 1119;

(F) increase the number of teachers with bachelor's degrees in early childhood education, or with bachelor's degrees in another closely related field and specialized training and demonstrated competency in early childhood education, including how institutions of higher education will support increasing the number of teachers with such degrees and training, including through the use of assessments of prior learning, knowledge, and skills to facilitate and expedite attainment of such degrees;

(G) coordinate and integrate the activities funded under this subtitle with Federal, State, and local services and programs that support early childhood education and care, including programs supported under this subtitle, the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), the Community Services Block Grant Act (42 U.S.C. 9901 et seq.), the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), the temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), the State incentive grant program under section 14006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), Federally funded early literacy programs, the maternal, infant, and early childhood home visiting programs funded under section 511 of the Social Security Act (42 U.S.C. 711), health improvements to child care funded under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), the program under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.S. 11431 et seq.), the Investing In Innovation program under section 14007 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), programs authorized under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.), the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110–351), and any other Federal, State, or local early childhood education programs used in the State;

(H) award subgrants to eligible local entities, and in awarding such subgrants, facilitate a delivery system of high-quality prekindergarten programs that includes diverse providers, such as providers in community-based, public school, and private settings, and consider the system's impact on options for families;

(I) in the case of a State that does not have a funding mechanism for subgranting funds to implement high-quality prekindergarten, use objective criteria in awarding subgrants to eligible local entities that will implement high-quality prekindergarten programs, including actions the State will take to ensure that eligible local entities will coordinate with local educational agencies or other early learning providers, as appropriate, to carry out activities to provide children served under this subtitle with a successful transition from preschool into kindergarten, which activities shall include—

(i) aligning curricular objectives and instruction;

(ii) providing staff professional development, including opportunities for joint-professional development on early learning and kindergarten through grade 3 standards, assessments, and curricula;

(iii) coordinating family engagement and support services; and

(iv) encouraging the shared use of facilities and transportation, as appropriate;

(J) use the State early learning and development standards described in section 1115(1) to address the needs of dual language learners, including by incorporating benchmarks related to English language development;

(K) identify barriers, and propose solutions to overcome such barriers, which may include seeking assistance under section 1126, in the State to effectively use and integrate Federal, State, and local public funds and private funds for early childhood education that are available to the State on the date on which the application is submitted;

(L) support articulation agreements (as defined in section 486A of the Higher Education Act of 1965 (20 U.S.C. 1093a)) between public 2-year and public 4-year institutions of higher education and other credit-bearing professional development in the State for early childhood teacher preparation programs and closely related fields;

(M) ensure that the higher education programs in the State have the capacity to prepare a workforce to provide high-quality prekindergarten programs;

(N) support workforce development, including State and local policies that support prekindergarten instructional staff's ability to earn a degree, certification, or other specializations or qualifications, including policies on leave, substitutes, and child care services, including non-traditional hour child care;

(O) hold eligible local entities accountable for use of funds;

(P) ensure that the State's early learning and development standards are integrated into the instructional and programmatic practices of high-quality prekindergarten programs and related programs and services, such as those provided to children under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419 and 1431 et seq);

(Q) increase the number of children in the State who are enrolled in high-quality kindergarten programs and carry out a strategy to implement such a plan;

(R) coordinate the State's activities supported by grants under this subtitle with activities in State plans required under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.);

(S) encourage eligible local entities to coordinate with community-based learning resources, such as libraries, arts and arts education programs, appropriate media programs, family literacy programs, public parks and recreation programs, museums, nutrition education programs, and programs supported by the Corporation for National and Community Service;

(T) work with eligible local entities, in consultation with elementary school principals, to ensure that high-quality prekindergarten programs have sufficient and appropriate facilities to meet the needs of children eligible for prekindergarten;

(U) support local early childhood coordinating entities, such as local early childhood councils, if applicable, and help such entities to coordinate early childhood education programs with high-quality prekindergarten programs to ensure effective and efficient delivery of early childhood education program services;

(V) support shared services administering entities, if applicable;

(W) ensure that the provision of high-quality prekindergarten programs will not lead to a diminution in the quality or supply of services for infants and toddlers or disrupt the care of infants and toddlers in the geographic area served by the eligible local entity, which may include demonstrating that the State will direct funds to provide high-quality early childhood education and care to infants and toddlers in accordance with section 1117(d); and

(X) ensure that all high-quality prekindergarten programs the State supports under this Act will conduct criminal history background checks that meet the requirements of section 9537 on employees and applicants for employment with unsupervised access to children; and

(3) an inventory of the State's higher education programs that prepare individuals for work in a high-quality prekindergarten program, including—

(A) certification programs;

(B) associate degree programs;

(C) baccalaureate degree programs

(D) masters degree programs; and

(E) other programs that lead to a specialization in early childhood education, or a related field.

(b) DEVELOPMENT OF APPLICATION.—In developing an application for a grant under this subtitle, a State shall consult with the State Advisory Council on Early Childhood Education and Care and incorporate such Council's recommendations, where applicable.

(c) CONSTRUCTION.—Nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school employees, local educational agency employees, and the employees of early childhood education programs 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 employees and their employers.

SEC. 1117. STATE USE OF FUNDS.

(a) RESERVATION FOR QUALITY IMPROVEMENT ACTIVITIES.—

(1) IN GENERAL.—A State that receives a grant under this subtitle may reserve for, not more than the first 4 years such State receives such a grant, not more than 20 percent

of the grant funds for quality improvement activities that support the elements of high-quality prekindergarten programs. Such quality improvement activities may include supporting teachers, center directors, and principals in a State's high-quality prekindergarten program, licensed or regulated child care, or Head Start programs to enable such teachers or directors to earn a baccalaureate degree in early childhood education, or closely-related field, through activities which may include—

(A) expanding or establishing scholarships, counseling, and compensation initiatives to cover the cost of tuition, fees, materials, transportation, and release time for such teachers;

(B) providing ongoing professional development opportunities, including regular in-classroom observation by individuals trained in such observation, for such teachers, directors, principals, and teachers assistants to enable such teachers, directors, principals, and teachers assistants to carry out the elements of high-quality prekindergarten programs, which may include activities that address—

(i) promoting children's development across all of the essential domains of early learning and development;

(ii) developmentally appropriate curricula and teacher-child interaction;

(iii) effective family engagement;

(iv) providing culturally competent instruction;

(v) working with a diversity of children and families, including children with special needs and dual language learners;

(vi) childhood nutrition and physical education programs;

(vii) supporting the implementation of evidence-based curricula;

(viii) social and emotional development; and

(ix) incorporating age-appropriate strategies of positive behavioral interventions and supports; and

(C) providing families with increased opportunities to learn how best to support their children's physical, cognitive, social, and emotional development during the first five years of life.

(2) NOT SUBJECT TO MATCHING.—The amount reserved under paragraph (1) shall not be subject to the matching requirements under section 1120.

(3) COORDINATION.—A State that reserves an amount under paragraph (1) shall coordinate the use of such amount with activities funded under section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) and the Head Start Act (42 U.S.C. 9831 et seq.).

(4) CONSTRUCTION.—A State may not use funds reserved under this subsection to meet the requirement described in section 1112(9)(G).

(b) SUBGRANTS FOR HIGH-QUALITY PREKINDERGARTEN PROGRAMS.—A State that receives a grant under this subtitle shall award subgrants of sufficient size to eligible local entities to enable such eligible local entities to implement high-quality prekindergarten programs for children who—

(1) are described in section 1112(9)(A);

(2) reside within the State; and

(3) are from families with incomes at or below 200 percent of the poverty line.

(c) ADMINISTRATION.—A State that receives a grant under this subtitle may reserve not more than 1 percent of the grant funds for administration of the grant, and may use part of that reservation for the maintenance of the State Advisory Council on Early Childhood Education and Care.

(d) EARLY CHILDHOOD EDUCATION AND CARE PROGRAMS FOR INFANTS AND TODDLERS.—

(1) USE OF ALLOTMENT FOR INFANTS AND TODDLERS.—An eligible State may apply to use, and the appropriate Secretary may grant permission for the State to use, not more than 15 percent of the funds made available through a grant received under this subtitle to award subgrants to early childhood education programs to provide, consistent with the State's early learning and development guidelines for infants and toddlers, high-quality early childhood education and care to infants and toddlers who reside within the State and are from families with incomes at or below 200 percent of the poverty line.

(2) APPLICATION.—To be eligible to use the grant funds as described in paragraph (1), the State shall submit an application to the appropriate Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall, at a minimum, include a description of how the State will—

(A) designate a lead agency which shall administer such funds;

(B) ensure that such lead agency, in coordination with the State's Advisory Council on Early Childhood Education and Care, will collaborate with other agencies in administering programs supported under this subsection for infants and toddlers in order to obtain input about the appropriate use of such funds and ensure coordination with programs for infants and toddlers funded under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.) (including any Early Learning Quality Partnerships established in the State under section 645B of the Head Start Act, as added by section 202), the Race to the Top and Early Learning Challenge program under section 14006 of Public Law 111–5 (123 Stat. 283), the maternal, infant, and early childhood home visiting programs funded under section 511 of the Social Security Act (42 U.S.C. 711), and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.);

(C) ensure that infants and toddlers who benefit from amounts made available under this subsection will transition to and have the opportunity to participate in a high-quality prekindergarten program supported under this subtitle;

(D) in awarding subgrants, give preference to early childhood education programs that have a plan to increase services to children with special needs, including children with developmental delays or disabilities, children who are dual language learners, homeless children, children who are in foster care, children of migrant families, children eligible for free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), or children in the child welfare system; and

(E) give priority to activities carried out under this subsection that will increase access to high-quality early childhood education programs for infants and toddlers in local areas with significant concentrations of low-income families that do not currently benefit from such programs.

(3) ELIGIBLE PROVIDERS.—A State may use the grant funds as described in paragraph (1) to serve infants and toddlers only by working with early childhood education program providers that—

(A) offer full-day, full-year care, or otherwise meet the needs of working families; and

(B) meet high-quality standards, such as—

(i) Early Head Start program performance standards under the Head Start Act (42 U.S.C. 9831 et seq.); or

(ii) high quality, demonstrated, valid, and reliable program standards that have been established through a national entity that accredits early childhood education programs.

(4) FEDERAL ADMINISTRATION.—

(A) IN GENERAL.—The Secretary of Education shall bear responsibility for obligating and disbursing funds to support activities under this subsection and ensuring compliance with applicable laws and administrative requirements, subject to paragraph (3).

(B) INTERAGENCY AGREEMENT.—The Secretary of Education and the Secretary of Health and Human Services shall jointly administer activities supported under this subsection on such terms as such Secretaries shall set forth in an interagency agreement. The Secretary of Health and Human Services shall be responsible for any final approval of a State's application under this subsection that addresses the use of funds designated for services to infants and toddlers.

(C) APPROPRIATE SECRETARY.—In this subsection, the term ''appropriate Secretary'' used with respect to a function, means the Secretary designated for that function under the interagency agreement.

SEC. 1118. ADDITIONAL PREKINDERGARTEN SERVICES.

(a) PREKINDERGARTEN FOR 3-YEAR OLDS.—Each State that certifies to the Secretary that the State provides universally available, voluntary, high-quality prekindergarten programs for 4-year old children who reside within the State and are from families with incomes at or below 200 percent of the poverty line may use the State's allocation under section 1114(b) to provide high-quality prekindergarten programs for 3-year old children who reside within the State and are from families with incomes at or below 200 percent of the poverty line.

(b) SUBGRANTS.—In each State that has a city, county, or local educational agency that provides universally available high-quality prekindergarten programs for 4-year old children who reside within the State and are from families with incomes at or below 200 percent of the poverty line the State may use amounts from the State's allocation under section 1114(b) to award subgrants to eligible local entities to enable such eligible local entities to provide high-quality prekindergarten programs for 3-year old children who are from families with incomes at or below 200 percent of the poverty line and who reside in such city, county or local educational agency.

SEC. 1119. PERFORMANCE MEASURES AND TARGETS.

(a) IN GENERAL.—A State that receives a grant under this subtitle shall develop, implement, and make publicly available the performance measures and targets for the activities carried out with grant funds. Such measures shall, at a minimum, track the State's progress in—

(1) increasing school readiness across all domains for all categories of children, as described in section 1123(b)(7), including children with disabilities and dual language learners;

(2) narrowing school readiness gaps between minority and nonminority children, and low-income children and more advantaged children, in preparation for kindergarten entry;

(3) decreasing placement for children in elementary school in special education programs and services as described in part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.);

(4) increasing the number of programs meeting the criteria for high-quality prekindergarten programs across all types of local eligible entities, as defined by the State and in accordance with section 1112;

(5) decreasing the need for grade-to-grade retention in elementary school;

(6) if applicable, ensuring that high-quality prekindergarten programs do not experience instances of chronic absence among the children who participate in such programs;

(7) increasing the number and percentage of low-income children in high-quality early childhood education programs that receive financial support through funds provided under this subtitle; and

(8) providing high-quality nutrition services, nutrition education, physical activity, and obesity prevention programs.

(b) PROHIBITION OF MISDIAGNOSIS PRACTICES.—A State shall not, in order to meet the performance measures and targets described in subsection (a), engage in practices or policies that will lead to the misdiagnosis or under-diagnosis of disabilities or developmental delays among children who are served through programs supported under this subtitle.

SEC. 1120. MATCHING REQUIREMENTS.

(a) MATCHING FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a State that receives a grant under this subtitle shall provide matching funds from non-Federal sources, as described in subsection (c), in an amount equal to—

(A) 10 percent of the Federal funds provided under the grant in the first year of grant administration;

(B) 10 percent of the Federal funds provided under the grant in the second year of grant administration;

(C) 20 percent of the Federal funds provided under the grant in the third year of grant administration;

(D) 30 percent of the Federal funds provided under the grant in the fourth year of grant administration;

(E) 40 percent of the Federal funds provided under the grant in the fifth year of grant administration;

(F) 50 percent of the Federal funds provided under the grant in the sixth year of grant administration;

(G) 75 percent of the Federal funds provided under the grant in the seventh year of grant administration; and

(H) 100 percent of the Federal funds provided under the grant in the eighth and following years of grant administration.

(2) REDUCED MATCH RATE.—A State that meets the requirements under subsection (b) may provide matching funds from non-Federal sources at a reduced rate. The full reduced matching funds rate shall be in an amount equal to—

(A) 5 percent of the Federal funds provided under the grant in the first year of grant administration;

(B) 5 percent of the Federal funds provided under the grant in the second year of grant administration;

(C) 10 percent of the Federal funds provided under the grant in the third year of grant administration;

(D) 20 percent of the Federal funds provided under the grant in the fourth year of grant administration;

(E) 30 percent of the Federal funds provided under the grant in the fifth year of grant administration;

(F) 40 percent of the Federal funds provided under the grant in the sixth year of grant administration;

(G) 50 percent of the Federal funds provided under the grant in the seventh year of grant administration;

(H) 75 percent of the Federal funds provided under the grant in the eighth year of grant administration; and

(I) 100 percent of the Federal funds provided under the grant in the ninth and following years of the grant administration.

(b) REDUCED MATCH RATE ELIGIBILITY.—A State that receives a grant under this subtitle may provide matching funds from non-Federal sources at the full reduced rate under subsection (a)(2) if the State—

(1)(A) offers enrollment in high-quality prekindergarten programs to not less than half of children in the State who are—

(i) age 4 on the eligibility determination date; and

(ii) from families with incomes at or below 200 percent of the poverty line; and

(B) has a plan for continuing to expand access to high-quality prekindergarten programs for such children in the State; and

(2) has a plan to expand access to high-quality prekindergarten programs to children from moderate income families whose income exceeds 200 percent of the poverty line.

(c) NON-FEDERAL RESOURCES.—

(1) IN CASH.—A State shall provide the matching funds under this section in cash with non-Federal resources which may include State funding, local funding, or contributions from philanthropy or other private sources, or a combination thereof.

(2) FUNDS TO BE CONSIDERED AS MATCHING FUNDS.—A State may include, as part of the State's matching funds under this section, not more than 10 percent of the amount of State funds designated for State prekindergarten programs or to supplement Head Start programs under the Head Start Act (42 U.S.C. 9831 et seq.) as of the date of enactment of this Act, but may not include any funds that are attributed as matching funds, as part of a non-Federal share, or as a maintenance of effort requirement, for any other Federal program.

(d) MAINTENANCE OF EFFORT.—

(1) IN GENERAL.—If a State reduces its combined fiscal effort per student or the aggregate expenditures within the State to support early childhood education programs for any fiscal year that a State receives a grant authorized under this subtitle relative to the previous fiscal year, the Secretary shall reduce support for such State under this subtitle by the same amount as the decline in State and local effort for such fiscal year.

(2) WAIVER.—The Secretary may waive the requirements of paragraph (1) if—

(A) the Secretary determines that a waiver would be appropriate due to a precipitous decline in the financial resources of a State as a result of unforeseen economic hardship or a natural disaster that has necessitated across-the-board reductions in State services, including early childhood education programs; or

(B) due to the circumstances of a State requiring reductions in specific programs, including early childhood education, if the State presents to the Secretary a justification and demonstration why other programs could not be reduced and how early childhood programs in the State will not be disproportionately harmed by such State action.

(e) SUPPLEMENT NOT SUPPLANT.—Grant funds received under this title shall be used to supplement and not supplant other Federal, State, and local public funds expended on public prekindergarten programs in the State.

SEC. 1121. ELIGIBLE LOCAL ENTITY APPLICATIONS.

(a) IN GENERAL.—An eligible local entity desiring to receive a subgrant under section 1117(b) shall submit an application to the State, at such time, in such manner, and containing such information as the State may reasonably require.

(b) CONTENTS.—Each application submitted under subsection (a) shall include the following:

(1) PARENT AND FAMILY ENGAGEMENT.—A description of how the eligible local entity plans to engage the parents and families of the children such entity serves and ensure that parents and families of eligible children, as described in clauses (i) and (ii) of section 1116(a)(2)(A), are aware of the services provided by the eligible local entity, which shall include a plan to—

(A) carry out meaningful parent and family engagement, through the implementation and replication of evidence-based or promising practices and strategies, which shall be coordinated with parent and family engagement strategies supported under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and part A of title I and title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq. and 7201 et seq.), if applicable, to—

(i) provide parents and family members with the skills and opportunities necessary to become engaged and effective partners in their children's education, particularly the families of dual language learners and children with disabilities, which may include access to literacy services;

(ii) improve child development; and

(iii) strengthen relationships among prekindergarten staff and parents and family members; and

(B) participate in community outreach to encourage families with eligible children to participate in the eligible local entity's high-quality prekindergarten program, including—

(i) homeless children;

(ii) dual language learners;

(iii) children in foster care;

(iv) children with disabilities; and

(v) migrant children.

(2) COORDINATION & ALIGNMENT.—A description of how the eligible local entity will—

(A) coordinate, if applicable, the eligible local entity's activities with—

(i) Head Start agencies (consistent with section 642(e)(5) of the Head Start Act (42 U.S.C. 9837(e)(5)), if the local entity is not a Head Start agency;

(ii) local educational agencies, if the eligible local entity is not a local educational agency;

(iii) providers of services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.);

(iv) programs carried out under section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1419); and

(v) if feasible, other entities carrying out early childhood education programs and services within the area served by the local educational agency.

(B) develop a process to promote continuity of developmentally appropriate instructional programs and shared expectations with local elementary schools for children's learning and development as children transition to kindergarten;

(C) organize, if feasible, and participate in joint training, when available, including transition-related training for school staff and early childhood education program staff;

(D) establish comprehensive transition policies and procedures, with applicable elementary schools and principals, for the children served by the eligible local entity that support the school readiness of children transitioning to kindergarten, including the transfer of early childhood education program records, with parental consent;

(E) conduct outreach to parents, families, and elementary school teachers and principals to discuss the educational, developmental, and other needs of children entering kindergarten;

(F) help parents, including parents of children who are dual language learners, understand and engage with the instructional and other services provided by the kindergarten

in which such child will enroll after participation in a high-quality prekindergarten program; and

(G) develop and implement a system to increase program participation of underserved populations of eligible children, especially homeless children, children eligible for a free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), parents of children who are dual language learners, and parents of children with disabilities.

(3) PROTECTIONS FOR SPECIAL POPULATIONS.—A description of how the eligible local entity will meet the diverse needs of children in the community to be served, including children with disabilities, children whose native language is not English, children with other special needs, children in the State foster care system, and homeless children. Such description shall demonstrate, at a minimum, how the entity plans to—

(A) ensure the eligible local entity's high-quality prekindergarten program is accessible and appropriate for children with disabilities and dual language learners;

(B) establish effective procedures for providing necessary early screening for learning issues and delays in early literacy and math skill development and intervening services based on these screenings to children with disabilities prior to an eligibility determination by the State or local agency responsible for providing services under section 619 or part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419 and 1431 et seq.);

(C) establish effective procedures for timely referral of children with disabilities to the State or local agency described in subparagraph (B);

(D) ensure that the eligible local entity's high-quality prekindergarten program works with appropriate entities to address the elimination of barriers to immediate and continuous enrollment for homeless children; and

(E) ensure access to and continuity of enrollment in high-quality prekindergarten programs for migratory children, if applicable, and homeless children, including through policies and procedures that require—

(i) outreach to identify migratory children and homeless children;

(ii) immediate enrollment, including enrollment during the period of time when documents typically required for enrollment, including health and immunization records, proof of eligibility, and other documents, are obtained;

(iii) continuous enrollment and participation in the same high-quality prekindergarten program for a child, even if the child moves out of the program's service area, if that enrollment and participation are in the child's best interest, including by providing transportation when necessary;

(iv) professional development for high-quality prekindergarten program staff regarding migratory children and homelessness among families with young children; and

(v) in serving homeless children, collaboration with local educational agency liaisons designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)), and local homeless service providers.

(4) ACCESSIBLE COMPREHENSIVE SERVICES.—A description of how the eligible local entity plans to provide accessible comprehensive services, described in section 1112(9)(I), to the children the eligible local entity serves. Such description shall provide information on how the entity will—

(A) conduct a data-driven community assessment in coordination with members of the community, including parents and community organizations, or use a recently conducted data-driven assessment, which—

(i) may involve an external partner with expertise in conducting such needs analysis, to determine the most appropriate social or other support services to offer through the eligible local entity's on-site comprehensive services to children who participate in high-quality prekindergarten programs; and

(ii) shall consider the resources available at the school, local educational agency, and community levels to address the needs of the community and improve child outcomes; and

(B) have a coordinated system to facilitate the screening, referral, and provision of services related to health, nutrition, mental health, disability, and family support for children served by the eligible local entity.

(5) WORKFORCE.—A description of how the eligible local entity plans to support the instructional staff of such entity's high-quality prekindergarten program, which shall, at a minimum, include a plan to provide high-quality professional development, or facilitate the provision of high-quality professional development through an external partner with expertise and a demonstrated track record of success, based on scientifically valid research, that will improve the knowledge and skills of high-quality prekindergarten teachers and staff through activities, which may include—

(A) acquiring content knowledge and learning teaching strategies needed to provide effective instruction that addresses the State's early learning and development standards described under section 1115(1), including professional training to support the social and emotional development of children;

(B) enabling high-quality prekindergarten teachers and staff to pursue specialized training in early childhood development;

(C) enabling high-quality prekindergarten teachers and staff to acquire the knowledge and skills to provide instruction and appropriate language and support services to increase the English language skills of dual language learners;

(D) enabling high-quality prekindergarten teachers and staff to acquire the knowledge and skills to provide developmentally appropriate instruction for children with disabilities;

(E) promoting classroom management;

(F) providing high-quality induction and support for incoming high-quality prekindergarten teachers and staff in high-quality prekindergarten programs, including through the use of mentoring programs and coaching that have a demonstrated track record of success;

(G) promoting the acquisition of relevant credentials, including in ways that support career advancement through career ladders; and

(H) enabling high-quality prekindergarten teachers and staff to acquire the knowledge and skills to provide culturally competent instruction for children from diverse backgrounds.

SEC. 1122. REQUIRED SUBGRANT ACTIVITIES.

(a) IN GENERAL.—An eligible local entity that receives a subgrant under section 1117(b) shall use subgrant funds to implement the elements of a high-quality prekindergarten program for the children described in section 1117(b).

(b) COORDINATION.—

(1) LOCAL EDUCATIONAL AGENCY PARTNERSHIPS WITH LOCAL EARLY CHILDHOOD EDUCATION PROGRAMS.—A local educational agency that receives a subgrant under this subtitle shall provide an assurance that the local educational agency will enter into strong partnerships with local early childhood education programs, including programs supported through the Head Start Act (42 U.S.C. 9831 et seq.).

(2) ELIGIBLE LOCAL ENTITIES THAT ARE NOT LOCAL EDUCATIONAL AGENCIES.—An eligible local entity that is not a local educational agency that receives a subgrant under this subtitle shall provide an assurance that such entity will enter into strong partnerships with local educational agencies.

SEC. 1123. REPORT AND EVALUATION.

(a) IN GENERAL.—Each State that receives a grant under this subtitle shall prepare an annual report, in such manner and containing such information as the Secretary may reasonably require.

(b) CONTENTS.—A report prepared under subsection (a) shall contain, at a minimum—

(1) a description of the manner in which the State has used the funds made available through the grant and a report of the expenditures made with the funds;

(2) a summary of the State's progress toward providing access to high-quality prekindergarten programs for children eligible for such services, as determined by the State, from families with incomes at or below 200 percent of the poverty line, including the percentage of funds spent on children from families with incomes—

(A) at or below 100 percent of the poverty line;

(B) at or below between 101 and 150 percent of the poverty line; and

(C) at or below between 151 and 200 percent of the poverty line;

(3) an evaluation of the State's progress toward achieving the State's performance targets, described in section 1119;

(4) data on the number of high-quality prekindergarten program teachers and staff in the State (including teacher turnover rates and teacher compensation levels compared to teachers in elementary schools and secondary schools), according to the setting in which such teachers and staff work (which settings shall include, at a minimum, Head Start programs, public prekindergarten, and child care programs) who received training or education during the period of the grant and remained in the early childhood education program field;

(5) data on the kindergarten readiness of children in the State;

(6) a description of the State's progress in effectively using Federal, State, and local public funds and private funds, for early childhood education;

(7) the number and percentage of children in the State participating in high-quality prekindergarten programs, disaggregated by race, ethnicity, family income, child age, disability, whether the children are homeless children, and whether the children are dual language learners;

(8) data on the availability, affordability, and quality of infant and toddler care in the State;

(9) the number of operational minutes per week and per year for each eligible local entity that receives a subgrant;

(10) the local educational agency and zip code in which each eligible local entity that receives a subgrant operates;

(11) information, for each of the local educational agencies described in paragraph (10), on the percentage of the costs of the public early childhood education programs that is funded from Federal, from State, and from local sources, including the percentages from specific funding programs;

(12) data on the number and percentage of children in the State participating in public kindergarten programs, disaggregated by race, family income, child age, disability, whether the children are homeless children, and whether the children are dual language learners, with information on whether such programs are offered—

(A) for a full-day; and

(B) at no cost to families;

(13) data on the number of individuals in the State who are supported with scholarships, if applicable, to meet the baccalaureate degree requirement for high-quality prekindergarten programs, as defined in section 1112; and

(14) information on—

(A) the numbers and rates of expulsion, suspension, and similar disciplinary action, of children in the State participating in high-quality prekindergarten programs, provided by any eligible local entity, as defined in section 1112(7) of this title;

(B) the State's progress in establishing policies on effective behavior management strategies and training that promote positive social and emotional development to eliminate expulsions and extended suspensions of children participating in high-quality prekindergarten programs; and

(C) the State's policies on providing early learning services to children in the State participating in high-quality prekindergarten programs who have been suspended.

(c) SUBMISSION.—A State shall submit the annual report prepared under subsection (a), at the end of each fiscal year, to the Secretary, the Secretary of Health and Human Services, and the State Advisory Council on Early Childhood Education and Care.

(d) COOPERATION.—An eligible local entity that receives a subgrant under this subtitle shall cooperate with all Federal and State efforts to evaluate the effectiveness of the program the entity implements with subgrant funds.

(e) NATIONAL REPORT.—The Secretary shall compile and summarize the annual State reports described under subsection (c) and shall prepare and submit an annual report to Congress that includes a summary of such State reports.

SEC. 1124. PROHIBITION OF REQUIRED PARTICIPATION OR USE OF FUNDS FOR ASSESSMENTS.

(a) PROHIBITION ON REQUIRED PARTICIPATION.—A State receiving a grant under this subtitle shall not require any child to participate in any Federal, State, local, or private early childhood education program, including a high-quality prekindergarten program.

(b) PROHIBITION ON USE OF FUNDS FOR ASSESSMENT.—A State receiving a grant under this subtitle and an eligible local entity receiving a subgrant under this subtitle shall not use any grant or subgrant funds to carry out any of the following activities:

(1) An assessment that provides rewards or sanctions for individual children, teachers, or principals.

(2) An assessment that is used as the primary or sole method for assessing program effectiveness.

(3) Evaluating children, other than for the purposes of—

(A) improving instruction or the classroom environment;

(B) targeting professional development;

(C) determining the need for health, mental health, disability, or family support services;

(D) program evaluation for the purposes of program improvement and parent information; and

(E) improving parent and family engagement.

SEC. 1125. COORDINATION WITH HEAD START PROGRAMS.

(a) INCREASED ACCESS FOR YOUNGER CHILDREN.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of Health and Human Services shall develop a process—

(1) for use in the event that Head Start programs funded under the Head Start Act (42 U.S.C. 9831 et seq.) operate in States or regions that have achieved sustained universal, voluntary access to 4-year old children who reside within the State and who are from families with incomes at or below 200 percent of the poverty line to high-quality prekindergarten programs; and

(2) for how such Head Start programs will begin converting slots for children who are age 4 on the eligibility determination date to children who are age 3 on the eligibility determination date, or, when appropriate, converting Head Start Programs into Early Head Start programs to serve infants and toddlers.

(b) COMMUNITY NEED AND RESOURCES.—The process described in subsection (a) shall—

(1) be carried out on a case-by-case basis and shall ensure that sufficient resources and time are allocated for the development of such a process so that no child or cohort is excluded from currently available services; and

(2) ensure that any conversion shall be based on community need and not on the aggregate number of children served in a State or region that has achieved sustained, universal, voluntary access to high-quality prekindergarten programs.

(c) PUBLIC COMMENT AND NOTICE.—Not fewer than 90 days after the development of the proposed process described in subsection (a), the Secretary and the Secretary of Health and Human Services shall publish a notice describing such proposed process for conversion in the Federal Register providing at least 90 days for public comment. The Secretaries shall review and consider public comments prior to finalizing the process for conversion of Head Start slots and programs.

(d) REPORTS TO CONGRESS.—Concurrently with publishing a notice in the Federal Register as described in subsection (c), the Secretaries shall provide a report 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 that provides a detailed description of the proposed process described in subsection (a), including a description of the degree to which Head Start programs are providing State-funded high-quality prekindergarten programs as a result of the grant opportunity provided under this subtitle in States where Head Start programs are eligible for conversion described in subsection (a).

SEC. 1126. TECHNICAL ASSISTANCE IN PROGRAM ADMINISTRATION.

In providing technical assistance to carry out activities under this title, the Secretary shall coordinate that technical assistance, in appropriate cases, with technical assistance provided by the Secretary of Health and Human Services to carry out the programs authorized under the Head Start Act (42 U.S.C. 9831 et seq.), the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and the maternal, infant and early childhood home visiting programs assisted under section 511 of the Social Security Act (42 U.S.C. 711).

SEC. 1127. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle—

(1) $1,300,000,000 for fiscal year 2016;

(2) 3,250,000,000 for fiscal year 2017;

(3) $5,780,000,000 for fiscal year 2018;

(4) $7,580,000,000 for fiscal year 2019;

(5) $8,960,000,000 for fiscal year 2020; and

(6) such sums as may be necessary for each of fiscal years 2021 through 2025.

Subtitle B—Prekindergarten Development Grants

SEC. 1151. PREKINDERGARTEN DEVELOPMENT GRANTS.

(a) IN GENERAL.—From the amounts appropriated under subsection (f), the Secretary of Education, in consultation with the Secretary of Health and Human Services, shall award competitive grants to States that wish to increase the capacity and build the infrastructure within the State to offer high-quality prekindergarten programs.

(b) ELIGIBILITY.—A State that is not receiving funds under section 1115 may compete for grant funds under this subtitle if the State provides an assurance that the State will, through the support of grant funds awarded under this subtitle, meet the eligibility requirements of section 1115 not later than 3 years after the date the State first receives grant funds under this subtitle.

(c) GRANTS.—

(1) DURATION.—The Secretary shall award grants to States under this subtitle for a period of not more than 3 years and such grants shall not be renewed.

(2) AUTHORITY TO SUBGRANT.—

(A) IN GENERAL.—A State receiving a grant under this subtitle may use the grant funds to make subgrants to eligible local entities (defined in section 1112(7)) to carry out activities under the grant.

(B) ELIGIBLE LOCAL ENTITIES.—An eligible local entity receiving a subgrant under subparagraph (A) shall comply with the requirements for States receiving a grant under this subtitle, as appropriate.

(d) APPLICATION.—

(1) IN GENERAL.—A Governor of a State that desires to receive a grant under this subtitle 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, including a description of how the State plans to become eligible for grants under section 1115 by not later than 3 years after the date the State first receives grant funds under this subtitle.

(2) DEVELOPMENT OF APPLICATION.—In developing an application for a grant under this subtitle, a Governor of a State shall consult with the State Advisory Council on Early Childhood Education and Care, and incorporate their recommendations, where applicable.

(e) MATCHING REQUIREMENT.—

(1) IN GENERAL.—To be eligible to receive a grant under this subtitle, a State shall contribute for the activities for which the grant was awarded non-Federal matching funds in an amount equal to not less than 20 percent of the amount of the grant.

(2) NON-FEDERAL FUNDS.—To satisfy the requirement of paragraph (1), a State may use—

(A) cash; or

(B) an in-kind contribution.

(3) FINANCIAL HARDSHIP WAIVER.—The Secretary may waive paragraph (1) or reduce the amount of matching funds required under that paragraph for a State that has submitted an application for a grant under this subtitle if the State demonstrates, in the application, a need for such a waiver or reduction due to extreme financial hardship, as determined by the Secretary of Education.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subtitle—

(1) $750,000,000 for fiscal year 2016; and

(2) such sums as may be necessary for each of fiscal years 2017 through 2025.

The Acting CHAIR. Pursuant to House Resolution 125, the gentleman from Virginia (Mr. SCOTT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman.

Mr. SCOTT of Virginia. Madam Chair, I yield myself 5 minutes.

In the unanimous decision of Brown v. Board of Education, the Supreme Court said:

> In these days, it is doubtful that any child may reasonably be expected to succeed in life if . . . denied the opportunity of an education. Such an opportunity, where the State has undertaken to provide it, is a right which must be made available to all on equal terms.

The fact is that equal educational opportunities are not now available in low-income communities: first, because education is generally funded by the local real estate taxes, guaranteeing that wealthier areas will have more resources for education; and, second, because, in the normal give and take of politics, low-income areas never do as well as wealthier areas.

All of these studies conclude that areas of concentrated poverty need more, not less, in order to provide adequate educational opportunities.

With the 1965 enactment of the first Elementary and Secondary Education Act, Congress provided Federal money to address ''the special educational needs of children of low-income families and the impact that concentrations of low-income families have on the ability of local educational agencies to support adequate educational programs.''

Unfortunately, today, only a small handful of States has taken steps to completely equalize their education funding. ESEA was not and should never become a general education fund for all. The purpose of the law is to provide States limited, supplemental funding that is targeted to schools and students left behind in what remains an unequal system.

Over the last 50 years, we have recognized that students with disabilities, neglected and delinquent students, homeless students, and nonnative English speaking students also faced local educational systems unprepared and sometimes unwilling to provide the resources they needed.

We have made a difference. The improvement is real. Graduation rates are at all-time highs, and achievement gaps have narrowed. We have made real progress, but there is still a lot more that needs to be done.

The amendment before us is a substitute for the underlying bill because H.R. 5, in its current form, retreats from the most important principles of ESEA. During this debate, no one has refuted our assertion that this bill takes money from the poorest school districts in America and gives it to the most affluent ones. That is because the assertion is true.

Baltimore City, with a higher concentration of low-income students, will lose an estimated $5.7 million under H.R. 5, an 11 percent decrease, while the Baltimore suburb of Howard County, with lower poverty levels, will gain $1.1 million, which is a 25 percent increase.

Chicago City schools have a student population with 85 percent receiving free and reduced lunches. The suburb of Naperville has 13 percent of students receiving free and reduced lunches. Under H.R. 5, Chicago loses $64 million, while Naperville gains a half a million. Republicans call this ''portability.'' We call it reverse Robin Hood, taking from the poor to give to the wealthy.

In addition to the funding formula change, the bill reduces funding levels and eliminates maintenance of effort. Maintenance of effort prevents States from reducing educational spending and replacing it with Federal money.

We should guarantee the Federal money will be in addition to ongoing State spending so that children will actually benefit from the Federal resources. H.R. 5 further eliminates dedicated funding for English learners and disabled students.

The Democratic substitute seeks to address the fundamental flaws within the Republican bill. It restores funding priority to areas of concentrated poverty, English learners, and the disabled.

It requires States to set high and meaningful standards for all students so that those who graduate from high school will be college and career ready and will be able to pursue college or work without need for remediation.

It supports our teachers by ensuring that they will have the resources and training they need to do their jobs. It addresses the concerns of too much testing by providing States support to improve State assessment systems and by providing funding to eliminate all unnecessary tests.

We are faced with a tremendous opportunity to bring our education system into the 21st century in order to ensure that all students are prepared for success in the global economy.

Democrats and Republicans agree about the need for flexibility and innovation, but where we disagree is on the role of the Federal Government. We believe that there is a Federal role in fulfilling the promise of the Brown decision: that all students must have access to equal educational opportunities.

The choice is clear. We should reinstate the original purpose of ESEA by supporting the substitute amendment.

Madam Chair, I reserve the balance of my time.

Mr. KLINE. Madam Chair, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Minnesota is recognized for 10 minutes.

Mr. KLINE. Madam Chair, we have now had a few days to look at the 851-page amendment that the Democrats brought forward. It was a little bit surprising during the markup to have it brought up to us.

I think one of my colleagues said something about not legislating by the pound, but if we had been legislating by the pound, there are a lot of pounds there, so I appreciate the time we have had to look at this.

It seems to me that the Democrats' substitute amendment just doubles down on the policy that we have now. The gentleman from Virginia—my friend, the ranking member—talked about areas of concentrated poverty, and we need to spend money there.

That is what we do. We spend money there now. We spend a lot more money per student in high-poverty areas; yet, in those areas, we have less than half the kids graduating.

He talked about progress that has been made, but right now in America, one in five students will drop out of high school. Only 26 percent of high school seniors are proficient in math, and only 38 percent of high school seniors—just over a third, Madam Chair—are proficient in reading. The current system is not working.

As I have said again and again in this debate, Republicans and Democrats agree that No Child Left Behind is fundamentally flawed and needs to be replaced. We have different ideas about how we want to go about doing that.

We believe that the much greater flexibility that the Student Success Act affords to superintendents and to local leaders to put the money where they think it can get the best results is a better way to do it than by adding program after program as we have seen in amendments during this debate.

We have a fundamentally different idea about how best to achieve what we all want to achieve, which is an excellent education for every child at every school. I think the underlying bill is a much better way to do it, and I would encourage my colleagues to oppose the Democrats' substitute amendment.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Chair, I am pleased to yield 1 minute to the gentlewoman from California (Ms. PELOSI), the distinguished Democratic leader.

Ms. PELOSI. I thank the gentleman for yielding, and I congratulate him on his great leadership as he has taken the helm as our Democratic ranking member on the Education and the Workforce Committee.

Madam Chair, education is the single most important investment a nation can make in its future, a family can make in its children.

Nothing returns more money to the Treasury than the investment in education, whether it is earliest childhood education, K–12, higher education, postgrad, lifetime learning; and nothing contributes more to the success of our children than education, which gives them a chance to succeed.

That is why, in 1965, Congress passed the Elementary and Secondary Education Act, one of the great pillars of President Johnson's war on poverty. President Johnson told the people who gathered for the bill signing:

> From our very beginnings as a nation, we have felt a fierce commitment to the ideal of education for everyone. It fixed itself into our democratic creed.

The Republican legislation before us today makes a mockery of this legislation's legacy and hollows out the foundation of our democracy: an educated and empowered citizenry.

Here is how. For the first time in more than 50 years, a majority of public school students in our country lives in poverty. Too many children are getting left behind. This Republican bill slams the door of opportunity for students who are striving to earn an education.

How will students achieve equality of opportunity without equality of education? How will students be able to maintain America's innovation leadership if they attend schools without a reliable technology infrastructure?

This proposed legislation eviscerates our investments in the future, and it is a monumental step backward in keeping our promise to America's children.

Republicans are turning back the clock on civil rights protections, academic achievement, funding for struggling schools, access to college prep curriculum for underserved children; and they are turning back the clock on students of color, students with disabilities, students who are homeless or who are living with foster families, migrant students, and those learning English as a second language.

This bill guts resources for the most impoverished schools, and it gives those resources to the richest schools. Rather than increase investments in schools, this legislation diverts resources and critical programs away from our schools, away from our students most in need.

Rather than provide a pathway for success to help our children prepare for the future, this legislation locks in Federal budget cuts for the rest of the decade. Rather than ensure funds are used for the classroom and teaching, this legislation lets limited resources be used for other purposes, such as tax cuts for the wealthy or sports stadiums.

This bill does nothing to invest in early education. It does nothing to ensure lifetime learning. It does nothing to update classroom technology and infrastructure, and it does nothing to boost the STEM curriculum.

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President Obama has already declared his intention to veto this recycled, reheated, retrograde, warmed-over stew Republican legislation that lacks the support of the civil rights community, the English as a second language community, teachers, education advocates, and the U.S. Chamber of Commerce.

Instead, we should take up the alternative bill put forth by Mr. SCOTT. His bill, in its wisdom, protects students' rights, guarantees access to world-class education for all students, and supports teachers and school leaders with better resources.

The substitute legislation put forth by Mr. SCOTT empowers schools and districts to tailor to local needs and ensures States set high standards and goals so students are career- and college-ready.

It is our moral obligation as a country to ensure that all children have equal access to a well-rounded, world-class education—and Mr. SCOTT's substitute does just that. He has presented an alternative that fulfills the promise of the landmark legislation passed in 1965—another 50-year anniversary—which is to ensure that access to high-quality education is the right of every student and not just some. We must honor that responsibility.

Madam Chair, frequently, people ask me: What motivated you to be involved in politics? I am a mom with five children. I want, of course, the best for my children, as every parent does. I saw that they had tender loving care, the opportunity for education, and the rest.

But the best for each of our children is that every other child has access to education. We do no favor to our children—and, in my case, our grandchildren—if we say, We want the best for you, and not pay attention to the needs of other children in our society. What kind of transitioning from one generation to the next is it if we say, My kids got the best—and, in some cases in this bill—at the expense of other children?

It is just not right. It is not the moral thing to do. It is not the patriotic thing to do. It doesn't honor our Founders' commitment to a democracy which calls upon an educated population.

So we must honor all of our responsibilities, personally and civically; reject this bill; and make certain that quality education is the right of every child in our country.

I thank BOBBY SCOTT, our ranking member, for giving us that opportunity, and I urge all my colleagues to vote ''aye'' on his substitute.

Mr. KLINE. Madam Chair, I yield 4 minutes to the gentleman from Indiana (Mr. ROKITA), chair of the K–12 subcommittee on the Education and the Workforce Committee.

Mr. ROKITA. I thank the chairman for his leadership throughout this entire push.

What do I mean by push? Madam Speaker, I mean the fact that for the last 7-plus years No Child Left Behind—the current Federal law of the land with regard to K–12 education in this country—has gone unrenewed. And for many of us, in a very real sense, that is just as well. Because after a decade of living under No Child Left Behind, and more importantly, our children being taught under No Child Left Behind, we realized where its shortcomings are and where we need to go next.

So we have worked on this product. And unlike the Democratic substitute, Madam Chair, that we are just now hearing about, this product has been 4 years in the works. In fact, it is so well-tuned and so well-reviewed that it passed this House in the last Congress. Now, finally, with a Republican Senate, we have a chance to move real reform that puts power back in the hands of our parents, teachers, local leaders, and local taxpayers so that we can again make the child the most important thing in the school.

We are sort of shooting with real bullets here. Again, we can get a product to the Senate. We can get that product to conference and then to the President's desk. So we are not talking in thin air here. Yet this Democratic substitute really does just that.

Introduced just a few weeks ago during our markup, it seems to be an amalgamation of every idea that most parents and most teachers and most local taxpayers and entrepreneurs have found to be wrong with education ever since the Federal Government has been involved.

And when I say wrong, it comes with a good deal of data and a good deal of evidence that says no Federal bureaucrat knows our kids better than that kid's teachers and parents and local school administrators.

So the whole theme of the Student Success Act is to trust those people, knowing that they care about their kids just as much and, in probably every case, more than we do here in Washington.

As the father of a 7-year-old boy with disabilities and a 5-year-old boy, I know that is how I feel. We need to act now to reverse the Federal mandates under No Child Left Behind and to stop the Obama administration from coercing States into adopting its preferred education reforms, including adoption of these Common Core standards.

If we fail to act, the Secretary of Education will continue imposing his will on schools unilaterally. In essence, Madam Chair, a national school board.

We have been working on this effort, like I said, for more than 4 years. Our goal from the beginning has been to roll back the role of Federal Government and return to State and local leaders the responsibility to deliver a quality education to their students.

Now, some may say the Student Success Act certainly isn't perfect—and, as we know, no piece of legislation is—but we have heard over the years the concerns, I would say, of every type of stakeholder involved in this debate, and we found the right way forward with the Student Success Act. Everything in the Student Success Act is significantly better than anything in current law.

And so the question is to my colleagues—certainly my Republican colleagues, but also my Democratic colleagues: Do you want to move the ball forward or not? Do you want to do something, or not, for our children? Or, do you want the Department of Education to become this Nation's school board?

Mr. SCOTT of Virginia. Madam Chair, I yield 1 minute to the gentlewoman from Oregon (Ms. BONAMICI), a

distinguished member of the Committee on Education and the Workforce.

Ms. BONAMICI. Madam Chair, I would like to thank Ranking Member SCOTT for yielding, for his tremendous leadership, and for delivering a positive alternative to H.R. 5. I would also like to thank all the hardworking staff for their expertise and work.

Since the Elementary and Secondary Education Act first passed in 1965, Congress has stood beside America's disadvantaged students and neediest communities—those with the highest concentration of low-income students.

Unlike H.R. 5, this amendment continues the essential mission of delivering resources to students who need them the most. This substitute fixes what is broken in No Child Left Behind—and there is a lot—and it maintains the original intent of equity.

We have an opportunity to ensure that all students have access to high-quality public education and that schools and educators have the support they need to help all students reach high standards.

I urge my colleagues to support this amendment.

Mr. KLINE. Madam Chair, I am pleased to yield 3 minutes to the gentleman from Oklahoma (Mr. RUSSELL), a new member of the committee whose leadership has been very impressive, and his passion on this is unmatched.

Mr. RUSSELL. Madam Chair, for 200 years, we educated our children without Federal intrusion. During that time, we not only founded our Nation and strengthened it and held it together during a Civil War, we won two World Wars and put a man on the Moon. We did it with the innovative spirit that local, educated States, families, and people had without Federal intrusion mandating how they should be educated.

Now, we see an opportunity to preserve individual freedom, to preserve States' rights, to protect privacy, to allow our teachers, to allow our local school boards, to allow our local communities, to continue to educate.

Some States think that some other States don't do a good job. That may be, but it is not their choice, and it is certainly not the Federal Government's choice, to coerce and to put things out there.

My State of Oklahoma is often referred to as ''flyover country.'' But our unemployment is 4.2 percent. That is nearly half that of many of these States that think that we ought to have some progressive Federal control of our education. We have no problem putting our population and our workforce to work. We also have the largest per capita population of astronauts and those in the space program. So much for lack of education in flyover country.

This is a good measure because we all agree in a bipartisan fashion that No Child Left Behind is bad—and it is leaving children behind—but we get there not by some collective coercive control. We get there by relying on teachers, school districts, and local control.

What this does is repeals the one-size-fits-all accountability metric, which will remain if we do nothing. And I think our colleagues, Madam Chair, would agree.

It eliminates over 65 wasteful programs that are currently authorized under law and which will remain if we do nothing. It eliminates mandates that force local schools to reserve 20 percent of their funds for activities that they don't desire to do. Those mandates will remain if we do nothing. And it will also prohibit any agency of the Federal Government from coercing States to adopt Common Core or any other set of standards through waivers, Federal grants, or any other authority. That coercion remains if we do nothing.

And, in bipartisan fashion, it eliminates the Feds from having control of individual data from teachers and students—a concern that we all share—and that being sent to the Secretary of Education or the Department of Education. It also covers tribal data protections that are often overlooked as well.

It strengthens states' rights language that is absent under No Child Left Behind. Where it says States may do this or that, it is not the Federal Government's authority to do so. Instead, it says States retain the right to.

And also, importantly, Madam Chair, it makes provisions for military dependent children, who currently are often overlooked as they move from place to place.

Mr. SCOTT of Virginia. Madam Chair, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER), the Democratic whip.

Mr. HOYER. Madam Chair, this bill is complex and could be discussed for a long period of time. Mr. SCOTT doesn't have a long period of time, and I will be brief.

I want to point out that when we passed, at the request of President Bush, No Child Left Behind, which everybody has recognized does not have some of the components that it ought to have and has some components that it ought not to have—and Mr. SCOTT's substitute fixes that which is broken—I will point out that that bill passed 384–45.

This bill has, essentially, been on the floor before and got no Democratic votes. How sad it is that on an issue so important to our country, we don't have a bipartisan bill.

Now this bill had no hearings, notwithstanding the fact there are 63 new Members. I am very pleased—and I thank Mr. SCOTT—that the Democratic alternative includes the full service community school program that I have been promoting for years.

These full service community schools bring the successful model of the Judith P. Hoyer Early Childhood Centers to K–12 nationally.

Opportunities—there are 33 Judy Centers in Maryland, and there will be another three opening later this school year. My wife, for whom Judy Centers were named, was a strong proponent of this highly successful model, which has helped in closing the achievement gaps for thousands of students in Maryland. Sadly, H.R. 5 does not include provisions for those services, which will make a difference.

I thank the chairman for his leadership and the ranking member for his leadership and contribution.

□ 1245

Mr. KLINE. Madam Chair, can I inquire as to how much time is remaining on each side?

The Acting CHAIR. The gentleman from Minnesota has 1 minute remaining. The gentleman from Virginia has 1½ minutes remaining.

Mr. KLINE. Madam Chair, I yield 30 seconds to the gentleman from Georgia (Mr. ALLEN).

Mr. ALLEN. I thank the gentleman from Minnesota for yielding 30 seconds.

Madam Chair, I think we all agree that No Child Left Behind does not work. I think we all agree that every child deserves a good education. That is what H.R. 5 provides. It provides our teachers, our boards of education, and our States the opportunity to innovate.

Isn't that what education is all about? That is what the business world is all about. That is why I am supporting this bill.

Mr. SCOTT of Virginia. Madam Chair, could you state again how much time is left?

The Acting CHAIR. The gentleman from Virginia has 1½ minutes remaining.

Mr. SCOTT of Virginia. Madam Chair, I yield 30 seconds to the gentleman from California (Mr. HONDA).

Mr. HONDA. I thank the gentleman for yielding.

Madam Chair, I rise in support of the Democratic substitute amendment to H.R. 5. This amendment builds on the lessons we learned from No Child Left Behind, protecting our most vulnerable students without punishing teachers. It meets the needs of the whole child, provides a wraparound service promoting community schools.

It helps all students count, giving States valuable, disaggregated data about individual student groups with individual learning. It is innovative, it is creative, and it is encouraging innovative, evidence-based practices.

I urge my colleagues to support this amendment.

Madam Chair, I support the Democratic Substitute Amendment to H.R. 5.

This amendment builds on the lessons we learned from No Child Left Behind . . . protecting our most vulnerable students without punishing teachers.

It addresses the learning needs of the whole child . . . providing wrap-around services and promoting community schools.

It ensures that all students count . . . giving states valuable, disaggregated data about individual student groups with individual learning needs.

It supports educational innovation . . . by creating ARPA–ED, and encouraging innovative, evidence-based practices.

It supports and rewards exceptional teachers . . . by creating a STEM Master Teacher Corps.

Most importantly, this amendment continues the Federal commitment to students who are in the most need.

Fifty years ago, President Johnson signed the Elementary and Secondary Education Act into law.

This act was an historic step to help protect our most vulnerable students . . . by increasing the Federal commitment to education.

As we revisit this law, we have a real opportunity to take a step forward. To build on the successes and fix the problems.

Unfortunately, our Republican colleagues chose to take a step backwards . . . removing important protections for our most vulnerable students.

I urge my colleagues to support the Democratic Substitute.

Mr. KLINE. Madam Chair, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Chair, I include for the RECORD a list of civil rights, education, child advocacy, and health-related organizations in support of this amendment.

ORGANIZATIONS IN SUPPORT OF SCOTT SUBSTITUTE AMENDMENT #23 TO H.R. 5

1. Congressional Asian Pacific American Caucus, 2. Congressional Black Caucus, 3. Congressional Hispanic Caucus, 4. Alliance for Excellent Education, 5. American Association on Health and Disability, 6. American Congress of Community Supports and Employment Services, 7. American Foundation for the Blind, 8. American Speech Language Hearing Association, 9. Association for University Centers on Disability, 10. Autism National Committee, 11. Autistic Self Advocacy Network, 12. Bazelon Center for Mental Health Law, 13. Brain Injury Association of America, 14. Council for Learning Disabilities, 15. Council of Parent Attorneys and Advocates, 16. Easter Seals, 17. Education Trust, 18. Epilepsy Foundation, 19. Grantmakers in the Arts, 20. Knowledge Alliance.

21. Latino Elected and Appointed Officials: National Taskforce on Education, 22. Leadership Conference on Civil and Human Rights, 23. Lutheran Services in America Disability Network, 24. Mental Health America, 25. National Association of Councils on Developmental Disabilities, 26. National Association of School Psychologists, 27. National Association of State Head Injury Administrators, 28. National Center for Learning Disabilities, 29. National Center for Families Learning, 30. National Center for Special Education in Charter Schools, 31. National Council on Independent Living, 32. National Disability Rights Network, 33. National Down Syndrome Congress, 34. National Urban League, 35. Nemours Children's Health System, 36. Perkins, 37. PACER Center, 38. Southern Poverty Law Center, 39. The Arc, 40. TASH.

41. United Negro College Fund, Inc., 42. Virginia Commonwealth University; University Center for Excellence in Developmental Disabilities, 43. Zero to Three.

Mr. SCOTT of Virginia. Madam Chair, I yield 30 seconds to my colleague from Virginia (Mr. BEYER), former Lieutenant Governor.

Mr. BEYER. Madam Chair, I rise in support of the Democratic substitute.

H.R. 5 lacks essential protections for our kids. It is our responsibility to make sure our kids are safe at school. Too often, dangerous and abusive techniques are used to discipline our students, disproportionately subjecting minority students and students with disabilities to seclusion and restraint in the classroom.

The Democratic substitute would protect our students by developing appropriate national standards on the use of seclusion and restraint. We cannot reduce the Federal oversight role for the very reason that our kids need to be safe in order to be educated.

Mr. KLINE. Madam Chair, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Chair, can you remind us how much time we have left?

The Acting CHAIR. The gentleman from Minnesota has 30 seconds remaining. The gentleman from Virginia has 30 seconds remaining.

Mr. SCOTT of Virginia. Madam Chair, I yield 15 seconds to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. While not perfect, the Democratic substitute is a lot better base bill than the Republican version. It does a better job getting accountability right, expanding and replicating what works in public education, and changing what doesn't work in public education.

Mr. SCOTT of Virginia. Madam Chair, is the gentleman prepared to close?

Mr. KLINE. I am.

Mr. SCOTT of Virginia. Madam Chair, I would like to take a moment to thank my staff and would like to introduce a list of the staff members who have worked hard on this bill: Denise Forte, Jacque Chevalier, Christian Haines, Kelly Broughan, Scott Groginsky, Ashlyn Holeyfield, Brett Roude, and Theresa Thompson. They worked hard on this bill.

We were given 2 legislative days to put a substitute together. We did the best we could.

I yield back the balance of my time.

Mr. KLINE. Madam Chair, I feel like I have to compliment the minority for writing a bill in 2 days that is a ream and a half of paper—that is quite an accomplishment—that adds more programs, costs more money, and doubles down on what are failed policies.

The Democrat substitute, frankly, is going in exactly the wrong direction.

I urge my colleagues to oppose that substitute, 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 Virginia (Mr. SCOTT).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. SCOTT of Virginia. Madam 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 Virginia will be postponed.

Mr. KLINE. Madam Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOMACK) having assumed the chair, Mrs. BLACK, 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 12 o'clock and 51 minutes p.m.), the House stood in recess.

□ 1416

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. FOXX) at 2 o'clock and 16 minutes p.m.

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 27, 2015.

Hon. JOHN A. BOEHNER,
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 27, 2015 at 12:59 p.m.:

That the Senate passed S.527.

Appointments: National Historical Publications and Records Commission.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

MOTION TO GO TO CONFERENCE ON H.R. 240, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2015

Mr. CARTER of Texas. Madam Speaker, pursuant to clause 1, rule XXII, and by direction of the Committee on Appropriations, I move to take from the Speaker's table 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, with the Senate amendment thereto, disagree with the Senate amendment, and request a conference on the disagreeing votes of the two Houses.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 1 hour.

Mr. CARTER of Texas. Madam Speaker, we need to go to conference in order to move the process forward.

I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

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

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

Mrs. LOWEY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of the motion will be followed by a 5-minute vote on agreeing to the Speaker's approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 228, nays 191, not voting 13, as follows:

[Roll No. 102]

YEAS—228

Abraham
Aderholt
Allen
Amash
Babin
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
Davis, Rodney
Denham
DeSantis
DesJarlais
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)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jordan
Joyce
Kelly (PA)
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
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
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
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)
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
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
Zinke

NAYS—191

Adams
Aguilar
Ashford
Barletta
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
Curbelo (FL)
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Dent
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Grijalva
Gutiérrez
Hahn
Heck (WA)
Higgins
Himes
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jolly
Jones
Katko
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
King (NY)
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
McSally
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Ros-Lehtinen
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)
Stefanik
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—13

Amodei
Frankel (FL)
Green, Gene
Hastings
Hinojosa
Kaptur
Keating
King (IA)
Lee
Long
Payne
Speier
Turner

□ 1443

Ms. WASSERMAN SCHULTZ, Messrs. GUTIÉRREZ and PETERS changed their vote from ''yea'' to ''nay.''

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

So the motion to go to conference was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. KING of Iowa. Madam Speaker, on rollcall No. 102, had I been present, I would have voted "yes."

Stated against:

Mr. GENE GREEN of Texas. Madam Speaker, on rollcall No. 102, had I been present, I would have voted "no."

Ms. FRANKEL of Florida. Madam Speaker, on rollcall No. 102, the motion to go to conference on H.R. 240, I was not present becrause I was unavoidably detained at the Army Corps Civil Works Review Board for the Port Everglades expansion project, which is important to the South Florida economy. Had I been present, I would have voted "nay."

Mr. PAYNE. Madam Speaker, on rollcall No. 102 I would have voted "no" on sending to conference. Had I been present, I would have voted "no."

Mr. KEATING. Madam Speaker, on February 27, 2015 Mr. Speaker, had I been present for the vote on the Motion to go to Conference on H.R. 240, I would have voted "no."

I would like the record to reflect how I would have voted if I were present:

On rollcall No. 102, I would have voted "no." I remain strongly disappointed that Republican leadership has not brought a clean, long-term bill to fund the Department of Homeland Security to the floor. It is time to adequately fund DHS operations and personnel and stop playing games with our national security.

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. GOWDY. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 226, noes 186, answered ''present'' 1, not voting 19, as follows:

[Roll No. 103]

AYES—226

Abraham
Aderholt
Allen
Amodei
Barton
Becerra
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Blumenauer
Bonamici
Boustany
Brady (TX)
Brat

Bridenstine
Brooks (AL)
Brooks (IN)
Brown (FL)
Buchanan
Bustos
Butterfield
Byrne
Calvert
Capps
Cárdenas
Cartwright
Castro (TX)
Chabot
Chu, Judy
Cicilline
Clark (MA)
Clay
Cole
Collins (NY)
Comstock
Conaway
Conyers
Cook
Cooper
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (CA)
DeGette
DeLauro
DelBene
Dent
DesJarlais
Deutch
Diaz-Balart
Doggett
Doyle, Michael F.
Duncan (SC)
Duncan (TN)
Edwards
Emmer (MN)
Engel
Eshoo
Esty
Farr
Fattah
Fincher
Fleischmann
Fortenberry
Foster
Frelinghuysen
Gabbard
Gallego
Goodlatte
Gosar
Gowdy
Graham
Granger
Grayson
Griffith
Grothman
Guinta
Guthrie
Gutiérrez
Hahn
Hardy
Harper
Harris
Heck (WA)
Hensarling
Higgins
Himes
Huelskamp
Huffman
Hultgren
Hurd (TX)
Hurt (VA)
Issa
Johnson (GA)
Johnson, Sam
Jolly
Kaptur
Katko
Kelly (PA)
Kennedy
Kildee
King (NY)
Kline
Knight
Kuster
Labrador
LaMalfa
Lamborn
Larsen (WA)
Larson (CT)
Latta
Lieu, Ted
Lipinski
Loebsack
Lofgren
Loudermilk
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Lummis
Maloney, Carolyn
Marino
Massie
McCarthy
McCaul
McClintock
McCollum
McHenry
McMorris Rodgers
McNerney
Meadows
Meng
Messer
Mica
Miller (MI)
Moolenaar
Moore
Moulton
Mullin
Murphy (PA)
Nadler
Napolitano
Neugebauer
Nunes
O'Rourke
Olson
Palmer
Pelosi
Pitts
Pocan
Polis
Pompeo
Posey
Price (NC)
Rangel
Ribble
Richmond
Roby
Rogers (KY)
Rokita
Roskam
Ross
Rothfus
Royce
Ruppersberger
Russell
Ryan (WI)
Salmon
Sanford
Scalise
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sherman
Shimkus
Simpson
Sinema
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Stefanik
Stewart
Stutzman
Takai
Takano
Thornberry
Titus
Tonko
Trott
Tsongas
Upton
Wagner
Walker
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Webster (FL)
Welch
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Womack
Yarmuth
Yoho
Young (IA)
Young (IN)
Zeldin
Zinke

NOES—186

Adams
Aguilar
Amash
Babin
Barletta
Barr
Bass
Beatty
Benishek
Bera
Beyer
Bost
Boyle, Brendan F.
Brady (PA)
Brownley (CA)
Buck
Bucshon
Burgess
Capuano
Carney
Carson (IN)
Carter (GA)
Carter (TX)
Castor (FL)
Clarke (NY)
Clawson (FL)
Cleaver
Clyburn
Coffman
Cohen
Collins (GA)
Connolly
Costa
Costello (PA)
Crawford
Cummings
Curbelo (FL)
Davis, Danny
Davis, Rodney
DeFazio
Delaney
Denham
DeSantis
DeSaulnier
Dingell
Dold
Duckworth
Duffy
Ellison
Ellmers (NC)
Farenthold
Fitzpatrick
Fleming
Flores
Forbes
Foxx
Fudge
Garrett
Gibbs
Gibson
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Grijalva
Hanna
Hartzler
Hastings
Heck (NV)
Herrera Beutler
Hice, Jody B.
Hill
Holding
Honda
Hoyer
Huizenga (MI)
Hunter
Jackson Lee
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, E. B.
Jones
Jordan
Joyce
Kelly (IL)
Kilmer
Kind
Kinzinger (IL)
Kirkpatrick
Lance
Langevin
Lawrence
Levin
Lewis
LoBiondo
Love
Luján, Ben Ray (NM)
Lynch
MacArthur
Maloney, Sean
Marchant
Matsui
McDermott
McGovern
McKinley
McSally
Meehan
Meeks
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)
Rigell
Roe (TN)
Rogers (AL)
Rohrabacher
Rooney (FL)
Ros-Lehtinen
Rouzer
Roybal-Allard
Ruiz
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Sewell (AL)
Shuster
Sires
Slaughter
Smith (MO)
Stivers
Swalwell (CA)
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Torres
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walberg
Walden
Watson Coleman
Weber (TX)
Wenstrup
Wilson (FL)
Wittman
Woodall
Yoder
Young (AK)

ANSWERED ''PRESENT''—1

Gohmert

NOT VOTING—19

Ashford
Chaffetz
Courtney
Frankel (FL)
Franks (AZ)
Garamendi
Hinojosa
Hudson
Israel
Keating
King (IA)
Lee
Long
Perlmutter
Pingree
Quigley
Speier
Tipton
Turner

□ 1456

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. KING of Iowa. Madam Speaker, on roll-call No. 103, had I been present, I would have voted "yes."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, a motion to reconsider the vote on adopting the motion offered by the gentleman from Texas (Mr. CARTER) is laid on the table.

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 240, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2015

Ms. ROYBAL-ALLARD. Madam Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Ms. Roybal-Allard moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 240 be instructed to recede from disagreement with the Senate amendment.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentlewoman from California (Ms. ROYBAL-ALLARD) and the gentleman from Texas (Mr. CARTER) each will control 30 minutes.

The Chair recognizes the gentlewoman from California.

□ 1500

Ms. ROYBAL-ALLARD. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, my motion would instruct the conferees to recede to the Senate position, which is the responsible position of providing a full-year funding for the Homeland Security Department.

Secretary Johnson has warned over and over again that the Republican leadership's refusal to allow a vote on a clean bipartisan funding bill, such as the one sent to this House by the Republican-led Senate, is threatening the national security of our country. Without a full-year bill, the Secretary tells us that he is unable to move forward on key Homeland Security priorities, including new investments in border security technology, more aggressive ICE investigations related to transnational criminal organizations that engage in drug and human smuggling and human trafficking, enhanced preparedness for responding to surges in illegal migration such as the one experienced last summer, acquisition of the Coast Guard's eighth National Security Cutter, and the construction of the National Bio and Agro-Defense Facility in Manhattan, Kansas, both of which could potentially be delayed and lead to associated higher costs.

Also at risk are the badly needed security upgrades at the White House complex and the issuing of State and local terrorism prevention and response grants so critical to supporting our local first responders. These are just a few of the negative consequences of not fully funding our Department of Homeland Security.

Madam Speaker, nothing can be gained by another stopgap funding measure, but much can be lost. We should not allow ourselves or the American people to be fooled into thinking that the House can continue to delay resolving this issue without undermining the national security of our Nation, or that the Department of Homeland Security has been doing just fine under the continuing resolution and can operate effectively under the uncertainty of a continuing resolution for even another day, much less 3 more weeks.

The dire consequences of not funding the Department of Homeland Security are not the made-up warnings of Democrats. They are the warnings of the Secretary of Homeland Security and the heads of his agencies.

Let me again read a portion of a letter sent by Secretary Johnson to the bipartisan leadership of the House and Senate regarding the dangers of either a funding lapse or another short-term continuing resolution:

A mere extension of a continuing resolution has many of the same negative impacts

of a shutdown. It exacerbates the uncertainty for my workforce and puts us back in the same position on the brink of a shutdown just days from now.

The Secretary ends his letter by saying: ''The American people are counting on us.'' Again, Madam Speaker, the American people are indeed counting on us, and so far, the House Republican leadership has let them down.

This stopgap funding measure does not fully address our national security needs. It simply represents the complete and utter abdication of our responsibility as Members of Congress to protect the American people and our country. The Senate has acted in the best interests of our Nation and sent this House a bipartisan, bicameral agreement on funding for the Department of Homeland Security.

Madam Speaker, our enemies aren't waiting around while the Republican leadership continues to delay a full-year funding for the Department of Homeland Security or for Congress to go to conference in the hope that some time in the future we may have an agreement.

Let the House, like the Senate, do the right thing and send this bill to the President. I urge my colleagues to vote for this motion to instruct conferees to bring back a clean, full-year, bipartisan funding bill for this Nation's homeland security.

Madam Speaker, I reserve the balance of my time.

Mr. CARTER of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in opposition to the motion to instruct conferees. As the House and Senate come together to find a path forward on funding the Department of Homeland Security, we must reconcile our profound differences over how to handle the President's executive actions. But the minority should keep this in mind as we go to conference: the majority of American citizens oppose the President's actions on immigration, and they have asked us to fight those actions.

The House has acted decisively to fulfill that mandate. Six weeks ago, when the House approved a bill funding the Department of Homeland Security until the end of the fiscal year, the House also by large margins approved six amendments to stop the President's far-reaching actions.

The President himself has said—no fewer than 22 times—that he does not have the authority to change our immigration laws unilaterally. Now the courts have weighed in, saying that no law has given the President the power to make these sweeping changes to our immigration policies. The evidence is overwhelming on this side of the debate. Now, we can vote again, but the outcome will be the same. The American people have spoken. We must stand up against the administration's overreach on immigration.

While it is clear the President will not fulfill or act within the bounds of the law, we in Congress are here to defend our Constitution, to provide those checks and balances that our Founding Fathers put into place to ensure the President does not act like a king.

Madam Speaker, I urge my colleagues to join me in opposing this motion to instruct, and I reserve the balance of my time.

Ms. ROYBAL-ALLARD. Madam Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentlewoman from California has 25 minutes remaining.

Ms. ROYBAL-ALLARD. Madam Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. LOWEY), the ranking member on the full Appropriations Committee.

Mrs. LOWEY. Madam Speaker, I rise in support of the motion to instruct conferees to agree to a clean funding bill for the Department of Homeland Security.

Democratic and Republican negotiators reached a deal on 2015 Homeland Security funding levels and related policy issues in December. The Republican leadership made the political calculation to hold this funding hostage to ideological policy riders reversing the President's executive actions on immigration.

Having failed to extort these policy concessions, the Senate has done the right thing and moved forward to pass a clean Homeland Security funding bill that does not include poison pill immigration riders. Yet House leadership continues to dither, keeping alive the threat of a shutdown affecting the agencies that protect our ports, borders, aviation systems, communities, and more.

This motion to instruct would make clear the will of the House is for a clean full-year Homeland Security funding bill. This motion rejects spending another 3 weeks failing to give our critical agency the budget certainty it needs to hire employees, invest in new equipment and technologies, and provide preparedness grants on which our communities rely.

A $40 billion Cabinet-level department must be able to plan more than 3 weeks in advance and must not be forced to rely on outdated funding levels or policies for 1 day longer than they already have.

Madam Speaker, enough is enough. We know that the Senate cannot and will not pass a bill that irresponsibly ties Homeland Security funding to immigration policy. We know that the President would never sign such a bill into law.

This charade is wreaking havoc on some of the most important agencies in our Federal Government. It is time, my colleagues, it is time, my friends, to move on, and the way to do that is through a clean, full-year 2015 bipartisan Homeland Security funding bill that we negotiated, Democrats and Republicans, House and Senate. Let's do it.

Mr. CARTER of Texas. Madam Speaker, at this time, I would like to yield 3 minutes to the gentleman from Florida (Mr. JOLLY), my friend.

Mr. JOLLY. Thank you, Mr. Chairman.

Madam Speaker, I am a new member of the Appropriations Committee. I fully understand and respect the significant place that this committee sits in, Republicans and Democrats, to keep the government funded. I know that. I think the first responsibility of Congress is to keep the government open. But I take great reservation to my colleague's suggestion that somehow this is an abdication of our constitutional responsibility. Nothing could be further from the truth.

Madam Speaker, I want to make something clear to the American people today. All week I have seen signs on the House floor saying that Republicans are shutting down the Department of Homeland Security, and I have seen press conferences saying Republicans are shutting down the Department of Homeland Security, scaring the American people about something that has not happened.

Here is what we have not heard: Where are the solutions and where is the compromise? Because I will tell the American people this today: what my colleagues on the other side of the aisle have said is: It is all or nothing.

I understand the interest in a clean DHS bill. I am very sympathetic to that. But to take that position when we know that there are Members of this body who take grave, grave reservation to the constitutional overreach of the President, that is an abdication of the constitutional responsibility of this body.

All or nothing is not legislating. Signs are not legislating. Press conferences are not legislating. Legislating is reaching a compromise between two sides of the aisle with very different views of this. I will tell you, this process has not gone how I would have wished it to go. But I know this: the Nation is better and the Congress is better when we have regular order and when we legislate the way the Constitution has ordained.

Madam Speaker, we cannot abdicate our constitutional authority to recognize that we have a bicameral, bipartisan Congress with a disagreement, and what we owe to the United States Constitution is the opportunity for us to find a compromise.

So I will ask you this: What if DACA provisions were removed from the DHS bill? Does that get us votes? What if we delayed the President's executive order until final disposition by the courts? Does that get us votes? What gets us the votes we need as a body of 300 Members? Not 218 Members, but 300 Members. Where is the compromise? All or nothing is not legislating.

I will tell you it was a remarkable comment by the majority leader on the other side of this building this morning to suggest that going to conference is a waste of time. That is an abdication of the constitutional responsibility of this body.

All I am asking for, Madam Speaker, is that we recognize the difference and we ask my colleagues on the other side of the aisle: Where is the compromise? Because all or nothing is not legislating. Signs are not legislating, scare tactics are not legislating, and press conferences are not legislating.

Ms. ROYBAL-ALLARD. Madam Speaker, I would just like to point out that we have a solution, and it is the bipartisan, bicameral compromise bill that was sent by the Senate for us to vote on, and that is what we are asking for.

□ 1515

Madam Speaker, I yield 3 minutes to the gentlewoman from California (Ms. LOFGREN), the ranking minority member of the Homeland Security Subcommittee on Immigration and Border Security.

Ms. LOFGREN. Madam Speaker, a lot of discussion has been that, somehow, the President has acted unconstitutionally or unlawfully. Nothing could be further from the truth.

There is ample legal authority for what the President has done. Prosecutorial discretion is a long-established practice in every area of the law, both civil and criminal. When a law enforcement agency has only enough resources to go after a fraction of the individuals who it suspects of violating the relevant law, it has to make choices. There is no alternative.

In the case of immigration, not only do we recognize this, Congress has specifically directed the head of the Department to set priorities, enforcement priorities, for removal.

Now, in addition to that, the Supreme Court has recognized in many cases the need—and really the authority of the executive—to make these decisions. In the Arizona case, it said Federal officials, as an initial matter, must decide whether it makes sense to pursue removal at all.

Our own Congressional Research Service has found that no court appears to have invalidated a policy of nonenforcement founded upon prosecutorial discretion on the grounds that the policy violated the take care clause.

Deferred action is nothing more than a tentative revocable signal to a noncitizen that the government does not intend to initiate removal proceedings at this time. Not only is that tentative, but the statute at U.S.C. 1182(a)(9)(B)(ii) authorizes the period of stay by the Department in such cases.

Congress has expressly recognized deferred action by name repeatedly. In addition to the statute, the formal regulations of the Justice Department and Homeland Security have also expressly recognized deferred action.

In the Reno v. American-Arab Anti-Discrimination case, Justice Scalia said, ''At each stage, the Executive has discretion to abandon the endeavor''—referring to the removal process—''and at the time IIRIA was enacted, the INS had been engaging in a regular practice (which has come to be known as 'deferred action') of exercising that discretion for humanitarian reasons or simply for its own convenience.''

The arguments that somehow this is unlawful are so far wrong because nothing in the recent executive actions conflicts with either the letter or the spirit of the Immigration and Nationality Act or any other Federal statute.

I would note that the court in Texas did not find the President's action unconstitutional. It suggested—and I think wrongly—that the Administrative Procedure Act applies to these actions. There is nothing in the history of the Administrative Procedure Act that suggests that is the case.

I would just suggest that the Republicans fund Homeland Security and let the process work through the courts.

Mr. CARTER of Texas. Madam Speaker, I reserve the balance of my time.

Ms. ROYBAL-ALLARD. Madam Speaker, I yield 30 seconds to the gentlewoman from Florida (Ms. BROWN), the ranking member on the Veterans' Affairs Committee.

Ms. BROWN of Florida. Madam Speaker, let me just be clear—I am from Florida—the number one responsibility of any Member of Congress is to defend the American people, and we don't do that by punting our responsibility to fund Homeland Security, period.

You all need to stop playing games with the safety of the American people.

Mr. JOLLY. Will the gentlewoman yield?

Ms. BROWN of Florida. You are the one that got on this floor and said it is a political football. If it is a political football, you are done playing.

Mr. JOLLY. Will the gentlewoman yield?

Ms. BROWN of Florida. My time has expired.

The SPEAKER pro tempore. Members must direct their remarks to the Chair.

Mr. CARTER of Texas. Madam Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. WOODALL).

Mr. WOODALL. Madam Speaker, I thank my friend from Texas not just for the time, but for the work he is doing to try to fund the responsibilities of the government.

I have been in this institution for 4 years, Madam Speaker, and I have grown to love this institution. I have grown to love the people who serve in this institution, and it is disappointing to me to see some of the tempers that boil over here and have that on display for the American people.

The truth is those tempers boil over, Madam Speaker, because folks here care. They don't care a little; they care a lot.

What I have been grappling with as we have been going through this process—and the Appropriations Committee has been working so hard—is how do we bring our passion to the President's desk in a way that can make a difference for our people back home.

I look at the chairman of the Appropriations Committee here and the ranking member. For Pete's sake, they passed a bill out of committee on this issue last summer.

To watch this debate, you would think that the Congress is so derelict that we put everything off until the eleventh hour. Not true, Madam Speaker. Last summer, the House passed this out of committee.

Now, of course, the process broke down last summer. We passed seven bills across this floor. The Senate had yet to pass one. I am tired of figuring out who to blame here. I am in the business of trying to figure out how to solve problems.

The Senate is making some progress. Golly, they have considered more amendments in the Senate so far in 2015 than they considered all of last year combined. They are making progress. We are starting to get this train back on track.

What is happening here today, though it seems so controversial, is we have got a motion to instruct, Madam Speaker, conferees. Now, I disagree with the motion to instruct. The motion says: Let's just do what the Senate said we should do.

I don't actually think that fulfills my constitutional obligation, but the fact that we are even in a place today to instruct conferees, it takes us back. I would argue if we took a poll outside, Madam Speaker, we could find folks all up and down Constitution Avenue, all up and down Independence Avenue, who saw that skit on ''Saturday Night Live'' with the bill tumbling down the stairs as folks tried to remember how a bill becomes a law.

If we can pass this 3-week continuing resolution today, we are going to be able to demonstrate how a bill becomes a law when the House has a position and the Senate has a position and they come together to work out those differences before it goes to the President's desk.

Madam Speaker, I have been here 4 years. I can count on one hand how many times I have seen that process work. These issues are too important to say: The other body took care of it, I will just defer to them.

The Members of this body are too talented, they are too committed, they love this country too much. For the 435 of us to come together and say, We have nothing to add, let's just do what the Senate said—I can't count the number of colleagues I have, Madam Speaker, on the Democratic side of the aisle who love this country, care about this country on one hand. I can't count them on two hands. I can't count them on all of my fingers and toes because it is every single Member.

The same thing is true on my side of the aisle. I would just ask my friends, my committed patriot friends, it is 3

weeks to have an opportunity to have our collective voice heard. The American people deserve it; the Nation needs it. Our leaders on the Appropriations Committee, Republican and Democrat alike, have given us an opportunity to do it.

Let's take ''yes'' for an answer. Let's reject this motion to instruct, but let's do go to conference. Let's pass this continuing resolution, and let's restore some pride in a process that has served this country so well for so long.

Ms. ROYBAL-ALLARD. Madam Speaker, I yield myself such time as I may consume.

I just want to point out to the gentlemen that the ranking members and chairs of the Appropriations Subcommittees of the House and the Senate worked together on the bill that we are trying to bring for a vote, that this was a negotiated bill by both Houses.

This is not something that we are just trying to bring from the Senate without the House having any input. This was the negotiated, compromised bill of both Houses.

I now yield 2 minutes to the gentleman from Minnesota (Mr. ELLISON), a member of the Financial Services Committee.

Mr. ELLISON. Madam Speaker, I would like to thank the gentlewoman for yielding.

Madam Speaker, just for people who are watching this debate, I would like to take us back to December of 2014 when we passed this thing called the CR/Omnibus, all these spending bills together that we spent money for the American people over the course of a year to fund our government, except for the Department of Homeland Security bill, which would be funded right through midnight tonight.

Why did we single this one bill out for this short term? For one reason and one reason only: The Republican majority wanted to pick a fight with the President over the President's execution of his lawful authority to try to solve problems in the area of immigration.

Now, a Federal district court judge, who has a long history of Republican partisanship, decided that he would issue an order stopping the execution of this executive order action; so, now, why don't we let the district court handle it, pass a year-long bill, and look after the public safety of the American people?

This thing is where it should be. It is with the courts. People on the Republican side of the aisle, Madam Speaker, who say that this is unconstitutional—which it is not—now have the ball in the court they say they want it in, which is in the court's hands, so let us get about the business of protecting the homeland.

Madam Speaker, I am from Minneapolis, Minnesota, and I am proud of that, but I have got a terrorist group in Somalia talking about what they want to do to my mall. That is a fact of my district right now, and I feel very bitter and resentful that we are holding up Homeland Security money.

I ask this body to not kick the ball for 3 weeks, but to get to business now, so that we can plan and protect our homeland.

This is serious business, not a political football to acquire power.

Mr. CARTER of Texas. Madam Speaker, I yield as much time as he may consume to the gentleman from the great State of Alabama (Mr. ADERHOLT), my friend.

Mr. ADERHOLT. Madam Speaker, I thank the chairman for letting me speak on this motion.

As a past chairman of this Subcommittee on Homeland Security, I know firsthand how important it is for the funding for Homeland Security to go forward. The bottom line is the House has done its job.

Back in December, the House voted to fund the Federal Government for the fiscal year. We kept the funding for the Department of Homeland Security on a continuing resolution so that it would not lapse.

By doing so, we were making a promise to the American people, a promise that once the Republicans had full control of the Senate, we would work together as a Congress to ensure that the President's unconstitutional and dangerous actions would not go unchecked.

Every President takes an oath under the Constitution that the laws of this land will be upheld; however, the concern that we have now is the President is directing Federal employees to take unlawful actions.

The House position on this bill provides proper funding. It defends the President's unlawful actions. The House has voted, the Senate has voted, and—as my colleague from Florida had said earlier—once that happens when you don't agree, you go to conference, and that is how you legislate.

I urge my fellow House Members to support the actions laid out by the Speaker so that we can move forward with this so that we can go to conference and act like true legislators in how the Founding Fathers in their wisdom meant for this to move forward.

□ 1530

Ms. ROYBAL-ALLARD. Madam Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. BRENDAN F. BOYLE), a member of the Committee on Foreign Affairs and the Committee on Oversight and Government Reform.

Mr. BRENDAN F. BOYLE of Pennsylvania. Madam Speaker, I realize that I haven't been serving in this body very long—only 8 weeks—but today is exactly the kind of day that drives most people nuts about Congress. Even though we all agree—Senate Republicans, Senate Democrats, in a more than 2–1 vote; House Democrats and House Republicans—that we need to fund the Department of Homeland Security, yet here we are a few hours before the deadline once again playing around with the security of the United States.

Madam Speaker, we have a way to end this. We have the Senate bill in front of us. Let us adopt the bipartisan bill, get the Department of Homeland Security funded, and then we can move on and have this legitimate debate about immigration.

Mr. CARTER of Texas. I reserve the balance of my time.

Ms. ROYBAL-ALLARD. Madam Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. YARMUTH), a member of the Committee on the Budget and the Committee on Energy and Commerce.

Mr. YARMUTH. I thank the gentlewoman for yielding.

Madam Speaker, I would like to repeat some things that I have heard over the last couple of weeks about this particular situation:

''I fully believe we should not be playing politics with a national security agency like the Department of Homeland Security, particularly given the high threat environment that we are in right now.''

''The political impasse on DHS funding must end. Responsible members of both parties must work together to find some way to fund DHS without further delay.''

''The worst thing we can do is let our enemies think we are backing off, that we are cutting off funding. This involves human lives, and this is too risky a game to be playing here. This is no way to run a government.''

Madam Speaker, those aren't my words. Those are words from Republican Members of this body discussing the reckless game that their party is playing with the funding of the Department of Homeland Security.

Every rationale I have heard for not voting for a clean funding bill right now involves some kind of an ideological orientation. We have got a lot of constitutional lawyers, apparently, in this body because people are arguing whether it is constitutional or not. Meanwhile, we face threats day in and day out, both here and abroad, that we are not being able to cope with.

There is a great or legendary conservative thinker and writer, William F. Buckley, Jr. He once said: ''Idealism is fine, but as it approaches reality, the costs become prohibitive.'' Right now, the costs to our defense, the security of our Nation are becoming prohibitive. Let's stop this argument. Let's do what we both agree on and fund our Nation's security apparatus.

Mr. CARTER of Texas. At this time, I yield such time as he may consume to the gentleman from Alabama (Mr. BYRNE).

Mr. BYRNE. Madam Speaker, I rise to oppose this motion, and I would like to address the House with the reasons why.

I have been here for a year and 2 months, and I believe in my time here, this is the first time that we have actually been in the position to get a bill

back from the Senate on which they disagreed with us and that we have even the opportunity to go to a conference.

Now, when I took high school civics, it was my understanding that that is the way the process works. The bill starts in one House, goes to another House; the other House disagrees, and it comes back to the other House. If the other House wants to go and discuss it, we go to conference and discuss it.

This House took a very important position back in January to fund the Department of Homeland Security, and we added some riders. Now we need to go to conference so that our position, the House's position, can be fully discussed by the conferees for both Houses. During that discussion, we don't know what the outcome will be, but that discussion could lead to something that could get us a solution. That is what the people of America want us to try to do is to get to a solution. So far what we have tried hasn't worked.

Now, I wish the Senate had acted earlier. I wish we could have gotten this back in time enough for us not to have to go through some of the gyrations we are doing now, but we are where we are. To go to conference and to give whoever is appointed as the House conferees the opportunity to work with whoever is appointed from the Senate as their conferees to try to arrive at something like a consensus that we can all vote for—even if we don't feel 100 percent good about it—seems to be what I thought we learned in high school civics class is the way the process is supposed to work.

So I hope that we will go forward. I hope this motion is defeated for that purpose, so that we can do things in regular order, which perhaps this Congress has forgotten to do, it has been so many years since we have done it. Now that the Senate has acted—and many of us, including me, have said we wanted the Senate to act—let's take their action, go to a conference committee with them, and work on trying to get this thing worked out.

Now, some people say that this isn't going to work, that nothing is going to come of it. I tell you this: if we don't try it, absolutely it is not going to work; but if we give it a chance, then we could get something out of it that is a win not for us in this House or the Senate, but a win for the people of the United States of America, the people we are here to represent.

So I hope that the people in both Houses and both parties can come together at least long enough for us to talk with one another, not at one another, not from an ideology, not from a partisan standpoint, but from the standpoint of what is best for the people of the United States and for what is appropriate under the Constitution of the United States, because we are also here, as our oath requires, to uphold the Constitution of our country.

I believe our conferees should have an opportunity to go in there and do the right thing to protect the people of America through the funding of the Department of Homeland Security and to do the right thing to defend the Constitution of our country. By defeating this motion and going forward with the conference, we give the process a chance to work, and to work well, in both of those regards.

So I respect the people on the other side who think we should just give in; but I don't think we should just give in, because I don't think the American people want us to just give in. I think the American people want us to do our work, to make sure we protect our country by appropriately funding the Department of Homeland Security, but that we also protect our country by defending the Constitution of the United States.

I believe the actions taken by the President are unconstitutional. A judge has stayed those actions because he has got some legal issues with them. I don't know what is going to happen in that court proceeding. I am not going to try to predict that here on the floor of the House, because a lot of times you try to predict a court proceeding, you will find out you are wrong.

In the meantime, we still have an obligation to do our job, and I think going forward with this conference committee is doing our job in the most important of senses. I appreciate the opportunity to stand here today and address this House and to urge my colleagues to defeat this motion so that we can do something we haven't done in a number of years, and that is to fulfill the obligations given to us by our forebears, do our job, get this thing done, get it done right, and make sure that we have done right by the people of the United States.

Ms. ROYBAL-ALLARD. How much time is remaining on both sides?

The SPEAKER pro tempore. The gentlewoman from California has 14 minutes remaining, and the gentleman from Texas has 14 minutes remaining.

Ms. ROYBAL-ALLARD. Madam Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE), ranking member of the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations.

Ms. JACKSON LEE. Let me thank the gentlelady for her excellent work on the Subcommittee on Homeland Security of the Committee on Appropriations and the gentleman, Mr. CARTER.

To the statements that have been made on the floor, might I just chronicle a more correct, if I might say, articulation of really what happened.

First, it is an applause and appreciation for the work done by the gentlelady from California and the gentleman from Texas, along with the ranking member and the chairman of the Committee on Appropriations, because they had 12 appropriations bills ready to go forward.

What my good friends have missed on the other side of the aisle is they debunked the full funding of the Department of Homeland Security because of their ire against the President's authorized constitutional executive action. That is why we are here today, for no other reason than, rather than allowing the debate on a clean funding on the omnibus bills, the 12 that have come from the House, they took out the Department of Homeland Security and left it to the side.

They took it out in the light of young women, as I indicated. Three Denver girls played hooky from school and tried to join ISIS. They took it out in the light of the FBI Director saying there is an ISIS cell in every State. They took it out in the light of the tragedies that happened in Paris, in Denmark, and have happened around the world in Australia. Boko Haram, they took it out. They took out that full funding of the Department of Homeland Security and skewed it by adding their contempt for the executive action.

But then, lo and behold, what happened is a judge didn't rule it unconstitutional in Texas. That was not the order of the court. It was that there were questions that should be decided—it was actually a stay—and that it should have gone through an administrative procedure, the APA. It did not rule it unconstitutional, but it was an action that caused, at least for the moment, a stay in the actions of the President.

What does that say, Madam Speaker? It says that today we can come and give a full funding for the Department of Homeland Security.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. ROYBAL-ALLARD. I yield an additional 30 seconds to the gentlewoman from Texas.

Ms. JACKSON LEE. I thank the gentlelady.

Madam Speaker, that order answers their concern about the executive action. In the meantime, we have every opportunity tonight, today to vote on a clean full funding of the Department of Homeland Security until September, because that is what the Senate did. They did their work.

But now we are playing games, in spite of the letter from the Secretary of Homeland Security, and we are telling the Customs and Border Protection, we are telling the TSOs, the FAA, the ICE officers, all of them, we put a stop sign and said we no longer want to secure America.

I ask for support of this motion to instruct, and I ask for full funding for the Department of Homeland Security. Let's do our job.

Mr. CARTER of Texas. Madam Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. PITTENGER).

Mr. PITTENGER. I thank the gentleman for yielding me the time.

Madam Speaker, I am here today absolutely in amazement that we are in this discussion about the Constitution of the United States. This is an issue of

the balance of powers. This is an issue of our liberties. As important as the Homeland Security bill is, we recognize today that the Congress has made its statement, the President of the United States has made his statement 22 times that he did not have the right to declare amnesty, the courts have made their statement, and yet today we are in this dialogue.

I hope the American people are watching today and seeing the miscommunication of truth. The truth is we are committed to the Constitution, and we are going to stand by the Constitution. We are not going to allow the edict of one person to commit this country to a direction unchallenged. We are here committed to that principle. We believe that the rights of the American people are founded in this Constitution, and we will submit ourselves to that.

Ms. ROYBAL-ALLARD. I reserve the balance of my time.

Mr. CARTER of Texas. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. AUSTIN SCOTT).

Mr. AUSTIN SCOTT of Georgia. I thank the gentleman for yielding.

Madam Speaker, as I listened to this debate and watched as some of the people talked about what our duty was and was not as Members of Congress, I thought I might come down and read the oath that we as Members of Congress take. It is simple.

''I do solemnly swear or affirm that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God.''

□ 1545

Ladies and gentlemen, this is not about immigration. This is about whether or not the President has the ability to unilaterally run this country by creating fees and spending those fees as he sees fit. I would submit to you that he doesn't. If the President can do this and is allowed to get away with this, then, when we get a pro-life President, that pro-life President can create a fee on abortion providers and use it to fund adoption.

It seems to me that the Democratic Party, which prefers free cell phones to taking care of the men and women who protect our country in uniform, likes the rules when they are working for them but doesn't want to abide by the rules all the time.

What the President has done violates, I believe, the separation of powers. I would suggest to you that this is a very dangerous precedent, and this is well worth fighting for in maintaining our oath as Members of the United States Congress to defend the Constitution.

Ms. ROYBAL-ALLARD. Madam Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. KEATING).

Mr. KEATING. Madam Speaker, let's not lose focus here. We are talking about our country's security. We heard what would happen if the homeland function were to be eliminated immediately over a shutdown even with the emergency provisions that are existing.

I want to address an important issue, and that is the issue of our security being jeopardized because of these stopgap budgets. Now, what does that mean? That means we continue to work within the constraints of last year's priorities, that we can't move beyond the funding that is there for those functions that we said were important for our security last year. The trouble with that is the terrorist threats are changing every single day. The landscape is changing under our feet, yet we are in a straightjacket in dealing with it. We cannot continue going forward. It has already jeopardized our ability to look at nuclear detection in this country because of these stopgap budgets.

My State suffered a terrible tragedy with the Boston Marathon bombing, but I think all of us agree and all of us saw the way they organized, the way they coordinated all the functions—the State, the local, and the Federal Government, the medical functions, the emergency service. We all concluded—rightfully so—that countless lives were saved because of that. Do you know why? Because there was training and preparation for what could come.

We cannot deal successfully in this country with the threats that are confronting us here today and tomorrow—terrorist attacks—with last year's priorities and without being able to shift and meet those priorities. Let's stop the stopgap budgeting. It is hurting our country. It is hurting our security. Let's do what we are supposed to do under the Constitution—make these decisions to fund it.

Mr. CARTER of Texas. Madam Speaker, I reserve the balance of my time.

Ms. ROYBAL-ALLARD. Madam Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER), the Democratic whip of the House.

Mr. HOYER. Madam Speaker, I rise in support of this motion. I also rise to lament the fact that we had an opportunity just a few hours ago, or an hour ago, to do what the Senate rationally did. After four opportunities of trying to adopt the House position, the Senate failed to do so.

Now, I heard my young friend from Texas talk about the Constitution. I have heard a lot of people say we ought to read the Constitution. I agree with that. The Constitution has provided for the resolution of the injury of which you speak so passionately, and that is Article III of the Constitution.

Marbury v. Madison said that the Supreme Court had the authority, whether it was the President or the Congress, to say that that is not constitutional. Frankly, by our passing a law and saying this is constitutional, as has been attempted and done in the past by my Republican friends, to say, ''we say, by legislative fiat, this is constitutional,'' unfortunately, today, we gave up the opportunity to act responsibly. My friend Mr. ROGERS, for whom I have great respect, and Mrs. LOWEY know we are going to be back here some 20 days from today with this same debate because the Senate has already said they are not going to conference. When I say ''the Senate,'' the Democrats are not going to give 60 votes as the Republicans would not give 60 votes to go to conference on other bills in past years.

What we did was we reversed the order of the legislation we are considering. Had we done the original order, we would have done this motion to go to conference and the motion to instruct first. As a result, we would have still had the Senate bill in the House of Representatives so as to act responsibly, but there apparently was a fear that we might do that, so that bill was sent back to the Senate before we considered the CR for 21 days.

I urge my colleagues to vote ''yes'' on this motion to instruct. Vote ''yes'' to, at some point in time, do what is the responsible and doable alternative. It is not a question of whether you like it or I like it. It is the alternative that we in the Congress can do, and that is why 68 Members of the United States Senate—Republicans and Democrats—voted to say we have tried for 6 weeks to do what we all need to do, and that is to fund the Department of Homeland Security to keep America safe. We are going to delay that; but, at a minimum, we ought to say to the conferees—and few of us on this floor believe there will be any conference. Again, the Senate will not vote to go to conference. Let us vote at least for this responsible motion made by the gentlewoman from California.

Mr. CARTER of Texas. Madam Speaker, may I inquire as to how much time I have left.

The SPEAKER pro tempore. The gentleman from Texas has 10½ minutes remaining, and the gentlewoman from California has 5½ minutes remaining.

Mr. CARTER of Texas. Madam Speaker, I would first like to say that I certainly hope that Mr. HOYER, when he referred to his young friend from Texas, was talking about me. That makes me feel really good. I appreciate that.

At this time, I yield 3 minutes to my young friend from Texas (Mr. GOHMERT).

Mr. GOHMERT. Madam Speaker, I appreciated so much my friend Mr. SCOTT for bringing up that oath. It does mean a lot—in my case, taking that oath to serve in the Army for 4 years, taking, basically, the same oath to be a prosecutor in Texas, to be a judge in Texas, to be a chief justice in Texas, and now to be in Congress. It

means something. Protecting the Constitution means that, if we don't preserve the balance of power, then this little experiment in democracy—or ''a Republic, madam,'' as Benjamin Franklin referred to—will be lost.

I appreciated what my friend from Maryland said, and I wrote it down because it was profound: ''we gave up the opportunity to act responsibly.''

I would humbly submit, Madam Speaker, that that has been going on for the last 6 years. Now, some of it went on during the Bush administration as the President used executive orders and took powers that probably shouldn't have been his. In talking to people who have been in Congress over the last 35 years or so, they have told me that, whether it was Gerald Ford or Richard Nixon when Goldwater went down Pennsylvania Avenue, Jimmy Carter, Ronald Reagan, George H.W. Bush, Bill Clinton, or George W. Bush, there was a willingness on both sides of the aisle to get in a car together and go down Pennsylvania Avenue and say, ''Mr. President, you have usurped far too much power. We can't let you destroy the Constitution any further. We are taking a stand.'' We have missed that opportunity to act responsibly, but, fortunately, it is not yet too late.

If you do not know what ''irresponsibility'' is, then look at Judge Hanen's opinion. He spells it out. This President didn't even have the gumption to write an executive order and sign it. He spoke his new amnesty law into being, and then Jeh Johnson did a memo. That took the power of Congress away from us. So the question on acting responsibly is: Do we make that message clear that we are not having laws spoken into being in this country and having some bureaucrat—unelected—come around with a memo that undoes laws by different Congresses all these years that have been signed by different Presidents? With a memo? Come on.

It is time to act responsibly. Now is the time. Please. I know party divisions run deep, but stand with us for the Constitution.

Ms. ROYBAL-ALLARD. Madam Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Democratic leader of the House.

Ms. PELOSI. I thank the gentlewoman for yielding, and I commend her and Congresswoman LOWEY for their very important motion to instruct conferees to accept the Senate language.

Madam Speaker, I want to address some of what a previous speaker had mentioned, but I am going to go to the most recent previous speaker.

If you feel so strongly—because I don't know if this is about thinking or feeling—about the immigration issue and the executive actions taken by the President, I respect that; but why are you jeopardizing the homeland security of the United States of America by attaching your emotions to this bill?

That is what this is about. If you have an argument about immigration, have an immigration bill come to the floor, and let's have that debate. You did say that we have given up the opportunity to act responsibly. That is exactly what you are doing today. Policy differences about immigration or the rest are a legitimate debate in this great marketplace of ideas that is called the House of Representatives; but it is not for you to hold hostage the homeland security of our country, to jeopardize the opportunity to prepare, to have what is current and necessary for the realities of the threats that we are facing now instead of—3 months since December until, it would be, March 19—3-month-old funding carried over from last year. A lot has happened since then in Paris, in the Middle East, with threats in our own country.

□ 1600

Get a grip on our responsibility. Get a grip, Madam Speaker. Give us a chance to vote on a bill that passed by more than two-thirds in the United States Senate with strong bipartisan support.

As far as your criticisms of President Obama, nobody said ''boo'' over there when President Reagan used—justifiably so, rightfully so—his executive orders on protecting immigrants in our country. George Herbert Walker Bush, the same. President Clinton. George W. Bush, who was one of the best Presidents on immigration in our country, wasn't able to convince his Republican colleagues to respect immigration as the invigoration of our country. But, nonetheless, he led on that subject.

So you have made a mess. We have so many bills, counter bills, CRs, all the rest of it coming back, forward, and all the rest, and every time I ask all of you what is happening, everybody says: I don't know.

It is only 8 hours until the government will shut down. That can't possibly happen. And I want to address that point. Someone has said to me, Well, the President said he won't let the government shut down—that he would sign this 3-week option. That is a bad choice that we have given the President—to shut the government down or extend it for 3 weeks—when that 3-week extension is as undermining to our national security as a shutdown in government. That is just not right. It is not responsible on our part.

So I say to our colleagues, if they want to go down that path of poor choices, let the Republicans do that. If they have got multiagendas here, anti-Obama agendas here about immigration and the rest, let them go down that path. Let them put their 218 votes on the board without our associating ourselves with it.

And just because the President's person says of the two bad choices he would choose the 3 weeks if it came to his desk, don't let that deter you from voting ''no'' on that and ''yes'' on what Congresswoman ROYBAL-ALLARD and Congresswoman LOWEY are putting forth as well.

Yes, we do take that oath, as the gentleman said, whether you are a judge, whether you are in the military, whether you are in Congress, or the President of the United States, to protect and support the Constitution of the United States. We are not protecting anything with what you are doing here. We are not protecting anything. We are dragging it out.

We are sending a message that, for some historic reason, we are now taking it out on Barack Obama because we are angry about what the gentleman on the Republican side said that Reagan, Bush, Clinton, and Bush have done. Bring it up under another circumstance. Keep it off the protection of our country.

Your chairman, Mr. ROGERS, working with our ranking member, Congresswoman LOWEY, was able to put together 12 bills which were a compromise—bills that everyone was prepared to support—until you decided you were going to use immigration to hold hostage the national homeland security of our country.

And so kick the can to here. Now you have kicked the can to here, and now you are going to kick the can to March 19. What do you think is going to happen on March 19? We have already had two recesses today in this very day of congressional deliberation. What do you think you are going to accomplish later if you are not willing to grow up, bite the bullet? You made your point.

Your colleagues, the Republican Senators, do not agree to drag this out. They have given you a face-saving path. The judge in Texas gave you a face-saving path. ''I am Charlie''—''Je suis Charlie''—gave you a face-saving path.

The urgency is very, very clear—well, clear to everyone except if you happen to exist in this Chamber—when your negative attitudes toward President Obama have so overwhelmed you that you are willing to jeopardize the homeland security of our country. So whether it is firefighters, the SAFER Act, FEMA, or anything where the Federal Government comes in contact with people, you are standing in the way and using immigration as the excuse. For some of you, it may be a reason. Maybe it is for some of you, but for some of you it is an excuse. And for all of you it is a shame. It is a shame.

One gentleman said: If we accept the Senate language, we are not living up to our responsibility to have a bill in the House. And then you expect them to accept your language. Doesn't it hold true both ways? If you don't want to accept their language, why do you expect them to accept your 3-week language?

Do you not understand the legislative process? This Constitution, which we value, has the legislative branch. The first article of government is the legislature, preeminent. The President can't sign what we don't send him, in terms of making the law. He can take executive action, but the law is stronger.

Let us honor our responsibilities and stop standing in the way of protecting the American people. It is about the security of the American people versus the philosophy that you have going over there, which is perfectly to be respected in another piece of legislation. Let's have that debate separate from protecting.

It is about time for us to come together to get the job done. The Senate did it. We can. Please support Congresswoman ROYBAL-ALLARD's and Congresswoman LOWEY's motion to instruct the conferees to accept the Senate bill.

The SPEAKER pro tempore. The Chair reminds Members to please direct their remarks to the Chair and not to other Members.

Mr. CARTER of Texas. Madam Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Texas has 7½ minutes remaining.

Mr. CARTER of Texas. Does the gentlewoman have other speakers?

Ms. ROYBAL-ALLARD. No. I am prepared to close.

Mr. CARTER of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I have had a lot of schoolteachers shake their fingers at me and tell me things. And most of the times, I have deserved it. I have been looked right at and told I was wrong before. Many of those times, I deserved it.

But I want to make something really clear. This is not a debate on immigration. This is not a debate on whether or not we are going to fund the Department. We are funding the Department for the next 3 weeks, using the same manner that we funded this Department for years at a time when our colleagues on the other side of the aisle were in charge of this House.

The CR was one of the most popular vehicles that they used in funding our country during the period of time they ran this place. So we are not using anything that we don't all use. It funds the Department. It keeps the Border Patrol okay and keeps them paid.

But it also allows us to do something that—by the way, the gentleman is absolutely right. In what we would call recent history, going to conference was so rare—my mother used to say ''rare as hen's teeth''—when they ran this place.

So we are at least doing something that was designed to be done, and we are going to conference. When you go to conference and you have two sides of the story, you are supposed to go in there and discuss the two sides of the story. What they are asking to instruct here is to just take what the Senate sent us.

Well, to some extent, I guess we should reward the Senate. This is about the first thing they have sent us in recent history where we have actually had a bipartisan vote. In fact, last year we just didn't have any votes at all. In fact, you wondered if they even knew how.

And so here we are. We are going to conference and doing it the way it is supposed to be done. All parties will be able to participate, and maybe we will resolve our differences and maybe we won't, but the American people also ask us to try to work in a bipartisan manner. And here is our opportunity.

The Homeland Security Department will be funded. They will have a paycheck. We will address this issue in conference, and hopefully we will come to a resolution the way we are designed to with bipartisan participation.

This is not about immigration. And after having spent 4 years with some of my colleagues on the other side of the aisle and some of the colleagues over here working on immigration, I am not anti-immigration policy. This is anti-stepping on the feet of the Framers of the Constitution and walking all over that piece of paper.

And that is why we are here to fight today. We are fighting for the rights of this legislative body as we address the Executive. And we are fighting to fund the Department.

With that, I yield back the balance of my time.

Ms. ROYBAL-ALLARD. Madam Speaker, let me just say that regardless of what the other side of the aisle will have us believe, the Secretary of Homeland Security and the men and women who put their lives on the front line every day for us and to protect this country tell us that a continuing resolution jeopardizes their ability to fully and effectively protect this country.

And so I urge my colleagues to do the responsible thing and to vote for this motion to instruct conferees to bring back a clean, full-year, bipartisan funding bill that will enable the Department of Homeland Security to fully and effectively protect our Nation and the American people.

I yield back the balance of my time.

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

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

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

Ms. ROYBAL-ALLARD. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

FURTHER CONTINUING APPROPRIATIONS RESOLUTION, 2015

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the joint resolution (H.J. Res. 35) making further continuing appropriations for fiscal year 2015, and for other purposes, will now resume.

The Clerk read the title of the joint resolution.

MOTION TO RECOMMIT

Ms. ROYBAL-ALLARD. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the joint resolution?

Ms. ROYBAL-ALLARD. Yes.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Roybal-Allard moves to recommit the joint resolution H.J. Res. 35 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

Page 1, line 3, strike ''That the Continuing Appropriations Resolution, 2015'' and insert the following:

SECTION 1. The Continuing Appropriations Resolution, 2015

Page 1, lines 5 and 6, strike ''March 19, 2015'' and insert ''September 30, 2015''.

Add at the end the following new section:

SEC. 2. The Continuing Appropriations Resolution, 2015 is further amended by inserting at the end (before the short title) the following:

''SEC. 152. Notwithstanding any other provision of this joint resolution, funds and other authorities made available for accounts of the Department of Homeland Security shall be available to the extent provided in, under the authority and conditions provided in, and at a rate for operations not to exceed the rate permitted by, H.R. 861, as introduced in the House of Representatives on February 11, 2015.''.

Ms. ROYBAL-ALLARD (during the reading). Madam Speaker, I ask unanimous consent to dispense with the reading.

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

There was no objection.

Mr. ROGERS of Kentucky. Madam Speaker, I reserve a point of order on the gentlewoman's motion.

The SPEAKER pro tempore. A point of order is reserved.

Pursuant to the rule, the gentlewoman from California is recognized for 5 minutes in support of her motion.

□ 1615

Ms. ROYBAL-ALLARD. Madam Speaker, this motion to recommit will not kill the resolution or send it back to committee. If adopted, the continuing resolution will immediately proceed to final passage, as amended.

Adoption of this motion to recommit will change the date of the continuing resolution to September 30, 2015, and will incorporate by reference all the funding levels and provisions of H.R. 861, the clean, bipartisan, full-year funding bill for the Department of Homeland Security.

Once again, I ask my colleagues: What is gained by further putting off a resolution to this crisis of Republicans' own making?

Circumstances will be no different 3 weeks from now. We will almost certainly not have any final resolution from the judicial branch of the President's executive action. Nothing can be gained by further delay, but much can be lost.

These are the warnings of the Secretary of Homeland Security who has pointed out, over and over again, that the Department of Homeland Security is not doing just fine under the current continuing resolution and that there are significant consequences if we force the Department to keep living with the uncertainty of a continuing resolution.

As Secretary Johnson has said, the American people are counting on us, and the men and women of the Department of Homeland Security, so many of whom risk their health and safety every single day to keep us safe, are counting on us, too.

What message are we sending them when we continue to leave them in uncertainty over whether they will get paid 3 weeks from now? What message do we send them when we take their service for granted by using this funding bill as a pawn in a political game?

I urge my colleagues to vote for this motion to recommit so we can put an end to this nonsense and allow the men and women of the Department of Homeland Security to go about the business of protecting this country knowing that we are fully behind them.

Madam Speaker, I yield the remainder of my time to the gentlewoman from New York (Mrs. LOWEY), the distinguished ranking member of the Appropriations Committee.

Mrs. LOWEY. Madam Speaker, I want to thank the ranking member of the Homeland Security Subcommittee for yielding me the time.

I strongly support the Roybal-Allard motion, which gives the House an opportunity to vote for a full-year Homeland Security funding bill without any controversial immigration policy riders.

Almost 4:30 Friday afternoon, we have heard lectures all day about the Constitution. We have heard lectures all day about the process. I just want to remind my colleagues on the other side of the aisle—and especially those who may be new to the appropriations process—we can have a debate about the Constitution any time you want. We even can come up with amendments to the Constitution.

Right now, we are talking about Homeland Security keeping our country safe; and, again, because we have had so many debates about authority and who is doing what and who is obeying the Constitution, for me, it is a pleasure to work with my colleagues on the other side of the aisle on appropriations.

We passed the CR/Omnibus because, back in December, we couldn't agree to include the Homeland Security bill as part of an omnibus. Just to remind us again about process, Democrats on the Appropriations Committee and Republicans on the Appropriations Committee debated those bills.

We came together in a bipartisan way here in the House, and then we worked with the Senate to make sure we worked together in a bipartisan way. We had a good Homeland Security Appropriations bill. It may not have been perfect, but it was a bipartisan bill back in December. Here it is, almost March.

I just want to conclude by making it very clear, we cannot hold hostage to this bill and delay the Homeland Security bill anymore. I urge my colleagues to vote for full-year funding.

POINT OF ORDER

Mr. ROGERS of Kentucky. Madam Speaker, I make a point of order.

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

Mr. ROGERS of Kentucky. Madam Speaker, I make a point of order against the motion because it is in violation of section 302(f) of the Congressional Budget Act of 1974.

The adoption of this motion would cause a breach of the 302(a) allocation of budget authority provided by the Committee on the Budget and, therefore, is not permitted under section 302(f) of the Act.

I ask for a ruling from the Chair.

The SPEAKER pro tempore. Does any Member wish to be heard on this point of order?

Ms. ROYBAL-ALLARD. Madam Speaker, I wish to be heard on the point of order.

The SPEAKER pro tempore. The gentlewoman from California is recognized.

Ms. ROYBAL-ALLARD. Madam Speaker, the gentleman asserts that the motion exceeds the subcommittee's allocation. However, the Congressional Budget Office cost estimate noted ''our estimate is the same as H.R. 240 as introduced.''

H.R. 240 was the bill introduced by the chairman of the subcommittee, Judge CARTER, and sent to the Senate.

If I understand the gentleman correctly, he is now asserting that the bill that he moved through this Chamber violated the rules of the House. I urge him to withdraw his point of order and allow for the House to vote on a clean, full-year bill for the Department of Homeland Security.

Absent that, I urge the presiding officer to overrule the gentleman's point of order.

The SPEAKER pro tempore. The Chair is prepared to rule.

The gentleman from Kentucky makes a point of order that the amendment proposed by the instructions in the motion to recommit offered by the gentlewoman from California violates section 302(f) of the Congressional Budget Act of 1974.

Section 302(f) of the Budget Act precludes consideration of an amendment providing new budget authority if the adoption of the amendment and enactment of the bill or joint resolution, as amended, would cause the pertinent allocation of new budget authority under section 302(a) of the Act to be exceeded.

The Chair is authoritatively guided by an estimate of the chair of the Committee on the Budget under clause 4 of rule XXIX. That estimate shows that the amendment proposed in the motion to recommit provides new budget authority for fiscal year 2015 in excess of the applicable section 302(a) allocation.

The Chair therefore holds that the amendment violates section 302(f) of the Budget Act. Accordingly, the point of order is sustained and the motion to recommit is not in order.

The question is on the passage of the joint resolution.

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

Mrs. LOWEY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of House Joint Resolution 35 will be followed by a 5-minute vote on adoption of the motion to instruct on H.R. 240.

The vote was taken by electronic device, and there were—yeas 203, nays 224, not voting 6, as follows:

[Roll No. 104]

YEAS—203

Abraham
Aderholt
Allen
Amodei
Ashford
Barr
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blum
Boehner
Bost
Boustany
Brady (TX)
Brooks (IN)
Brownley (CA)
Buchanan
Buck
Bucshon
Burgess
Bustos
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Connolly
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
Delaney
Denham
Dent
Diaz-Balart
Dold
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Frelinghuysen
Garrett
Gibbs
Gibson
Goodlatte
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hill
Holding
Huizenga (MI)
Hultgren
Hurd (TX)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Jolly
Joyce
Katko
Kelly (PA)
King (NY)
Kinzinger (IL)
Kline
Knight
LaMalfa
Lance
Latta
LoBiondo
Love
Lucas
Luetkemeyer
Lujan Grisham (NM)
Lummis
MacArthur
Marchant
Marino
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Murphy (FL)
Murphy (PA)
Newhouse
Noem
Nugent
Nunes
Palazzo
Palmer
Paulsen
Peters
Pittenger
Pitts
Poliquin
Pompeo
Posey
Price, Tom
Reed
Reichert
Renacci
Ribble
Rigell
Roby
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Ruiz
Russell
Ryan (WI)
Scalise
Schock
Schweikert
Scott, Austin

Scott, David
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Westerman
Westmoreland
Whitfield
Wilson (SC)
Womack
Woodall
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Amash
Babin
Barletta
Barton
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blackburn
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brat
Bridenstine
Brooks (AL)
Brown (FL)
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clawson (FL)
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
DeLauro
DelBene
DeSantis
DeSaulnier
DesJarlais
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Duffy
Edwards
Ellison
Engel
Eshoo
Esty
Farenthold
Farr
Fattah
Fincher
Fleming
Forbes
Foster
Frankel (FL)
Franks (AZ)
Fudge
Gabbard
Gallego
Garamendi
Gohmert
Gosar
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Hice, Jody B.
Higgins
Himes
Honda
Hoyer
Hudson
Huelskamp
Huffman
Hunter
Hurt (VA)
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
King (IA)
Kirkpatrick
Kuster
Labrador
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Loudermilk
Lowenthal
Lowey
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Massie
Matsui
McCollum
McGovern
McNerney
Meadows
Meeks
Meng
Moore
Moulton
Mulvaney
Nadler
Napolitano
Neal
Neugebauer
Nolan
Norcross
O'Rourke
Olson
Pallone
Pascrell
Payne
Pearce
Pelosi
Perlmutter
Perry
Peterson
Pingree
Pocan
Poe (TX)
Polis
Price (NC)
Quigley
Rangel
Ratcliffe
Rice (NY)
Rice (SC)
Richmond
Roe (TN)
Rooney (FL)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Sanford
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Serrano
Sewell (AL)
Sherman
Sires
Slaughter
Smith (TX)
Smith (WA)
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walker
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wenstrup
Williams
Wilson (FL)
Wittman
Yarmuth
Yoder

NOT VOTING—6

Hinojosa
Lee
Long
McDermott
Speier
Turner

□ 1713

Mr. SCHRADER, Mrs. LAWRENCE, and Messrs. CARSON of Indiana, SAM JOHNSON of Texas, and FINCHER changed their vote from ''yea'' to ''nay.''

So the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. McDERMOTT. Madam Speaker, on roll-call vote 104, on passage related to H.J. Res. 35, had I been present, I would have voted "nay."

LEGISLATIVE PROGRAM

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

Mr. McCARTHY. Madam Speaker, Members are advised that additional votes are now possible later this evening and maybe this weekend.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2015

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on 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, offered by the gentlewoman from California (Ms. ROYBAL-ALLARD), on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 201, nays 218, not voting 13, as follows:

[Roll No. 105]

YEAS—201

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman
Cohen
Connolly
Conyers
Cooper
Costa
Costello (PA)
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSaulnier
Deutch
Dingell
Doggett
Dold
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Fitzpatrick
Foster
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Gibson
Graham
Grayson
Green, Al
Green, Gene
Gutiérrez
Hahn
Hanna
Hastings
Heck (WA)
Higgins
Himes
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jolly
Kaptur
Katko
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
King (NY)
Kinzinger (IL)
Kirkpatrick
Kuster
Lance
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
MacArthur
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McGovern
McNerney
McSally
Meehan
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Paulsen
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)
Stefanik
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Welch
Whitfield
Wilson (FL)
Yarmuth

NAYS—218

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)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
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
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
Kline
Knight
Labrador
LaMalfa
Latta
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
Meadows
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer

Royce	Smith (TX)	Weber (TX)
Russell	Stewart	Webster (FL)
Ryan (WI)	Stivers	Wenstrup
Salmon	Stutzman	Westerman
Sanford	Thompson (PA)	Westmoreland
Scalise	Thornberry	Williams
Schock	Tiberi	Wilson (SC)
Schweikert	Tipton	Wittman
Scott, Austin	Trott	Womack
Sensenbrenner	Upton	Woodall
Sessions	Valadao	Yoder
Shimkus	Wagner	Yoho
Shuster	Walberg	Young (AK)
Simpson	Walden	Young (IA)
Smith (MO)	Walker	Young (IN)
Smith (NE)	Walorski	Zeldin
Smith (NJ)	Walters, Mimi	Zinke

NOT VOTING—13

Brooks (IN)	Lamborn	Speier
Butterfield	Lee	Turner
Clawson (FL)	Long	Watson Coleman
Grijalva	Lynch	
Hinojosa	McDermott	

□ 1723

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. COLLINS of New York). The Chair will appoint conferees on H.R. 240 at a later time.

APPOINTMENT OF MEMBERS TO BE AVAILABLE TO SERVE ON INVESTIGATIVE SUBCOMMITTEES OF THE COMMITTEE ON ETHICS FOR THE 114TH CONGRESS

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to clause 5(a)(4)(A) of rule X, and the order of the House of January 6, 2015, of the following Members of the House to be available to serve on investigative subcommittees of the Committee on Ethics for the 114th Congress:

Mrs. BLACKBURN, Tennessee
Mr. COLLINS, Georgia
Mrs. COMSTOCK, Virginia
Mr. FORBES, Virginia
Mr. HULTGREN, Illinois
Mr. KATKO, New York
Mr. LATTA, Ohio
Mr. OLSON, Texas
Mr. RATCLIFFE, Texas
Mrs. ROBY, Alabama

COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

FEBRUARY 25, 2015.

Hon. JOHN BOEHNER,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to clause 5(a)(4)(A) of Rule X of the Rules of the House of Representatives, I designate the following Members to be available to serve on an Investigative Subcommittee of the Committee on Ethics during the 114th Congress:

The Honorable John C. Carney of Delaware
The Honorable Gerald E. Connolly of Virginia
The Honorable Janice Hahn of California
The Honorable Brian Higgins of New York
The Honorable Hakeem S. Jeffries of New York
The Honorable William R. Keating of Massachusetts
The Honorable Ed Perlmutter of Colorado
The Honorable Terri A. Sewell of Alabama
The Honorable Jackie Speier of California
The Honorable Dina Titus of Nevada

Best regards,

NANCY PELOSI,
Democratic Leader.

COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

FEBRUARY 26, 2015.

Hon. JOHN BOEHNER,
Speaker of the House, U.S. Capitol,
Washington, DC.

DEAR SPEAKER BOEHNER: Pursuant to 44 U.S.C. 2702, I am pleased to reappoint Mr. John A. Lawrence of Washington, DC. to the Advisory Committee on the Records of Congress.

Thank you for your attention to this appointment.

Sincerely,

NANCY PELOSI,
Democratic Leader.

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 27 minutes p.m.), the House stood in recess.

□ 2130

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WALDEN) at 9 o'clock and 30 minutes p.m.

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 27, 2015.

Hon. JOHN A. BOEHNER,
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 27, 2015 at 8:47 p.m.:

That the Senate passed with an amendment H.R. 33.

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

With best wishes, I am

Sincerely,

KAREN L. HAAS.

PROTECTING VOLUNTEER FIREFIGHTERS AND EMERGENCY RESPONDERS ACT

Mr. ROGERS of Kentucky. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 33) to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. FURTHER CONTINUING APPROPRIATIONS.

The Continuing Appropriations Resolution, 2015 (Public Law 113–164; 128 Stat. 1867) is amended by striking the date specified in section 106(3) and inserting ''March 6, 2015''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. ROGERS) and the gentlewoman from California (Ms. ROYBAL-ALLARD) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 33.

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

There was no objection.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Senate has acted this evening to take up a House bill and amend it to provide a 1-week continuing resolution for the Department of Homeland Security. I rise today to urge the House to suspend the rules and concur in the Senate amendment to prevent a shutdown of the Department of Homeland Security.

In a matter of hours, the current mechanism funding DHS will expire. To allow a shutdown of these critical functions would be an abdication of one of our primary duties as Members of the House. It is no way to govern the Nation, and the American people deserve better.

It is the 11th hour, and we must act to provide stable, continuous funding for the agencies and programs tasked with defending our home turf.

This continuing resolution will last until March 6, allowing us the needed additional time to continue negotiating a path forward on how to fund DHS for the rest of the year. Without any further delay, I urge my colleagues to vote ''yes'' on this critical legislation.

Mr. GRIFFITH. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Virginia.

Mr. GRIFFITH. Mr. Speaker, I ask the gentleman, what then happens to the underlying language where we were protecting the firefighters and others in regard to the bill as it originally stood and as it related to them being covered under PPACA?

Mr. ROGERS of Kentucky. My understanding is that we will take that up later.

Mr. GRIFFITH. I'm sorry, I couldn't hear the gentleman.

Mr. ROGERS of Kentucky. My understanding is that we will take that up later.

Mr. GRIFFITH. If the gentleman will continue to yield for an additional question, Mr. Speaker, I would ask the gentleman, it is his understanding that we would take that up later, but that means that the bill that we previously passed—the language that we previously passed, at least—no longer exists based on the Senate amendment; am I correct in that assumption?

Mr. ROGERS of Kentucky. That is correct.

Mr. GRIFFITH. I thank the gentleman.

Mr. ROGERS of Kentucky. I reserve the balance of my time.

Ms. ROYBAL-ALLARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this has been a day of confusion both here in this House and for the men and women of the Department of Homeland Security. Just hours ago, the House rejected a plan to fund a 3-week stopgap funding measure for the Department so that we might instead take up the clean, full year funding bill.

Now we have before us a 1-week CR that was just sent over to us by the Senate. To avoid further confusion and ensure there is no funding lapse for the Department, I urge my colleagues to put us on a path to enactment of the Senate-passed long-term funding of DHS by voting in favor of the 7-day patch.

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

Mr. ROGERS of Kentucky. Mr. Speaker, I say vote ''yes.''

I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise to speak to the men and women of the Department of Homeland Security to let them know that many of us are listening and working very hard to make sure that the agency is fully funded for the rest of 2015.

Tonight we will extend funding through for an additional seven days for the Department of Homeland Security.

The fight was worth it.

Next week we are assured that we will have a vote on a clean DHS bill that fully funds DHS through the end of the fiscal year.

Democrats stood united and this was a battle for the American people and the brave men and women of the DHS who are dedicated to protecting the security of the homeland.

Now is the time to put politics aside and put the interest of the country first.

This is a step in the right direction—provided that we fully fund DHS for the remainder of this fiscal year when we reconvene for business next week.

We cannot afford to continue the political games played by the Republicans when there are so many serious challenges facing our country from ISIS and other violent terrorist groups.

Just this week FBI Director James Comey, while speaking at the Winter meeting of the National Association of Attorneys General, reported that his agency is investigating ISIS suspects in all 50 states.

Next week Congress must take action, and send the right message to the men and women charged with protecting the homeland.

Mr. Speaker, we must focus our efforts next week on the needs of the 170,000 DHS employees who will be required to work without pay if we do not find a path forward.

These employees include members of the Coast Guard, Border Patrol, Secret Service, Transportation Security Administration and others on the front lines of Homeland Security.

An additional 30,000 employees of the Department of Homeland Security will be furloughed and sent home without pay.

A DHS shutdown would hit Texas especially hard.

The local and state negative impact of House inaction is the forgoing of fiscal year 2015 grants that go to first responders.

In 2014, DHS grants awarded to the city of Houston included $24,000,000 from Urban Area Security Initiative grants and $299,995 from the non-profit program.

In 2014, port security grants included: $1,810,826 for Harris County; $845,250 for the City of Houston.

Programs intended to aid our fire fighters such as the one at the University of Texas Health Science Center in Houston, which received a $1,493,340 DHS research grant last year are being hurt by House inaction on fiscal year 2015 funding for the agency.

When Congress returns next week we must complete our work and fully fund DHS for the rest of the fiscal year.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. ROGERS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 33.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 357, noes 60, not voting 15, as follows:

[Roll No. 106]

AYES—357

Abraham
Adams
Aguilar
Allen
Ashford
Barr
Beatty
Becerra
Benishek
Bera
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Blumenauer
Bonamici
Bost
Boustany
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Buck
Bucshon
Bustos
Butterfield
Byrne
Calvert
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Connolly
Conyers
Cook
Cooper
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
Doggett
Dold
Doyle, Michael F.
Duckworth
Duncan (SC)
Edwards
Ellison
Ellmers (NC)
Emmer (MN)
Engel
Eshoo
Esty
Farr
Fattah
Fitzpatrick
Fleischmann
Foster
Foxx
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Garrett
Gibbs
Gibson
Goodlatte
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Grayson
Green, Al
Grothman
Guinta
Guthrie
Gutiérrez
Hahn
Hanna
Hardy
Harper
Harris
Hastings
Heck (NV)
Heck (WA)
Hensarling
Herrera Beutler
Higgins
Hill
Himes
Holding
Honda
Hoyer
Huffman
Huizenga (MI)
Hunter
Hurd (TX)
Israel
Issa
Jackson Lee
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jolly
Joyce
Kaptur
Katko
Keating
Kelly (IL)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Knight
Kuster
LaMalfa
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Loudermilk
Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marchant
Marino
Matsui
McCarthy
McCaul
McClintock
McCollum
McGovern
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meehan
Meeks
Meng
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Murphy (FL)
Murphy (PA)
Nadler
Neal
Newhouse
Noem
Nolan
Norcross
Nunes
O'Rourke
Palazzo
Pallone
Paulsen
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pittenger
Pitts
Pocan
Poliquin
Polis
Pompeo
Price (NC)
Price, Tom
Quigley
Rangel
Reed
Reichert
Renacci
Ribble
Rice (NY)
Richmond
Rigell
Roby
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce
Ruiz
Ruppersberger
Rush
Russell
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sanford
Sarbanes
Scalise
Schakowsky
Schiff
Schock
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Serrano
Sessions
Sewell (AL)
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Stefanik
Stewart
Stivers
Stutzman
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Van Hollen
Veasey
Vela

Velázquez
Wagner
Walberg
Walden
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Westerman
Westmoreland
Whitfield
Williams
Wilson (FL)
Wilson (SC)
Womack
Woodall
Yarmuth
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOES—60

Amash
Amodei
Babin
Barletta
Barton
Brat
Bridenstine
Brooks (AL)
Burgess
Clawson (FL)
DeSantis
DesJarlais
Duffy
Duncan (TN)
Farenthold
Fincher
Fleming
Flores
Forbes
Franks (AZ)
Gohmert
Gosar
Gowdy
Griffith
Grijalva
Hice, Jody B.
Hudson
Huelskamp
Hultgren
Hurt (VA)
Johnson, Sam
Jones
Jordan
King (IA)
Labrador
Lamborn
Massie
Meadows
Mulvaney
Napolitano
Neugebauer
Nugent
Olson
Palmer
Pascrell
Pearce
Perry
Poe (TX)
Posey
Ratcliffe
Rice (SC)
Salmon
Sensenbrenner
Smith (TX)
Smith (WA)
Visclosky
Walker
Wenstrup
Wittman
Yoder

NOT VOTING—15

Aderholt
Bass
Coffman
Fortenberry
Green, Gene
Hartzler
Hinojosa
Jeffries
Lee
Long
McDermott
Roe (TN)
Schrader
Speier
Vargas

□ 2159

Mr. CUELLAR changed his vote from ''no'' to ''aye.''

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. McDERMOTT. Mr. Speaker, on rollcall vote 106, on motion to suspend the rules and concur in the Senate amendment related to H.R. 33 had I been present, I would have voted "yea."

ADJOURNMENT TO MONDAY, MARCH 2, 2015

Mr. LAMALFA. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday, March 2, 2015, when it shall convene at noon for morning-hour debate and 2 p.m. for legislative business.

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

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SABLAN (at the request of Ms. PELOSI) for March 2 to April 30 on account of medical reasons.

ADJOURNMENT

Mr. LAMALFA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until Monday, March 2, 2015, at noon for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

592. A letter from the Chairman, Broadcasting Board of Governors, transmitting a notice of a likely violation of the ''personal services'' clause of the voluntary services provision of the Antideficiency Act, 31 U.S.C. 1342; to the Committee on Appropriations.

593. A letter from the Director, Defense Procurement and Acquisition Policy, OUSD(AT&L) DPAP/DARS, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Deletion of Obsolete Text Relating to Acquisition of Commercial Items (DFARS Case 2015-D002) (RIN: 0750-AI50) received February 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

594. A letter from the Director, Defense Procurement and Acquisition Policy, OUSD(AT&L) DPAP/DARS, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Domestic Source Restrictions on Certain Naval Vessel Components (DFARS Case 2014-D022) (RIN: 0750-AI36) received February 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

595. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's Alternative Fuel Vehicle (AFV) program report for FY 2014, as required by the Energy Policy Act (EPAct) of 2005 (Pub. L. 109-58); to the Committee on Energy and Commerce.

596. A letter from the Director, Defense Security Cooperation Agency, transmitting a notice of a proposed lease to the Government of the Hashemite Kingdom of Jordan (Transmittal No.: 05-15), pursuant to Sec. 62(a) of the Arms Export Control Act (AECA); to the Committee on Foreign Affairs.

597. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No.: 15-09, Notice of Proposed Issuance of Letter(s) of Offer and Acceptance to Slovakia, pursuant to Sec. 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

598. A letter from the Secretary, Department of Education, transmitting the FY 2014 Annual Performance Report and FY 2016 Annual Performance Plan; to the Committee on Oversight and Government Reform.

599. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

600. A letter from the Secretary/Treasurer, Financing Corporation, transmitting a copy of the Financing Corporation's Statement on the System of Internal Controls and the 2014 Audited Financial Statements; to the Committee on Oversight and Government Reform.

601. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's final rule — Revision of Auxiliary Regulations [Docket No.: USCG-1999-6712] (RIN: 1625-AB66) received February 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

602. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's final rule — Vessel Requirements for Notices of Arrival and Departure, and Automatic Identification System [Docket No.: USCG-2005-21869] (RIN: 1625-AA99) received February 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

603. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lycoming Engines Reciprocating Engines (Type Certificate previously held by Textron Lycoming Division, AVCO Corporation) [Docket No.: FAA-2014-0540; Directorate Identifier 2014-NE-10-AD; Amendment 39-18074; AD 2015-02-07] (RIN: 2120-AA64) received February 20, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

604. 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-2014-0446; Directorate Identifier 2013-NM-077-AD; Amendment 39-18069; AD 2015-02-02] (RIN: 2120-AA64) received February 20, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

605. 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-2014-0138; Directorate Identifier 2013-NM-020-AD; Amendment 39-18086; AD 2015-02-19] (RIN: 2120-AA64) received February 20, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

606. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (Embraer) Airplanes [Docket No.: FAA-2014-0622; Directorate Identifier 2014-NM-009-AD; Amendment 39-18080; AD 2015-02-13] (RIN: 2120-AA64) received February 20, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

607. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Aviation Airplanes [Docket No.: FAA-2014-0527; Directorate Identifier 2014-NM-045-AD; Amendment 39-18071; AD 2015-02-04] (RIN: 2120-AA64) received February 20, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

608. 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-2014-0525; Directorate Identifier 2013-NM-235-AD; Amendment 39-18078; AD 2015-02-11] (RIN: 2120-AA64) received February 20, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

609. 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-2014-0231; Directorate Identifier 2013-NM-163-AD; Amendment 39-18073; AD 2015-02-06] (RIN: 2120-AA64) received February 20, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

610. 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-2014-0188; Directorate Identifier 2013-NM-157-AD; Amendment 39-18079; AD 2015-02-12] (RIN: 2120-AA64) received February 20, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

611. A letter from the Acting Director, Regulation Policy and Management, Office of the General Counsel (02REG), Veterans Benefits Administration, Department of Veterans Affairs, transmitting the Department's interim final rule — Automobile or Other Conveyance and Adaptive Equipment Certificate of Eligibility for Veterans or Members of the Armed Forces With Amyotrophic Lateral Sclerosis (RIN: 2900-AP26) received February 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

612. A letter from the Acting Director, Regulation Policy and Management, Office of the General Counsel (02REG), Veterans Health Administration, Department of Veterans Affairs, transmitting the Department's final rule — Supportive Services for Veteran Families Program (RIN: 2900-AO50) received February 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

613. A letter from the Assistant Secretary, Insular Areas, Department of the Interior, transmitting the Department's ''Report to the Congress: 2014 Compact Impact Analysis'', along with the related ''Impact of the Compacts of Free Association on Guam FY2004 through FY2013''; jointly to the Committees on Natural Resources and Foreign Affairs.

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. SMITH of Texas (for himself, Mr. GOODLATTE, Mr. CALVERT, Mr. GOWDY, Mr. FORBES, Mr. FARENTHOLD, Mr. CARTER of Texas, Mr. KING of Iowa, Mr. MARINO, Mr. CHABOT, Mr. BURGESS, Mr. COOK, and Mr. SMITH of New Jersey):

H.R. 1147. A bill to amend the Immigration and Nationality Act to make mandatory and permanent requirements relating to use of an electronic employment eligibility verification system, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, and 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. GOWDY (for himself, Mr. GOODLATTE, Mr. SMITH of Texas, Mr. COLLINS of Georgia, Mr. POE of Texas, Mr. FORBES, Mr. CARTER of Texas, and Mr. CHABOT):

H.R. 1148. A bill to amend the Immigration and Nationality Act to improve immigration law enforcement within the interior of the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, 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. CARTER of Texas (for himself, Mr. GOODLATTE, Mr. SMITH of Texas, Mr. GOWDY, Mr. FARENTHOLD, Mr. COLLINS of Georgia, Mr. MARINO, Mr. ADERHOLT, Mr. BURGESS, Mr. CULBERSON, Mr. MARCHANT, Mr. WILLIAMS, and Mr. FLEISCHMANN):

H.R. 1149. A bill to amend the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to provide for the expedited removal of unaccompanied alien children who are not victims of a severe form of trafficking in persons and who do not have a fear of returning to their country of nationality or last habitual residence, 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. SMITH of New Jersey (for himself and Ms. ESHOO):

H.R. 1150. A bill to amend the International Religious Freedom Act of 1998 to improve the ability of the United States to advance religious freedom globally through enhanced diplomacy, training, counterterrorism, and foreign assistance efforts, and through stronger and more flexible political responses to religious freedom violations and violent extremism worldwide, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, and Oversight and Government Reform, 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. BLACKBURN (for herself and Mr. RUSH):

H.R. 1151. A bill to amend title IX of the Public Health Service Act to revise the operations of the United States Preventive Services Task Force, 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. MARCHANT (for himself and Mr. ROSKAM):

H.R. 1152. A bill to prohibit officers and employees of the Internal Revenue Service from using personal email accounts to conduct official business; to the Committee on Ways and Means.

By Mr. CHAFFETZ (for himself, Mr. GOODLATTE, Mr. SMITH of Texas, Mr. GOWDY, Mr. FARENTHOLD, Mr. CARTER of Texas, Mr. COLLINS of Georgia, Mr. CHABOT, Mrs. BLACK, Mr. WEBSTER of Florida, Mr. BARLETTA, and Mr. FORBES):

H.R. 1153. A bill to modify the treatment of unaccompanied alien children who are in Federal custody by reason of their immigration status, 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. STUTZMAN (for himself, Mr. MULVANEY, Mr. MCCLINTOCK, Mr. JONES, and Mr. WESTMORELAND):

H.R. 1154. A bill to amend the Federal Reserve Act to remove the mandate on the Board of Governors of the Federal Reserve System and the Federal Open Market Committee to focus on maximum employment; to the Committee on Financial Services.

By Mr. SMITH of Missouri (for himself, Mr. COLLINS of Georgia, Mr. HULTGREN, Mr. POE of Texas, Mr. MARINO, Mr. FRANKS of Arizona, Mr. GOODLATTE, and Mr. LUETKEMEYER):

H.R. 1155. A bill to provide for the establishment of a process for the review of rules and sets of rules, and for other purposes; to the Committee on Oversight and Government Reform, 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 Mr. LIPINSKI (for himself, Mr. MOOLENAAR, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SMITH of Texas, Mr. HULTGREN, Mr. SWALWELL of California, and Ms. ESTY):

H.R. 1156. A bill to authorize the establishment of a body under the National Science and Technology Council to identify and coordinate international science and technology cooperation opportunities; to the Committee on Science, Space, and Technology.

By Mr. LAMALFA (for himself, Mr. CÁRDENAS, Mr. NUNES, Mr. COLE, Ms. MCCOLLUM, Mr. DENHAM, Mr. COOK, Mr. VALADAO, and Mr. MCCLINTOCK):

H.R. 1157. A bill to authorize the Secretary of the Interior to take land into trust for the benefit of the Santa Ynez Band of Chumash Mission Indians, and for other purposes; to the Committee on Natural Resources.

By Mr. HULTGREN (for himself, Mr. PERLMUTTER, Mr. WEBER of Texas, Mr. SWALWELL of California, Mr. SMITH of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. NEWHOUSE, Mr. LIPINSKI, Mr. ROHRABACHER, Mr. FATTAH, Mr. NEUGEBAUER, and Mr. BEN RAY LUJÁN of New Mexico):

H.R. 1158. A bill to improve management of the National Laboratories, enhance technology commercialization, facilitate public-private partnerships, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. SMITH of New Jersey (for himself, Mr. LIPINSKI, Mr. ENGEL, and Mr. ROHRABACHER):

H.R. 1159. A bill to reinstate reporting requirements related to United States-Hong Kong relations; to the Committee on Foreign Affairs.

By Mr. STUTZMAN:

H.R. 1160. A bill to reduce Federal, State, and local costs of providing high-quality drinking water to millions of people in the United States residing in rural communities by facilitating greater use of cost-effective alternative systems, including well water systems, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, 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. ADAMS (for herself, Ms. SEWELL of Alabama, Mr. MURPHY of Florida, Mr. HASTINGS, Mr. ELLISON, Mr. GRIJALVA, Mr. POCAN, Mr. COHEN, Ms. JACKSON LEE, Mr. TED LIEU of California, Ms. BROWN of Florida, Mr. BRADY of Pennsylvania, Mr. HIGGINS, Mr. ASHFORD, Mr. POLIS, Ms. CLARKE of New York, Mr. GUTIÉRREZ, Ms. WILSON of Florida, Ms. MOORE, Mr. PRICE of North Carolina, Mr. VARGAS, Mr. HONDA, Mr. JOHNSON of Georgia, Ms. BROWNLEY of California, Ms. DUCKWORTH, and Mr. MEEKS):

H.R. 1161. A bill to direct the Secretary of the Interior to designate at least one city in the United States each year as an ''American Civil Rights City'', and for other purposes; to the Committee on Natural Resources.

By Mr. BEYER (for himself, Mr. JOHNSON of Ohio, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. SMITH of Texas):

H.R. 1162. A bill to make technical changes to provisions authorizing prize competitions under the Stevenson-Wydler Technology Innovation Act of 1980; to the Committee on Science, Space, and Technology.

By Mr. CAPUANO:

H.R. 1163. A bill to protect investors in futures contracts; to the Committee on Agriculture.

By Mr. CAPUANO (for himself and Mr. JONES):

H.R. 1164. A bill to provide for notification to consumers before a video service collects visual or auditory information from the viewing area and to provide consumers with choices that do not involve the collection of such information, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CAPUANO:

H.R. 1165. A bill to direct the Securities and Exchange Commission to require that repurchase-to-maturity transactions be treated as secured borrowings; to the Committee on Financial Services.

By Mr. CAPUANO:

H.R. 1166. A bill to direct the Securities and Exchange Commission to require any person subject to accounting principles or standards under the securities laws to show all transactions of such person on the balance sheet of such person; to the Committee on Financial Services.

By Mr. CAPUANO (for himself, Mr. HIMES, and Mr. LYNCH):

H.R. 1167. A bill to establish the Securities and Derivatives Commission in order to combine the functions of the Commodity Futures Trading Commission and the Securities and Exchange Commission in a single independent regulatory commission; to the Committee on Financial Services, and in addition to the Committee on Agriculture, 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. CRAMER:

H.R. 1168. A bill to amend the Indian Child Protection and Family Violence Prevention Act to require background checks before foster care placements are ordered in tribal court proceedings, and for other purposes; to the Committee on Natural Resources.

By Mr. FORTENBERRY:

H.R. 1169. A bill to amend the Internal Revenue Code of 1986 to increase the maximum contribution limit for health savings accounts; to the Committee on Ways and Means.

By Mr. GRAYSON:

H.R. 1170. A bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 and title 38, United States Code, to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers and to expand access to such care and services; to the Committee on Veterans' Affairs.

By Mr. KING of New York (for himself and Mr. PASCRELL):

H.R. 1171. A bill to amend the Internal Revenue Code of 1986 to provide recruitment and retention incentives for volunteer emergency service workers; to the Committee on Ways and Means, 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. LARSEN of Washington (for himself and Mr. STIVERS):

H.R. 1172. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on distilled spirits produced by small distilleries; to the Committee on Ways and Means.

By Mr. LYNCH:

H.R. 1173. 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. MARINO (for himself, Ms. DELBENE, and Mr. AMODEI):

H.R. 1174. A bill to amend title 18, United States Code, to safeguard data stored abroad from improper government access, and for other purposes; to the Committee on the Judiciary.

By Ms. MATSUI (for herself, Ms. ESTY, Mr. HONDA, Mr. GARAMENDI, Mr. CONYERS, Ms. SLAUGHTER, Mr. CONNOLLY, Mr. TONKO, Mr. VARGAS, Mr. RUSH, Ms. LEE, Mr. CARTWRIGHT, and Mr. HUFFMAN):

H.R. 1175. A bill to provide for the establishment of a Clean Energy Technology Manufacturing and Export Assistance Fund to assist United States businesses with exporting clean energy technology products and services; to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MULVANEY:

H.R. 1176. A bill to require the Comptroller General of the United States to carry out a study of the National Credit Union Administration, and for other purposes; to the Committee on Financial Services.

By Mr. POSEY (for himself and Mr. NUGENT):

H.R. 1177. A bill to authorize the Secretary of Defense to transport to any country, without charge, supplies that have been furnished by a nonprofit organization and that are intended for distribution to members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. REED (for himself, Mrs. CAPPS, Mr. GUTHRIE, Ms. LINDA T. SÁNCHEZ of California, Mr. ROSKAM, and Mr. KIND):

H.R. 1178. A bill to amend title XVIII of the Social Security Act to modify payment under the Medicare program for outpatient department procedures that utilize drugs as supplies, 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. REED (for himself, Mr. RYAN of Wisconsin, Mr. BOUSTANY, Ms. JENKINS of Kansas, Mr. TIBERI, Mr. PAULSEN, Mrs. BLACK, Mr. MARCHANT, Mr. SAM JOHNSON of Texas, Mr. SMITH of Missouri, Mr. HOLDING, Mr. YOUNG of Indiana, and Mr. KLINE):

H.R. 1179. A bill to prohibit waivers relating to compliance with the work requirements for the program of block grants to States for temporary assistance for needy families, and for other purposes; to the Committee on Ways and Means, 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. ROONEY of Florida:

H.R. 1180. A bill to prohibit the Government of the United States from issuing or enforcing a new restriction or prohibition on the manufacture, importation, or sale in the United States of ammunition; to the Committee on the Judiciary.

By Ms. SCHAKOWSKY (for herself, Mr. PALLONE, Mr. BUTTERFIELD, Mrs. CAPPS, Ms. CLARKE of New York, Ms. DEGETTE, Mr. KENNEDY, Ms. MATSUI, Mr. RUSH, and Mr. TONKO):

H.R. 1181. A bill to amend title 49, United States Code, to provide for increased and improved public access to motor vehicle safety information, enhanced tools and accountability for the National Highway Traffic Safety Administration, and protection of motor vehicle consumers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SCHWEIKERT:

H.R. 1182. A bill to amend the Internal Revenue Code of 1986 to prevent retroactive claims of the earned income tax credit by individuals receiving work authorizations pursuant to certain deferred action programs; to the Committee on Ways and Means.

By Mr. AUSTIN SCOTT of Georgia (for himself and Mr. BISHOP of Georgia):

H.R. 1183. A bill to amend title 38, United States Code, to extend certain burial benefits administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs, 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. SESSIONS:

H.R. 1184. A bill to amend title XVIII of the Social Security Act to revise Medicare coverage and payment for advanced surgical dressings in skilled nursing facilities and home health settings, 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. STIVERS (for himself, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. SIMPSON, Mr. ZINKE, Mr. POLIQUIN, Mr. DELANEY, Mr. CHABOT, Mr. BABIN, Mrs. BLACKBURN, Mr. FINCHER, Mr. CRAMER, Mr. TIBERI, Mr. KELLY of Pennsylvania, Mr. SCHOCK, Mr. HULTGREN, Mr. HARPER, Mr. HANNA, Mr. GOSAR, Mr. ASHFORD, Mr. PETERSON, Ms. SINEMA, and Ms. FUDGE):

H.R. 1185. A bill to amend the Internal Revenue Code of 1986 to provide the opportunity for responsible health savings to all American families; to the Committee on Ways and Means.

By Mr. THORNBERRY:

H.R. 1186. A bill to amend the Controlled Substances Act relating to controlled substance analogues; to the Committee on Energy and Commerce, 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 Mr. ZELDIN (for himself, Mr. TAKANO, and Ms. LOFGREN):

H.R. 1187. A bill to amend title 38, United States Code, to adjust certain limits on the guaranteed amount of a home loan under the home loan program of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. YOHO (for himself, Mr. HASTINGS, Mr. SCHRADER, Mr. ROONEY of Florida, Mr. HUDSON, Mr. POE of Texas, Ms. FRANKEL of Florida, Mr. THORNBERRY, and Ms. WILSON of Florida):

H. Con. Res. 20. Concurrent resolution expressing the sense of Congress that all direct and indirect subsidies that benefit the production or export of sugar by all major sugar producing and consuming countries should be eliminated; to the Committee on Ways and Means, and in addition to the Committee

on Agriculture, 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. HASTINGS (for himself and Mr. DOLD):

H. Res. 130. A resolution to express the sense of the House of Representatives regarding the rise of anti-Semitism in Europe and to encourage greater cooperation with the European governments, the European Union, and the Organization for Security and Co-operation in Europe in preventing and responding to anti-Semitism; to the Committee on Foreign Affairs.

By Mr. PAYNE (for himself, Mr. FITZPATRICK, Mr. DENT, and Mr. LANCE):

H. Res. 131. A resolution supporting the designation of March 2015, as National Colorectal Cancer Awareness Month; to the Committee on Oversight and Government Reform.

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. SMITH of Texas:

H.R. 1147.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4 of the United States Constitution enumerating congressional authority ''[t]o establish an uniform Rule of Naturalization.''

By Mr. GOWDY:

H.R. 1148.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8, clause 4, of the Constitution provides that Congress shall have power to ''establish an uniform Rule of Naturalization.'' The Supreme Court has long found that this provision of the Constitution grants Congress Plenary power over immigration policy. As the Court found in Galvan v. Press, 347 U.S. 522, 531 (1954) '' that the formulation of policies [pertaining to the entry of aliens and the right to remain here] is entrusted to Congress has become about as firmly imbedded in the legislative and judicial tissues of our body politic as any aspect of our government.''

By Mr. CARTER of Texas:

H.R. 1149.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1:

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;

Article I, Section 8, Clause 4:

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

Article I Section 8, Clause 10:

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

By Mr. SMITH of New Jersey:

H.R. 1150.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8 of the Constitution

By Mrs. BLACKBURN:

H.R. 1151.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Mr. MARCHANT:

H.R. 1152.

Congress has the power to enact this legislation pursuant to the following:

Clauses 1 and 18 of Section 8 of Article I of the United States Constitution.

By Mr. CHAFFETZ:

H.R. 1153.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 4 and 18 of the U.S. Constitution

By Mr. STUTZMAN:

H.R. 1154.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 5 of Section 8 of Aritcle I of the United States Constitution.

By Mr. SMITH of Missouri:

H.R. 1155.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1 of the United States Constitution, in that the legislation concerns the exercise of legislative powers generally granted to Congress by that section, including the exercise of those powers when delegated by Congress to the Executive; Article I, Sections 8 and 9 of the United States Constitution, in that the legislation concerns the exercise of specific legislative powers granted to Congress by those sections, including the exercise of those powers when delegated by Congress to the Executive; Article I, Section 8, clause 18 of the United States Constitution, in that the legislation exercises legislative power granted to Congress by that clause ''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;'' and, Article III, Sections 1 and 2 of the United States Constitution, in that the legislation defines or affects judicial powers and cases that are subject to legislation by Congress.

By Mr. LIPINSKI:

H.R. 1156.

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; and

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 or Officer thereof.

By Mr. LAMALFA:

H.R. 1157.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution provides Congress with the authority to regulate commerce with Indians in the United States.

By Mr. HULTGREN:

H.R. 1158.

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.

and

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. SMITH of New Jersey:

H.R. 1159.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8 of the Constitution

By Mr. STUTZMAN:

H.R. 1160.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution which states, ''Congress shall have the power . . . to regulate commerce with foreign nations, and among the several states and among the Indian Tribes.''

By Ms. ADAMS:

H.R. 1161.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. BEYER:

H.R. 1162.

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.

and

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. CAPUANO:

H.R. 1163.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 3 (relating to the power to regulate interstate commerce).

By Mr. CAPUANO:

H. R. 1164.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 1 (relating to the general welfare of the United States); and Article I, section 8, clause 3 (relating to the power to regulate interstate commerce).

By Mr. CAPUANO:

H.R. 1165.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 3 (relating to the power to regulate interstate commerce).

By Mr. CAPUANO:

H.R. 1166.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 3 (relating to the power to regulate interstate commerce).

By Mr. CAPUANO:

H.R. 1167.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 3 (relating to the power to regulate interstate commerce).

By Mr. CRAMER:

H.R. 1168.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8, clause 3.

By Mr. FORTENBERRY:

H.R. 1169.

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. GRAYSON:

H.R. 1170.

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. KING of New York:

H.R. 1171.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

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. LARSEN of Washington:

H.R. 1172.

Congress has the power to enact this legislation pursuant to the following:

As described in Article 1, Section 1 ''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. LYNCH:

H.R. 1173.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 Clause 18 of the United States Constitution.

By Mr. MARINO:

H.R. 1174.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8: ''To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.''

By Ms. MATSUI:

H.R. 1175.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

By Mr. MULVANEY:

H.R. 1176.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1. ''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.''

Article I, Section 8, Clause 3. ''To regulate Commerce . . .''

Article I, Section 8, Clause 14. ''To make Rules for the Government . . .''

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 or Officer thereof.''

By Mr. POSEY:

H.R. 1177.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 12 of the Constitution of the United States: To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

Article I, Section 8, Clause 18 of the Constitution of the United States The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the forgoing 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. REED:

H.R. 1178.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1

By Mr. REED:

H.R. 1179.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1

By Mr. ROONEY of Florida:

H.R. 1180.

Congress has the power to enact this legislation pursuant to the following:

The 2nd Amendment of the Constitution of the United States of America

By Ms. SCHAKOWSKY:

H.R. 1181.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section VIII.

By Mr. SCHWEIKERT:

H.R. 1182.

Congress has the power to enact this legislation pursuant to the following:

Article 1. Section 8.

By Mr. AUSTIN SCOTT of Georgia:

H.R. 1183.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

The Congress shall have the power to provide for the common defense.

By Mr. SESSIONS:

H.R. 1184.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution.

By Mr. STIVERS:

H.R. 1185.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. THORNBERRY:

H.R. 1186.

Congress has the power to enact this legislation pursuant to the following:

Clause I of Section 8 of Article I of the Constitution—Congress has the power to provide for the general welfare of the United States

By Mr. ZELDIN:

H.R. 1187.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 25: Mr. PALMER.

H.R. 55: Mr. RANGEL and Ms. LEE.

H.R. 67: Mr. DAVID SCOTT of Georgia.

H.R. 72: Mr. RANGEL, Ms. BROWN of Florida, and Mrs. WATSON COLEMAN.

H.R. 73: Mr. RANGEL.

H.R. 77: Ms. MOORE, Mr. RANGEL, Mr. AL GREEN of Texas, Mr. RUSH, Mr. TONKO, and Mr. HONDA.

H.R. 131: Mr. CRAMER, Mr. TIBERI, Mr. MASSIE, Mr. MURPHY of Pennsylvania, and Mr. STEWART.

H.R. 160: Mr. RUIZ.

H.R. 173: Mr. HARDY.

H.R. 188: Ms. KUSTER and Mr. TROTT.

H.R. 218: Ms. GRAHAM.

H.R. 228: Mr. CARTWRIGHT, Mrs. WATSON COLEMAN, and Mr. MACARTHUR.

H.R. 232: Mr. LARSON of Connecticut.

H.R. 235: Mr. ADERHOLT.

H.R. 238: Mr. NORCROSS and Mr. DEUTCH.

H.R. 267: Mr. GARAMENDI.

H.R. 284: Mr. PERLMUTTER.

H.R. 288: Mr. MCGOVERN, Mr. LANGEVIN, and Mr. RANGEL.

H.R. 306: Ms. JUDY CHU of California.

H.R. 333: Mr. RIGELL.

H.R. 360: Mr. LUCAS.

H.R. 366: Ms. GABBARD, Mr. PAYNE, Mr. CARTWRIGHT, and Mr. NORCROSS.

H.R. 376: Mr. SWALWELL of California, Mr. CICILLINE, Ms. BASS, and Ms. LEE.

H.R. 377: Mr. CICILLINE, Ms. LEE, and Mr. GRIJALVA.

H.R. 378: Ms. LEE and Mr. SWALWELL of California.

H.R. 383: Mr. BABIN.

H.R. 386: Mr. DOGGETT.

H.R. 401: Mr. BROOKS of Alabama, Mr. BUCSHON, Mr. GRAVES of Missouri, and Mr. ROTHFUS.

H.R. 413: Mrs. LAWRENCE.

H.R. 416: Mr. TIBERI.

H.R. 463: Mr. BABIN and Mr. OLSON.

H.R. 465: Mr. LUCAS and Mr. ROONEY of Florida.

H.R. 511: Mr. HUNTER, Mr. YOUNG of Alaska, and Mr. BISHOP of Utah.

H.R. 539: Mr. BABIN.

H.R. 540: Mr. YOUNG of Alaska and Mrs. LUMMIS.

H.R. 551: Miss RICE of New York.

H.R. 572: Mr. PETERSON, Mr. GRIJALVA, Mr. RIBBLE, Ms. DELBENE, and Mr. RIGELL.

H.R. 577: Mr. MACARTHUR, Mr. LATTA, Mrs. MCMORRIS RODGERS, Mr. ROTHFUS, and Mr. RIGELL.

H.R. 589: Mr. NEUGEBAUER.

H.R. 592: Mrs. ELLMERS of North Carolina, Mr. SCHOCK, Mr. POCAN, and Mr. COHEN.

H.R. 594: Mr. BISHOP of Michigan, Mr. JOHNSON of Ohio, Mr. YOUNG of Iowa, and Mrs. KIRKPATRICK.

H.R. 597: Mr. ABRAHAM.

H.R. 601: Mr. DUFFY.

H.R. 606: Mr. REED.

H.R. 608: Mr. CONYERS, Ms. MCCOLLUM, Mr. TED LIEU of California, Mr. LOEBSACK, Mr. COHEN, and Ms. JACKSON LEE.

H.R. 613: Mr. AMODEI and Mr. CARTWRIGHT.

H.R. 624: Mr. SCHIFF.

H.R. 632: Mr. BISHOP of Georgia.

H.R. 635: Mr. WELCH.

H.R. 638: Mr. POLIS and Mr. BUCK.

H.R. 642: Miss RICE of New York.

H.R. 653: Mr. GUINTA, Mr. FARENTHOLD, and Mr. DESJARLAIS.

H.R. 654: Mr. HILL.

H.R. 662: Mr. HECK of Nevada, Mr. SENSENBRENNER, Mr. DENT, and Mr. BYRNE.

H.R. 663: Mr. HARPER.

H.R. 684: Mr. CARTWRIGHT.

H.R. 685: Mr. VISCLOSKY and Mr. WALBERG.

H.R. 692: Mr. FORBES.

H.R. 696: Mr. ISRAEL.

H.R. 705: Mrs. LOWEY.

H.R. 707: Mr. PIERLUISI, Mr. BISHOP of Utah, and Mrs. LOVE.

H.R. 712: Mr. CARTER of Georgia.

H.R. 721: Mr. PAULSEN, Mr. PETERSON, Mr. COFFMAN, Mr. LAMALFA, Mr. GRAVES of Georgia, Mr. WILLIAMS, Mr. MICA, Ms. GRANGER, Mr. DENT, Mrs. NOEM, Mr. GRIFFITH, Mr. WALBERG, and Mr. DIAZ-BALART.

H.R. 742: Miss RICE of New York.

H.R. 751: Mr. GUINTA.

H.R. 752: Mr. BERA.

H.R. 757: Mr. DESJARLAIS.

H.R. 762: Mr. DEFAZIO.

H.R. 767: Mr. LARSON of Connecticut.

H.R. 768: Ms. ROYBAL-ALLARD.

H.R. 797: Mr. SERRANO, Mr. PALLONE, and Mr. RANGEL.

H.R. 799: Mr. KELLY of Pennsylvania.

H.R. 815: Mr. HENSARLING, Mr. COLLINS of New York, Mr. GUTHRIE, Mr. YOUNG of Indiana, Mr. FINCHER, Mr. HECK of Nevada, Mr. BARR, and Mr. POMPEO.

H.R. 825: Mr. PEARCE, Mr. RODNEY DAVIS of Illinois, Ms. MCSALLY, and Mr. GOHMERT.

H.R. 829: Mr. DAVID SCOTT of Georgia, Mr. RANGEL, Mr. HASTINGS, and Mr. RYAN of Ohio.

H.R. 845: Mr. PETERSON and Mr. POLIS.

H.R. 858: Mr. CARTWRIGHT.

H.R. 868: Mr. COHEN.

H.R. 879: Mr. FINCHER, Mr. DESJARLAIS, and Mrs. NOEM.

H.R. 882: Mr. COHEN.

H.R. 906: Mr. BYRNE, Mr. EMMER of Minnesota, Mr. DUNCAN of South Carolina, Mr. MULVANEY, Mr. NOLAN, Mr. GIBSON, and Mr. PETERSON.

H.R. 911: Ms. GABBARD, Mr. NOLAN, Mr. VEASEY, Mr. JONES, and Mr. COHEN.

H.R. 912: Mr. GRIJALVA.

H.R. 915: Miss RICE of New York.

H.R. 919: Mr. DESAULNIER, Ms. LEE, and Mr. DAVID SCOTT of Georgia.

H.R. 920: Ms. NORTON, Mr. POCAN, and Ms. MOORE.

H.R. 927: Ms. ESTY.

H.R. 932: Ms. DUCKWORTH and Mr. ELLISON.

H.R. 950: Mr. SIRES.

H.R. 954: Mr. BLUM.

H.R. 955: Mr. MACARTHUR and Mr. SHUSTER.

H.R. 969: Mr. COLLINS of Georgia, Mr. DEUTCH, Ms. SLAUGHTER, Mr. WITTMAN, Mr. WESTERMAN, Ms. LORETTA SANCHEZ of California, Mr. BLUMENAUER, Mr. MACARTHUR, and Ms. BROWN of Florida.

H.R. 973: Mrs. BEATTY, Mr. TURNER, Mr. HIMES, Mr. COSTELLO of Pennsylvania, Mr. LARSON of Connecticut, Mr. MURPHY of Pennsylvania, Mr. ROYCE, Mr. VISCLOSKY, Mr. PRICE of North Carolina, Ms. LEE, Mr. NEUGEBAUER, and Mr. CICILLINE.

H.R. 975: Mr. WEBSTER of Florida.

H.R. 978: Mr. COFFMAN, Mr. O'ROURKE, and Mr. COHEN.

H.R. 985: Mr. HUDSON and Mr. BUTTERFIELD.

H.R. 986: Mrs. WALORSKI, Mr. HARPER, Ms. FOXX, Mr. COOK, Mr. SCHWEIKERT, Mr. KELLY of Pennsylvania, Mr. SAM JOHNSON of Texas, Mr. AUSTIN SCOTT of Georgia, and Mr. ABRAHAM.

H.R. 988: Mr. COHEN.

H.R. 997: Mr. ROE of Tennessee and Mr. FLEISCHMANN.

H.R. 999: Mr. BROOKS of Alabama, Ms. HERRERA BEUTLER, Mr. WOMACK, Mr. YOUNG of Alaska, Mr. NOLAN, Mr. GUTHRIE, Mr. RIBBLE, Mr. JONES, Mrs. ROBY, Mr. SALMON, and Mr. BISHOP of Utah.

H.R. 1004: Mr. ELLISON.

H.R. 1006: Ms. CASTOR of Florida.

H.R. 1023: Mr. CURBELO of Florida.

H.R. 1024: Mr. KEATING, Mr. RANGEL, Mr. MEEKS, Mrs. CAPPS, Mr. CICILLINE, Mr. PAYNE, and Mr. LOBIONDO.

H.R. 1029: Mr. BARTON.

H.R. 1030: Mr. TIPTON, Mr. WESTMORELAND, Mr. COLLINS of Georgia, Mr. ROHRABACHER, Mr. BARTON, and Mr. KELLY of Pennsylvania.

H.R. 1031: Ms. ADAMS, Mr. VISCLOSKY, Ms. GRAHAM, Mr. GALLEGO, Mr. MOULTON, Ms. LEE, Mr. BECERRA, Mr. RUPPERSBERGER, Mr. MCNERNEY, and Mr. SERRANO.

H.R. 1037: Mr. LANGEVIN, Mr. VARGAS, Ms. SLAUGHTER, Ms. BROWNLEY of California, and Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H.R. 1039: Mr. COHEN.

H.R. 1041: Mr. LYNCH, Mr. YOHO, Mr. KING of Iowa, and Mr. COOPER.

H.R. 1046: Mr. VAN HOLLEN.

H.R. 1062: Mr. HANNA, Mr. YOUNG of Alaska, Mr. FARENTHOLD, Mr. ABRAHAM, and Mr. PEARCE.

H.R. 1075: Mr. SCHWEIKERT.

H.R. 1084: Mr. AMODEI and Mr. HURD of Texas.

H.R. 1086: Mr. YOUNG of Alaska, Mr. ABRAHAM, Mr. ZINKE, and Mr. DUNCAN of Tennessee.

H.R. 1094: Mr. SESSIONS, Mr. WEBER of Texas, Mr. MCCAUL, Mr. SMITH of Texas, Mr. MARCHANT, Mr. POE of Texas, Mr. BURGESS, Mr. NEUGEBAUER, Mr. MEEHAN, Mr. COLLINS of New York, Mr. FARENTHOLD, Mr. VALADAO, Mr. MCKINLEY, Mr. JENKINS of West Virginia, Mr. BUCK, Mr. BYRNE, Mr. LATTA, Mr. WESTMORELAND, Mr. POLIQUIN, and Mr. HURD of Texas.

H.R. 1095: Mr. VEASEY, Mr. SCHIFF, and Mr. HASTINGS.

H.R. 1106: Mr. JONES, Mr. ZINKE, and Mr. SCHWEIKERT.

H.R. 1111: Mr. POLIS.

H.R. 1122: Mr. BARLETTA.

H.R. 1135: Mrs. LAWRENCE.

H.J. Res. 25: Ms. WASSERMAN SCHULTZ and Mr. NORCROSS.

H.J. Res. 29: Mr. SMITH of Nebraska and Mr. GOODLATTE.

H. Res. 15: Mr. QUIGLEY, Mr. BEN RAY LUJÁN of New Mexico, Mr. POLIS, Mr. GUTIÉRREZ, Mr. PETERSON, and Mr. COHEN.

H. Res. 54: Mr. CÁRDENAS and Mr. TAKANO.

H. Res. 56: Mr. AUSTIN SCOTT of Georgia.

H. Res. 109: Mr. GRIJALVA, Mr. MARINO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MACARTHUR, and Mr. CROWLEY.

H. Res. 118: Mr. TED LIEU of California.

H. Res. 122: Mr. BRENDAN F. BOYLE of Pennsylvania and Ms. DELAURO.

H. Res. 123: Mr. MCGOVERN and Mr. COSTA.