SENATE—*Monday, October 4, 1993*

(Legislative day of Monday, September 27, 1993)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the Honorable PATTY MURRAY, a Senator from the State of Washington.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Be anxious for nothing; but in everything by prayer and supplication with thanksgiving, let your requests be made known to God.—Phil. 4:6.

Father in Heaven, when a Senator announces he will not return to the Senate, his/her staff is immediately introduced to an insecure future. We pray for those staffs and any other staff people who, because of circumstances, face insecurity in their position. Give them confidence that God has a plan for their lives, and teach them to look in His direction for peace.

In the name of the Prince of Peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 4, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATTY MURRAY, a Senator from the State of Washington, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. MURRAY thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

UNANIMOUS-CONSENT AGREEMENT

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the majority leader, asks unanimous consent that the previous order allocating the morning business period to Senator BYRD today be modified as follows: That morning business extend until 1 p.m., with Senators permitted to speak therein for up to 10 minutes each, and that at 1 p.m., the Senate proceed to the consideration of H.R. 2750, the Department of Transportation appropriations.

If there is no objection, it is so ordered.

In my capacity as a Senator from the State of Washington, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE addressed the Chair.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. DOLE. Is leaders' time reserved?

The ACTING PRESIDENT pro tempore. Yes. We are in morning business.

SALUTE TO BOB MICHEL

Mr. DOLE. Madam President, one of the true privileges of serving as Senate Republican leader for the past 8 years has been the opportunity to work on a day-to-day basis with my counterpart in the House, Congressman BOB MICHEL.

I rise today to pay tribute to this outstanding public servant, who announced today that he will not seek reelection to the House in 1994.

BOB MICHEL is a true "man of the House." He came here as a young World War II veteran to work for the Congressman who represented his hometown of Peoria. And when that Congressman retired in 1956, BOB succeeded him, and he has been reelected ever since.

Although he has spent much of his life in Washington, DC, there is no doubt that Peoria is still BOB MICHEL's home. And the values that define BOB MICHEL as a man and a leader, values like hard work, honesty, and loyalty, are values that remain important in America's heartland.

When BOB retires from Congress, he will haveserved as Republican leader for 14 years. And no doubt about it, they have been some of the most remarkable years in American history.

BOB MICHEL stood with President Reagan as he restored America's economy, America's military, and America's pride. And when some were ready to cut and run from the President in the early 1980's, BOB MICHEL did not back down—making the tough votes that kept America moving in the right direction.

And when President Bush came to Congress seeking support for operations Desert Shield and Desert Storm, he had no greater ally then BOB MICHEL.

Although the Democrat leadership was opposed to the President, BOB worked tirelessly across party lines to deliver the votes that ensured that America would always stand up for freedom.

There will be a lot of tributes and a lot of salutes coming BOB's way in the next 15 months. But I have two suggestions on how we can best honor him.

One is to give the Republican Party a majority in the House of Representatives—something that has not occurred during BOB's 37 years in the House.

And the other, which probably will not happen, is to allow BOB—and his outstanding singing voice—the chance to give a concert at Carnegie Hall. I am not sure which is apt to happen first.

I thank BOB MICHEL for his friendship and his leadership.

I served in the House with BOB MICHEL from 1961 to 1968 and I know BOB and his family well. I wish he, Corinne, and their family all the best in the years ahead.

And I would say something else about BOB MICHEL. If you find anybody in either party who has a bad word to say about BOB MICHEL, I would be surprised. He is just that kind of a person. His word is his bond. There is a lot of stress and pressure in this place from time to time. There is even more on the House side because there are 435 over there and only 100 over here.

I think over the years that BOB has never wavered in his commitment to serve not only his district but the country. I think that certainly typifies and exemplifies the kind of man he has been.

So I wish him every success. He is going to remain as Republican leader until the end of this term. We will be working with him on a daily basis. In fact, I already have a meeting scheduled tomorrow to talk about health care, so he is not going to let up because he announced today that he would retire.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

SOMALIA

Mr. DOLE. Madam President, later on today, I will be making a statement on Somalia, and also on what is happening in Russia.

But, certainly, I think Somalia is going to deserve our immediate attention, with the increased number of casualties that we are learning about this morning in the helicopter raid, where, apparently, 5 American helicopters were shot down and maybe as many as 10 Americans or more were killed and scores wounded.

It seems to me it is time to take a hard, hard look at why we are still there, when we started off in an effort to help that country and help keep people from starvation. It has gone from a humanitarian mission to almost an outright armed conflict. It seems to me, Congress and the administration ought to come to grips with this and make a decision, one way or the other. I hope we can do it very quickly.

Madam President, I reserve the remainder of my time. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum has been suggested.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CARNAGE IN SOMALIA

Mr. BYRD. Madam President, the reports from Somalia over the last few hours indicate Americans by the dozens are paying with their lives and limbs for a misplaced policy on the altar of some fuzzy multilateralism. At least 12 are dead, with another 6 missing, and 70 more others are wounded. Five U.S. helicopters have been shot down.

I believe we should disengage our forces and declare the U.S. contribution to this U.N. extravaganza over. We should bring the 1,500 or so Rangers that are serving in combat in Mogadishu home as soon as possible, and insist that the Secretary General of the United Nations replace the U.S. contingent of some 2,000 logistical and other support troops out of the U.N. peacekeeping contingent as soon as possible. The endgame of United States participation in Somalia should be measured in days and weeks, not months and years. This U.N. experiment on new world order nation-building, the new mission that neither the Congress nor the American people at large ever endorsed, ought to be shut down as far as U.S. involvement is concerned. If other nations want to stay in Somalia at the urging of the U.N. Secretary General, that is their decision.

Both this body and the other body have passed resolutions by overwhelming majorities on Somalia, first to receive a report by the President to explain and justify any continuing policy toward, and United States troop presence in, Somalia by no later than October 15, leading to a vote in both Chambers no later than November 15, to "receive congressional authorization in order for the deployment of United States forces to Somalia to continue."

Both the President and the Secretary of Defense, Mr. Aspin, made statements over the weekend indicating that they felt the United States might still have some continuing role in Somalia. If the President has settled on our future policy toward Somalia and the U.N. peacekeeping mission there, then he need not wait until the 15th to report to the Congress on it. He can move up the date for the report, and we can move up our vote on that policy, I would think, within hours of receiving his report. There is not any particular reason to delay and agonize over it—let us debate this operation and vote on it as soon as possible.

Madam President, if more Americans are to be sacrificed in Mogadishu, the Congress ought to share the responsibility for it. If the decision is to disengage, why in the world should we drag these fatal cops-and-robber operations on any longer? Let us vote and let us get out.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DORGAN). Without objection, it is so ordered.

UNITED STATES MISSION IN SOMALIA

Mr. DOLE. Mr. President, we just learned that the American loss of life in Somalia this week was far worse than initially reported. At least 12 American servicemen were killed, several are missing in action, and dozens of Americans have been wounded. Early reports indicate that some U.S. forces may be held hostage. According to the wire sources that came in, I guess we are preparing to send more troops and tanks to Somalia; an additional 200 infantrymen, plus tanks and armored vehicles. That is what they said today.

Also, early reports indicate that some U.S. forces may be held hostage. Of course, these casualties are above and beyond the mine which killed one Somali and an American and wounded three more.

As the body bags pile up in Mogadishu, confusion over U.S. objectives increase. U.N. Secretary General Boutros-Ghali has once again attempted to veto a U.S. effort to find a political resolution to set limits on U.S. Armed Forces. I happen to believe it is high time for Boutros-Ghali to recognize that we will decide what is in the American interest and that he is not empowered to make U.S. foreign policy.

The gap between United States interests and U.N. operations is great and growing in Somalia. The United Nations seems obsessed with getting General Aideed. And Boutros-Ghali seems to think the United States is required to put its military muscle behind this effort.

So let us be clear. U.N. Security Council Resolution 814 only authorizes efforts to capture those responsible for attacks on the United Nations. It does not bind the United States in attacks on the United Nations. It does not bind the United States regardless of what Boutros-Ghali thinks, and this administration needs to remind Boutros-Ghali that he works for the Security Council, and not the reverse. Already there are voices saying if United States forces leave Somalia, civil war, chaos, and famine will result.

Mr. President, that is exactly what is wrong with getting involved there in nation-building in Somalia in the first place. What if the Nigerians, or the Indians, or the Pakistanians do not provide forces? Will Americans have to stay forever to prevent famine or civil war? If Somalia is that fragile, I am not certain anyone can build a nation there in the near future. Certainly it should not be the job of U.S. Armed Forces, especially when Congress and the administration are working together—unfortunately, they are working together to slash the defense budget. My view is we are going at it much too rapidly. In this time of limited defense resources we should put our priority on protecting and promoting the United States interests in meeting the threats to the United States security.

The same week that President Clinton received good press for telling the United Nations "to say no" to peacekeeping, U.N. operations were extended in Haiti, Angola, Georgia, Somalia, and Liberia. The United States cannot and should not be involved there in all of these places. So Boutros-Ghali should keep that in mind in making U.N. commitments.

Mr. President, there has been fighting on the streets of Moscow. We have all witnessed it. We watched television all day yesterday, and all morning; I guess half the night. Itappears Boris Yeltsin has won the short-term struggle, and the forces in parliament have surrendered. We understand that Rutskoi and Khasbulatov may be in custody. But instability in Russia is not over.

As I indicated, yesterday, it seems to me that we need to take another look at our relationship with the Republic of Russia, and maybe take another look at how the World Bank and the International Monetary Fund operates and whether or not shock therapy, which they seek to impose on emerging democracies such as Poland, Yugoslavia, and others, whether it works, and whether it in fact may be the cause of the present problems in the Russian Republic.

It is very, very difficult to move from a Communist economy to a market economy. And it seems to me that this has not been fully recognized by leaders of the World Bank or the IMF.

In any event, we do have a vital national interest in the future of Russia. I certainly share the view expressed by President Clinton yesterday, and my friend the majority leader, in saying that we should support Boris Yeltsin. In my view, he does believe in democracy; maybe not the same way we do, but certainly I think that it is his intent and his goal, and we should not make it any more difficult than possible.

I also believe that perhaps President Yeltsin should take a look at one of the requests that, had he agreed to, might have allayed some of the problem; that is, having a simultaneous election for parliament and the President in the Russian Republic.

So it seems to me even though there is a lot of instability there—at least right now it appears to be a bit more stable than say 24 hours ago—we do have a vital interest there. There are a lot of nuclear weapons there, and the one thing we do not want to happen is reverting back to subhardline military, hardline Communists that are back at each others throats, and back in the cold war; back to more missiles, and spending billions and billions of dollars more on weaponry.

We do not have any comparable interest in Somalia. That is the point I would make. It seems to me that enough Americans have died in Somalia. I do not believe we should indefinitely continue to support Boutros Boutros-Ghali's plan in Somalia. It seems to me maybe some of the African nations ought to take an interest in Somalia.

I think nearly all of us—in fact, we passed a resolution here, and agreed with the early objective that was to provide humanitarian relief to prevent thousands and thousands of people in Somalia from starving. When that effort was launched, I think there was broad bipartisan support, as there should have been. But somewhere along the line without Congress having any say, that mission was changed from humanitarian to nation-building, I believe primarily at the direction of the United Nations.

So it seems to me when the administration issues its report on United States operations in Somalia next week, I hope it will include a blueprint for how and when the United States leaves Somalia for good.

I certainly know the President is dealing with this as best he can. But it is becoming more and more important that Congress and the administration face up to our responsibilities, and not what the United Nations may have in mind.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ROLE OF THE UNITED STATES IN SOMALIA

Mr. GREGG. Mr. President, there is a great deal occurring in the world today, obviously, with what is happening in Russia and now what is happening in Somalia. The focus of American attention is diffused, therefore, across the world. I do believe it is time that we focused more precisely and more directly on the events in Somalia.

American lives are being lost there, and we wonder what for. We initiated our actions in Somalia for the purposes of humanitarian aid. They were good and honorable purposes. But now we find ourselves engaged in trying to capture and take control of a situation from a warlord. We are in exercises which are described as search-and-seizure exercises but which involve the delivery of American troops into harm's way.

When you are involved in trying to capture a warlord, one presumes you are at war. Therefore, the tenor and purposes of the Somalia operation have changed fundamentally. It has gone from being a humanitarian effort to being an effort which involves the use of American force in a foreign country, not only the risking of American lives but American lives being lost. One must ask why? And I believe the American people are asking why. One must decide whether or not this is the appropriate policy not only for the administration but also for the Nation.

Therefore, at this time it is absolutely essential that this issue be brought before the Senate of the United States to be properly debated and that we raise the questions which are so obvious and we discuss them and we decide on the proper American policy.

Some of those questions clearly involve what is our purpose there. If it has so fundamentally changed from being one of delivering humanitarian aid in the American tradition of trying to assist less fortunate people around the world to being one of pursuing a warlord, then we should admit that and we should acknowledge that; therefore, we are involved in a military action —in a war.

If it is one where American troops are to be commanded by a foreign commander under the auspices of the United Nations, then we should have a formal debate of that policy for this is a fundamental change in the history of our Nation in the way that it undertakes the prosecution of war.

We are not a nation which has traditionally allowed our troops to be commanded by foreign commanders and certainly, as the last and only surviving superpower in the world, our troops have a distinction which places them in a different categorythan other military forces which are involved in United Nations' activities.

We are the most powerful Nation in the world. When we use that power, we must recognize that we have to use it judiciously, and we have to use it not only in the interests of the international community but we have to use it consistent with American law and American constitutional authority and in the manner in which the American people expect.

One of the things that they expect is that when our troops and our people, our sons and daughters, brothers and sisters, friends and neighbors are put in harm's way and their lives are put at risk, the American people expect to understand why.

Right now in Somalia I do not think anybody really knows why. We understood the initial objective. It was a good and honorable one, as I mentioned. It was one of humanitarian aid, but I am not aware that we really understand, and we clearly have not fully debated the objective which is being pursued today, which appears to be the capturing of some warlord whose name no one in America had heard 10 weeks ago but who has now become the focus of the loss of a number of American lives.

We are a constitutional democracy. As such, when we engage our troops, it is fully appropriate that the bodies which have the ultimate power of the people in this constitutional democracy debate that issue and make a decision. We have learned from past history that we cannot commit American troops and put at risk American lives unless the American people support that effort and that we transgress on the history and on the purposes of a constitutional democracy if we allow ourselves to proceed in any other manner.

Clearly, in Somalia we have now stepped on to that ground which is called war. Therefore, we have to and should have a debate pursuant to the terms of our laws and consistent with our history and our traditions.

What we initiated in Somalia was right in our humanitarian aid but what

it has evolved into is in question as to whether it is right. In any other circumstance, I suspect we might consider what is going on there to be foolish. But American lives have been lost; therefore, it is tragic. What we cannot allow it to become, however, is a situation where we evolved into a confrontation which risks further American lives without the American people understanding our purposes and our goals and without the troops, who are putting their lives at risk there, understanding their purposes and their goals.

This is a serious time in the world. Obviously, what is happening in Russia portends to be more serious for us as a nation.

But as we, as a nation, embark on this new post-cold-war period, I think it is important that we get better definition of purpose and direction when American lives are put at risk, and that involves public debate and this is the proper body for that debate.

And, thus, I hope that we, as a Senate, will proceed to discuss the issue of Somalia in the near future, in the immediate future, before any more American lives are lost; and that we shall put into definition and some focus what is our purpose there and, most importantly, how we intend to disengage or, if it is our decision, how we intend to engage pursuant to the laws which we, as a nation, have as a constitutional democracy.

Thank you, Mr. President.

I yield back my time.

The PRESIDING OFFICER. The Senator from New Hampshire yields the floor.

COMMEMORATING 1993 HISPANIC HERITAGE MONTH

Mrs. FEINSTEIN. Mr. President, it is my distinct pleasure to rise today to commemorate National Hispanic Heritage Month. This year marks the 15th year the U.S. Senate has officially commemorated the important contributions of the Hispanic community, and it is the fifth year the President has set aside September 15 through October 15 as National Hispanic Heritage Month.

This month, all across the Nation, Americans are celebrating the achievements and honoring the contributions of Hispanic Americans.

In my State, Mr. President, the names of our cities and streets define California in the minds of Americans and citizens throughout the world. From San Francisco to San Diego, the diverse vitality and cultural heritage of the Hispanic community resonates loudly and with great pride. The Hispanic community has a proud tradition of reminding us that the American dream is alive and well, and that through hard work, resolute belief in God and strength in the family, anything can be achieved.

The strong religious faith of the Hispanic community can be linked to the Spanish missionaries who helped settle the West. These missionaries possessed the spirit of community and taught a number of native Americans and settlers to read and write. In 1930, the people of California honored the memory of one of those missionaries, Father Junipero Serra, when his statue was placed not far from this Chamber in Statuary Hall.

Today Hispanics represent the fastest growing ethnic group in the United States, currently totaling 9 percent of the U.S. population. California is home to 7.6 million or about 34 percent of all Hispanic Americans. Experts estimate that by the year 2050, one in every five Americans will be of Hispanic origin.

This explosive growth is reflected in my State where there are more Hispanic-owned businesses than in any other State, and where 16 percent of all Hispanic elected officials in the United States hail from California.

Undoubtedly, Hispanic Americans have made impressive strides, due to their industrious work ethic and strong family unity. However, much more needs to be accomplished. Although Hispanics have made great progress in education, they continue to lag behind the rest of the Nation. I remain steadfast in my commitment to working with Hispanic leaders in bringing the concerns and issues of the Hispanic community to the attention of a national agenda.

Hispanic Heritage Month seeks to increase the national awareness and understanding of, and respect for all Americans of Hispanic origin. Hispanic Americans are a diverse group. They came to America from different places, at different times, and for different reasons. Yet they share in a fundamental cultural identity, and a mutual aspiration to earn and enjoy the promise and benefits that America, at its best, extends to all.

Mr. President, I could go on and on about the many positive contributions this esteemed community has made to California, but let me just say: for every struggle and triumph we hear and read about, hundreds, surely thousands more, remain untold.

Mr. President, I yield the floor.

CONGRATULATIONS TO SHELLEY E. JONES, NATIONAL DISTINGUISHED PRINCIPALS AWARD WINNER

Mr. HEFLIN. Mr. President, I am proud to congratulate Shelley E. Jones, Alabama's 1993 recipient of the National Distinguished Principals Award. This award recognizes innovation and a commitment to seeing each new school year as an opportunity to elevate instruction to a new level of excellence. Shelley and all the national winners of this prestigious award are testaments to the long-standing commitment of our society to providing its children with a first-rate education. This deserved recognition singles out those who make that commitment a part of their daily lives.

Shelley Jones is the principal at Woodland Forrest Elementary School in Tuscaloosa, AL. Her guiding educational philosophy for nurturing her students is the strong belief that children need strong roots and wings to support them. She works to foster a lifelong love of learning by offering students an abundance of extracurricular opportunities to complement the basics. At Woodland Forrest, after-school enrichment options include classes in Japanese, karate, gymnastics, computers, and chess. Shelley has had artists-in-residence at her school for the past 4 years. These artists focus on the visual arts, instrumental music, and theater.

Her Parent-Teacher Association, at 1,000 members strong, has won local and statewide awards almost a dozen times. Shelley, who holds a bachelor of arts degree from the University of Kentucky and a master of arts from the University of Alabama, works overtime to recruit the best teaching candidates and to promote professional growth. It is interesting to note that six of her former teachers are now principals.

Again, I am happy to congratulate and commend Shelley E. Jones for all her innovative work and her total dedication to putting a fresh face on education and preparing our young people for the world of tomorrow. I wish her and the other 1993 National Distinguished Principals all the best for many future successes.

TRIBUTE TO LILLIAN ADELA DUFFEE ADAIR

Mr. HEFLIN. Mr. President, on September 14, a long-time friend of mine and my wife's—Lillian Adela Duffee Adair—passed away in Birmingham. Duffee, as she was affectionately known by her many friends and family, was an energetic and widely respected and loved civic leader in Dadeville, AL.

When I try to think of adjectives to properly describe Duffee, the first one that leaps to mind is rather simple: happy. Duffee was a truly happy person, cheerful, peppy, always enthusiastic about life and the people around her. She was effervescent, bubbling with life. The spirit she exuded was contagious, because to be around her produced associated happiness.

I never met anyone who enjoyed the little things in life more than Duffee Adair—the ordinary things, the things that we take for granted and overlook every day. She had a way of making the mundane and ordinary seem interesting and alive, and was able to help us look at things in ways that we hadn't before.

Duffee's happiness was completely natural. It was a gift that came from somewhere deep within her soul, and was on display even during the most trying of circumstances. It often manifested itself through her loyalty to friends and family, through the kind things she did for them and for others, and through the degree of sincerity that guided her through it all. Some people try to put on a good face for the world that isn't real, but Duffee's was always the genuine thing.

When I think of Duffee, her personality, and the way she lived, I am reminded of the old saying, "happiness is a wine of the rarest vintage * * *." Duffee was a person of the rarest vintage, someone who shared herself totally with her family and those fortunate enough to have known her over the years.

A short verse penned by the late English poet Philip Larkin, to me, captures the attitude Duffee brought to each new day. "What are days for?" He asks. "Days are where we live. They come, they awake us time and time over. Where can we live but days? They are to be happy in."

I will always remember Duffee as someone who embraced her days, was happy in them, and made those who knew her happier in ours. I extend my sincerest condolences to her family and ask unanimous consent that an article appearing in the September 16, 1993, edition of the Dadeville Record recalling her life and contributions be printed in the RECORD immediately following my statement.

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

[From the Dadeville Record, Sept. 16, 1993]

LILLIAN ADAIR DEAD AT 73

Long-time Dadeville resident Lillian Adela Duffee Adair, affectionately known by her friends as Duffee, died Tuesday night at a Birmingham hospital, following a long illness.

She was married to Charles R. Adair Jr., a Dadeville attorney.

Mrs. Adair, 73, was a former Woman of the Year and served as president of the American Legion Auxiliary, the Philomathic Club, the Worth While Club, the Women of the Church and Regent of the Tohopeka Chapter of the National Society Daughters of the American Revolution. She also served as district director of the Alabama Society and a member of the Board of Trustees of the Kate Duncan Smith SAR School.

A member of the group which founded the Horseshoe Bend Regional Library, she served as a member of the board of Dadeville Public Library. She was a deacon of the First Presbyterian Church of Dadeville.

Other accomplishments include serving as chairman of the Still Waters Ladies Bridge Club; member of T Birds, a golf group at Still Waters; and founding member of the Slim and Trim Club. Mrs. Adair received citations from Camp ASCCA for her work there and from the U.S. Air Force.

Mrs. Adair was born in Birmingham, the daughter of Cecil Gravlee Duffee Sr. and Nell Devine Duffee and attended schools there until she and her family moved to Dadeville. She returned to Birmingham for one year, where she attended Ramsey High School and was a TKD.

She returned to Dadeville, where she was graduated from Tallapoosa County High School. Later she returned to teach at her alma mater. While she taught, she was secretary-treasurer of the Tallapoosa County Teachers Association, a member of Delta Kappa Gamma and held certificates to teach in all grades.

She held a B.A. from the University of Alabama, and did graduate work there and at Alabama Polytechnic Institute. She also held an honorary Ph.T. from the university, was a member of Pi and Kappa Delta and sat on the KD House Corporation Board. She also worked on the Crimson-White and Corolla. Recently she was named a member of the Permanent Committee for the 50th reunion of the class of 1942.

Perhaps the achievement of which she was most proud is the part she was allowed to play in the lives of attorney Cecil Duffee III, Realtor Steve Duffee, interior designer Linnie Duffee, systems analyst Joe Duffee and law student Rob Duffee.

A memorial service will be held Friday, Sept. 17, 1993, at 2:30 p.m. at First Presbyterian Church in Dadeville. The Rev. Wade Acton will officiate.

WE'VE ACHIEVED OUR GOAL IN SOMALIA—NOW LET'S BRING U.S. TROOPS HOME

Mr. DORGAN. Mr. President, it is time for the United States to begin an orderly withdrawal of its troops from the African country of Somalia. During the past few weeks events in the capital of Mogadishu only confirm that our role in Somalia is dangerously unclear and poorly thought through.

For a variety of reasons, the fighting in Mogadishu has begun to escalate. It is enough of a tragedy that a number of American troops were killed over the weekend on a mission against the most powerful Somali warlord. I understand that there are now reports that American troops have been taken hostage, and that up to 500 Somalis have been injured during renewed fighting.

The United States originally undertook a massive humanitarian relief effort to guarantee the delivery of food and medicine to people who were starving and dying in Somalia. We achieved that goal. We accomplished the mission of feeding starving Somali citizens.

Famine no longer threatens the Somali people. While there are pockets of food shortages and disorder, especially in the capital of Mogadishu, most rural areas appear quiet. Farming has resumed, and outlying areas are increasingly able to meet their own food needs.

More recently, however, United States troops have remained in Somalia for the vague purpose of creating stability in that country. The fact is there has been little stability in Somalia in this century. I wonder how easily and quickly we can use military means to build a Somali nation when there is virtually no foundation for nation-building available.

I voted several weeks ago to condition further funding for our operations in Somalia on congressional authorization of a clearly defined mission. We asked the administration to report back by October 15 on the exact nature of the mission of our troops there.

Whatever the outcome of that debate, no one should doubt that U.S. intervention made an outstanding contribution under Operation Restore Hope to create a secure environment for humanitarian relief. As I have noted before, the operation saved hundreds of thousands of lives.

But somewhere along the way the United Nations operation lost track of its original mission: feeding hungry people. Now our troops in Somalia are engaged in military actions against a warlord.

Regardless of the ultimate decision on the use of U.S. troops, the United States and the United Nations must make a concerted effort to push for national reconciliation and economic reconstruction. However, that must be pursued as a political rather than as a military strategy. Former President Carter has made this point emphatically. It also reflects the intent of the Horn of Africa Recovery and Food Security Act, which I introduced and Congress passed last year.

In the final analysis, it is a dangerous strategy to keep American troops in harm's way if the mission is not clear, definable and achievable. The United States should begin now to bring our troops home from Somalia.

Our humanitarian mission there is complete.

Mr. President, for a number of years I chaired a task force on hunger over in the House of Representatives, the International Task Force on Hunger. I know about hunger. I have held dying children in my arms in refugee camps. I have seen some of the most gripping, wrenching conditions of hunger and poverty that exist in this world. Once you see it you never forget it—ever.

So when we undertook the humanitarian mission to help Somalia, I complimented President Bush. I believe he did the right thing. You cannot stare into the eyes of dying children and decide it does not matter. We embarked on a significant humanitarian effort to help the people of Somalia. We succeeded brilliantly. We saved thousands, probably hundreds of thousands, some say millions of lives.

That humanitarian effort is now largely over. Yet just about 20 minutes ago I heard on the television a report about the tragedy in Somalia today, more people killed, more American soldiers killed. The television report, as is typical, I guess, had a reporter saying, "Some say America should give up." No one that I know of says that. This

is not about giving up. It is about whether or not we have American forces in harm's way on an undefined mission.

I agree with the minority leader, Senator BYRD, Senator GREGG, and others who have spoken today on this subject. I believe it is fraught with danger for us to embark on a mission beyond that of humanitarian relief. We're not just dealing with the issue of hunger now. We are now talking about searching for warlords. We are now talking about nation building. We are now talking about stability in Somalia.

Somalia has not really been stable for a century. It will not be stable when we leave. But we have accomplished our mission in Somalia. We ought not to keep American troops in danger there on an undefined mission.

Since our troops have accomplished the task we set them in Somalia—providing hunger relief—it is time to bring those troops home.

I yield the floor.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Friday, October 1, the Federal debt stood at $4,406,339,573,433.47, meaning that on a per capita basis, every man, woman, and child in America owes $17,154.70 as his or her share of that debt.

TRIBUTE TO GEN. COLIN L. POWELL ON HIS RETIREMENT

Mr. STEVENS. Mr. President, last Thursday, many of us had the occasion to join President Clinton and President Bush, Vice President GORE, and Vice President Quayle for the ceremony of the retirement of Colin L. Powell, who has been our Chairman of the Joint Chiefs of Staff. I do not think anyone who attended that ceremony came away without having at least one or two tears, because it was such a remarkable ceremony, and General Powell's remarks were, in themselves, extremely remarkable. He told his own story in just a few words.

Since that time, I have been privileged to see the presentation on C-SPAN. I want to commend C-SPAN for carrying it in full. That is what brings me to the floor today because I have obtained a copy of General Powell's retirement address and I ask unanimous consent that it be printed in the RECORD after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. Mr. President, in my time in the Senate, I have had occasion to come in contact with few people who have left such an impression upon me. I have dealt with General Powell from the time he was in the White House, when he was with Secretary Weinberger, when he was back at the National Security Agency and in his role as a general in the Army, as well as the Chairman of the Joint Chiefs of Staff.

I do not think that anyone, if they will take the time to read the statement that he made, can match a statement like that with the words of any person still alive today. What I heard was reminiscent to me of some of the statements I heard from General Eisenhower, or I remember the Churchill address when he came to Harvard University when I was a student there at the law school.

I think that, as a matter of fact, there are few people who will ever match the record of history of this man. Coming as he did from an ROTC unit at the City College of New York, to become the absolute pinnacle of his profession, the Chairman of the Joint Chiefs of Staff, Colin Powell, has worked for our Nation's security. There is not a person in the country, if not the world, that has not benefited by his service to our country to date. It would be a challenge to any young person to try to live up to the standards this man has set for himself and for those he has commanded. The commitment that he expressed to the men and women of our armed services who have served with him and his statement to us last Thursday is something to behold.

Mr. President, it is with great regret that I see my good friend, Colin Powell, retire. He is still a very young man. I am one who hopes that he finds a way to continue his service to this Nation. Whatever it will be, whoever has the good fortune to be able to associate with and work with Colin Powell, as those of us in the Senate have had during the time we have worked with him on defense matters, they will find themselves in contact with a true man, a good father, a good husband, and a good American.

I thank the Chair.

EXHIBIT 1

REMARKS BY GEN. COLIN. L. POWELL CHAIRMAN, JCS, RETIREMENT CEREMONY, SEPTEMBER 30, 1993, FORT MEYER, VA

Gen. POWELL. President and Mrs. Clinton, Vice President and Mrs. Gore, President and Mrs. Bush, Vice President and Mrs. Quayle, justices of the Supreme Court, Secretary Aspin and members of the Cabinet, service secretaries, members of the Diplomatic Corps, my fellow chiefs of defense who have traveled from afar to be here, my dear friend Field Marshal Vincent, the chairman of the Military Committee of NATO, my fellow members of the JCS and the commanders-in-chief of the Armed Forces of the United States who are here today, distinguished guests, members of my beloved family, friends old and new—but all treasured—men and women of the Armed Forces of the United States represented so magnificently by the Joint Forces Honor Guard before you, I express my sincere thanks to each and every one of you for being here to share my final day in uniform.

The Army has officially advised me that, for record purposes, I have served 35 years, three months, 21 days, and as we say in the infantry, a wake-up. I loved every single day of it. And it's hard to leave. It is made easier by your presence.

Mr. President, Secretary Aspin, I thank you for your very, very kind words and your presence here today, as well as the great honor you do to me, Mr. President, by awarding me the Medal of Freedom with Distinction. I also thank you both and Vice President Gore for the support and the openness that you have shown me and to my colleagues on the Joint Chiefs of Staff over the past eight months. During those eight months, we've dealt with some very, very difficult issues. But, Mr. President, as you once said to me, if the issues were easy, if the problems were so quick to receive a solution, they would have been solved earlier by somebody else.

Mr. President, you and Secretary Aspin have pledged yourselves to keeping our armed forces strong and of the highest quality. I can't tell you how much that means to each and every one of us in uniform, to know that we have that kind of support, that kind of dedication, that kind of commitment from our commander-in-chief. On behalf of all of the members of the Armed Forces of the United States, I thank you for that pledge. And I can pledge back to you on behalf of each and every one of these wonderful young men and women that they will never, never let you down when it becomes necessary for you to call on them.

President and Mrs. Bush and Vice President and Mrs. Quayle, let me also say that it means a great deal to Alma and to me to have you here today. You have been our dear friends over the years, and you have been treasured friends and supporters of our armed forces. Your presence here today with President Clinton and Vice President Gore speaks volumes about the nature of our political system and its relationship to the military. And I thank you both very, very much for being with us.

There are too many distinguished guests here to recognize them all, but let me welcome especially my dear friend, Secretary of Defense Cheney and Secretary Weinberger, who had such an important influence on my life over the last 10 years. I also want to recognize my predecessors as chairman. Admiral Crowe is here and General Jones, General Vessey and Admiral Tom Moorer. I also recognize all the former members of the JCS and former commanders of our unified and specified commands.

As the president and secretary noted, much has happened over the past four years. I need not catalogue for this audience the events attendant to the demise of the Cold War and the beginning of a new era in world history. We have seen war and we have seen peace. We have seen suffering, and we have seen promise of democracy. We have seen hope mixed with danger and uncertainty. We have seen the path open to a better world.

Under you, Mr. President, America will lead the way to that better world. The aspiring nations of the world trust the United States. They need the United States. They need our political leadership. They need our economic strength. They need our value system as a model to learn from. They need our military strength, and they need our military commitment to help keep order and to help prevent aggression. America's armed forces will have a busy future; busier than in the predictable garrison days of the Cold War.

As we sit here on this gorgeous fall afternoon at this historic post, elsewhere American aviators are patrolling over the Persian

Gulf, American infantrymen are in danger in Mogadishu dealing with a difficult challenge, the kind of challenge that is, perhaps, very, very typical of what we will be seeing more of in the future. Americans are flying desperately-needed supplies into Bosnia. Other GIs are preparing for the possibility, the hopeful possibility of implementing a peace agreement in Bosnia. Our Navy patrols the Adriatic Sea and the Red Sea and the Persian Gulf. Our Marines provide a reassuring presence in troubled regions of the world. The Army stands watch in Korea andEurope. Our Coast Guard goes after the drug enemy infiltrating our country.

And at the heart of each of these services is the young American boy or girl, perhaps only 19 years old, a volunteer, well-trained, proud, selflessly serving a nation wherever that nation and whenever that nation calls upon it to go and to serve. They carry on a tradition of over 200 years of service and sacrifice. They go into harm's way to protect us and to provide for the common defense. They are the best and the very brightest of America's youth.

And the greatest of all honors I have had was the honor of being one of them and of being their senior representative over the past four years. They have succeeded in every mission and by their performance have bonded once again with the American people in a way we have not seen for decades. I thank each and every one of them for their service to our country.

For me, today is a day of memories and a day of thanks. And for the last several days memories have been flooding in, and I've been having difficulty sorting them all out. Some are very, very vivid, some are vague. They aren't entirely coherent to me except perhaps in the deepest recesses of my mind's eye. The memories come to me in so many different ways. I remember vividly the day that my father—many, many year ago, for the first time—put me on a bus in New York City and saw me off to Fort Bragg, North Carolina, my first military experience. I remember fondly my ROTC days at CCNY. I remember cold nights in Korea and Germany with a sergeant coming along to offer me a hot cup of coffee. I remember miserably hot and terrifying days in Vietnam. I remember the warmth and pleasance of family reunions between assignments, or coming home from overseas.

I remember meeting Alma for the first time. I remember the memory of the births of each of our three wonderful, perfect children, and the birth of a treasured grandson. I remember the thrill of moving from post to post, the excitement of working in the White House during historic times, the exhilaration of Operation Desert Storm. The faces of old friends, and former commanders, and fellow soldiers, and family members have been marching by in a steady cadence for the last several days. I especially see the faces of comrades—comrades-in-arms who gave their lives in service to this country. I see the faces of those who trained me, those who disciplined me, those who inspired me, those who served with me, those who cared for me and loved me over these past 35 years.

Many of you are here today, and I can't possibly thank you all. You know who you are, and I need not name all of the hundreds present. These events and people have given me a great life and have given me a great career. I have never wanted to be anything but a soldier, and my dream has been fulfilled for almost four decades.

I find myself on this beautiful afternoon a most fortunate, fortunate man. And by my side for most of that time has been Alma. For over 31 years I have distilled from our life together one lesson that I will pass on to any young person contemplating marriage. Marry high. Marry high. And with Alma I hit the heights. She raised three wonderful children. Over those 31 years we moved to 22 different houses, but she made sure we never changed homes. SHe shared every dark moment. She has been my partner and my supporting pillar over all those years. She has been a perfect Army wife, inspiring others and representing the nation so well around the world. Without her love and caring, I cannot imagine what my life would be like.

So, Alma, darling, on this, your day, too, I thank you. I thank you from the bottom of my heart for sharing this journey. I will never be able to fully express my gratitude, so let me just say thank you, darling.

For the three Powell kids, and for the last five year joined by a wonderful daughter-in-law, let me just say that you have brought me incredible joy and pride, and I thank you so much. You are all hereby relieved of further duty as the general's kids. You no longer need to call me sir, you no longer need to stand at attention when I speak to you—(laughter)—you no longer need to refer to me behind my back as the Great Santini. I also promise to be a bigger patsy for you in the future than I've been in the past. You are treasures.

I also must say thank you to my remarkable extended family who have come from around the country to be here today—from Birmingham, from New York, from California, from Canada, from all over. My sister, Marilyn, is here, and is now the matriarch, and she represents all of those first and second generations present who descend from an incredible group of Jamaicans who came to this country in the 1920s, seeing and seeking opportunities that existed only here. As one news article once put it, "it was a darn good thing for Colin Powell that Luther and Ariel (sp) Powell got on in Kingston ended up in America and not somewhere else. I wish all of you here had known Luther and Ariel Powell, two remarkable people who are still with me and every member of my family every day. They are here today on this field as surelyas I am, and I love them very much and I thank them very much.

I thank my office family, Nancy and Kenny (sp), and Greg (sp) and Otis and all the others who have been indispensable over the last several years.

I especially must thank Admiral Dave Jeremish, my vice chairman, for his outstanding friendship and support.

I thank my JCS colleagues. We have been a remarkable team of six officers who have worked as brothers in arms to do our very, very best for the nation, and I'm proud of each and every one of them and the leadership that they have provided to the services and to the support that they have given to me.

I thank the brilliant Joint Staff.

And I thank all of my friends who are here today from Kelly Street and my White House fellow days, from CCNY, from Germany.

I thank a couple of special, special friends who know who they are, who call me every day to make sure that I'm all right.

I also share with the president in congratulating General John Shalikashvili. He will be a brilliant chairman. He will be absolutely splendid in the job. He and Joanie (sp) are a great military team.

For a moment, with your permission, I wish to stop being the ecumenical chairman and just for a moment I want to return to my beloved Army. The Army has been my hoe. The Army has been my life. The Army has been my profession. The Army has been my love for all these many years. The Army has invested in me. It has taken chances on me. It has cared for me. When my career over the years took rather bizarre political turns that should have been fatal, great Army leaders such as General John Wickam and General Carl Vuono always let me know that I could come home, that I had a place to go in the Army.

I am where I am today because the Army takes care of its own. I was allowed to rise based on performance. The Army took in a young black kid from ROTC in the South Bronx and brought him to this point. The Army allowed me to climb on the shoulders of the Buffalo Soldiers and other African Americans who had blazed a trail for 300 years of American history. And I hope the day will come soon when all parts of our society do for young minorities what the Army and the other armed services have been doing for young men and women of all color over the years.

And, finally, I want to thank the American people and the nation for the privilege of serving. I love this country with all my heart and with all my soul. It is a love without limit. I have a bottomless faith in the goodness of this land and in the goodness of its people. I am proud to be an American. I am so proud to have been an American soldier. And so, on this, my last hour in uniform, my heart is filled with gratitude, with love and with thanks for the blessings of family, the blessing of friends, and, above all, the blessing, the unique blessing, of being a citizen of this nation which God has blessed and which we are all very, very proud to call America.

Thank you all for being here today. Goodbye and God bless you.

A DISTINGUISHED SOLDIER, SCHOLAR AND HUMAN BEING—COLIN POWELL

Mr. LAUTENBERG. Mr. President, I want to align myself with the comments made by the Senator from Alaska, as we witness the retirement of a great and distinguished soldier, scholar, and human being. The fact that Gen. Colin Powell got his start in life in an area that hardly has seen the kind of rise to success that he has portrays what might be the opportunity for those who would despair, based on the grim character of their environment.

Not in any way to draw an association between the career of the Senator and the distinguished Chief of Staff, but I was born in Paterson, NJ, a place not unlike the area of the Bronx in which Gen. Colin Powell was born. And when you think of what kinds of opportunities are available in this country, few think in terms of the success that he was able to achieve, the admiration of the world, the balance of temperament that is so unique among those who do have their careers in the military as their destination.

But Colin Powell's character, his demeanor, his brilliance, his scholarly concerns, or scholarly review of what his military responsibilities were are

so unique. I have heard comparisons going back to President—then General Eisenhower. I do not know whether there is something prophetic in that slip of the tongue, but the fact is, General Powell is a distinguished American, a distinguished citizen, who I think sets an example for young people across this country that if you have the desire and you can couple that with your ability, it should be the sky is the limit.

And we thusly have to conclude that our responsibility as legislators, as a country, is to provide the educational access that Colin Powell was able to achieve, and so many others, and therefore not limit in any way one's ability to grow, to develop, and to contribute.

I yield the floor at this point.

HEALTH CARE REFORM

Mr. DOLE. Mr. President, Washington is a city full of agendas. But, if one dominates the list these days, it is health care reform. One thing is for certain, we have a long road ahead of us to debate this issue. But, as we journey through these discussions, I would like to suggest three rules to keep in mind.

The first rule to remember is that there are a lot of players in this arena. While President and Mrs. Clinton should be congratulated for moving the issue to the top of the agenda, they by no means have a monopoly on efforts to reform our Nation's health care system. There are literally dozens of reform proposals to revamp health care in this country—many of these proposals call for comprehensive reform measures that will bring all Americans into the system and will rein in costs.

I have joined with Senator CHAFEE and over 20 of my Senate Republican colleagues in designing a proposal that uses market reforms to achieve universal access and reduction of costs. This reform proposal is one of many. Senators MCCAIN and GRAMM, Senator BREAUX, the House Republican leadership and Congressman COOPER, to name just a few, all have comprehensive plans for health care reform.

In my view, the more serious plans we have, the better. After all, this is perhaps the most significant piece of legislation the Congress may enact this decade.

The second rule for the coming months is that we must be honest with the American people. Last week, for example, while Mrs. Clinton was testifying before several congressional committees, she said that covering retired employees would cost $4.5 billion.

Well, Mr. President, this weekend's New York Times reported that the White House now says it will cost $6 billion or higher. My view, is that the White House and Congress should take a pledge today—no more making promises we can't keep. No rosy scenarios. No more fudging the numbers. No juggling the books. I think that's fair and is the least that the American public deserves.

The third rule is by no means a new one, but has stood the test of time. It goes back to the hippocratic oath and says, "Do no harm."

Mr. President, I have said it many times before, but it bears repeating. America has the best health care system in the world. We have the best health providers. We do not ration care. We have no waiting lists. Unfortunately, however, it is a system that fails to include all of our citizens. That's what we have to work on.

You don't have to be a health care expert to know that the issue is extremely complex and requires very serious consideration. We, as Government officials and representatives of our States and districts, owe it to our American citizens to get it right. So, the more ideas, the more discussion, the more serious consideration that this subject receives, the more secure Americans will be in knowing that Congress was enacted health care reform that is fair—that is equitable—that preserves quality and choice—and that is economically viable.

The not-so-distant past, when Congress enacted catastrophic legislation, taught us—or should have taught us—that the American people will not swallow every bitter pill that Congress decides to administer—nor should they.

Mr. President, there are a lot of individuals weighing in on this debate. And, I suspect a lot more to come. I think this is good. And it is right.

The bottom line is security. The American people deserve security in their access to quality care—security in their ability to choose their provider—and security in knowing that the price tag of health care reform will not be economic instability.

So Mr. President, I say to my colleagues in Congress, let's get all the ideas on the table—and let's have a meaningful debate that will result in taking the best of all the plans—Republican and Democratic—Senate and House. It might take some time, but I think the American people are willing to wait a little longer if it means getting it right the first time.

Mr. President, I would like to add to the RECORD a copy of an article that appeared last week in the Los Angeles Times. This article caught my eye because it underscores the need for debate. There is no one idea that is best or that will solve all of our health care woes. We need to hear them all. As lawmakers, it is the only responsible way to reform health care.

[From the Los Angeles Times, September 26, 1993]

AN IMPRESSIVE MODEL OF PURE POLITICAL LOGIC

(By Suzanne Garment)

WASHINGTON.—There is, in this country, a great and solemn debate to be held on the merits of President Bill Clinton's plan for health-care reform. But if you fear that this debate might actually take place, and that you will have to suffer through tedious months of talk about utilization rates and micro-simulation models, relax.

The nation's medical fate will not be determined by the Clinton plan's complicated numbers. It will hang on not-so-complicated politics.

In recent years, Americans of all political stripes have complained about our health-insurance system, and we have been offered many solutions. Some say we should make very insurance firm cover a certain number of high-risk people, the way we do with auto insurance. The American left wants a Canadian-style system, with the government paying all bills. It might give us second-rate care, but at least it is comprehensible. Some conservatives want individuals to pay for their own care out of medical savings accounts, financed by tax breaks.

But the Clinton people, those self-proclaimed policy wonks, the ones who are supposed to be smart enough to make government work where others have failed, have gone for none of these.

Instead, the Clinton plan offers a combination of competition and ham-fisted regulation, a promise to simultaneously streamline and create scores of new bureaucracies, a design whose numbers no economist outside the White House will defend. The plan makes little policy sense. But it is a model of political logic.

For example, health experts agree we will never approximate a market in medical care until we stop subsidizing health benefits through tax breaks. The Clintonites know this. But the necessary tax changes are not there, because labor leaders reject them.

The Clinton plan, preaching responsibility, requires all business, big and small, to pay for workers' insurance. But small business is a dangerous group to have arrayed against you in a legislative fight, so the plan turns around and gives the money back to them, in the form of a government subsidy.

The Clinton Administration has declared war on pharmaceutical companies. But prescription drugs are where the elderly incur the biggest out-of-pocket medical costs. And senior citizens are even fiercer than small businessmen. So drugs are put under the government's insurance umbrella.

In fact, Clinton's entire approach to his health plan is a piece of impressively intelligent politics.

He has declared that once Congress gets his plan, he will insist on preserving only the big Principles. On details, he'll be laid back. You want to phase it in more slowly? We'll negotiate.

Clinton has trumpeted his flexibility so loudly that he is clearly doing more than just building support. He is telling Congress and interest groups they can play a big role in the plan's design. Almost irrespective of what emerges from Congress, he can look at the baby, announce his parenthood and claim victory.

Moreover, if the dickering lasts long enough, the plan will be barely launched by the time Clinton runs for reelection in 1996. His ideas may prove to be a disaster, but the country will not yet know it.

The sales strategy for the Clinton plan is shaping up to be just as politically shrewd. It has three parts. In Part One, the Clintonites show an eager bipartisanship on the Hill. Hillary Rodham Clinton is doing yeoperson work in briefing the legislators. During the President's address to Congress, she made

brilliant use of the Trophy Seats next to the First Lady in the House gallery, where the Clintons put highly symbolic persons who have been flattered into lending their presence to legitimize some proposal.

Hillary's companions were the pediatrician T. Berry Brazelton and—more important—C. Everett Koop, Ronald Reagan's surgeon general. Koop's antiabortion position is anathema to many of the Clinton's closest supporters—but hey, business is business.

In Part Two, the Clintons run a conventional modern campaign for their plan. They are mobilizing their grassroots allies in labor and the American Assn. of Retired Persons. They will visit Larry, Phil, Oprah and the morning talk shows. The day after the speech, the White House lawn was blanketed with Administration officials giving interviews on the plan. Their war room, which Hillary has renamed the delivery room, is as bouncing-off-the-walls as ever.

But if Parts One and Two have the Clintons and their helpers behaving like hyperactive pussycats, Part Three—the paid media campaign—is a matter of growls, snarls and bared teeth.

Granted, the insurance firms struck first. Knowing they were to be chief villains of the Clinton campaign, they started to run a TV commercial that showed a couple at their kitchen table discovering that the Clinton plan, despite its promises, had taken their freedom of medical choice away from them.

The ads aired before Clinton's speech to Congress. The Clinton folks were angry that the industry had "jumped the gun." (The rabbit, unsportsmanlike, had lit out for the hills before the hounds were ready.) So Clinton allies began running their own TV ads, bearing the message that if life-insurance companies were knocking the President's plan, it must be good for the people.

The Democratic National Committee has just sent me a glossy color flier with a note in it from the DNC and the President himself, offering me the "once-in-a-life-time chance" to become an Official Health Care Volunteer. They will give me a Petition Volunteer Kit for collecting pro-Clinton-plan signatures from my neighbors. (These people clearly do not know my neighborhood.) The signatures will be used to help our congressman resist "high-powered" pressure from the greedy interests opposed to the plan.

All I have to do to get the kit is to call an 800-number and fork over $15. They say they will take Visa or Mastercard.

That's what it will probably be like in the great health-care debate. We policy slaves will hold conferences about whether the Clinton plan is administrable. Meanwhile, in the real world, the fight will be about something else.

The post-Cold War world demands more competitiveness from this country. U.S. jobs and their attendant benefits are growing more unstable. Whatever employment-based welfare state we once had is breaking apart. The debate's outcome will hinge on how scared we are and how willing politicians are to exploit this fear. We will see how much we value freedom of choice; how much we yearn for security, and how much we mistrust the opposing institutions of government and medical professions.

So, while the health-care fight may not devote sufficient attention to Clinton's problematic numbers, we should take heart. The debate will answer questions that are more important.

GAO TRAVELGATE REPORT

Mr. DOLE. Mr. President, the White House tried gamely to ground the so-called Travelgate affair when it prepared its own internal management review last July. But, in the final analysis, this internal report offered few answers and ended up raising more troubling questions.

Did executive branch officials exert pressure on the Internal Revenue Service to initiate an investigation of Ultrair, the airline charter company that formerly did business with the White House Travel Office? Did the FBI act properly when it played along with the White House political damage control? Did close friends of the President violate the Federal conflicts-of-interest statute?

Since July, when the White House issued its internal report, calls for congressional hearings have gone unheeded. And Deputy Attorney General Philip Heymann has flatly denied my request for the appointment of special counsel.

Despite these setbacks, those of us who believe the American people deserve an independent and complete accounting of Travelgate has not given up.

Earlier this year, Congress directed the General Accounting Office to initiate its own travelgate investigation, and report back to Congress by September 30.

The GAO has made a genuine effort to do its job and has issued an interim report of its findings. Unfortunately, the report is short on findings and long on the bureaucratic obstacles encountered by GAO investigators.

According to the GAO, there have been "extensive and time-consuming negotiations with both White House and senior Department of Justice officials" for the sole purpose of arriving at an agreement that will allow the GAO to gain access to relevant documents. Apparently, this agreement was reached sometime in late September, just days before the GAO was required by law to submit its findings to Congress.

The GAO report also points out that "Although the White House is providing documents at an increasing rate, those documents are reviewed prior to receipt, and some decisions have been made to redact information on the grounds that it is not pertinent to our review or is information that the White House Counsel's Office believes is privileged." In other words, the White House may be withholding relevant information from the GAO, claiming the executive privilege or claiming that the information is beyond the scope of the GAO's investigation.

Mr. President, the White House and the Justice Department have every right to take a cautious approach to the GAO investigators. But, in this town, caution is often a euphemism for a lack of cooperation.

Perhaps the word "coverup" is a bit too strong, but it is my hope that both the White House and Justice will be more accommodating to the GAO as it strives to fulfill the mission given it by Congress.

Mr. President, I ask unanimous consent that the GAO's interim Travelgate report be inserted in the RECORD immediately after my remarks.

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

THE COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, DC, September 30, 1993.

To the President of the Senate and the Speaker of the House of Representatives:

This is an interim report on the General Accounting Office (GAO) review of the White House travel office being conducted pursuant to Public Law 103-50.

During May 1993, White House and other officials took a number of actions that led to the announcement of the dismissal of the seven White House employees who had for some years operated the White House Travel Office. Those actions and others involving the Department of Justice, the Federal Bureau of Investigation (FBI), and the Internal Revenue Service (IRS) raised concerns in the Congress about the propriety of the dismissals and related activities of the agencies involved.

Although the White House initiated an internal management review of the situation, the Congress provided for an independent review by GAO. Specifically, Section 805 of Public Law 103-50 provides that:

"Notwithstanding any other provision of law, the Comptroller General of the United States shall conduct a review of the action taken with respect to the White House travel office and shall submit the findings from such review to the Congress by no later than September 30, 1993."

In response to this statutory mandate, we initiated a review of the White House Travel Office matter. To ensure that we included in our review the full range of congressional concerns about the episode, we consulted with congressional staff representing each of the committees and Members of Congress, both majority and minority, who had expressed an interest to us in the White House Travel Office. From the outset of our work, we said that it was unlikely that a comprehensive review of the issues involved could be completed before the September 30 reporting date contained in the statute. We agreed that we would inform the Congress by that date of the scope and progress of our review. That is the purpose of this report.

OBJECTIVES OF OUR REVIEW

Our review is designed to provide a comprehensive assessment of the full range of issues raised in the July 2, 1993, White House Travel Office Management Review and in the subsequent congressional debate about those events. Specifically, we are examining (1) the procurement practices, financial management, and oversight of the Travel Office prior to the events of May 1993; (2) the investigation of the Travel Office conducted by the White House officials, including the involvement (if any) of other investigative agencies of the government, such as the FBI and the IRS, as well as the involvement of nongovernment individuals and organizations; (3) actions taken to improve the management and operations of the Travel Office since the events of May; and (4) personnel actions affecting the Travel Office employees.

If other relevant issues arise during the course of our work, we will expand our objectives as necessary to ensure that our report

provides a comprehensive assessment of all of the circumstances surrounding these matters. If we uncover evidence of possible criminal action, we will refer that evidence to the FBI for further investigation.

PROGRESS HAS BEEN MADE IN ESTABLISHING PROCEDURES FOR OUR WORK

It is taking considerable time and effort to negotiate access to the information and individuals necessary for us to complete our review. We are making progress in establishing suitable procedures, and our access to records and individuals is beginning to accelerate. However, some access issues remain which we will continue to pursue.

This review of the White House Travel Office is unusual and time-consuming because of the combination of three highly sensitive concerns. First, because of balance of power concerns, the White House traditionally has been reluctant to open its operations to GAO review. Our reviews of other matters at the White House, such as the use of military aircraft for White House staff travel[1] or retroactive appointments of White House personnel,[2] have required extensive negotiations with White House officials for us to obtain access to the records and individuals necessary to complete our work. In some cases, we have been unable to reach conclusions or assure that the entire matter was reviewed because records were not made available. Over the years, and through many administrations, White House officials' actions to restrict our access have been based on the premise that the activities of the immediate offices of the President are confidential and not subject to routine congressional or public scrutiny.

The second sensitive matter in this review is the fact that the Department of Justice and the FBI have initiated several internal investigations of matters related to the White House Travel Office episode. The FBI and the Public Integrity Section of the Justice Department's Criminal Division are conducting a criminal investigation of the travel office operations. The Department of Justice's Office of Professional Responsibility is conducting an independent investigation of such matters as the interaction between the White House and the FBI during the episode and whether the criminal investigation was properly initiated through the Attorney General's office. Under most circumstances, it is GAO policy not to interfere with or duplicate ongoing criminal investigations. Thus, we generally do not need access to records and information associated with criminal or other internal Department of Justice investigations. However, in this case, because the investigations are central to the objectives of our statutorily required review, we have sought to obtain access to records and individuals despite the other ongoing investigations.

Because our requirements for information involve access to records and individuals at both the White House and Department of Justice, there have been extensive and time-consuming negotiations with both White House and senior Department of Justice officials to reach agreements that will permit us to obtain the breadth of access necessary to complete our review in a reasonable period of time. As a result, we have not made as much progress on the review itself as would have been desirable. Nonetheless, we have obtained some records of White House Travel Office activities both before and after the events of May, and we have conducted some of the interviewsnecessary to our work. We expect our work to accelerate in the near future as additional records and individuals are made available.

Until the past few days, however, we have not had any success in reaching agreement with the Department of Justice on access to records or individuals. We were told in mid-August by a high-level Justice official that the Department would work with us to reach agreement on appropriate procedures for obtaining records and access to individuals. However, subsequent requests to, and meetings with, relevant Justice organizations produced no progress toward that end. In response to our reiteration of the critical importance of this access to our ability to complete our review, the Associate Deputy Attorney General notified us, in a letter dated September 24, 1993, that we will be given access to most of the records and individuals requested to date (see app.). Some limitations remain, but the records and interviews promised, if provided, should permit us to make considerable progress on our objectives while we further pursue the remaining matters.

The third sensitive area involved in this review is related to the issue of assessing the IRS actions related to the White House Travel Office episode. Section 6103 of the Internal Revenue Code, which prohibits, under criminal penalties, release of information about taxpayers—individuals or corporations—unless the taxpayer consents, must be carefully adhered to in our work. Through the cooperation of the IRS and the Department of the Treasury Inspector General, as well as our own access authority in this area, we expect to obtain the information we need to assess this issue. However, it is unlikely that we will be able to provide detailed information about the matter in a public report.

POTENTIALLY SERIOUS OBSTACLES REMAIN UNRESOLVED

Although both the White House and the Department of Justice have provided or promised the access needed for our work, several obstacles remain which must be overcome if we are to provide the comprehensive review we have planned and to which we are committed. Although the White House is providing documents at an increasing rate, those documents are reviewed prior to our receipt, and some decisions have been made to redact information on the grounds that it is not pertinent to our review or is information that the White House Counsel's office believes is privileged.

We have discussed with White House Counsel officials our concern that procedures must be established for us to obtain an overview of the universe of records involved, so that we can satisfy ourselves that we have obtained all the relevant documents and understand the basis for any decision to withhold records. White House officials have stated that such procedures can be established, but it is not clear to us how that will be accomplished. Failure to achieve this objective, which is central to government auditing standards, could compromise our ability to report comprehensive findings.

Another important obstacle is the limitation imposed by the FBI's ongoing criminal investigation. In his letter of September 24, 1993, the Associate Deputy Attorney General declined at this time to release documents associated with the criminal investigation. He requested that we postpone efforts to interview certain individuals because "premature interviews [of those persons] would create the risk of compromising an ongoing criminal investigation." The individuals named include the seven former Travel Office employees, as well as certain other individuals who are central to the completion of our review. The Associate Deputy Attorney General stated in his letter that an effort will be made to expeditiously complete the criminal investigation, we will be notified promptly when Justice determines that any particular interview no longer presents a problem for the criminal investigation, and the Justice Department will reconsider our request to pursue an interview on a case-by-case basis if an urgent need develops as our review proceeds.

Considerable information has been recently provided or promised and it will take some time to complete the interviews with the individuals the Justice Department has agreed we can meet with. Thus, we plan to proceed with our review and temporarily postpone certain interviews as the Justice Department requests. Such cooperation is consistent with our general policies on such matters when a criminal investigation is ongoing. If the criminal investigation is completed "expeditiously," it should not adversely affect the timely completion of our work. However, unforeseen further delays or limitations generated by the outcome of the investigation (such as the continuing unwillingness of some individuals to meet with us because they have been or might be criminally charged) may limit our ability to reach clear conclusions about the activities of the Travel Office before May 1993 or may require that we qualify our observations and conclusions. We will continue to work with the Department of Justice to minimize the impact of these problems on our review.

PLANS FOR COMPLETION OF OUR REVIEW

From the outset of this review, we have devoted the resources necessary to carry out the work in a timely fashion. We will continue to do so. We plan to provide regular status reports to interested congressional officials and will call attention promptly to any further unanticipated obstacles if they arise.

We are sending copies of this report to the Chairmen and Ranking Minority Members of relevant congressional committees, the White House Chief of Staff, the Attorney General, the Director of the FBI, the Commissioner of the IRS, and other interested parties upon request.

MILTOM J. SOCOLAR,
Acting Comptroller General.

DEPARTMENT OF JUSTICE, OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, DC, September 24, 1993.

MS. NANCY KINGSBURY,
Director, Federal Human Resource Management Issues, United States General Accounting Office, General Government Division, Washington, DC.

DEAR MS. KINGSBURY. The Department of Justice is making every effort to cooperate with your review of the treatment of the employees of the White House Travel Office, and I believe that you will be able to make a great deal of progress in your investigation without compromising our ongoing investigations.

I understand that the FBI and the Public Integrity Section of the Criminal Division have made arrangements for you to review documents of the White House Travel Office, and that your review of those documents is already underway. We are also prepared to make the following documents available to you:

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[1] Military Aircraft: Travel by Selected Executive Branch Officials: (GAO/AFMD-92-51, April 7, 1993).

[2] Personnel Practices: Retroactive Appointments and Pay Adjustments in the Executive Office of the President (GAO/GGD-93-148, Sept. 9, 1993).

1. Policy Statements or Operating Procedures:

All documents requested, if they exist, will be provided to you by the FBI.

2. Documents related to the FBI's interaction with the White House at the time of the dismissal of the Travel Office employees:

a. Copies of correspondence between the FBI and Members of Congress concerning the Travel Office will be provided.

b. The May 24, 1993 letter from Mr. Heymann to Senator Biden stating the Department of Justice policy regarding contacts between the White House and the Department will be provided.

c. Copies of the following documents prepared by the FBI concerning its interaction with the White House will be provided:

1. FBI "Chronology" regarding the Travel Office matter. (This internal FBI document apparently was not transmitted to the Attorney General, but formed the basis for the FBI "Management Review" which also will be provided to you.)

2. FBI "Management Review" submitted to the Attorney General will be provided.

3. Copies of any FBI statements to the press about the White House Travel Office will be provided.

3. A copy of the final report of the Office of Professional Responsibility about the White House Travel Office matter will be provided when it is completed and submitted to the Deputy Attorney General.

The following documents that you have requested do not exist:

1. Copies of any records in FBI files concerning press inquiries. The FBI has advised me that no such records are kept.

2. Copies of any documents associated with the processing of a GAO Hotline complaint about the White House Travel Office filed in December 1988 by GAO with the White House Legal Counsel's office. It appears that GAO did not report this allegation to the FBI. A review of the FBI indices has been conducted and there is no record of anyone else having reported it to the FBI.

Consistent with Department of Justice policy, we are not able to provide internal FBI and Justice Department documents relating to the criminal investigation at this time. Similarly, any written correspondence with persons involved in the Travel Office investigation or their attorneys will not be released at this time. In the event that you have a specific compelling need for any particular document, please let me know and we will consider your request.

We have no objection to your request to interview the officials of the Department of Justice named in your letter about their interaction with White House officials during the early stages of the Travel Office investigation. However, we do request that you begin those interviews no earlier than October 8 so that the Office of Professional Responsibility may complete its interviewing process.

I am not aware of what involvement the FBI special agent based in Nashville, Tennessee had in the Travel Office matter. He is not a Special Agent in Charge, and I ask that you defer any request to interview him until I can determine what if any involvement he had.

I understand that the Public Integrity Section has already agreed that you may proceed to interview all but 2 of the 18 White House staff members and 1 of the 2 OMB employees mentioned in your letter. In the category of "other" individuals, the Public Integrity Section has removed its objection to one of the persons listed and requested that you defer interviews of the others. Also, the Public Integrity Section has agreed to notify you when it determines that any particular interview no longer presents a program for the criminal investigation.

After a thorough review, it is my considered judgment that premature interviews of the remaining persons whose interviews the Public Integrity Section has requested that you postpone would create the risk of compromising an ongoing criminal investigation. As you know, GAO traditionally has deferred to the Department of Justice when actions by GAO might interfere with ongoing investigations. However, I understand your legitimate need to comply with your statutory obligation and ask only that you postpone certain interviews until the criminal investigation has progressed to the point at which there would be no undue interference. If an urgent need develops to conduct any particular interview as your investigation proceeds, we will reconsider any requests on a case-by-case basis.

As we discussed, it is important that GAO agree to disclose the results of any interviews that you conduct in the event that such disclosure is required by a court pursuant to the Jencks Act in any future prosecution.

We are trying to move expeditiously to complete our criminal investigation. I appreciate your understanding and look forward to working with you in an effort to accommodate your interests.

Sincerely,

DAVID MARGOLIS
Associate Deputy Attorney General.

MEMBERSHIP OF COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the membership list of the Committee on Energy and Natural Resources and its subcommittees be printed at this point in the CONGRESSIONAL RECORD.

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

MEMBERS OF THE FULL COMMITTEE

J. Bennett Johnson, Louisiana, Chairman, Dale Bumpers, Arkansas, Wendell H. Ford, Kentucky, Bill Bradley, New Jersey, Jeff Bingaman, New Mexico, Daniel K. Akaka, Hawaii, Richard C. Shelby, Alabama, Paul Wellstone, Minnesota, Ben Nighthorse Campbell, Colorado, Harlan Mathews, Tennessee, Byron L. Dorgan, North Dakota.

Malcolm Wallop, Wyoming, Mark O. Hatfield, Oregon, Pete V. Domenici, New Mexico, Frank H. Murkowski, Alaska, Don Nickles, Oklahoma, Larry E. Craig, Idaho, Robert F. Bennett, Utah, Arlen Specter, Pennsylvania, Trent Lott, Mississippi.

STANDING SUBCOMMITTEES

ENERGY RESEARCH AND DEVELOPMENT

Wendell H. Ford, Chairman.

Richard C. Shelby, Vice Chairman.

Dale Bumpers, Jeff Bingaman, Paul Wellstone, Harlan Mathews, Byron L. Dorgan.

Pete V. Domenici, Arlen Specter, Don Nickles, Larry E. Craig, Trent Lott.

MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

Daniel K. Akaka, Chairman.

Harlan Mathews, Vice Chairman.

Dale Bumpers, Wendell H. Ford, Ben Nighthorse Campbell.

Larry E. Craig, Frank H. Murkowski, Don Nickles, Robert F. Bennett.

PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Dale Bumpers, Chairman.

Ben Nighthorse Campbell, Vice Chairman.

Bill Bradley, Jeff Bingaman, Daniel K. Akaka, Richard C. Shelby, Paul Wellstone, Byron L. Dorgan.

Frank H. Murkowski, Mark O. Hatfield, Trent Lott, Pete V. Domenici, Robert F. Bennett, Larry E. Craig, Arlen Specter.

RENEWABLE ENERGY, ENERGY EFFICIENCY, AND COMPETITIVENESS

Jeff Bingaman, Chairman.

Paul Wellstone, Vice Chairman.

Bill Bradley, Daniel K. Akaka, Richard C. Shelby, Harlan Matthews.

Don Nickles, Arlen Specter, Trent Lott, Mark O. Hatfield, Pete V. Domenici.

WATER AND POWER

Bill Bradley, Chairman

Wendell H. Ford, Ben Nighthorse Campbell, Byron L. Dorgan.

Robert F. Bennett, Mark O. Hatfield, Frank H. Murkowski.

J. Bennett Johnston and Malcolm Wallop are Ex Officio Members of all the Subcommittees.

IN CELEBRATION OF THE 82D ANNIVERSARY OF THE REPUBLIC OF CHINA ON TAIWAN

Mr. CRAIG. Mr. President, on the 10th of October this year, the Republic of China will be celebrating its 82d anniversary.

I would like to take a moment to pass on my best wishes to President Lee Teng-Hui, Foreign Minister Fredrick Chien and Ambassador Mou-Shih Ding in honor of the celebration of the National Day of the Republic of China.

The ROC and the United States have enjoyed the benefits of a long and affable relationship. Not only do I look forward to the continuation of that affiliation between our two nations, but also the friendly and mutually beneficial ties that have developed between the ROC and my home State of Idaho.

Mr. President, I ask unanimous consent to insert in the RECORD a congratulatory letter to President Lee that is signed by myself and my Republican colleagues.

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

U.S. SENATE,
Washington, DC, September 29, 1993.

Re: October 10, 1993—The Republic of China's Eighty-second Anniversary.

President LEE TENG-HUI,
C/O Foreign Minister Fredrick Chien, Ministry of Foreign Affairs, Taipei, Taiwan, The Republic of China.

DEAR MR. PRESIDENT: We wish to send our greetings and congratulations to you and Foreign Minister Fredrick Chien on the occasion of the 82nd Anniversary of the Founding of the Republic of China.

The Republic of China has a long and proud history. Dr. Sun Yatsen's dream of building a modern nation based on the principles of nationhood, freedom and equal distribution of wealth has now been realized on the island

of Taiwan. The Republic of China is universally recognized as a major economic power and a democracy.

We applaud your achievements and wish that you and your people will continue to prosper.

Through the good offices of your representatives here in Washington, most notably through the tireless efforts of Ambassador Mou-shih Ding, we have been kept informed of the recent developments in your country such as your 14th National Party Congress in August, 1993, your Legislative Yuan elections last December and your purchase of 150 F-16's from the United States last fall. Through the writings of Foreign Minister Fredrick Chien, we have also learned of your country's keen interest in becoming more active in the international arena, particularly in returning to the United Nations. We believe that the ROC should be accorded representation in all international agencies and organizations in view of your world status as a major economic power and thriving democracy. We are confident that the ROC will soon have a important voice as you seek to shoulder more international responsibilities and be a full player on the world stage.

Congratulations, Mr. President. Please be assured that we are fully behind you, your people and your democratic ideals.

Sincerely,

Bob Dole, Jesse Helms, Phil Gramm, Bill Cohen, Paul Coverdell, Strom Thurmond, Slade Gorton, Dan Coats, Bob Smith, Dirk Kempthorne, Conrad Burns, Pete V. Domenici, Larry Craig, Judd Gregg, Mitch McConnell, Kay Bailey Hutchison, Thad Cochran, Arlen Specter, John McCain, Larry Pressler, Frank H. Murkowski, Lauch Faircloth, Kit Bond, and Malcolm Wallop.

Hank Brown, Connie Mack, Nancy Landon Kassebaum, Mark Hatfield, Al Simpson, Trent Lott, R.F. Bennett, Bill Roth, Bob Packwood, Al D'Amato, Richard G. Lugar, Orrin Hatch, Chuck Grassley, Dave Durenberger, Jack Danforth, Jim Jeffords, J.W. Warner, Don Nickles, John H. Chafee, and Ted Stevens.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 2750, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2750) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2750

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

IMMEDIATE OFFICE OF THE SECRETARY

For necessary expenses of the Immediate Office of the Secretary, $1,173,000.

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Immediate Office of the Deputy Secretary, $481,000.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $7,667,000.

OFFICE OF THE ASSISTANT SECRETARY FOR TRANSPORTATION POLICY

For necessary expenses of the Office of the Assistant Secretary for Transportation Policy, $2,410,000.

OFFICE OF THE ASSISTANT SECRETARY FOR AVIATION AND INTERNATIONAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Aviation and International Affairs, $8,000,000.

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, $2,826,000, including not to exceed $60,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, $2,225,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $33,794,000, of which $6,417,000 shall remain available until expended.

OFFICE OF PUBLIC AFFAIRS

For necessary expenses of the Office of Public Affairs, $1,538,000.

EXECUTIVE SECRETARIAT

For necessary expenses of the Executive Secretariat, $901,000.

CONTRACT APPEALS BOARD

For necessary expenses of the Contract Appeals Board, $602,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $1,430,000.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, $934,000: Provided, That, notwithstanding any other provision of law, funds available for the purposes of the Minority Business Resource Center in this or any other Act may be used for business opportunities related to any mode of transportation.

OFFICE OF INTELLIGENCE AND SECURITY

For necessary expenses of the Office of Intelligence and Security, $1,214,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, and development activities, including the collection of national transportation statistics, to remain available until expended, $2,815,000.

OFFICE OF COMMERCIAL SPACE TRANSPORTATION

OPERATIONS AND RESEARCH

For necessary expenses for operations and research activities related to commercial space transportation, $4,990,000, of which $1,500,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, there may be credited to this account up to $200,000 received from user fees established for regulatory services.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Department of Transportation Working Capital Fund not to exceed **[$92,220,000]** *$93,000,000* shall be paid, in accordance with law, from appropriations made available by this Act and prior appropriations Acts to the Department of Transportation, together with advances and reimbursements received by the Department of Transportation.

PAYMENTS TO AIR CARRIERS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for payments to air carriers of so much of the compensation fixed and determined under section 419 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1389), as is payable by the Department of Transportation, **[$15,540,000]** *$33,423,077*, to remain available until expended and to be derived from the Airport and Airway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs *in excess of $33,423,077* for the Payments to Air Carriers program in fiscal year 1994: *Provided further*, That none of the funds in this Act shall be used by the Secretary of Transportation to make payment of compensation under section 419 of the Federal Aviation Act of 1958, as amended, in excess of the appropriation in this Act for liquidation of obligations incurred under the "Payments to air carriers" program: *Provided further*, That none of the funds in this Act shall be used for the payment of claims for such compensation except in accordance with this provision: *Provided further, That none of the funds in this Act shall be available for service to communities in the forty-eight contiguous States that are located fewer than seventy highway miles from the nearest large or medium hub airport, or that require a rate of subsidy per passenger in excess of $200, unless such point is greater than two hundred and ten miles from the nearest large or medium hub airport.*

RENTAL PAYMENTS

For necessary expenses for rental of headquarters and field space and related services assessed by the General Services Administration, $149,605,000: *Provided*, That of this amount, $3,262,000 shall be derived from the Highway Trust Fund, $37,114,000 shall be derived from the Airport and Airway Trust Fund, $576,000 shall be derived from the Pipeline Safety Fund, and $175,000 shall be derived from the Harbor Maintenance Trust Fund: *Provided further*, That in addition, for assessments by the General Services Administration related to the space needs of the Federal Highway Administration, $17,524,000, to be derived from "Federal-aid Highways", subject to the "Limitation on General Operating Expenses".

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of direct loans, [$180,000] *$300,000*, as authorized by 49 U.S.C. 332: *Provided, That of this amount, $120,000 shall be derived from unobligated balances of the Office of Small and Disadvantaged Business Utilization: Provided further*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed [$4,500,000] *$7,500,000*. In addition, for administrative expenses to carry out the direct loan program, [$220,000] *$400,000: Provided further, That of this amount $180,000 shall be derived from unobligated balances of the Office of Small and Disadvantaged Business Utilization.*

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed four passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; [$2,555,695,000] *$2,590,083,000*, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund; and of which $32,250,000 shall be expended from the Boat Safety Account: *Provided*, That the number of aircraft on hand at any one time shall not exceed two hundred and [twenty-three] *twenty-one*, exclusive of aircraft and parts stored to meet future attrition: *Provided further*, That none of the funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further, [That of the funds provided under this head, not less than $8,000,000 in vessel maintenance and overhaul work currently scheduled to be conducted at the Coast Guard Yard is to be awarded based upon a competitive solicitation of both public and private shipyards] That the Commandant shall reduce both military and civilian employment levels for the purpose of complying with Executive Order No. 12839.*

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, [$310,700,000] *$354,690,000*, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which [$79,200,000] *$103,690,000* shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 1998; [$27,100,000] *$64,285,000* shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 1996; [$47,700,000] *$50,200,000* shall be available for other equipment, to remain available until September 30, 1996; [$119,200,000] *$95,900,000* shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 1996; and [$37,500,000] *$40,615,000* shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 1994*: Provided, That funds received from the sale of the VC–11A and VC–4 aircraft shall be credited to this appropriation for the purpose of acquiring new aircraft and increasing aviation capacity.*

[(RESCISSION)

[Of the funds provided under this heading in Public Law 102–388, $20,000,000 are rescinded.]

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, [$22,100,000] *$23,000,000*, to remain available until expended.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, [$5,940,000] *$12,940,000*, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $548,774,000.

RESERVE TRAINING

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $64,000,000.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, [$22,500,000] *$25,000,000*, to remain available until expended, of which $4,457,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That there may be credited to this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

BOAT SAFETY

(AQUATIC RESOURCES TRUST FUND)

For payment of necessary expenses incurred for recreational boating safety assistance under Public Law 92–75, as amended, $32,250,000, to be derived from the Boat Safety Account and to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including administrative expenses for research and development, establishment of air navigation facilities and the operation (including leasing) and maintenance of aircraft, and carrying out the provisions of the Airport and Airway Development Act, as amended, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of four passenger motor vehicles for replacement only, [$4,568,219,000] *$4,584,584,000*, of which [$2,294,500,000] *$2,292,292,000* shall be derived from the Airport and Airway Trust Fund: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: [*Provided further*, That, of the funds available under this head, $2,000,000 shall be made available for the Mid-American Aviation Resource Consortium in Minnesota to operate an air traffic controller training program:] *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard setting organization to assist in the development of aviation safety standards: [*Provided further*, That no funds under this head may be used for the implementation, execution or enforcement of section 91.21 of title 14 of the Code of Federal Regulations pertaining to the use of portable electronic devices on aircraft] *Provided further, That none of the funds provided shall be made available for pay raises or bonuses in fiscal year 1994 for Federal Aviation Administration employees whose responsibilities include noise abatement policy function, managing aircraft route design or changes, and responsibility for preparing, managing, and overseeing the environmental impact statement mandated by section 9199 of Public Law 91–508, until the final report on such impact statement is issued: Provided further*, That none of these funds shall be available for new applicants for the second career training program.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized by the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1301 et seq.), including initial acquisition of necessary sites by lease or grant; engineering and service testing including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations of officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, [$2,142,000,000] *$2,162,578,000*, of which [$1,945,500,000] *$1,988,488,000* shall remain available until September 30, 1996, and of which [$196,500,000] *$201,662,000* shall remain available until September 30, 1995: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, in accordance with the provisions of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1301 et seq.), including construction of experimental facilities and acquisition of necessary sites by lease or grant, [$240,000,000] *$254,000,000*, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities,

and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and for noise compatibility planning and programs under the Airport and Airway Improvement Act of 1982, as amended, and under other law authorizing such obligations, $2,200,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the commitments for which are in excess of [$1,500,000,000] *$1,800,000,000* in fiscal year 1994 for grants-in-aid for airport planning and development, and noise compatibility planning and programs, notwithstanding section 506(e)(4) of the Airport and Airway Improvement Act of 1982, as amended.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to section 1306 of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1536), and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under title XIII of the Federal Aviation Act of 1958.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

The Secretary of Transportation may hereafter issue notes or other obligations to the Secretary of the Treasury, in such forms and denominations, bearing such maturities, and subject to such terms and conditions as the Secretary of the Treasury may prescribe. Such obligations may be issued to pay any necessary expenses required pursuant to any guarantee issued under the Act of September 7, 1957, Public Law 85-307, as amended (49 U.S.C. 1324 note). None of the funds in this Act shall be available for activities under this head the obligations for which are in excess of $9,970,000 during fiscal year 1994. Such obligations shall be redeemed by the Secretary from appropriations authorized by this section. The Secretary of the Treasury shall purchase any such obligations, and for such purpose he may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force. The purposes for which securities may be issued under such Act are extended to include any purchase of notes or other obligations issued under the subsection. The Secretary of the Treasury may sell any such obligations at such times and price and upon such terms and conditions as he shall determine in his discretion. All purchases, redemptions, and sales of such obligations by such Secretary shall be treated as public debt transactions of the United States.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Necessary expenses for administration, operation, including motor carrier safety program operations, and research of the Federal Highway Administration not to exceed [$462,961,000] *$475,731,000* shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That not to exceed [$166,460,000] *$173,850,000* of the amount provided herein shall remain available until expended: *Provided further*, That, notwithstanding any other provision of law, there may be credited to this account funds received from States, counties, municipalities, other public authorities, and private sources, for training expenses incurred for non-Federal employees.

HIGHWAY-RELATED SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402 administered by the Federal Highway Administration, to remain available until expended, $10,000,000 to be derived from the Highway Trust Fund: *Provided*, That not to exceed $100,000 of the amount appropriated herein shall be available for "Limitation on general operating expenses": *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of $10,000,000 in fiscal year 1994 for "Highway-Related Safety Grants".

[RAILROAD-HIGHWAY CROSSINGS PROJECTS

[For necessary expenses of certain railroad-highway crossings projects as authorized by section 163 of the Federal-Aid Highway Act of 1973, as amended, to remain available until expended, $12,828,000.]

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of [$17,482,663,000] *$18,020,000,000* for Federal-aid highways and highway safety construction programs for fiscal year 1994.

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the funds made available for the functional replacement of publicly-owned facilities located within the proposed right-of-way of Interstate Route 170 in Public Law 96-131, $200,000 are rescinded.

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the funds made available under this heading in Public Law 100-71, $364,180 are rescinded.

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the authority made available for the intersection safety demonstration project in Public Law 100-457, $3,059,960 are rescinded.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursements for sums expended pursuant to the provisions of 23 U.S.C. 308, $18,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

RIGHT-OF-WAY REVOLVING FUND

(LIMITATION ON DIRECT LOANS)

(HIGHWAY TRUST FUND)

During fiscal year 1994 and with the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $42,500,000.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of section 402 of Public Law 97-424, $68,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $65,000,000 for "Motor Carrier Safety Grants".

[BALTIMORE-WASHINGTON PARKWAY

[For necessary expenses, not otherwise provided, to carry out the provisions of the Federal-Aid Highway Act of 1970 and section 1069 of Public Law 102-240 for the Baltimore-Washington Parkway, to remain available until expended, $16,000,000.

[KENTUCKY BRIDGE PROJECT

[For up to 80 percent of the expenses necessary for continuing construction to replace the Glover Cary Bridge in Owensboro, Kentucky, $12,000,000.

[BORDER HIGHWAY PROJECT

[For up to 80 percent of the expenses necessary for the border highway project authorized in Public Law 89-795, $8,000,000.]

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[OPERATIONS AND RESEARCH

[For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under the Motor Vehicle Information and Cost Savings Act (Public Law 92-513, as amended) and the National Traffic and Motor Vehicle Safety Act, $74,221,000, to remain available until September 30, 1996.]

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under 23 U.S.C. 403 and section 2006 of the Intermodal Surface Transportation Efficiency Act of 1991, *the Motor Vehicle Information and Cost Savings Act (Public Law 92-513, as amended) and the National Traffic and Motor Vehicle Safety Act*, to be derived from the Highway Trust Fund, [$46,780,000] *$128,311,000*, to remain available until September 30, 1996.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred carrying out the provisions of 23 U.S.C. 153, 402, 406, 408, and 410, section 2007 of the Intermodal Surface Transportation Efficiency Act of 1991, and section 209 of Public Law 95-599, as amended, to remain available until expended, $138,550,000, to be derived from the Highway Trust Fund: *Provided*, That, notwithstanding subsection 2009(b) of the Intermodal Surface Transportation Efficiency Act of 1991, none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 1994, are in excess of $163,500,000 for programs authorized under 23 U.S.C. 402 and 410, as amended, of which $123,000,000 shall be for "State and community highway safety grants", $12,000,000 shall be for section 153 "Safety belt and motorcycle helmet use" grants, $3,500,000 shall be for the "National Driver Register", and $25,000,000 shall be for

section 410 "Alcohol-impaired driving countermeasures programs": *Provided further*, That none of these funds shall be used for construction, rehabilitation or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which are in excess of $10,500,000 for "Alcohol safety incentive grants" authorized under 23 U.S.C. 408: *Provided further*, That not to exceed [$5,153,000] *$4,800,000* of the funds made available for section 402 may be available for *all costs, including salary costs associated with* administering "State and community highway safety grants": *Provided further*, That not to exceed $500,000 of the funds made available for section 410 may be available for technical assistance to the States: *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs authorized under section 209 of Public Law 95–599, as amended, the total obligations for which are in excess of $4,750,000 in fiscal years 1982 through 1994.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, [$14,865,000] *$9,990,000*, of which $2,485,000 shall remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of a program making commitments to guarantee new loans under the Emergency Rail Services Act of 1970, as amended, and that no new commitments to guarantee loans under section 211(a) or 211(h) of the Regional Rail Reorganization Act of 1973, as amended, shall be made: *Provided further*, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: *Provided further*, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

LOCAL RAIL FREIGHT ASSISTANCE

For necessary expenses for rail assistance under section 5(q) of the Department of Transportation Act, as amended, [$10,000,000] *$20,000,000*, to remain available until expended.

RAILROAD SAFETY

For necessary expenses in connection with railroad safety, not otherwise provided for, [$43,927,000] *$44,434,000*, of which $1,357,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from non-Federal sources for expenses incurred in training safety employees of private industry, State and local authorities, or other public authorities other than State rail safety inspectors participating in training pursuant to section 206 of the Federal Railroad Safety Act of 1970.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, [$20,166,000] *$17,113,000*, to remain available until expended: *Provided*, That up to $100,000 shall be made available to support, by financial assistance agreement, railroad-highway grade crossing safety programs, including Operation Lifesaver: *Provided further*, That $100,000 is available until expended to support by financial assistance agreement railroad metallurgical and welding studies at the Oregon Graduate Institute.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

For necessary expenses related to Northeast Corridor improvements authorized by title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 851 et seq.) and the Rail Safety Improvement Act of 1988, [$130,000,000] *$250,000,000*, to remain available until expended.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation authorized by 45 U.S.C. 601, to remain available until expended, [$431,000,000] *$559,580,000*, of which [$331,000,000] *$351,000,000* shall be available for operating losses incurred by the Corporation and for labor protection costs, and of which [$100,000,000] *$208,580,000, not to become available until July 1, 1994*, shall be available for capital improvements: *Provided*, That none of the funds herein appropriated shall be used for lease or purchase of passenger motor vehicles or for the hire of vehicle operators for any officer or employee, other than the president of the Corporation, excluding the lease of passenger motor vehicles for those officers or employees while in official travel status: [*Provided further*, That the Secretary shall make no commitments to guarantee new loans or loans for new purposes under 45 U.S.C. 602 in fiscal year 1994: *Provided further*, That no funds are required to be expended or reserved for expenditure pursuant to 45 U.S.C. 601(e): *Provided further*, That funds provided to cover operating losses incurred by the Corporation shall be utilized only for the following expense categories: train operations, maintenance of equipment, maintenance of way, on-board services, and station services: *Provided further*, That the Corporation shall maintain adequate information in its financial management systems to monitor and account for the specific uses of funds appropriated herein:] *Provided further*, That no funds in this Act may be used, either directly or indirectly, to support intercity bus routes unconnected by a rail segment provided by the National Railroad Passenger Corporation Thruway Bus Service Program.

MANDATORY PASSENGER RAIL SERVICE PAYMENTS

To enable the Secretary of Transportation to pay obligations and liabilities of the National Railroad Passenger Corporation, $137,000,000, to remain available until expended: *Provided*, That this amount is available only for the payment of: (1) tax liabilities under section 3221 of the Internal Revenue Code of 1986 due in fiscal year 1994 in excess of amounts needed to fund benefits for individuals who retired from the National Railroad Passenger Corporation and for their beneficiaries; (2) obligations of the National Railroad Passenger Corporation under section 358(a) of title 45, United States Code, due in fiscal year 1994 in excess of its obligations calculated on an experience-rated basis; and (3) obligations of the National Railroad Passenger Corporation due under section 3321 of the Internal Revenue Code of 1986.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That [no new] *not more than $5,000,000 in* loan guarantee commitments shall be made during fiscal year 1994: *Provided further*, That, notwithstanding any other provision of law, for fiscal year 1989 and each fiscal year thereafter all amounts realized from the sale of notes or securities sold under authority of this section shall be considered as current year domestic discretionary outlay offsets and not as "asset sales" or "loan prepayments" as defined by section 257(12) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That any underwriting fees and related expenses shall be derived solely from the proceeds of the sales.

NATIONAL MAGNETIC LEVITATION PROTOTYPE DEVELOPMENT

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the planning or execution of *programs the obligation of which are in excess of $27,900,000 for* the National Magnetic Levitation Prototype Development program as defined in subsections 1036(b) and 1036(d)(1)(A) of the Intermodal Surface Transportation Efficiency Act of 1991.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the National Magnetic Levitation Prototype Development program as defined in subsections 1036(b) and 1036(d)(1)(A) of the Intermodal Surface Transportation Efficiency Act of 1991, $27,900,000, to remain available until expended and to be derived from the Highway Trust Fund.

[HIGH-SPEED GROUND TRANSPORTATION

[(LIQUIDATION OF CONTRACT AUTHORIZATION)

[(HIGHWAY TRUST FUND)

[For payment of obligations incurred in carrying out the provisions of the High-Speed Ground Transportation program as defined in subsections 1036(c) and 1036(d)(1)(B) of the Intermodal Surface Transportation Efficiency Act of 1991, $4,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $3,500,000 for the "High-Speed Ground Transportation" program.]

HIGH-SPEED GROUND TRANSPORTATION DEVELOPMENT

For necessary expenses for high-speed ground transportation development, to remain available until expended, $2,091,000: Provided, That no more than $79,191,000 of budget authority shall be available for these purposes.

TRUST FUND SHARE OF HIGH-SPEED GROUND TRANSPORTATION DEVELOPMENT

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

In addition to amounts otherwise available under this heading, and subject to the same terms and conditions, $77,100,000 for payment of obligations incurred in carrying out section 1036 of the Intermodal Surface Transportation Efficiency Act of 1991 and other High-Speed Ground Transportation Development activities, to remain available until expended and to be derived from the Highway Trust Fund: Provided, That $77,100,000 shall be paid from the Highway Trust Fund to the Federal Railroad Administration High-Speed Ground Transportation Development Account.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by the Federal Transit Act and 23 U.S.C. chapter 1 in connection with these activities, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, [$19,569,000] *$21,295,000*: *Provided*, That no more than [$37,731,000] *$39,457,000* of budget authority shall be available for these purposes.

FORMULA GRANTS

For necessary expenses to carry out the provisions of sections 9, 16(b)(2), and 18 of the Federal Transit Act, to remain available until expended, $1,324,916,000: *Provided*, That no more than [$2,404,867,000] *$2,336,000,000* of budget authority shall be available for these purposes: *Provided further*, That of the funds provided under this head for formula grants no more than [$752,278,000] *$802,278,000* may be used for operating assistance under section 9(k)(2) of the Federal Transit Act.

UNIVERSITY TRANSPORTATION CENTERS

For necessary expenses for university transportation centers as authorized by section 11(b) of the Federal Transit Act, to remain available until expended, $3,238,000: *Provided*, That no more than $6,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses for transit planning and research as authorized by section 26 of the Federal Transit Act, to remain available until expended, [$37,000,000] *$50,875,000*: *Provided*, That no more than [$76,125,000] *$95,000,000* of budget authority shall be available for these purposes: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for training.

TRUST FUND SHARE OF TRANSIT PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out section 21(a) of the Federal Transit Act, [$1,140,000,000] *$1,076,133,000*, to remain available until expended and to be derived from the Highway Trust Fund: *Provided*, That $18,162,000 shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's administrative expenses account: *Provided further*, That [$1,079,951,000] *$1,011,084,000* shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's formula grants account: *Provided further*, That $2,762,000 shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's university transportation centers account: *Provided further*, That [$39,125,000] *$44,125,000* shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's transit planning and research account.

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of [$1,707,425,000] *$1,785,000,000* in fiscal year 1994 for grants under the contract authority in section 21(b) of the Federal Transit Act: *Provided*, That notwithstanding any provision of law, there shall be available for fixed guideway modernization, $760,060,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, [$354,315,000] *$357,000,000*; and there shall be available for new fixed guideway systems, [$593,050,000] *$667,940,000*, as follows—

$10,000,000 for alternatives analysis only for the South Boston Piers Transitway Project;

[$55,000,000] *$5,000,000* for the Chicago Central Area Circulator Project;

[$1,600,000 for the Cleveland Dual Hub Corridor Project] *$14,500,000 for the Boston, Massachusetts to Portland, Maine Commuter Rail Project*;

[$60,000,000] *$38,720,000* for the Dallas South Oak Cliff LRT Project;

[$40,500,000] *$14,500,000* for the Houston Regional Bus Plan Program of Projects;

[$2,000,000 for alternatives analysis only for the Kansas City South Corridor LRT Project] *$64,800,000 for the New Jersey Urban Core*;

[$163,050,000] *$190,000,000* for the Los Angeles Metro Rail MOS-2 and MOS-3 Projects;

[$2,400,000] *$4,800,000* for alternatives analysis [only] *preliminary engineering, and environmental analysis* for the New Orleans Canal Street Corridor Project;

[$1,000,000 for the Northeast Ohio Commuter Rail Project] *$500,000 for the South Jersey alternatives analysis*;

[$13,000,000] *$25,000,000* [for design only] for the Orange County Transitway System Project;

[$50,000,000 for the Pittsburgh Busway Projects] *$70,000,000 for the New York Queens Connection Project*;

$3,800,000 for the Orlando Streetcar Project;

[$70,000,000] *$99,000,000* for the Portland Westside LRT Project;

[$1,500,000] *$1,000,000* for the Sacramento LRT Extension Project;

[$28,200,000] *$44,820,000* for the San Francisco Airport BART Extension Project and the Tasman Corridor LRT Project;

[$2,000,000] *$6,000,000* for [preliminary engineering only for] the Salt Lake City South LRT Project;

[$19,600,000] *$15,200,000* for the St. Louis METRO Link LRT to Airport Project;

[$10,000,000] *$12,000,000* for the Florida Tri-County Commuter Rail Project;

[$3,200,000 for preliminary engineering only for the Twin Cities Central Corridor Project] *$25,000,000 for the Maryland Commuter Rail Project*;

[10,000,000] *$8,000,000* for the Wisconsin Central Commuter Line Project; [and]

$3,000,000 for the Lakewood Freehold and Matawan or Jamesburg Commuter Rail Project;

$6,700,000 for the Hawthorne-Warwick Commuter Rail Project;

$3,150,000 for the Baltimore LRT Extensions Project;

$1,850,000 for alternatives analysis for Cincinnati, Ohio Commuter Rail; and

$600,000 for Memphis, Tennessee Regional Rail Plan:

[$50,000,000 which shall be allocated at the discretion of the Secretary of Transportation:] *Provided further*, That Public Law 102-388 is amended under Federal Transit Administration, "Discretionary grants" by deleting "not less than $76,500,000 for the Honolulu Rapid Transit Starter Line of Projects;": *Provided further*, That of the funds affected by the preceding proviso, [$26,500,000 shall be for the South Boston Piers Transitway and $50,000,000] *$4,000,000 shall be for the Milwaukee, Wisconsin East-West Corridor Project and $72,500,000* shall be allocated at the discretion of the Secretary.

MASS TRANSIT CAPITAL FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out section 21(b) of the Federal Transit Act, administered by the Federal Transit Administration, $1,000,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

INTERSTATE TRANSFER GRANT—TRANSIT

For necessary expenses to carry out the provisions of 23 U.S.C. 103(e)(4) related to transit projects, $45,000,000, to remain available until expended.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For necessary expenses to carry out the provisions of section 14 of Public Law 96-184 and Public Law 101-551, $200,000,000, to remain available until expended.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operation and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, [$10,901,000] *$10,265,000*, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

ADDITIONAL HIGHWAY PROJECTS

APPALACHIAN CORRIDOR IMPROVEMENT PROJECT

For 80 percent of the expenses necessary to continue construction on [Kentucky Corridor B] *West Virginia Corridor L* of the Appalachian Development Highway System, as authorized by section 1069(y) of Public Law 102-240, [$3,800,000] *$62,200,000*.

[CUMBERLAND GAP TUNNEL PROJECT

[For 80 percent of the expenses necessary for the Cumberland Gap Tunnel Project, as authorized by 1069(c) of Public Law 102-240, $10,000,000.]

PITTSBURGH BUSWAY

For 80 percent of the expenses necessary for the Pittsburgh Busway, as authorized by section 1069(e) of Public Law 102-240, $28,000,000.

MINEOLA GRADE CROSSING

For 80 percent of the expenses necessary for the Mineola, New York grade crossing, as authorized by Public Law 99–591, $7,800,000.

CONGESTION MITIGATION

For 80 percent of the expenses necessary for the Syracuse, New York congestion mitigation project, as authorized by section 1069(bb) of Public Law 102–240, $2,000,000.

CROSS WESTCHESTER EXPRESSWAY

For 80 percent of the expenses necessary for the I–287 Cross Westchester, New York Expressway high occupancy vehicle lane project, as authorized by section 1069(ff) of Public Law 102–240, $15,000,000.

SCHENECTADY BRIDGE

For 80 percent of the expenses necessary for construction of the Exit 26 bridge in Schenectady County, New York, as authorized by section 1069(b) of Public Law 102–240, $4,000,000.

COLUMBIA GORGE HIGHWAY

For 80 percent of the expenses necessary for the Hood River to Mosier Connection project, as authorized by section 16(b)3 of Public Law 99–663, $2,800,000.

MANASSAS BATTLEFIELD BYPASS

For 80 percent of the expenses necessary for the Manassas Battlefield highway projects, as authorized by section 1004(d) of Public Law 100–647, $3,200,000.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the functions of Hazardous Materials Safety and for expenses for conducting research and development, $12,721,000, of which $1,334,000 shall remain available until expended: Provided, That up to $1,000,000 in fees collected under section 106(c)(11) of the Hazardous Materials Transportation Act (49 U.S.C. App. 1805(c)(11)) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination.

AVIATION INFORMATION MANAGEMENT

For expenses necessary to discharge the functions of Aviation Information Management, [$2,533,000] *$2,521,000*: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for aviation information management: *Provided further*, That, notwithstanding any other provision of law, there may be credited to this appropriation up to $1,000,000 in funds received from user fees established to support the electronic tariff filing system: *Provided further*, That there may be credited to this appropriation funds received from user fees established to defray the costs of obtaining, preparing, and publishing in automatic data processing tape format the United States International Air Travel Statistics data base published by the Department.

EMERGENCY TRANSPORTATION

For expenses necessary to discharge the functions of Emergency Transportation and for expenses for conducting research and development, [$915,000] *$884,000*: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination.

RESEARCH AND TECHNOLOGY

For expenses necessary to discharge the functions of Research and Technology and for expenses for conducting research and development, [$1,863,000] *$1,781,000*, of which $585,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination.

PROGRAM AND ADMINISTRATIVE SUPPORT

For expenses necessary to discharge the functions of Program and Administrative Support, [$6,160,000] *$6,283,000*, of which $180,000 shall be derived from the Pipeline Safety Fund: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination: *Provided further*, That no employees other than those compensated under this appropriation shall serve in the Office of the Administrator, the Office of Policy and Programs, the Office of Management and Administration, and the Office of the Chief Counsel.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by section 5 of the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, [$19,479,000] *$19,146,000*; of which [$2,449,000] *$2,313,000* shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended; and of which [$17,030,000] *$16,833,000* shall be derived from the Pipeline Safety Fund, of which $8,400,000 shall remain available until expended.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out section 117A(i)(3)(B) of the Hazardous Materials Transportation Act, as amended, $400,000 to be derived from the Emergency Preparedness Fund, to remain available until expended: *Provided*, That not more than [$10,350,000] *$11,000,000* shall be made available for obligation in fiscal year 1994 for amounts made available by section 117A(h)(6)(B) and (i)(1), (2) and (4) and section 118 of the Hazardous Materials Transportation Act, as amended: *Provided further*, That such amounts shall only be available to the Secretary of Transportation *and the National Institute of Environmental Health Sciences.*

OFFICE OF THE INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $36,595,000: Provided, That not more than $1,000,000 of the funds made available under this head shall be available for implementation of Public Law 101–576.

TITLE II—RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $3,348,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), $37,105,000, of which not to exceed $1,000 may be used for official reception and representation expenses.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b), and not to exceed $1,500 for official reception and representation expenses, [$44,904,000] *$44,960,000*: *Provided*, That joint board members and cooperating State commissioners may use Government transportation requests when traveling in connection with their official duties as such: *Provided further*, That $7,300,000 in fees collected in fiscal year 1994 by the Interstate Commerce Commission pursuant to 31 U.S.C. 9701 shall be made available to this appropriation in fiscal year 1994.

PAYMENTS FOR DIRECTED RAIL SERVICE

(LIMITATION ON OBLIGATIONS)

None of the funds provided in this Act shall be available for the execution of programs the obligations for which can reasonably be expected to exceed $475,000 for directed rail service authorized under 49 U.S.C. 11125 or any other Act.

PANAMA CANAL COMMISSION

PANAMA CANAL REVOLVING FUND

For administrative expenses of the Panama Canal Commission, including not to exceed $11,000 for official reception and representation expenses of the Board; not to exceed $5,000 for official reception and representation expenses of the Secretary; and not to exceed $30,000 for official reception and representation expenses of the Administrator, $51,742,000, to be derived from the Panama Canal Revolving Fund: *Provided*, That none of these funds may be used for the planning or execution of nonadministrative and capital programs the obligations for which are in excess of $540,000,000 in fiscal year 1994: *Provided further*, That funds available to the Panama Canal Commission shall be available for the purchase of not to exceed thirty-five passenger motor vehicles for replacement only (including large heavy-duty vehicles used to transport Commission personnel across the Isthmus of Panama), the purchase price of which shall not exceed $19,000 per vehicle: *Provided further*, That notwithstanding any other provision of law, none of these funds shall be used for the planning or execution of annuity payments to the government of Panama in excess of $50,000,000 *until the Secretary of State and the Secretary of Transportation, in consultation with the Commandant, United States Coast Guard, certifies in writing that the government of Panama has taken adequate steps to investigate and, when appropriate, penalize Panamanian flag ships which have been reported by other nations to have violated the provisions of*

Annex V of the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78) and that the government of Panama has taken sufficient steps so as to ensure improved compliance with the provisions of Annex V of said treaty on the part of Panamanian flag ships.

DEPARTMENT OF THE TREASURY

REBATE OF SAINT LAWRENCE SEAWAY TOLLS

(HARBOR MAINTENANCE TRUST FUND)

For rebate of the United States portion of tolls paid for use of the Saint Lawrence Seaway, pursuant to Public Law 99-662, $9,707,000, to remain available until expended and to be derived from the Harbor Maintenance Trust Fund, of which not to exceed $225,000 shall be available for expenses of administering the rebates.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

INTEREST PAYMENTS

For necessary expenses for interest payments, to remain available until expended, $51,663,569: *Provided*, That these funds shall be disbursed pursuant to terms and conditions established by Public Law 96-184 and the Initial Bond Repayment Participation Agreement.

TITLE III—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 302. Funds for the Panama Canal Commission may be apportioned notwithstanding 31 U.S.C. 1341 to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law that are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the Government in comparable positions.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available (1) except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents, and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18.

[SEC. 305. None of the funds for the Panama Canal Commission may be expended unless in conformance with the Panama Canal Treaties of 1977 and any law implementing those treaties.]

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. None of the funds in this Act shall be available for the planning or implementation of any change in the current Federal status of the Volpe National Transportation Systems Center, and none of the funds in this Act shall be available for the implementation of any change in the current Federal status of the Turner-Fairbank Highway Research Center: *Provided, That the Secretary may plan for further development of the Volpe National Transportation Systems Center and for other compatible uses of the Center's real property: Provided further, That any such planning does not alter the Federal status of the Center's research and development operation.*

SEC. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 310. (a) For fiscal year 1994 the Secretary of Transportation shall distribute the obligation limitation for Federal-aid highways by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to each State for such fiscal year bear to the total of the sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to all the States for such fiscal year.

(b) During the period October 1 through December 31, 1993, no State shall obligate more than 25 per centum of the amount distributed to such State under subsection (a), and the total of all State obligations during such period shall not exceed 15 per centum of the total amount distributed to all States under such subsection.

(c) Notwithstanding subsections (a) and (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways that have been apportioned to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1, 1994, revise a distribution of the funds made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 103(e)(4), 104 and 144 of title 23, United States Code, and under sections 1013(c) and 1015 of Public Law 102-240; [and]

(3) not distribute amounts authorized for administrative expenses, the Federal lands highway program, the intelligent vehicle highway systems program, and amounts made available under sections 1040, 1047, 1064, 6001, 6006, 6023, and 6024 of Public Law 102-240, and not more than [$1,107,124] *$1,050,000* for section 5002 of Public Law 102-240 *and $458,629 for the National Commission on Intermodal Transportation authorized by section 5005 of Public Law 102-240, and $15,000,000 for administrative costs and allocation to States under section 1302(d) of the Symms National Recreational Trails Act of 1991. Amounts for section 5002 and section 5005 of Public Law 102-240 and amounts for section 1302(d) of the Symms National Recreational Trails Act of 1991 shall be deemed necessary for administration under section 104(a) of title 23, United States Code; and*

(4) Notwithstanding subsection (a) or any other provision of law, the Secretary shall withhold from initial distribution the fiscal year 1994 Federal-aid highways obligation limitation set aside for Interstate Construction Discretionary projects: Provided further, That the Secretary shall distribute only after August 1, 1994, such obligation limitation withheld in accordance with this section to those States receiving Interstate Discretionary allocations.

[(d) Subject to paragraph (c)(2) of this section, a State which after August 1 and on or before September 30 of fiscal year 1994 obligates the amount distributed to such State in that fiscal year under paragraphs (a) and (c) of this section may obligate for Federal-aid highways on or before September 30, 1994, an additional amount not to exceed 5 percent of the aggregate amount of funds apportioned or allocated to such State—

[(1) under sections 104 and 144 of title 23, United States Code, and 1013(c) and 1015 of Public Law 102-240, and

[(2) for highway assistance projects under section 103(e)(4) of title 23, United States Code,

which are not obligated on the date such State completes obligation of the amount so distributed.]

(d)(1) During the period October 1 through December 31, 1993, the aggregate amount of obligations under section 157 of title 23, United States Code for projects covered under section 147 of the Surface Transportation Assistance Act of 1978, section 9 of the Federal-Aid Highway Act of 1981, sections 131(b), 131(j), and 404 of Public Law 97-424, sections 1061, 1103 through 1109, 4008, and 6023(b)(8) and 6023(b)(10) of Public Law 102-240, and for projects authorized by Public Law 99-500 and Public Law 100-17, shall not exceed $302,551,350.

(2) The limitation on obligations for Federal-aid highways for fiscal year 1994 shall apply, notwithstanding any other provision of law, to obligations for priority corridor feasibility studies under section 1105(h) of Public Law 102-240; obligations for the Priority Corridor Revolving Loan Fund under section 1105(i) of Public Law 102-240; and obligations for the Applied Research and Technology Program under section 307(e) of title 23, United States Code.

(e) During the period August 2 through September 30, 1994, the aggregate amount which may be obligated by all States pursuant to paragraph (e) shall not exceed 2.5 percent of the aggregate amount of funds apportioned or allocated to all States—

(1) under sections 104 and 144 of title 23, United States Code, and 1013(c) and 1015 of Public Law 102-240, and

(2) for highway assistance projects under section 103(e)(4) of title 23, United States Code,

which would not be obligated in fiscal year 1994 if the total amount of the obligation limitation provided for such fiscal year in this Act were utilized.

(f) Paragraph (e) shall not apply to any State which on or after August 1, 1994, has the amount distributed to such State under paragraph (a) for fiscal year 1994 reduced under paragraph (c)(2).

SEC. 311. None of the funds in this Act shall be available for salaries and expenses of more than one hundred and ten political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 312. Not to exceed [$800,000] *$1,500,000* of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees.

SEC. 313. The limitation on obligations for the programs of the Federal Transit Administration shall not apply to any authority under section 21 of the Federal Transit Act, previously made available for obligation, or to any other authority previously made available for obligation under the Discretionary Grants program.

SEC. 314. None of the funds in this Act shall be available for the construction of, or any other costs related to, the Central Automated Transit System (Downtown People Mover) in Detroit, Michigan.

SEC. 315. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 316. The Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided*, That no appropriation shall be increased or decreased by more than 12 per centum by all such transfers: *Provided further*, That any such transfer shall be submitted for approval to the House and Senate Committees on Appropriations.

SEC. 317. Such sums as may be necessary for fiscal year 1994 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act.

SEC. 318. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 319. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to Federal Aviation Administration design and performance specifications, the purchase of which was assisted by a Federal airport aid program, airport development aid program or airport improvement program grant. The Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by the Federal Aviation Administration in accordance with agency criteria.

[SEC. 320. None of the funds made available in this Act may be used by the Federal Aviation Administration for a new national weather graphics system.]

SEC. 321. None of the funds in this Act shall be available to award a multiyear contract for production end items that (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any one year of the contract or (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the government's liability or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: *Provided*, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 322. None of the funds provided in this Act shall be made available for planning and executing a passenger manifest program by the Department of Transportation that only applies to United States flag carriers.

SEC. 323. None of the funds in this Act shall be available for the planning or implementation of any change in the current Federal status of the Federal Aviation Administration's flight service stations at Red Bluff Airport in Red Bluff, California, and Tri-City Airport in Bristol, Tennessee.

[SEC. 324. Of the funds provided for "Research, development, test, and evaluation" in this Act, the Coast Guard shall utilize $1,000,000 to enter into a grant agreement with the International Oceanographic Foundation, Inc. for research activities at the South Florida oil spill research center.]

SEC. 324. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act or previous Acts under "Federal Transit Administration, Discretionary Grants" for projects specified in this Act or previous Acts or identified in reports accompanying this Act or previous Acts not obligated by September 30, 1996, shall be made available for other projects under section 3 of the Federal Transit Act, as amended.

SEC. 325. None of the funds made available in this Act may be used to implement, administer, or enforce the provisions of section 1038(d) of Public Law 102-240.

[SEC. 326. None of the funds made available in this Act may be used to implement, administer, or enforce the labeling and marking requirements relating to bulk packagings containing oil established by the rule published by the Research and Special Programs Administration of the Department of Transportation on February 2, 1993 (58 Fed. Reg. 6864).]

SEC. 327. Funds appropriated in Public Laws 101-516, 102-143, and 102-388 for a structure to replace the bridge over the 17th Street Causeway in Fort Lauderdale, Florida, may be used either for a replacement bridge or a tunnel.

[SEC. 328. None of the funds provided by this Act shall be made available to any State, municipality or subdivision thereof that diverts revenue generated by a public airport in violation of the provisions of the Airport and Airway Improvement Act of 1982, as amended.]

SEC. 328. Sec. 373 of the Fiscal Year 1993 Department of Transportation Appropriations Act is amended by striking the period in the last line, inserting a comma, and adding: "and Provided further, That improvements identified as highest priority by section 1069(t) of Public Law 102-240 and funded pursuant to section 118(c)(2) of title 23, United States Code, in fiscal years 1993 through 1997 shall not be treated as allocations for Interstate maintenance for such fiscal year under section 157(a)(4) of title 23, United States Code, and sections 1013(c), 1015(a)(1), and 1015(b)(1) of Public Law 102-240".

[SEC. 329. None of the funds in this Act may be used by the Federal Aviation Administration to support research, engineering or other activities conducted by a limited liability corporation.

[SEC. 330. None of the funds in this Act shall be available to implement or enforce regulations that would result in the withdrawal of a slot from an air carrier at O'Hare International Airport under section 93.223 of title 14 of the Code of Federal Regulations in excess of the total slots withdrawn from that air carrier as of October 31, 1993 if such additional slot is to be allocated to an air carrier or foreign air carrier under section 93.217 of title 14 of the Code of Federal Regulations.]

SEC. 330. Funds made available for Federal-aid highways pursuant to the provisions of the Surface Transportation Assistance Act of 1982 and the Surface Transportation and Uniform Relocation Assistance Act of 1987 shall not be available for obligation after September 30, 1995.

SEC. 331. None of the funds in this Act may be used for the planning, design or construction of an additional air carrier runway at Tulsa International Airport.

[SEC. 332. None of the funds made available by this Act may be obligated or expended to design, construct, erect, modify or otherwise place any sign in any State relating to any speed limit, distance, or other measurement on any highway if such sign establishes such speed limit, distance, or other measurement using the metric system.

[SEC. 333. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c; popularly known as the "Buy American Act").

[(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

[(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

[(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

[(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.]

SEC. 334. None of the funds provided by this Act shall be made available for any airport development project, or projects, proposed in any grant application submitted in accordance with title V of Public Law 97-248 (96 Stat. 671; 49 U.S.C. App. 2201 et seq.) to any public agency, public authority, or public airport that imposes a fee for any passenger enplaning at the airport in any instance where the passenger did not pay for the air transportation which resulted in such enplanement, including any case in which the passenger obtained the ticket for the air transportation with a frequent flyer award coupon.

SEC. 335. Notwithstanding any other provisions of law, tolls collected for motor vehicles on

any bridge connecting the boroughs of Brooklyn, New York, and Staten Island, New York, shall continue to be collected for only those vehicles exiting from such bridge in Staten Island.

SEC. 336. None of the funds provided in this Act or prior Appropriations Acts for Coast Guard Acquisition, Construction, and Improvements shall be available after the fifteenth day of any quarter of any fiscal year beginning after October 1, 1993, unless the Commandant of the Coast Guard first submits a quarterly report to the House and Senate Appropriations Committees on all major Coast Guard acquisition projects including projects executed for the Coast Guard by the United States Navy and vessel traffic service projects: Provided, That such reports shall include an acquisition schedule, estimated current and future year funding requirements, and a schedule of anticipated obligations and outlays for each major acquisitions project: Provided further, That such reports shall rate on a relative scale the cost risk, schedule risk, and technical risk associated with each acquisition project and include a table detailing unobligated balances to date and anticipated unobligated balances at the close of the fiscal year and the close of the following fiscal year should the Administration's pending budget request for the acquisition, construction, and improvements account be fully funded: Provided further, That such reports shall also provide abbreviated information on the status of shore facility construction and renovation projects: Provided further, That all information submitted in such reports shall be current as of the last day of the preceding quarter.

SEC. 337. No funds provided in this Act or any other Appropriations Act for fiscal year 1994 shall be available for payments to Coast Guard personnel above the pay grade W-4 under 37 U.S.C. 301a, 37 U.S.C. 305a, and 37 U.S.C. 306.

SEC. 338. Section 705 of Public Law 94-210 is amended by adding:

"(c) For the purpose of any State or local requirement for permit or other approval for construction of any improvement undertaken under this title, the exemptions and procedures applicable to a project undertaken by the Federal Government or agency thereof shall apply.".

SEC. 339. None of the funds provided in this or any other Act shall be used to remote radar coverage from the Roswell, New Mexico, airport prior to the Federal Aviation Administration obtaining congressional approval based upon a cost study applying (1) actual personnel staffing levels used at comparable facilities such as Moses Lake, Washington, and Waterloo, Iowa, and (2) the actual equipment costs based on integration with existing systems rather than acquisition of wholly redundant systems. The Federal Aviation Administration will report back to the committee with an appropriate study not later than December 31, 1993.

SEC. 340. Notwithstanding any other provision of law, monies previously appropriated for the Chattanooga fixed rail project out of the section 3 "New Construction" account shall be made available for the Chattanooga electric vehicle project through the "Bus and Bus Facilities" account.

SEC. 341. Notwithstanding any other provision of law, funds previously appropriated for Project Breakeven in Portland, Oregon, may, upon application by Tri-Met to the Federal Transit Administration, be expended on other eligible transit projects in the Portland metropolitan region.

SEC. 342. Amend section 201 of the Act (45 U.S.C. 181) by adding to the end thereof the following sentence: "As used in this title, the term 'foreign commerce' shall include flight operations (excluding ground operations performed by persons other than flight crew members) conducted in whole or in part outside the United States and its territories by air carriers within the meaning of 49 U.S.C. 1301(3).".

Amend section 202 of the Act, 45 U.S.C. 182, by adding to the end thereof the following sentence: "As used in this title, the term 'employment' shall also include flight crew members employed by air carriers within the meaning of 49 U.S.C. 1301(3) while such flight crew members perform work in whole or in part outside the United States and its territories.

SEC. 343. Notwithstanding any other provision of law, of the funds made available by this Act under Federal Transit Administration, Discretionary Grants, $3,100,000 shall be made available to the County of Kauai, Hawaii, for the payment of operating expenses incurred in connection with Hurricane Iniki, and $1,750,000 shall be made available to construct maintenance facilities for the vehicles used to provide such services: Provided, That these funds shall remain available until expended.

SEC. 344. NEXRAD INSTALLATION.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration (FAA), pursuant to the FAA's participation in the National Implementation Plan for the Modernization and Associated Restructuring of the National Weather Service, shall install nine standard FAA redundant configuration NEXRAD radar, to provide coverage to each of the following areas in Alaska, by the date indicated: Anchorage by June 1995; Sitka by July 1995; King Salmon by July 1995; Middleton Island by August 1995; Fairbanks by September 1995; Nome by October 1995; Bethel by October 1995; McGrath by September 1996; and the Bering Sea near Cold Bay or Sand Point by September 1996.

This Act may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 1994".

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that, during the Senate consideration of H.R. 2750, Burton Russell, a detailee to the subcommittee from the Department of Transportation, and Eric Marts, a detailee to the subcommittee from the U.S. GAO be granted the privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, we will be soon joined by my colleague from the other side, the ranking member, Senator D'AMATO. He is on his way.

I am going to present, meanwhile, the fiscal year 1994 Transportation appropriations bill to the Senate.

This bill embodies three distinct themes. It is important that we keep them in mind as we review the bill.

First, it continues the changes that were created by Congress in the Intermodal Surface Transportation Efficiency Act of 1991, better known, or perhaps affectionately known, as ISTEA. That legislation codified a new approach to transportation. It is an approach characterized by flexibility, an emphasis on multimodal productive investment, and a recognition that the staggering need to rebuild our infrastructure demands a more cost-effective investment strategy.

Second, it responds to the reality of our needs. Much of our national focus has shifted to the need to create information highways. That is a real need, but so is the need to restore our physical infrastructure. Ideas may move electronically at speeds faster than sound. But people travel on our highways; cross our bridges; commute on subways, buses, trains; and depend on our airports and rail systems to move them and products across the country.

Those physical resources are at the core of our economy. We have neglected them for too long. This bill recognizes that fact and responds to it.

Third, it advances the interest we all have in maximizing the cost-effective expenditure of taxpayer dollars. We have scrubbed every request that we have received. We have challenged the traditional methods of operation. We have tried to end, Mr. President, business as usual. We have responded to the cry, to the urgings, of the public in this country of ours that says: "Be careful, for crying out loud, how you spend our money. If you want to ask us to pay more taxes, if you want us to participate, we ask the Congress, whom we have sent to represent us, to be careful. Try your best to use every dollar effectively."

Mr. President, that is what we are trying to do. Let me give you a few examples.

We have eliminated the practice of earmarking funds for demonstration projects. Demonstration projects are recommended by individual representatives in both the House and the Senate who, in their judgment, see programs that they think are justified and important. We do not argue with their judgment. But, Mr. President, in theory, those projects were designed to demonstrate new technologies. In reality, the one thing they demonstrate is that the system needs to be changed.

Eliminating these demonstration programs means that Federal funds will meet our most pressing national needs, rather than the priorities chosen by a person.

These kinds of programs are often referred to as pork. And everybody knows that we are now not talking about nutrition and meat. We are talking about programs that fill the appetite for good election material. But we are not talking about diet. Things are certainly changing.

Eliminating these demonstrations means that Federal funds, again, will meet our most pressing priorities. We have reduced or eliminated funding for

programs and activities which simply cannot be justified in the context of the need to eliminate waste and reduce Federal spending.

This has not been an easy or pleasant task. But, as is said, someone had to do it. It had to be done. We have tried to do it.

If management reforms can increase efficiency, we have mandated them. If activities cannot be justified, we eliminated them. And if costs can be cut, we have tried to do it. Balancing the reforms of ISTEA, meeting our transportation needs, and becoming more efficient is not an easy task. There are cultures, there are habits, there are customs that have been in existence for a number of years. We have tried to change that in this bill.

As a result, I believe we have produced legislation which advances our ability as a nation to meet the multiple needs we face. To meet those needs, to keep our country functioning, we absolutely have to continue to spend money on infrastructure. That is the common opinion. As a matter of fact, if we are compared on a per capita spending on infrastructure among nations, we are 55th among countries. I think that puts us in a tie with relatively primitive countries.

I would like to briefly run through a few of the specific elements of the bill. The subcommittee had a discretionary spending ceiling of $13.434 billion in budget authority and $35.039 billion in outlays.

The bill now before the Senate, as scored by CBO, spends the entire subcommittee allocation in outlays. For that reason any amendment changing outlays in the bill will require offsets.

The President's budget for transportation proposed several major investment increases. Among the called-for increases were increases in the highway obligation ceiling, the mass transit formula grants, and the FAA facilities and equipment account.

The administration's proposal also calls for increased funding for the Coast Guard's capital expense and increases for the Federal Railroad Administration's high speed rail activity. We have been able to make a downpayment on many of these activities.

I want to present a few highlights of the bill before us. First, the Coast Guard, which is part of the Transportation Department. The bill provides $3.65 billion in new budget authority. Funding for the Coast Guard operations will be $27.5 million above the level passed by the House. New funding for Coast Guard acquisitions in combination with reprogrammings will be $54.3 million above the House-passed level and this will help the Coast Guard restore its deteriorating shore facilities and replace aging vessels and aircraft.

In the Federal Highway Administration, I note the bill before us has an obligation ceiling of $18 billion, not including the programs that are exempt from the obligation ceiling which would add another $2.2 billion. This is an increase of $2.7 billion over last year's obligation ceiling. I believe this demonstrates that, while working within a tight funding environment, we will make many of the much-needed investments in our Nation's crumbling roads and bridges and we are going to make every effort to do what we can to relievecongestion and provide an efficient, safer highway system.

This obligation ceiling is distributed according to the prescribed formulas that were contained in the ISTEA legislation, the one over which there was so much labor, so much discussion, so much negotiation, and that President Bush signed into law in 1991 at the end of the year. The increased spending provided by this bill will benefit each and every State.

For Amtrak, our national passenger rail service, the bill contains $351 million for operations, $137 million in mandatory payments, and $209 million for capital grants. The bill also includes funding for improvements to the Northeast corridor, including the electrification of the final segment of the Northeast corridor that goes from New Haven to Boston.

For the Federal Aviation Administration, the bill provides an increase of almost $50 million for operations over the 1993 enacted level, and this includes funding for those places identified as hard-to-staff air traffic controller locations and fully funds the requested levels for safety inspectors, for certification personnel, and civil aviation security staff.

In the facilities and equipment area, the bill provides $2.163 billion. Most of this will go to the modernization and expansion of our national air space system by upgrading our air route traffic control centers, airport towers, and flight service facilities.

In the FAA research program the bill provides $254 million. The research development account that we talked about supports research and development in such areas as automated explosive and sabotage detection systems. In aging aircraft it determines when parts or airplanes have to be replaced with relatively simple technology. That is the mission.

Satellite technology, everybody knows that is being used more and more aggressively, and the use of those systems has to continue.

For the Airport Improvement Grants Program, the bill contains $1.8 billion dollars. That is the same as last year's level, but it is $300 million above the House-passed level.

For the Federal Transit Administration, the bill contains transit operating assistance at $802 million, $668 million for new starts, $760 million for modernization of our older transit systems, and $357 million for discretionary bus purchases. The distribution of section 9, the formula funds in the rail modernization accounts follow the prescribed formulas that were contained in ISTEA.

My proposal has not delineated, has not earmarked, the bus funding. My opening remarks made reference to that. It leaves the distribution of these funds to the discretion of the Transportation Secretary and the professional staff that furnishes him the information with which to make decisions. He is the ultimate decisionmaker. This should help bring some order and some balance in these programs.

There is another point I would like to make, and this refers to something called essential air service. Essential air service is that service which is supplied to the more remote, more isolated communities so they are not cut off from reasonable transportation access. This bill reduces the Essential Air Service Program by slightly more than $5 million. This was not an arbitrary cut. As my colleagues know, Vice President GORE had a proposal to reform this program in his National Performance Review.

I worked with the administration, both Department of Transportation and OMB, to draft an amendment which would address this issue in a slightly different fashion than the Vice President did. The Vice President's proposal would have eliminated subsidies for points that were within 70 miles of a large or medium hub airport or where there was a greater than $200-per-passenger subsidy. That proposal did not take into account the extremely long distances between essential air service points and large or medium hub airports in the West, primarily in States like Montana and South Dakota.

In this bill, essential air service points that are greater than 210 miles from the nearest medium or large hub airport would still receive essential air service commitments, even if the passenger subsidy exceeds $200.

This proposal allows us to save $5 million while still meeting the very legitimate, real needs of most States receiving essential air services.

Mr. President, I want to thank all the members of the subcommittee for their support and forbearance through the process. We received, overall, 810 Senate requests from 84 Senators in highways alone. That was a significant, a substantial, increase from the previous year. That kind of turned on a red alert. It forced us to ask, "Hey, where are we going? What are we telling the American public about our care and the American public about how their money is spent?"

So, Mr. President, it was obvious we could not fund each of those requests. However, we have done the best that we could to accommodate priorities.

I particularly want to thank my colleague from the State of New York, Senator D'AMATO, the ranking member of the Transportation Subcommittee, for his input, his hard work, his commitment to a more efficient and better transportation system. He looks a little different today, Mr. President. I note that there has been a substitution in the first quarter of the game, if I may use the analogy. We are pleased to have the distinguished Senator from Washington, Mr. GORTON, in the Republican chair.

I note that the bill, as scored by the Congressional Budget Office, is right at the 602(b) outlay allocation. So any amendments affecting outlays will have to be accompanied by an offset. If you want to add something, you better be able to take it away, because otherwise there is no room for it.

With that word of caution, I ask the distinguished manager on the other side whether there are any comments that he would like to make.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mr. GORTON. Mr. President, I thank the distinguished Senator from New Jersey for his courtesy. I am substituting for his ranking member, Senator D'AMATO, for only a few moments. He does have a statement he would like to make. I am not going to make it for him.

I do notice the Senator from Montana wishes to speak, and I think it might be a good use of time to let him proceed.

Mr. LAUTENBERG. No problem at all. I did not realize when I said "from across the river" that I was talking about the Mississippi and a few hundred rivers maybe between New Jersey and Washington. I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. BAUCUS. Mr. President, I want to thank the distinguished chairman of the Transportation Appropriations Subcommittee for his outstanding work on this bill. The fiscal 1994 Transportation appropriations bill sets an obligation limit of $18 billion for highway programs.

I might say that that is close to full funding of the Intermodal Surface Transportation Efficiency Act, otherwise known as ISTEA. With the tremendous infrastructure needs of this country, the chairman's efforts to provide a higher limitation than past years is greatly appreciated.

Having said that, I am here to tell the Senate that as chairman of the Environment and Public Works Committee, the committee will not support any amendments to the bill proposing authorizing language. As chairman of the committee, I will oppose any efforts to include them in this appropriations bill.

I say that because we are moving into a new era, Mr. President, which I think is a good one; namely, making the separation between appropriations and authorizing a little more clear than has been in the past. This is a practice where I reached agreement with other appropriations subcommittee chairmen—Senator MIKULSKI for one, Senator DECONCINI another. I think it is a good practice to follow. I have discussed this with the chairman of the appropriations subcommittee. This has his agreement. In fact, I do not want to put words in his mouth, but I think he is encouraging me as chairman of the authorizing committee to take this stance.

With that, Mr. President, I again want to thank the distinguished chairman of the committee. He has done a terrific job and has dedicated himself assiduously to the bill. I think his efforts show that. I think he has done an excellent job.

Mr. President, I see the distinguished Senator from New York here. I might inform the Senator I wish to speak on another matter. It will take 5 or 6 minutes. I do not want to interrupt the flow.

Mr. LAUTENBERG. Mr. President, I wonder if the Senator will yield the floor for the purpose of permitting Senator D'AMATO to make his statement, and then I will be happy to yield once again so the Chair can recognize the Senator from Montana.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

PRIVILEGE OF THE FLOOR

Mr. D'AMATO. Mr. President, I ask unanimous consent that Kenneth Heist, a legislative fellow on my staff, be granted privilege of the floor during the pendency of H.R. 2750, the transportation appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, I rise in support of H.R. 2750, the fiscal year 1994 appropriations bill for the Department of Transportation and Related Agencies.

This bill contains vital funding for the Federal Highway Administration, the U.S. Coast Guard, the Federal Transit Administration, the Federal Aviation Administration, the Federal Railroad Administration, as well as the National Railroad Passenger Corporation [Amtrak], and various other related agencies.

H.R. 2750 contains $14,034,587,000 in new budget authority for fiscal year 1994, including over $600 million in mandatory payments for retirement benefits, interest payments and other required items. We have exhausted our 602(b) allocation of budget authority and outlays in order to fund this year's program. Our bill is $200 million below the President's request. However, we are $669 million above the House-passed bill partially due to the fact that the House's 602(b) allocation was lower—$150 million—than ours.

There are many programs covered by this bill that I have strongly supported over the years. For example, transit formula grants are funded at $2.336 billion with operating aid continued at $802 million—no increase. We have held the line in this program while the House cut transit operating aid by $50 million, a 6-percent cut. Such a cut would have made even more difficult the job faced by hard-pressed transit agencies, who currently are doing more with less as they strive to meet Federal requirements such as handicapped accessibility, and clean air standards. A transit-dependent State like New York, would have lost about $9 million under the House version of our bill.

We have provided a total of $1.75 billion in funds for transit new starts, rail modernization and bus programs, about $78 million more than the funds provided by the House bill. New starts are funded at $668 million, with projects listed in the bill. The rail modernization program contains $760 million which is distributed to states based on formulas contained in the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA]. The bus program contains $357 million, with only $4.8 million earmarked. This is a large departure from fiscal year 1993 when we earmarked all of the bus funds. Our approach contrasts greatly with the House which has earmarked $253 million, or 72 percent, of its total $354 million bus pot. I believe that we should have provided many more Senate initiatives in this program to better protect the Senate's interests when we get to conference with the House.

H.R. 2750 contains over $18 billion in new obligation limit for Federal highway programs, an increase of $2.7 billion over fiscal year 1993. In addition, $2.117 billion is provided for programs exempted from the obligation limit such as: emergency relief, $100 million; minimum allocation, $1.125 billion; bonus obligation, $180 million; ISTEA demo projects, $647 million; and miscellaneous exempt programs, $64 million. Thus the total fiscal year 1994 highway program is over $20 billion. The House bill provides $537 million less for highways than the Senate bill. We have also funded$125 million in previously authorized highway demonstration projects.

Aviation funding of $1.8 billion for airport improvement program [AIP] grants is included, an increase of $300 million over the House bill. Moreover, we have included the necessary funds—about $17 million—to continue the air traffic controller pay demonstration program that has proven a success in retaining qualified, seasoned controllers in hard-to-staff facilities. This

means about 950 controllers in the New York metro area will continue to receive pay demo funds, as will controllers in Chicago and other areas of the country.

We have funded the U.S. Coast Guard with a total of $3.65 billion, $79 million below the administration's request. This contrasts with the House bill, which is $89 million lower than the Senate bill, and $169 million below the administration.

Amtrak is funded at $559 million, which includes $351 million for operations and $208 million for capital. This is an increase of $128 million above the House, which had provided only $331 million for operations, current levels, and $100 million for capital, $90 million below current levels. In addition, the Northeast Corridor Improvement Program is funded at $250 million above the House.

An important initiative in this bill is the $107 million provided for the High-Speed Ground Transportation Program. This includes $27.9 million for phase 1 of the magnetic levitation prototype development program authorized by ISTEA, $68 million for new high-speed rail corridors. We are $103 million over the House bill in this area, and $33 million below the President's request.

Mr. President, I urge my colleagues to support passage of H.R. 2750.

I would like to thank all of the staff, the majority and the minority staff, for an outstanding job.

I would like to thank the subcommittee chairman, Senator LAUTENBERG, for his consideration, for his handling of a very difficult bill, a bill where there has been so much in the way of requests that have come on behalf of projects that are absolutely justifiable. But it becomes difficult, if not impossible, when we are dealing with a limited amount of dollars to meet all of the requests and, therefore, hard choices had to be made. The chairman made a hard choice. He said those projects had to be authorized in order to receive funding.

I want to commend him for his stewardship, for his leadership in conjunction with this bill. The bill contains vital funding for the Federal Highway Administration, the U.S. Coast Guard, the Federal Transit Administration, the Federal Aviation Administration, the Federal Railroad Administration, as well as the National Railroad Passenger Corporation, Amtrak, and various other related agencies.

We are talking about the safety and health of our citizens when we talk about many of these agencies: The Coast Guard and their rescue services, their new mandates and challenges that are put to them as relates environmental protection; the FAA in terms of assuring the best and the safest air system in the world, second to none, although it carries more people and has more flights than most of the nations of the world combined—an incredible job—the maintaining of our highway systems, our bridges, to see to it that they meet the minimum standards. All of these things are accomplished in this bill.

Mr. President, there are little known aspects of the bill, the providing of essential air service to the rural communities and hamlets of America that are entitled to have access. These are not easy, but these are essential air services. I might take this opportunity to say that the chairman and others on the subcommittee, as well as the full Appropriations Committee, has done all that it can to see to it that these communities are not cut off from essential air services.

So, Mr. President, for all of these reasons I urge strong support of this bill. There will be, I am certain, a number of amendments. I hope that they are, as the chairman has indicated, within the scope and ability of us to pay for because if they are not, we are simply not going to be able to be supportive of those projects and programs outside the scope of the bill that have not been authorized.

As the chairman has indicated, the bill is within the budget limitations and constraints of our allocation, but we do not have additional dollars to fund programs and projects, regardless of how meritorious they may be, that have not been authorized. I yield the floor.

Mr. LAUTENBERG. Mr. President, I will hold the floor for just a moment and then yield. First of all, let me thank my colleague, the ranking member of the Subcommittee on Transportation, Senator D'AMATO, for his kind remarks. We work well together. We are interested in moving this country along. We are interested in making more efficient use of the transportation dollars that we have available. And we obviously have very common needs in terms of our region, be they railroad, be they transit, be they bus, be they aviation. We work well together. I look forward to continuing to do that.

Mr. President, I have a unanimous-consent request, and that is that the committee amendments be considered and agreed to en bloc except for two: The first is on page 50, line 22 through line 25 and page 51 line 1 through 2. The second is on page 59, line 13 through 21; that they be considered as original text for the purpose of further amendment, and that no points of order be waived thereon.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The committee amendments were agreed to en bloc except committee amendment on page 50, line 22 through line 25, and committee amendment on page 59, line 13 through line 21.

Mr. LAUTENBERG. I yield the floor, Mr. President.

The PRESIDING OFFICER (Mr. MATHEWS). The Chair recognizes the Senator from Montana [Mr. BAUCUS].

CHAPTER V OF "SAVE YOUR JOB, SAVE YOUR COUNTRY"

Mr. BAUCUS. Mr. President, last week, on separate days, I outlined various chapters of Ross Perot's book, "Save America, Save Your Jobs" and commented on each chapter. There are several chapters of the book. I have commented now on four chapters. Today, I will take up chapter V of Ross Perot's book. This chapter, chapter V, has two parts. First, a discussion of pro-NAFTA lobbying, and, second, an attempt to rebut the arguments of NAFTA supporters.

First, the first part, a discussion of pro-NAFTA lobbying.

Ross Perot claims, "Washington is a political bazaar where foreign interests can buy virtually everything they need." He says, "Influence over the decisionmaking process in Washington is for sale to the highest bidder." And he says, "Individual Members of Congress will depend on the advice of their aides about how to vote on the ratification of NAFTA."

Then he tells us that Mexico is attempting to buy passage of NAFTA by spending at least $30 million on Washington lobbyists for NAFTA to talk to the trade bureaucracy and congressional aides.

Although his language is a little overdone, I share some of his general concerns about Washington lobbying, and there is something to what his coauthor, Pat Choate, has said on the subject, but here he is off base. If Mexico has really paid about $30 million, Mexico has wasted about $30 million. And that is because Members of Congress will not base their votes on a few talks between lobbyists and staff members. They will vote based on whether they believe NAFTA will be good for America and whether their constituents think it will be good for America.

That is why up to now the opponents of NAFTA have been very effective. They have not spent millions lobbying Washington. Rather, labor unions work on convincing ordinary people and Ross Perot, whatever you think of his book, and however many millions he has spent, has done the same. And if NAFTA supporters believe they will win by lobbying congressional staff and trade bureaucracy and ignoring ordinary Americans, they will learn a nasty lesson.

The second part of the book goes on to about nine arguments that he says pro-NAFTA supporters make. He does not call them arguments. He calls them myths, so I will now list Ross Perot's nine myths, again arguments made by pro-NAFTA supporters but

which he calls myths. Chapter V then moves on to this discussion.

The first myth—again, an argument for NAFTA which he calls a myth—NAFTA critics are racists.

While racism is not an accusation to be made lightly, I do not think NAFTA's critics are racists. I have heard a few NAFTA supporters make such an allegation.

Second, NAFTA will create more and better U.S. jobs.

Mr. President, this is no myth. It is a fact. It is true. Whatever you ask of various groups that have studied this question and whether you ask the International Trade Commission, the Institute for International Economics, or virtually every other economist, they will tell you the same thing. NAFTA will create jobs, good jobs, real jobs. Mr. Perot does not believe them, and he says they do not use good enough models.

Well, no model is ever perfect, but the best economists and the best studies unanimously agree NAFTA will create more and better jobs.

Third, companies will relocate with or without NAFTA.

Again, a reason made by pro-NAFTA supporters to vote for NAFTA. He calls it a myth.

Mr. President, again, this is not a myth. It is fact. Perot even admits that many companies moved to Mexico before NAFTA. But he claims that since NAFTA modernizes American investment laws and protects electoral property, then companies will more likely move after NAFTA. That is what he says.

First of all, as I said earlier, investment in Mexico is not a bad thing. Companies need to invest in sales operations, customer servicing, and other fields if they hope to sell anything in Mexico at all. Nobody is going to drive a Taurus from Veracruz all the way up to Detroit, for example, just for a tune-up.

Second, he completely misses the boat on intellectual property. Failure to protect copyrights means a Mexican firm can take a single American video, copy it millions of times and then make it impossible for United States movie studios to export. In Mr. Perot's words, that means sucking American jobs south.

By contrast, fighting piracy, as NAFTA will do, means letting the studio export videocassettes and create jobs here in the United States. It means sucking Mexican jobs that depend on piracy back up to the United States.

NAFTA has some big reasons to stay in America. The side agreements tell companies that Mexico will not let them get away with evading environmental and workplace standards. Most of all, NAFTA will eliminate Mexican barriers to trade. It will make it easier to export to Mexico. That is the bottom line.

Fourth, Mexico's low wages do not matter.

Mr. President, this really just restates myth No. 3. Nobody says wages are irrelevant, but companies that are moving plants from Mexico to the United States know that productivity, transport costs, proximity to markets, and education are even more important. One Connecticut employee for Quality Coil can do the work of 17 Tijuana employees. McIlhenny can fill Tabasco bottles four times as fast in Louisiana as in Monterrey. Ford can build an auto cheaper in Detroit than it can in Mexico City.

Those are all facts, and they are based on examples where American companies have moved from Mexico back to the United States because they could do better in the United States; their productivity is better. It means more profits.

Fifth—again, this is an argument pro-NAFTA supporters make for NAFTA. Ross Perot calls it a myth—Mexicans will buy United States goods.

Of course, they will. Perot, however, says Mexicans are too poor to buy our goods and he points out that real Mexicanwages are lower than they were 10 years ago.

This second point is true as far as it goes. But Mexican wages rose unnaturally high during the 1982 oil crisis. They fell after the oil bust in the mid-1980's. Since 1988, however, Mexico's wages have risen faster than ours. That is one of the reasons why Mexico is now the third-largest buyer of United States exports, importing into Mexico 40 billion dollars'-plus worth of goods. That is 450 dollars' worth of the United States goods per person in Mexico. When NAFTA makes our products even more competitive in Mexico and raises Mexican growth, Mexican citizens will buy still more.

Sixth, NAFTA will create a vast new market.

This is no myth. It is more like a definition. Our market to date is the United States and Canada, about 300 million people. NAFTA will make a big cut in Mexico's tariffs and investment restrictions and minor cuts in ours. After NAFTA, we will have a market of 380 million people. That is a vast new market.

Seventh, rejecting NAFTA will increase illegal immigration.

Again, an obvious fact. NAFTA will create jobs in Mexico. Mr. Perot admits it. In fact, he thinks that is a disaster. But he is wrong about that, of course. Creating jobs in Mexico will help the Mexican economy and will decrease the likelihood of illegal immigration from Mexico to the United States.

But the point is that if you create jobs in Mexico, you do eliminate again that reason to emigrate. If you hurt Mexico's long-term prospects by rejecting NAFTA, you create a big new reason to leave. I think that is pretty simple.

The main point is this. Trade is not a zero sum game. When America exports move to Mexico and Mexico exports move to America, we will help consumers in both countries and create more jobs in both countries.

The more jobs in Mexico, the more Mexican businesses and consumers need to buy from America. Both countries win.

Eighth, rejecting NAFTA will cost jobs.

That is no myth. If the we reject NAFTA, Mexico will look elsewhere for business opportunities. If we give up export opportunities in the United States we lose jobs. Mr. Perot concedes if we say no to NAFTA, we may well cut United States exports to Mexico from $40.5 to $31.5 billion. The drop will cost us 161,000 existing jobs, and we will give up the chance to create an estimated 239,000 more. This is a frank admission that we give up jobs by rejecting NAFTA.

Ninth, rejecting NAFTA is rejecting Salinas.

Perot does not really argue with this. Instead he implicitly concedes it is true but says it is irrelevant—we should base our decision on NAFTA on its effect on the U.S. economy, not its effect on President Salinas or the Institutional Revolutionary Party. And he is right. We should decide on NAFTA based on its effect at home. And if we do, we will approve it, because NAFTA will:

First, raise American exports;

Second, create a net gain of at least 95,000 American jobs;

Third, raise our gross domestic product by $25 billion a year;

Fourth, give our President international credibility; and

Fifth, set a precedent for including the environmental and labor standards in all future trade agreements.

If we look at its effects on America, we will realize that NAFTA is good for America. And we will approve it.

Chapter VI tomorrow.

Mr. President, I yield the floor.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the pending committee amendment be set aside temporarily so that I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1006

(Purpose: To express the sense of the Senate that each motor vehicle department of a State should require every applicant for a driver's license or identification card to establish the applicant's citizenship or residence status)

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1006.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . (a). It is the sense of the Senate that, within 12 months following the date of the enactment of this Act, each motor vehicle department of a State, rather than Congress, should establish a program requiring every applicant for an original, duplicate, or renewal driver's license or identification card to produce the documents specified in subdivision (b) sufficient to establish the applicant's citizenship or residence status.

(b) Under such a program, each department would accept any one of the following documents, but no other documents, as proof of the person's citizenship or residence status:

(1) An original or certified copy of a birth certificate issued in the United States.

(2) A currently valid United States passport.

(3) Official immigration documents issued by the United States Immigration and Naturalization Service that either contain the person's alien registration number or provide reasonable evidence of current immigration status.

(c) Under the program, an applicant who declares himself or herself to be a lawful resident in compliance with such program would have that status verified by the Immigration and Naturalization Service of the United States based on documents presented to the department by the applicant. Verification would be either through an automated system utilizing the applicant's alien registration or file number, known as the Systematic Alien Verification for Entitlements or "SAVE" system, or by the department sending a copy of the original document the applicant submits as evidence of his or her immigration status to the Immigration and Naturalization Service for inspection, verification, and return to the department.

(d) Under the program, the department would not issue or renew a driver's license or identification card to any person who does not establish proof that he or she is a citizen or a legal resident of the United States pursuant to subdivision (b).

Mr. REID. Mr. President, in 1991, Mir Amil Kansi, who turned out to be the Central Intelligence Agency sniper, entered the country via Kennedy International Airport. It appears that he was able to get through without even being inspected by the INS officers. Although he could have applied for asylum at JFK, he only applied later in February 1992. On applying for asylum in 1992, Kansi received a work authorization document because asylum hearings are usually delayed for at least a year.

Kansi's work document enabled him to receive a Social Security card and a Virginia driver's license. At this point, Kansi had all the documents he needed or ever needed to return to the INS for further processing. He could have at this point thrown away his work document. The Virginia driver's license enabled Kansi to buy a gun in the State of Virginia, and with this gun, to kill innocent people outside the CIA headquarters.

The driver's license has become a common way for undocumented immigrants to show employers and others that they are here legally when, in fact, they are not here legally.

Mr. President, this is only one problem of what I believe is one of the two or three most serious problems facing our country today; that is, immigration legal and illegal.

Today, we are only going to talk about illegal immigration as it relates to this amendment.

The cost of illegal and legal immigration at all levels of Government this next year will be about $5 billion. It is about $45 billion until the turn of this century.

This figure takes into account the taxes that these immigrants pay. According to the Attorney General of the United States 26 percent of Federal prisoners are noncitizens at a cost of $30,000 per inmate per year.

In 1982, 128,000 immigrants received Social Security benefits. Ten years later, that figure jumped to offer 600,000, an increase of some 370 percent.

In 1986, we graciously, even though I opposed it, granted amnesty to 3.2 million illegal immigrants. After being in this country for 10 years, the average amnesty recipient had a sixth grade education, earned less than $6 per hour and presently qualifies for the earned income tax credit.

Last year alone, INS estimates—I think this is low—3.5 million illegal border crossings occurred in our country. Of these, the INS apprehended only about 1 million.

The INS currently employs 3,800 Border Patrol agents, keeping in mind, Mr. President, how inadequate this is, because last year the United States had over 500 million entries.

I am not going to go into a lot more detail about the problems that are here regarding immigration legal and illegal. There is legislation I have introduced with others that addresses this. I would hope this body would recognize what a serious matter this is and move on with the substantive legislation.

Today, I am asking the Senate to pass this sense-of-the-Senate resolution which I wish were not a sense-of-the-Senate resolution but an amendment to the bill. But, realistically, it would take 1 year to adopt this anyway. We will wait and see what happens around this country and the rest of the States. If, in fact, it does occur, next year we will not have to do anything. But I am putting everyone on notice that if a significant number of States do not adopt the provision that would not allow the issuance of a driver's license unless there is a proof of citizenship, then I am goingto be back again.

I am offering this sense-of-the-Senate amendment that all of our States should require a driver's license applicant to provide proof of citizenship or legal residence in the United States before being issued a driver's license.

New Jersey already requires such proof, and in California, we are told is presently very close to adopting similar legislation.

As I have already indicated, Mr. President, I think all States should take similar action. The proof offered should be an original or certified copy of a birth certificate issued in the United States or a currently valid U.S. passport or official immigration document issued by the Immigration and Naturalization Service that either contained the person's alien registration number or provide reasonable evidence of current immigration status.

This, Mr. President, as I have already indicated is not the entire solution to the immigration problem. In fact, it is a tiny speck of what needs to be done. But it is a step forward if the States were to adopt such programs.

I think that if we would stop and realize how much can be done with a simple driver's license and to think that these are offered at will to illegal immigrants is something that should give us all pause. I would suggest to my colleagues here in the Senate that this amendment should pass.

I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LAUTENBERG. Mr. President, I appreciate the mission that the distinguished Senator from Nevada is trying to complete here.

We have concerns in terms of exactly how the committees that potentially have jurisdiction will react, and I say this: If the Senator is prepared to have a voice vote, if the rollcall can be vitiated, I would be happy to recommend to my colleague, Senator D'AMATO, that we accept this as a sense-of-the-Senate resolution, with the understanding that if there is a problem with either Commerce or Judiciary, who may have jurisdiction over this, that we respect those objections; and that when the bill is presented for conference, if there has been an objection by either of the authorizing committees, we will not be able to go further with it.

We have had a brief discussion about it, and I think the Senator's concern about using a driver's license as authentication of a permit for a gun, or perhaps other situations that we have not thought about, seems valid to me, especially when you consider the anecdote that he used in his remarks. It does remind one about the potential abuse of a situation that calls for documentation. Many States are tightening up requirements for driver's licenses and I, again, appreciate and commend the Senator from Nevada for his thoughtfulness.

Wherever we can fight deception or crime we want to do it. And we want to know that we are not fostering illegal immigration.

So if the Senator from New York wants to say something, I will be happy to yield.

Mr. D'AMATO. I certainly would not object, Mr. President, to accepting this amendment. I have sympathy for the goals and aims that Senator REID is attempting to accomplish. I certainly think there has been a great deal in the way of abuse in connection with this situation. So I would be supportive.

Mr. REID. Mr. President, I will, of course, withdraw my request for a rollcall vote, and ask unanimous consent that I be allowed to do so.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

Mr. REID. Mr. President, I further say to the manager of this bill, the only State of the Union that has a law which says you must have some proof of citizenship before issuing a driver's license is the State of New Jersey. The State of New Jersey should receive all of the applause we can give them. That is a step in the right direction.

I also say to the ranking member of this bill, my friend from the State of New York, there is no one who has spoken on the floor more about the problems that occur as a result of illegal immigration and problems with asylum, and I have listened closely to the statements made by my friend from New York.

I hope that when the two of you go to conference, you will listen very closely to the jurisdictional objections raised to this. This is a sense-of-the-Senate resolution. I think it would send a significant message to the country if the sense-of-the-Senate resolution were in this bill, because it is going to take the States at least a year to do it anyway.

In short, with the record that the State of New Jersey has, which is really the best, because it is the only one, and the record that the Senator from New York has on this subject, I hope that when you do go to conference, you will not let a minor objection to this stop the sense-of-the-Senate resolution from being attached to this bill.

Mr. LAUTENBERG. Mr. President, if I might, we are proud of the fact that New Jersey is on the alert for those who would illegally apply for driver's licenses or benefit programs. We are all aware of the fact that our generosity and our openness has been abused significantly, and while we welcome immigrants, we welcome them here through a process, and we just cannot accept the notion of illegality as being acceptable.

Therefore, again, I salute the Senator from Nevada for his interest in this subject. We do have a potential jurisdictional problem. With his gracious willingness to accept the fact that this is now on the record, that this is a first step, we will be able to go ahead and accept it. Assuming again that my colleague, the ranking member accepts it, then I would urge its adoption.

Mr. D'AMATO. Again, Mr. President, let me say that I think the Senator's intent is a good one. We want to bring about a process that will stop those who enter the country illegally, particularly those who have purposes that are less than acceptable—the terrorists, and those who bring drugs and crime to our shores. We are not talking about the vast majority of people who come here for a better way of life, but those who have abused this country, who come here illegally, and particularly those who have been involved in the kind of activity that we have taken note of recently in New York, with the World Trade Center bombing, and the assassination at CIA headquarters.

I respect that effort, and I think we should move in this manner and, hopefully, we can hold it in conference. I will certainly do everything I can to hold it in conference.

The PRESIDING OFFICER. Is there any further debate?

The question is on agreeing to the amendment.

The amendment (No. 1006) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1007

(Purpose: To delay the effective date of taxation of diesel fuel at manufacturer's level until July 1, 1994)

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1007.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 68, between lines 5 and 6, insert the following:

SEC. . (a) Section 13422(e) of the Omnibus Budget Reconciliation Act of 1993 is amended by striking "January 1, 1994" and inserting "July 1, 1994".

(b) Section 13243 of such Act is amended—

(1) by striking "January 1, 1994" each place it appears in subsections (a) and (c) and inserting "July 1, 1994",

(2) by striking "December 31, 1993" in subsection (a)(1) and inserting "June 30, 1994", and

(3) by striking "July 31, 1994" in subsection (c)(3) and inserting "January 31, 1995".

Mr. REID. Mr. President, the intent of this amendment is to correct an inequity for small businesses that is a result of a provision in the Omnibus Budget Reconciliation Act of 1993.

In addition, this amendment will provide the environmental benefits intended in the Clean Air Act to be carried forward in relation to high sulfur diesel fuel emissions.

This amendment would delay the effective date of the modification of the collection of the diesel fuel excise tax, as contained in the Omnibus Reconciliation Act recently signed into law, for 6 months.

This Omnibus Reconciliation Act, referred to as OBRA, requires that the collection point of the excise tax on diesel fuel be moved from the retail level to the terminal rack. As many of us know, the terminal rack is the supplier of the retailer.

In addition, and more applicable to this amendment, the provision provides that if the terminal rack dyes the diesel fuel intended for tax-exempt uses the retailer may purchase that dyed fuel tax free.

Tax-exempt uses include such activities as farming and off-highway business use generally.

If the diesel fuel intended for tax-exempt purposes is not dyed, however, the retailer has to pay that tax and pass the tax on to the end user, who ultimately applies for a tax credit. This could evolve for small business. For one small business person, for example, in southern Nevada, this would mean as much as $400,000 a year that he would have to pay forward, something he did not have to do in the past.

The effective date of this provision is January 1, 1994.

Mr. President, I do not have a complaint with the movement of the collection point for diesel fuel excise taxes from the retail level to the terminal rack. In fact, I applaud that provision because it will ease the collection of that tax for the Internal Revenue Service.

Nor do I have a complaint with the provision that allows tax-exempt dyed fuel to be sold by the terminal rack. It is only fair that fuel intended for tax-exempt purposes not be taxed.

Where I do have a problem is that this provision is not only creating an inequity in the marketplace, it will result in the use of diesel fuel that the Clean Air Act intended to put at a

competitive disadvantage because it is costlier to this country's air quality. In effect, the good intentions of the amendment overall will be turned on its head. In fact, more of the dirty diesel fuel will be used instead of less.

Because of the early implementation of this provision, not all terminal racks will be able to install dye injection equipment. For example, as to one operation in southern Nevada, they figured just to order the equipment alone and to get it installed will take well over a year if they could get the equipment when they wanted it.

As a result, some diesel retailers will be forced into buying taxed diesel that is intended for tax-exempt purposes. They pay the tax up front. It is really not fair that they have to, in effect, give the Government a float on the money before the money is refunded.

At the same time, competitors of these retailers will be able to get the dyed fuel from terminal racks that have installed dye injection equipment.

In other words, one retailer will be able to sell tax-exempt diesel to its customer, while another retailer will have to ask its customer to pay the tax and then apply for a tax credit.

Mr. President, I think we all know which diesel will be purchased. And the result will be catastrophic for that retailer that cannot get tax-exempt dyed fuel. In many cases the retailer is a small, family owned business and will not be able to afford this loss in business.

Another issue that needs to be addressed briefly is the one that deals with the environment.

The Clean Air Act required that high sulfur diesel fuel be dyed so that it would be used only for off-road purposes. The emissions from high sulfur fuel are considerably moredetrimental to the air quality of the country.

The implementation of that provision was October 1 of this year, last Friday.

Because of this dying provision in the Clean Air Act, many refiners were moving into low sulfur diesel only.

As a side effect of the diesel fuel modification in OBRA, it is very likely that off-road diesel fuel users will search out the high sulfur diesel fuel.

Mr. President, the Federal Government is sending out a mixed message, and we need some time to straighten this mixed message out because there should be only one message that goes forward.

Supporting this amendment will provide the Internal Revenue Service an additional 6 months to implement this provision in a way that will allow the retailer to buy tax-exempt diesel on an equal footing with its competitor and will keep the use of high sulfur diesel at a minimum as intended by the Clean Air Act.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

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Mr. LAUTENBERG. Mr. President, this is an amendment to the Reconciliation Act, and we are informed by OMB indirectly that this amendment has a potential cost of $100 million.

As such, this amendment is going to trigger a section 311 Budget Act point of order.

I ask the Senator from Nevada to reconsider this amendment and to discuss his concerns first with the chairmen of the Environment and Public Works Committee and the Finance Committee because otherwise we stand the likelihood that a point of order, as I said, is going to be raised against it.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if I could respond to my friend, the manager of this bill, there is no question that this legislation we passed is going to cause great hardship, and at the time it was passed I would bet most of us did not know what it would do to some of the small businesses, the wholesale distributors of motor fuels, throughout the country.

I also recognize that there is a budget consequence with this legislation. Being a member of the Environment and Public Works Committee, as is the manager of this bill, I would be happy, in an effort to have this appropriations bill move along more quickly, to meet with the chairman of that committee and, if necessary, the chairman of the Finance Committee to see if we could come up with maybe a colloquy on the floor that would focus the attention of the Internal Revenue Service to, in effect, see if they can cut some of these businesses a littleslack.

As I indicated, the intent of the bill is appropriate to try to stop using the high sulfur content diesel fuel. But even those people who are willing to put in their own equipment for dying this diesel fuel cannot order the equipment and get it all set up within the time required under this law.

So I will follow the suggestion of the manager of the bill and withdraw the amendment, hoping, prior to this bill's being passed on the floor, we can work out some colloquy to the satisfaction of the chairman and the ranking member that would also satisfy the desires that I have.

The PRESIDING OFFICER. The Senator has the right to withdraw the amendment.

So the amendment (No. 1007) was withdrawn.

Mr. LAUTENBERG. Mr. President, I again express my appreciation not only for the Senator's help in moving this appropriations bill along, but also for his desire to be fair in the administration of the law that was enacted. He has a compelling point when he talks about the inability to get the equipment that is necessary to respond to the law. But I do appreciate his, as usual, cooperative spirit.

This issue will not, obviously, go away, and when the good Senator from Nevada has a chance to review the program further with the committees of jurisdiction, we will be able to take it up again.

At this point, as far as I know, we have no amendments. The Senator from Maine did ask to have an opportunity to speak on another subject.

But, Mr. President, before I relinquish the floor I want to sound the refrain that is often heard here. Time is flying. We are into our new fiscal year. It is 1994 as far as we are concerned, though the new year's bells have not yet rung.

The fact is that we have a lot of work to do, and delays in bringing up any amendments that are of interest are simply an intolerable.

When the two lights go on, we know within the body that that is a quorum call and that silence often reigns. Sometimes the viewers outside get a particular passage from a Mendelssohn concert or something of that nature. But we have work to do here. I ask any Senator who has an amendment to please come forward and let us hear it, let us get it done, and let us get on with the people's business.

With that minilecture, Mr. President, I yield the floor.

Mr. COHEN. I thank the Senator from New Jersey.

Mr. President, I ask unanimous consent I be allowed to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANTISTALKING LAW

Mr. COHEN. Mr. President, it is with a great deal of pleasure that I announce the completion of a study conducted by the National Institute of Justice on a much awaited and much needed model of antistalking law.

Justice Louis Brandeis some years ago once described "the right to be left alone as the most comprehensive of rights and the right most valued by civilized men," to which we, of course, would have to add "valued by civilized women" as well.

Unfortunately, the victims of stalking find it impossible to be left alone, and they feel as if there is no place to turn when they become the prey of stalkers.

While a number of States have enacted antistalking laws, the problem, unfortunately, has not been solved. Unfortunately, many of these statutes are so broad and so vague that they will not pass constitutional scrutiny and others are so narrowly drawn they become largely ineffective.

As a result of the pervasive and widespread problem that exists in this country, I, along with Senator BIDEN, sponsored legislation last year that directed the National Institute of Justice

to develop a model antistalking law that the States could look to for assistance.

The need for this type of legislation, I think, is overwhelming. The crime of stalking is insidious, frightening, and, as I indicated before, it is on the rise.

We hear of stalking of celebrities like Rebecca Schaeffer, David Letterman, or even Stephen King, from my hometown of Bangor, ME. They tend to attract much attention and dominate the news reports of stalking. Yet, highly recognizable celebrities make up about 17 percent of the stalking victims nationwide. The majority of stalking victims are ordinary citizens.

Take, for example, the story of Kristin Lardner, who was stalked and then murdered by a former boyfriend in Boston. This tragic story was chronicled by Kristin's father, George Lardner, a veteran reporter for the Washington Post. Kristin, a budding young artist, had tried to keep Michael Cartier away from her. Just 6 weeks before he murdered Kristin, Cartier had left her unconscious in a Boston street after he kicked her repeatedly in the head and legs. After this incident, Kristin sought protection from the courts. A 1-year restraining order was issued in mid-May 1992, ordering Cartier to stay away from Kristin's home and job, and to stop abusing her. Cartier had bragged to Kristin that restraining orders would do no good, and he was absolutely right. In May 1992, Cartier shot Kristin in broad daylight on the street.

Kristin Lardner was an extraordinary young woman who died in what is becoming a disturbingly ordinary way. About 5 percent of women in the general population will be victims of stalking at some time in their lives. Nationally, an estimated 4 million men kill or violently attack women they live with or date and as many as 90 percent of women killed by their husbands or boyfriends were stalked prior to the attack.

Kristin's story and other incidents that have been front page news have helped educate Congress and State legislators that this crime is pervasive and that women who seek protection from this abuse often face a judicial system that has traditionally viewed such violence as domestic disputes. As Kristin's story illustrates, even when protection is sought, there is no guarantee that the abuse will stop.

I have participated in hearings before the Judiciary Committee and corresponded with citizens in my home State of Maine about this horrible problem. The response has been phenomenal. I have been contacted by people from all over the country, victims and families of victims, who tell me their hair-raising experiences. They tell me that stalking is a crime that does not discriminate, it is not gender specific, and it affects people from all walks of life.

Victims call for sound laws to prosecute stalkers. They also point out that while it is important to have antistalking laws in place, it is equally important that these laws are enforceable. What must be prevented are situations where a victim learns that the local police force or prosecutor's office is reluctant to do something, not because they are indifferent to the plight of victims, but because the State antistalking law has deficiencies that render it completely ineffective.

I believe that responsibility for enacting and enforcing antistalking legislation should remain primarily with the States. Since 1990, 48 States have enacted antistalking laws. While their intent is admirable, as they are tested in court, they may not be enforceable. We are limited in predicting who will become a stalker and who will be a victim, but we can prevent victims from being told the State is powerless to help. It was this type of situation that my legislation sought to prevent by directing the National Institute of Justice to draft a carefully researched, sound model upon which State antistalking laws may be patterned.

As the National Institute of Justice study notes, stalking is a unique crime because it involves ordinarily normal behavior to harass and hound a victim. Simple actions such as using the telephone and standing on street corners become tools of crime.

Mr. President, I think we cannot begin to imagine the kind of fear that a mother may have as she sees a stranger stand at the corner of her home or her lot, or watch somebody follow her children to a school and stand there and just wait. It may be a celebrity or someone else, who has a man—or it could be a woman, if the situation is reversed—standing watching her movements, day in and day out, doing nothing but simply standing there waiting for what she believes to be the right moment to attack her.

We had one of our colleagues last year, Senator Kruger, he and his wife were stalked by a former pilot of theirs, a gentleman who had been piloting their aircraft during a time when he ran for the Senate some 4 years previously. That individual continued to harass them with phone calls, as many as 22 or 23 phone calls during the course of an evening, with threats, implied threats, coming up to a door putting an envelope under that door saying, "This is how close I can get to you." Finally, waiting several years before he made the mistake of calling on a telephone, the recording was taped by local and Federal officials, where a threat to really cause physical harm was recorded and he was convicted.

But this is the kind of activity that simply is not tolerable. And while, on the one hand, we have to protect individual's rights and freedoms of expression and travel and movement, we cannot tolerate a situation where one person is allowed to place another individual or family in fear of physical or, indeed, emotional harm.

And so this study, I believe, reflects the best kind of workthat the Government can do.

In this particular case we called upon virtually every Federal agency, State agencies, Government associations, Governor's associations, as well as the ACLU and tried to get a broad spectrum of people involved to make sure we balance the need for the right to have freedom of movement and expression and free speech, along with this most comprehensive of all rights—the need to be left alone.

It is imperative that antistalking legislation prohibit the use of ordinary behavior to terrorize without going too far to improperly restrict the rights of law-abiding citizens to engage in these activities.

Stalking is also unique because it is often a series of acts that escalate into violence. Therefore, it is important to develop State legislation which identifies the various stages of stalking and provides for intervention by law enforcement at a time that sufficiently anticipates its culmination in violence.

Existing State statutes were researched by the National Institute of Justice [NIJ] and broken down section by section to create a model code that incorporates the best elements of each. However, the project went beyond analyzing what was already drafted. The constitutional principles of freedom of expression, due process, and freedom of movement were studied to evaluate the impact antistalking legislation would have on these paramount rights. Various issues such as enhanced penalties, conditions of release, victim notification, and bail issues were also considered in order to produce a well-rounded study. The resulting model code is a product of intense research and extensive analysis of all relative issues pertaining to penal legislation.

In short, the study contains the following recommendations with regard to antistalking legislation:

States should consider establishing a continuum of charges that could be used by law enforcement officials to intervene at various stages of a stalking situation. Less egregious cases could be handled under existing harassment or intimidation statutes. In addition, States may want to consider enacting aggravated harassment or intimidation statutes to be used when a defendant persistently engages in annoying behavior.

States should consider creating a stalking felony to allow law enforcement officials to intervene and address serious, persistent, and obsessive behavior that causes a victim to fear bodily injury or death.

So what they have recommended is a series of graduated penalties, from the

more lenient to the more egregious types of behavior which impose such fear on the part of the victims.

The study also makes recommendations regarding sentencing schemes, appropriate pretrial release conditions for accused stalkers, managing stalking cases in the criminal justice system, and additional research which should be undertaken.

The commentary that accompanies the model code highlights the strengths and weaknesses of existing State law. And it is important to make this point, Mr. President. For example, the NIJ report notes that the model code does not list specific types of actions that could be construed as stalking because some courts have ruled that if a statute includes a specific list of prohibited acts, the list is exclusive. Rather, the NIJ suggests the model code prevents stalkers from skirting the law by prohibiting stalkers from engaging in a course of conduct that would cause a reasonable person fear.

The States should not list each and every type of action that could constitute stalking but, rather, pass more broadly defined types of prohibitions that prevent stalkers from engaging in a course of conduct that would place a reasonable person in fear.

I hope the States will look to this language to modify and amend their own statutes. We have found, for example, that States like Florida, or here in the District of Columbia, both of these, the State and District found their antistalking laws were struck down because they were either too broad to survive constitutional analysis or too narrow to be supported.

The language developed by the NIJ is important because it provides one solution to the problems that have been identified with many antistalking laws. It will be a valuable resource for States when amending and improving existing stalking laws like Florida's and the District of Columbia, which both saw their antistalking laws struck down.

The model code development project was carried out by the National Criminal Justice Association under the direction and oversight of an NIJ project monitor. In addition, the National Governor's Association, the National Conference of State Legislatures, the American Bar Association, the Police Executive Research Forum, the American Civil Liberties Union, as well as other various research and special interest groups participated in the deliberations and had the opportunity to debate the merits of antistalking legislation from the point of view of the victim, the prosecutor, the police officer, and the defendant.

I believe the efforts of the NIJ are examples of the Federal Government at its best. The superb law enforcement and legal resources of the Federal Government were not used to produce a hastily drafted Federal law in response to the public's call for action. They were utilized to assist the States, the entities with the primary responsibility for law enforcement, in their efforts to address stalking.

Now that the study is concluded, this report is to be given to State authorities. This is when the difficult task of enacting truly effective State laws begins. I believe the model code will prove to be an effective tool for the States to use in fighting stalking.

I would like to thank the NIJ and the National Criminal Justice Association for all their hard work. I would especially like to thank the Attorney General for her support in seeing this project through to completion. We have taken a significant step in ensuring that one of our most comprehensive of rights will be protected.

I did want to take just a few moments to call to the attention of my colleagues this very important report. It is being distributed as I speak to all the States so they can look at its recommendations and perhaps consider amending their own statutes which are currently on the books. As I have indicated, some 48 States now have antistalking laws. Hopefully this model will allow them to have the peace of mind to know they have laws on the books that are in fact constitutional and enforceable.

I yield the floor.

Mr. D'AMATO. Mr. President, I would take a moment to commend Senator COHEN for his very thoughtful work in this area. This is an area of immense concern. It is unfortunate that it comes to our attention only when we have these shocking tragedies such as the Senator has outlined. I, for one, would like to see if we cannot get our legislature to look at it, and others. It is important, and he and Senator BIDEN should be commended for their work in this area.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, for the past couple of years while I served over in the House of Representatives, when the Department of Transportation bill came to the floor I attempted to get money removed that was being spent to give flying lessons to top executives at the Department of Transportation. I had a running battle with then-Secretary Sam Skinner about this subject. It was not a lot of money, but it was about $60,000 a year spent to give flying lessons to lawyers down at Department of Transportation—the publication editor at the Department of Transportation out taking flying lessons paid for by the American taxpayer. When I asked Secretary Skinner what this was all about, how could he justify that, and incidentally he, too, was the recipient of flying lessons at the taxpayers' expense, he said, "That is easy, at the Department of Transportation we regulate air travel so we want people to be proficient and understand what is going on. Therefore we have some of our lawyers and others taking flying lessons."

I said, "Fair enough. If that is true, since you also regulate bus travel, do you have some of your lawyers out learning how to drive a bus? You regulate truck travel. Name me one management person at the Department of Transportation out learning how to steer an 18 wheeler—just one." Of course there were not any.

This was a perk that ends all perks, to get free flying lessons for lawyers and others at DOT. My understanding is that money is not now in this bill and for that I think SecretaryPeña and others should be complimented.

ALCOHOL AND DRIVING

On another point, I had intended to offer an amendment on this bill and decided not to because it would have been legislating on an appropriations bill. I talked to the chairman about it. But at an appropriate point we should deal with this subject here in the Senate.

There is still, in this country, an opportunity for someone to get behind the wheel of his or her car, put the key in the ignition, one hand on the steering wheel and the other on a fifth of whiskey, and drive down the road drinking and be perfectly legal. In eight States in America you can drink and drive and it is perfectly fine. It ought not happen in this country. We ought to separate alcohol from vehicles. In 8 States, the driver can drink, in 30 States someone else in the car can have a party. We ought to have a national standard in this country that, no matter where you are on vacation, you and your family understand that the car you see at the next intersection has no alcohol in it.

Alcohol and automobiles do not go together and no States should permit them to go together. I intended to offer an amendment to this bill but I will wait a more appropriate time. This is an issue I have worked on for a number of years and do not intend to desist.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The manager of the bill, the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I will shortly relinquish the floor because the Senator from Alaska and others indicated they are interested in speaking.

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 2750, the Transportation and related agencies appropriations bill and has

found that the bill is right at its 602(b) budget authority allocation and under its 602(b) outlay allocation by $4 million.

I compliment the distinguished manager of the bill, Senator LAUTENBERG, and the distinguished ranking member of the subcommittee, Senator D'AMATO, for all their hard work.

Mr. President, I have a table from the Budget Committee showing the official scoring of the Transportation and related agencies appropriations bill and I ask unanimous consent that it be printed in the RECORD at the appropriate point.

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

SENATE BUDGET COMMITTEE SCORING OF H.R. 2750, TRANSPORTATION APPROPRIATIONS—SENATE REPORTED BILL

[In millions of dollars]

Bill summary	Budget authority	Outlays
Discretionary total:		
New spending in bill	13,434	12,251
Outlays from prior years appropriations	.....	22,773
Permanent/advance appropriations	0	0
Supplemental	0	11
Subtotal, discretionary spending	13,434	35,035
Mandatory total	589	592
Bill total	14,023	35,627
Senate 602(b) allocation	14,023	35,631
Difference	−(*)	−4
Discretionary totals above (+) or below(−):		
President's request	−220	−121
House-passed bill	670	395
Seate-reported bill	.....	.....
Senate-passed bill	.....	.....

Mr. LAUTENBERG. Mr. President, I have a couple of technical amendments. I ask unanimous consent to lay aside the pending committee amendments, which are the pending business I believe—is that correct?

The PRESIDING OFFICER. The Senator is correct. Without objection they will be set aside temporarily.

AMENDMENT NO. 1008

(Purpose: To make technical corrections to the bill)

Mr. LAUTENBERG. Mr. President, I send a technical amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 1008.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, line 15, strike "(HIGHWAY TRUST FUND)".

On page 19, line 17, after the comma insert the following: "and Public Law 101-516".

On page 23, line 25, strike "2,485,000" and insert the following: "$1,435,000".

On page 24, line 9, strike "1,357,000" and insert the following: "$2,711,000".

On page 28, line 23, following "1994" insert "and $250,000 is hereby made available for the cost of such loan guarantee commitments".

On page 40, line 15, strike "1004(d)" and insert the following: "10004(d)".

On page 61, line 21, strike "1995" and insert the following: "1997".

AMENDMENT NO. 1009

(Purpose: To strike a provision from the bill)

Mr. LAUTENBERG. I would at the same time send another amendment to the desk, which I ask to be considered concurrently.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the next amendment.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 1009.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 65, strike all beginning on line 9 through the end of line 13.

Mr. LAUTENBERG. Mr. President, this is an amendment that deals with the Coast Guard. It strikes from the bill a provision that affects three supplemental pay programs that affect officers within the U.S. Coast Guard.

The original committee bill proposed to cap such payments based on indices including statistics on officer retention and job assignment choices that called into question the continuing necessity for these programs in time of severe fiscal constraints.

However, in discussions that I have had these last couple of days with the Commandant of the Coast Guard, he has communicated his views to the committee that these pay programs should be continued. They are consistent with other branches of the military and in matters such as these, I am inclined to defer to the Commandant's judgment.

Moreover, the Coast Guard in the interests of accommodating this need has offered an offset within its own budget to accommodate this change.

The Commandant also suggested to me that there might be an opportunity for another offset in DOT generally but that he is taking the responsibility for finding it, and pending that conclusion, then, I want to recommend that this amendment be considered.

Moreover, this amendment thusly strikes the provision regarding supplemental pay in the bill and transfers these savings to a budget category, II(b)(1) for nonpay, cost-of-living adjustments. Even with this change, the Coast Guard will have a $22 million nonpay COLA for fiscal year 1994 as do, again, other service branches.

This amendment has been cleared by the Republican manager. I know of no further debate on this amendment. I urge the adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendments.

The amendments (Nos. 1008 and 1009) were agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to address the Senate for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOMALIA—IT IS TIME TO COME HOME

Mr. MCCAIN. Mr. President, the reports from Somalia get worse by the minute. Most recent reports indicate that as many as 12 American servicemen were killed in combat and another 78 wounded in the conflict with the forces of General Aideed. Reports further indicate that there are six Americans missing and that some of them may have been taken prisoner.

One cannot help but see the analogy with our efforts in Lebanon in the early eighties and the terrorist attack that precipitated our withdrawal. The numbers of Americans killed in combat since Operation Restore Hope ended in May has now reached 19—19 American servicemen have been killed in a conflict with no clear connection to U.S. national security interests.

It is time for American forces to come home. I just do not see the sense of our operations in Somalia, and I know a great many Americans feel exactly the same way.

Last week at the United Nations, the President outlined four criteria for U.S. participation in U.N. missions. "Is there a real threat to international peace? Does the mission have clear objectives? Can an end point be identified? And how much will the mission cost?" He has met none of these criteria in Somalia. By the President's own formulation, United States participation in U.N. operations in Somalia is unwise.

The administration's internationalism is simply not practical and to the extent that it involves the lives of U.S. service men and women, it is deadly.

I very much look forward to receiving the report we requested of the administration on United States operations in Somalia. I suggest the administration get it here as quickly as possible so that the Senate can vote on the matter.

Despite the tragedy of recent events in Somalia, there are reports that the

administration is prepared to send another 200 troops and heavy armor to Somalia, including 4 M1-A1 tanks and a dozen Bradley fighting vehicles.

This is a reaction decidedly different than President Reagan's 1983 decision to withdraw United States forces from Lebanon following the deaths of 400 marines. That was a difficult decision. It took an admission of failure. But President Reagan's admission of failure prevented the further waste of American lives. The decision to withdraw United States forces from Lebanon, frankly, took much more courage than the current administration's decision to escalate our involvement in Somalia.

UNOSOM II is unrelated to the objectives President Bush worked to establish last December, humanitarian objectives that were widely supported by the American people. That mission ended on May 4, 1993, with its humanitarian objectives met. UNISOM II by contrast has failed. It is time for the administration to admit as much and bring our young men and women home.

Thus far the administration has dealt with its apparent failure through negotiations with Boutros Ghali to refocus our efforts.

To its credit, the administration has recognized that one element of its grandiose vision for Somalia, the decision to go after General Aideed, may have been unwise. If this tragedy is any indication, its negotiations with the United Nations have not been successful. Although the troops killed today are under the operational command of an American, we still seem to be following the policy of Boutros Ghali.

It is difficult to take comfort in the fact that American combat troops are under the military command of an American general, if their political and military objectives are being determined by the United Nations.

Why should the United States have to convince the Secretary-General of the U.N. that the mission of our troops should change? President Clinton is accountable for the lives of American servicemen, not Boutros Ghali. If the President decides to accept the counsel of the American people and withdraw U.S. forces, he should do so, with or without the support of the United Nations.

Mr. D'AMATO. I ask the indulgence of my colleagues for no more than 2 minutes, if I might. Senator DANFORTH has been waiting patiently. Senator MCCAIN has touched on an issue that I think is timely and is appropriate and that is the issue of Somalia.

So, with the Senator's indulgence, I ask unanimous consent to proceed as if in morning business for 2 minutes.

The PRESIDING OFFICER (Mrs. BOXER). Without objection, it is so ordered.

Mr. D'AMATO. I thank my colleague.

U.S. ROLE IN SOMALIA

Mr. D'AMATO. Madam President, the situation in Somalia has really deteriorated. What are our purposes there? What is the mission of the young men and women who are there from this Nation? We have gone from a mission to provide humanitarian aid—indeed, coming to the rescue of a beleaguered people—to now, where we find ourselves in firefights with people. We find our own soldiers being shot at and killed. We find ourselves taken hostage. We find ourselves in a political situation that would appear to be undefined, without a clearly established goal.

I say that the time has come to an end for us to be there aimlessly. In quest of some warlord. Is that our mission? If that is our goal, then let us state it clearly.

If that is our mission and that is our goal, and we decide to go forth, let us see to it that our men have sufficient firepower and personnel to see to it that this is not permitted to continue.

I hope that before the Defense appropriations bill is acted upon, we take a course of action in which we indicate very clearly we cannot allow the situation to continue.

I thank the Chair. I yield the floor.

Mr. LAUTENBERG. Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Madam President, I ask unanimous consent that I may proceed as if in morning business for a period of about 10 or 11 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator is recognized for 11 minutes.

SENIOR OFFICER ACCOUNTABILITY FOR TAILHOOK

Mr. WARNER. Madam President, 49 years ago next month, in November 1944, I was privileged, at the age of 17, to enlist in the U.S. Navy. As I now serve in the Senate, I often think back on the many benefits that the Navy and indeed the Armed Forces of the United States have given this Senator: a GI bill engineering education following World War II service; a subsequent GI bill legal education following service in the Marines in Korea; and also I had the privilege of serving for 5 years in the Department of the Navy in the positions of Under Secretary and Secretary. To the extent I have had success in life, I owe great credit to the training I received in the military and to the experience of serving with the fine men and women of the armed services over these many years.

Any remarks in the form of a letter that I have just sent to Secretary of Defense Aspin are not to be taken in any way as criticism of the President, to the extent he may or may not be involved in this decision regarding the Chief of Naval Operations and other flag officers, or any of the advisers or the Secretary of Defense, for whom I have great respect, having worked with him some 14 years, and also to the Secretary of the Navy, John Dalton.

I had the opportunity to work with Secretary Dalton on several occasions before and after he took office. I have confidence in him, I have respect for him. What I am about to say in no way is a criticism toward any of these public officials. It is just one Senator drawing on his own knowledge, judgment, and experience over some 49 years, working with men and women of the Armed Forces, and most specifically those serving in the U.S. Navy—the finest navy in the world.

I shall now read my letter:

DEAR MR. SECRETARY: As you work through the historic and difficult decision process relating to senior officer accountability for Tailhook, I offer these unsolicited thoughts as a Member of the Senate Armed Services Committee, as a former Secretary of the Navy, as a former sailor, and a colleague and working partner of yours for many years.

I met with Secretary Aspin last Wednesday.

As I told you last Wednesday, I believe that the Senate and especially the Armed Services Committee shares responsibility with the executive branch in certain decisions regarding senior military officer leadership, especially in cases such as these, which involve such a large group of senior officers, including the CNO, and which could have historic dimensions and effect on the Navy as a whole. I therefore urge you to consult with senior members of that Committee before reaching final decisions regarding accountability of senior Naval officers for the unfortunate events at Tailhook.

The validity and the wisdom of the procedures followed and the reasons used as the basis for final decisions in these cases are of vital importance to the future of the Navy, and to the thousands of hard working and dedicated men and women now serving in the Navy and who will serve in the future. The taxpayers of the Nation have made a multimillion dollar investment in the training, expertise, and experience of the senior uniformed leadership of the Department of the Navy. The taxpayers have the right to be assured that decisions involving the future service of these officers are fair to the Nation.

The Senate, acting through the Armed Services Committee, has a constitutional responsibility over the President's nominations for promotion and retirement of senior military officers and the responsibility to provide for the "governance of the Navy."

Likewise, the Armed Services Committee has responsibility over the retirement of senior military officers and the responsibility to provide—I repeat not only the Armed Services Committee but the whole Senate and indeed

the Congress under the Constitution—has the responsibility to provide for "the governance of the Navy," a specific direction given by the Founding Fathers in the historic discharge by this body of these men over the years of the U.S. Navy.

While Congress has given civilian Executive Branch officials the legal authority to make certain administrative and judicial decisions unilaterally regarding these senior officers, that "civilian control" works best if it is exercised after the most deliberative thought and after full consultation with those having such responsibility. Your willingness to share all the facts and your thinking about those facts with the Committee prior to making your final decisions could be of great value.

With respect to the procedures to be utilized in making these decisions and the reasons utilized to justify any decisions, I believe three separate components of the problem must be kept in mind.

The first, and perhaps the simplest, component in these cases is the issue of "unlawful command influence" as specifically prohibited by the Uniform Code of Military Justice. This, put simply, are actions by officials superior to those officials in the UCMJ process who must make judicial or quasi-judicial decisions with respect to particular cases or a class of cases that are designed to send, or can be perceived as sending, a signal to those UCMJ officials about what decisions they should, or should not, make in those cases. In taking your actions, whatever they may be, you must guard against saying or doing anything that is designed or can be clearly perceived to send a signal about how UCMJ actions against subordinate officers should be handled-either harshly or leniently.

The second component is the requirement that your actions meet the tests of general fairness and equity. These concepts are the underpinnings of our entire military system of justice and discipline and must be present in any actions taken, administrative or judicial. These concepts, in my opinion, require that comparable acts, or omissions of command responsibility, be "punished" in comparable ways, regardless of rank or position. But this does not mean that every incident of misconduct, or failure to exercise sound command judgement, arising in these cases must be handled in the same identical way or that the punishment be identical—rather it means that the punishment must fit the offense, not the rank of the offender.

Furthermore, although it may be difficult for some to understand, we cannot lose sight of the fact that certain administrative (as opposed to judicial) actions, suchas refusing to allow a senior officer to retire in his highest grade or forcing an officer to retire before the completion of his tour of duty for failure properly to exercise command responsibilities, in fact may have "punitive" results, such as loss of substantial financial resources or great public humiliation or shame. At the same time, it must be recognized that if an officer is convicted by court-martial, even if the sentence is only a minor fine, the officer has a Federal criminal conviction (felony if convicted by a general court-martial), a serious punishment in and of itself. These facts complicate the approach of not determining punishment because of rank, because they appear to be based on rank. But in reality, these facts simply mean that apparently comparable "actions" may not result in comparable "punishments."

The third component is the effect of your actions on the institution of the Navy itself and the people who today are part of that institution:

Our Nation is and has a right to be proud of the over 60,000 Naval officers who perform their duties in an exemplary manner day after day. There is an intangible limit, which should not be crossed, to which this corps of officers can be publicly identified with the misconduct or failings of less that 100. The Nation cannot be allowed to feel that Naval officers, or Naval aviators, as a group are responsible for the actions of a few. Even if unlawful command influence is avoided, and individual "punishments" can be justified as fair and equitable, if the overall result of your actions is perceived by the people of the Nation or by the people in the Navy as either too harsh or too lenient, the Nation and the Navy will suffer.

Will the people in the Nation and the Navy perceive that a few have been "punished" for the actions of many? Will your actions be perceived as punishing many for the actions of a few? Will your decisions be viewed as holding people accountable for actions about which they had no knowledge, a concept difficult to reconcile with fairness? What facts are known today that justify "punishing" these senior officers now that weren't known for the last several months while many of these officers continued to serve in their leadership positions including, with respect to the CNO, serving as the President's Acting Secretary of the Navy? Will your actions be seen as changing the rules after the fact? Will the Naval aviation community be able to recruit and retain the people we need if those now in that community and those who we wish to enter that community end up with a "sour taste in their mouth?"

Again, Mr. Secretary, I will withhold my final opinion on these cases until I have before me all pertinent facts and I've had the opportunity to hear the views of my Senate colleagues with whom I have worked for the past 15 years on military personnel and leadership issues in fulfillment of our constitutional responsibilities for advise and consent and regulation and governance of the armed forces.

Sincerely,

JOHN WARNER,
U.S. Senator.

I yield the floor. I thank my colleagues.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that I might rise to speak as if in morning business for 5 or 6 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

ALASKA'S WOLF PROGRAM

Mr. MURKOWSKI. Madam President, perhaps we in Alaska are a bit paranoid at the attention we continually receive from well-meaning but misinformed groups.

It seems that those groups are at it again in the never ending search for donations, for publicity. We find ourselves in the midst of an effort by the animal rights crowd targeting Alaska's wolf program even though it is far less comprehensive than the one they were shouting about last year.

I think it is fair, Madam President, to recognize that there is room for predator control in this country. Professional biologists will tell you that, indeed, predator control is necessary. It is good game management, and it simply makes sense.

Unfortunately, that rational view does not seem to prevail in the eyes of the animal rights groups that say predator control is totally unacceptable to them.

Well, the reality is that we have to abide by the recommendations of the professionals that have the responsibility for game management, who have spent their lives in study of the appropriate methodology.

Currently, we in Alaska have a plan to eliminate approximately 50 to 100 animals from the range of the delta caribou. The number of caribou has dropped from 11,000 animals to less than 4,000 animals and is still falling. Wolves were not the only cause of the drop, but the low caribou numbers mean they have a real impact. While caribou numbers have dropped, the wolves have doubled, and that is a fact. And since wolf populations increase at twice the rate of caribou, the arithmetic should be obvious even to extremists like Cleveland Amory and his Fund for Animals—the latest to run advertising against the State's plan. This group has tried to make the State look irresponsible, and there is no foundation for that.

The fact is that unless something is done, and done soon, the remaining wolves are simply going to eat the remaining caribou. This has nothing to do with hunting, which was halted completely over 2 years ago, but it has everything to do with the basic nature of wolves and caribou. Even where there is human hunting, wolves are responsible for 65 percent of all adult caribou deaths. And, again, Madam President, let me stress that the specific area in question has been closed to hunting for the last 2 years.

The Fund for Animals says, "Alaska doesn't give a damn about wolves." That is a pretty strange thing to say about a State that—as soon as we came into the Union in 1959—immediately put a stop to the Federal Government's policy of "the only good wolf is a dead wolf." Alaska's policies have so consistently protected wolves that we are now at the highest numbers ever. The Federal program used to pay a bounty on wolves. That is not done anymore.

The Fund for Animals says we use public relations gimmicks to distract people's attention. This comes from a group that wants us to believe the State is about to embark on a mass killing. Talk about gimmicks—that one is a doozy. The State's attempt to

save the Delta caribou herd would affect only about 3 percent of the land mass in Alaska, and less than 1½ percent of the wolves.

Finally, they want people to think Alaska's plan somehow violates the Airborne Hunting Act. That is pure nonsense. That act prohibits shooting from aircraft or using airplanes to harass animals, unless it is part of an approved predator control plan, such as this one. In fact, the State is not only refraining from taking full advantage of the act's flexibility, it has also adopted regulations that are even more restrictive, since they apply to all vehicles, and not just aircraft.

To fully explain this issue, I ask unanimous consent to have printed in the RECORD at this point a letter from Alaska's Fish and Game Commissioner, Carl Rosier, to Congressman PETER DEFAZIO of Oregon.

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

STATE OF ALASKA,
DEPARTMENT OF FISH AND GAME,
Juneau, AK, September 27, 1993.

Hon. PETER A. DEFAZIO,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN DEFAZIO: I have just received a copy of a letter to Secretaries Babbitt and Espy which was signed by you and other members of Congress. The letter, and accompanying press release, repeat a number of misstatements of fact contained in an animal rights organization's press release of the same date. These factual errors cause me strong concern and I am sure that, had you been aware of them, your decision to sign the letter may have been influenced.

The letter states that the Alaska Department of Fish and Game is attempting, "to circumvent certain federal regulations." When I became Commissioner, I swore an oath of office which included a pledge to uphold the constitutions of the State of Alaska and the United States and faithfully discharge my duties which include upholding and enforcing fish and wildlife laws for Alaska. I take that oath very seriously. My staff and I uphold and enforce the law, we do not engage in attempts to circumvent it.

The Federal Airborne Hunting Act prohibits shooting or attempting to shoot any animal from an aircraft while airborne or using an airplane to harass any animal. Alaska state law, which is actually more restricting regarding the taking of game (including wolves), prohibits shooting from mechanical vehicles or using such vehicles (including, but not limited to aircraft) for driving, herding, or molesting game. We participate in enforcing both laws statewide.

In most areas of Alaska, bush planes are the only practical means of transportation. Alaska regulations have long permitted the use of aircraft for same day transportation while hunting deer or taking lynx, fox, and coyote under trapping regulations. I want to emphasize, however, the regulations prohibit shooting from airplanes, or using airplanes to drive herd, molest or otherwise be an integral part of taking and we vigorously enforce these prohibitions.

In late June of this year in response to a proposal by trappers, the Alaska Board of Game added wolves to the list of animals that may be taken after flying the same day. We expect the regulation to result in less than 25 additional wolves taken per year statewide.

The letter confuses the same day airborne regulation with the state's ground based wolf control program which is occurring on state land in less than one percent of our state (As an aside, there are no federal funds involved in either and the state is in full compliance with all federal funding requirements and restrictions). The quote from legislative history used in the letter is not relevant to either the same day airborne regulation or the ground based control program on state land.

I believe a relevant quote from the legislative history is, "In addition, it is clearly not intended that aircraft be restricted in any way from use as a means of transportation for hunting, provided no hunting nor harassment takes place from aircraft while airborne as provided in subsection (a)."[1]

The House report on legislative history also makes clear, "Your committee would like to point out that it is not the intent of this legislation to interfere with in any way the right of the States to manage fish and wildlife within their respective boundaries."[2] The Senate report on legislative history also adds, "It is not the purpose of this legislation to infringe upon the traditional responsibility of the States to manage fish and resident wildlife within State boundaries."[3]

The letter requests the suspension of the use of any aircraft for the purposes of the same-day hunting or trapping of any bird, fish, or other animal on federal lands. Since such a suspension would have almost no effect on Alaska's wolves, but would place new federal restrictions on the taking of fish, birds, and animals in every state, the request gives the appearance of being part of a much broader anti-hunting, anti-fishing agenda. The request also appears to be in direct conflict with the legislative intent of the airborne hunting act and an assault upon the traditional responsibilities of all fifty States to manage fish and resident wildlife.

It is obvious that there is a great deal of misinformation circulating outside of Alaska on game management in our state. As an example, in a phone call last week regarding this letter, my Deputy was told that Alaska had brought the situation on itself with such actions as the gunning down of the Hagemeister Island reindeer from helicopters. The removal of the reindeer on Hagemeister Island was a federal action and not a state action.

In every state with significant amounts of federal land, there is a complex relationship between state and federal agencies. The fact that we have occasional disagreements is a reason to work harder to resolved the problems. It is not reason to assault the traditional federal/state relationships and jurisdictions.

In sharp contrast to other states, Alaska has maintained thriving populations of all of our large carnivores. That is very important to us and we manage our fish and wildlife to be sure that situation doesn't change. I ask only that we be judged on what we are actually doing, as opposed to accusations circulated by some groups outside Congress.

I have enclosed information which I hope will clear up some of the confusion. If you have questions please call me at (907) 465-6141. I would welcome the chance to discuss the issue with you. Better yet, if you or your staff could visit Alaska, I would appreciate the opportunity to show you the professional job of management my department is doing in this great state.

Sincerely,

CARL L. ROSIER,
Commissioner.

[1] S. Report 121-92, 1st Session [at 1738] 1971.
[2] H. Report 202-92, 1st Session [at 6] 1971.
[3] S. Report 121-92, 1st Session [at 1936] 1971.

Mr. MURKOWSKI. Madam President, there are many legitimate wildlife issues. It is too bad they do not have the same fundraising appeal as this one. If they did, Amory's group, and others like them could do good in the world. Instead, they focus on the photogenic and ignore the damage they are doing to the science and wildlife management.

I conclude by referring to three charts, Madam President. Chart No. 1 shows that the Delta caribou had reached their highest population in 1987. That is noted in the pink. But the wolf packs grow as they prey on the species, and also peaked, with results that you can see. Since 1989, the caribou have dropped by more than one-half, while the wolf numbers have simply kept growing. Part of the caribou drop was weather-related, but we have now reached a point where wolf predation severely hampers—indeed, prevents—full recovery.

Chart No. 2 shows that 35 percent of caribou calf mortality is caused by wolves, some 35 percent by bears, and zero by humans. For adult caribou, wolf predation accounts for 65 percent, bear predation for 15 percent, and human hunters only 6 percent.

Chart No. 3. Wolves reproduce at about plus-40 percent a year—twice the rate of caribou. The ugly truth is that once the system gets out of balance, caribou simply cannot recover on their own.

Madam President, this body spends a lot of time talking about the Endangered Species Act and what action we should take to ensure the welfare of the ecosystems around us. In my view, it is obvious that, where we can help nature with practices based on sound biology, we should be willing to do so. This is a case in point.

I thank the Chair and yield the floor.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

Mr. DANFORTH. Madam President, I believe that a unanimous-consent request has been circulated relating to an amendment which I propose to offer and which is at the desk.

The unanimous-consent request is as follows: I ask unanimous consent that there be a time limit of 1 hour for debate on the Danforth amendment, with the time equally divided and controlled in the usual form with no second-degree amendments in order thereto, or to any language which may be stricken; that a vote on or in relation to the

Danforth amendment occur at 5 p.m. today.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. Reserving the right to object, if I understood my colleague from Missouri correctly, I have no quarrel with the hour equally divided. But I would not waive the right to either offering a tabling motion and/or a substitute amendment sometime, or a substitute amendment.

I reserve the right to do that within the timeframe outlined, as I understand it. So I would only say to my friend from Missouri, if I understand the statement he just made, there would be an hour equally divided on both sides of the issue. I have no quarrel with that. Then I would be prepared to go to a vote. But I am not prepared at this moment as to what that vote might be on, or that a substitute amendment or something of that nature might be offered. I reserve the right to do that and therefore do not agree to the total proposal just offered by my colleague from Missouri.

The PRESIDING OFFICER. So there is objection to the total proposal and agreement on a part of it?

Mr. LAUTENBERG. Madam President, just to amend one thing that was said. A vote at 5 o'clock has been committed, and I would not feel comfortable with a unanimous-consent agreement that accelerates that time. So if the Senator from Nebraska, regardless of what comes out in terms of the discussion of other amendments, I ask that we not have a vote at the conclusion of an hour of debate. If that works out—and we hope that agreement can be struck between the two Senators, that permits us to get on with the discussion—a very important one. The sides are relatively equally divided. I am talking about the perspective, not the time. But I would hope, too, that the Senator from Missouri would consider leaving an opportunity for amendment or second degree or otherwise to be included.

The PRESIDING OFFICER. The Senator from Missouri has the floor.

Mr. EXON. Will the Senator yield for a question?

Mr. DANFORTH. Madam President, I am happy to yield.

Mr. EXON. Madam President, I would simply, to clarify things, agree with everything that has been said thus far as I understand it by the Senator from Missouri and the subcommittee chairman, the manager of the bill, and I would certainly agree to a vote at any time after both sides have had their chance with an hour equally divided and with the stipulation that I just recited with regard to a possibility—I am not certain but the possibility—of a second-degree or substitute amendment.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Madam President, what is the pending business?

The PRESIDING OFFICER. The pending business are the committee amendments.

AMENDMENT NO. 1010

(Purpose: To eliminate appropriations for the Interstate Commerce Commission)

Mr. DANFORTH. Madam President, I call up my amendment as an amendment to the committee amendments.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. DANFORTH] for himself, Mr. BROWN, Mr. CHAFEE, Mr. DOMENICI, Mr. LOTT, Mr. MURKOWSKI, Mr. DOLE, Mr. JEFFORDS, Mr. THURMOND, Mr. SIMPSON, Mrs. HUTCHISON, and Mr. WALLOP, proposes an amendment numbered 1010.

Mr. DANFORTH. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 45, strike line 13 through line 9 on page 46.

Mr. DANFORTH. Madam President, this amendment simply deletes from the bill the funding for the Interstate Commerce Commission. If this amendment is agreed to by the Senate, it would then be my intention, prior to final passage of this bill, to offer an additional amendment which would transfer the functions of the Interstate Commerce Commission to the Department of Transportation. That particular provision is not part of this amendment because it would be subject to a point of order that it was passing substantive legislation on an appropriations bill.

Therefore, because I wanted a clean vote on the simple question of the Interstate Commerce Commission, the form of this amendment is to simply delete the appropriation for the ICC. I do want to point out to the Senate that if the amendment is agreed to the effect of agreeing to the amendment would be that it would be my intention to offer a subsequent amendment simply transferring whatever functions there remain in the Interstate Commerce Commission to the Department of Transportation.

Therefore, this debate is not about the functions of the ICC, the substantive issues relating to regulation of transportation, whether there should be some vestige of regulation for transportation. That is a different debate. That is not something that is now on the floor of the Senate. It is a separate matter.

This debate is simply a question of the existence of the ICC, not the function it performs. The function would be transferred, according to this scheme, to the Department of Transportation. But we believe that for the purpose of both saving money and for the purpose of public safety, it is important to do away with the ICC and to transfer those functions to the Department of Transportation.

Madam President, the Interstate Commerce Commission is a relic of a bygone day in American history. The Interstate Commerce Commission had its origin back in the 19th century and probably had its heyday in the first, say, quarter or maybe third of the 20th century.

The days of the ICC were days of regulation, days when tariffs were filed and rates were regulated and service was regulated in surface transportation. The railroads then were regulated. The trucking industry later on was regulated and subject to the jurisdiction of the ICC.

If you go to the Interstate Commerce Commission today on Constitution Avenue, it is really a breathtaking place. It is somewhat akin in its majesty to, say, the floor of the U.S. Senate. There is a beautiful hearing room at the Interstate Commerce Commission with a magnificent dais and the image that it connotes is the image of a previous era of American history.

One can imagine the railroad barons arriving at Union Station in their private rail cars and being picked up at the station by their liveried chauffeurs and delivered to the majestical hearing room of the ICC to plead their cases for matters that at that time were life and death to the rail industry.

That is not the case anymore. And it has not been the case for more than a decade. In 1980, with the enactment of the Staggers Act, rail transportation was deregulated, and the same year trucking was deregulated and interstate busing a couple years later was deregulated. One industry after another that was regulated by the Interstate Commerce Commission was regulated no more.

Now, when Congress decided to deregulate air transportation, the regulatory body that had jurisdiction over the airlines was the CAB, the Civil Aeronautics Board. And when we deregulated air transportation the CAB was abolished and its functions were transferred to the Department of Transportation. It was a very clean operation. Whatever functions remained for the CAB to perform were transferred to the Department of Transportation.

Unfortunately, the same thing was not done with the ICC. The Interstate Commerce Commission was not abolished with the deregulation of the various industries under its jurisdiction. It continued to exist.

So now we have an anomaly. Now we have a situation where this splendid hearing room is there and five Commissioners of the Interstate Commerce Commission, each paid in excess of $115,000, and the Chairman paid even more than that, five Commissioners of the ICC with very little to do.

Last week I spoke with two of the Commissioners of the ICC. One of them said to me that the case load of the ICC was almost embarrassingly light, and he described to me a situation of showing up in his office for the day and receiving maybe a couple of phone calls during the day. The cases that are before the ICC, such as they are, are almost all pro forma cases. They require very little in the way of decisionmaking. Therefore, the position that the Commissioners stated to me was why not get rid of the agency.

Now, to understand what this amendment is all about, it is interesting to point out what one of the Commissioners, Gregory Walden, has said in public. He has put this in print. He says:

> One is hard pressed to locate a single type of function that is not currently being performed by DOT or other Cabinet departments.

In other words, according to Commissioner Walden and according to the other Commissioner who visited with me as well, Commissioner Philbin, there is not anything that the ICC does that should not or could not be done by a Cabinet level department. And they pointed out to me that $10 million could be saved right off the bat simply by transferring the various functions and the various resources in the Commissioners' own offices and attendant support staff to the Department of Transportation.

Right now there are five Commissioners. They each have their own assistants. They have their own offices. There is an Office of Congressional Affairs, an Office of Human Relations, an Office of Inspector General, an Office of Administrative Service, Systems Development, Library Services and field offices.

And according to these Commissioners all of these functions simply can be melded into the Department of Transportation. Some would argue that there should not be any remaining functions for the ICC. Some would argue that such regulations as now exist are largely the receipt of forms and pro forma rulings. Some would argue that those functions should be abolished. That is not the point of this particular debate.

The point of this debate is, even if we decide that we want to continue these various functions, there is an overlap here and the functions could be accomplished in the Department of Transportation, similar to what was done in the case of airline deregulation.

One question might be: "Well, if we were to abolish these functions and transfer them over to the Department of Transportation, could the Department of Transportation do the job"? And the answer to that is, of course.

If we exclude the grants that it makes, the Department of Transportation has a $12 billion annual budget. The ICC has an annual budget which, when you add the appropriations and the fees, is a little over $50 million.

Of course, the same functions could be transferred to the Department of Transportation. The Department of Transportation has a staff of 68,000 people. The ICC has a staff of 615 people. And if my second amendment is agreed to, those people that are necessary would simply be transferred over to the Department of Transportation. So, of course, the Department of Transportation could simply continue to do the job.

Madam President, all of us, regardless of political party, are concerned about the efficiency of Government. I know the administration is. Vice President GORE has issued his report on reinventing Government. But if we are concerned about governmental efficiency, if we are concerned about reinventing Government, then, clearly, on some occasions, we should be willing to do away with agencies which are now no more than relics of some past historical era.

And that is what this amendment is all about. This amendment is simply a way of getting rid of something every now and then. We ask the American people for more taxes. We tell them that we have problems with the deficit. All right, here is a little agency that we can get rid of. And that is what this amendment is all about.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri still has the floor.

Mr. DANFORTH. Madam President, I would simply like to announce that the cosponsors of this amendment are Senators BROWN, CHAFEE, DOMENICI, LOTT, MURKOWSKI, DOLE, JEFFORDS, THURMOND, SIMPSON, HUTCHISON, and WALLOP.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Chair.

I want to point out, as I listened to the eloquence of our colleague from Missouri, one day in the not too distant future he will be missed. And in addition to missing his point of view and his ability to articulate the case and his concern about the way we function will be his eloquence in describing situations as he sees them.

By the time he finished with his description of the facility at the ICC, it seemed to me that we were about to demolish a landmark in this country. I am not above doing that, but that facility was built at a time when it had a need and a purpose, and I think it still has, regardless of its many splendid facilities. So we ought to be talking about whether or not the ICC has a function to perform.

The Senator from Missouri suggested that by moving to DOT,we would not affect the assignments or the responsibilities that ICC has but, rather, would simply be shifting it. Perhaps if that were the case, without adding any costs, we might be able to get a little more agreement. But it does not seem to do that.

I think the Senator from Nebraska is going to be saying some words in a few minutes. He has a letter that I would prefer to permit him to review, having to do with the Secretary of Transportation's view of this recommendation.

If I might ask the Senator from Nebraska whether he intends to make some comments about this letter, then I would forego those comments at the moment.

Mr. EXON. If I might answer my friend, I certainly do have the letter that he has just referenced that I requested from the Secretary of Transportation. In addition to that, I have a letter from the White House of a similar vein that I intend to propose in my rebuttal to the amendment offered by the Senator from Missouri.

Mr. LAUTENBERG. I thank the Senator from Nebraska. He has long had an interest in trucking and railroads and transportation services, freight services, in this country, and I would defer to him.

I simply, Madam President, want to voice my objection to this action, not because I have any particular affection for the ICC, but I hear from trucking companies in my State and in the region about the difficulty of having competition available with the small- to medium-sized truckers with the larger companies. If one ever travels the New Jersey Turnpike and sees the volume of traffic that we have there, and the volume of traffic crossing the bridges and tunnels that connect the State of my distinguished ranking member and myself, New York to New Jersey, sees the amount of commerce that is produced and recognizing that competition is a very important factor here, that in the process of licensing and review to make sure that there is a fiscal or financial responsibility attached to petitioning for license, that the ICC has again a valuable service to perform.

Now, we listened carefully to what the distinguished Senator from Missouri said and again he said he was not interested in abolishing the functions so much as abolishing the facility and some of the trimmings that went with it.

I submit to you that if the Secretary of Transportation cannot find a way to accommodate the services without adding staff to this organization, then we have succeeded in accomplishing nothing.

Frankly, there has not been the kind of review that ought to take place when we have an agency that has, I think, such an important role to perform to simply dismiss it.

And so, Madam President, I am going to be one of those who oppose this

amendment. I hope that we will be able to muster enough support to say, "Listen, trucking in this country is a critical, critical industry and we want it to function and we want it to function safely." The safety portion is taken care of by the Federal Highway Administration. But the licensing, the fiscal responsibility is a function of the review and audit by the ICC.

And so, Madam President, at this point, I yield the floor.

Mr. EXON. Will the Senator yield?

Mr. LAUTENBERG. Yes.

Mr. EXON. Madam President, I ask for the yeas and nays on the Danforth amendment.

Mr. DANFORTH. Madam President, I do not think the Senator has the floor.

The PRESIDING OFFICER. Is there objection to the Senator requesting the yeas and nays?

Mr. DANFORTH. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Jersey has the floor.

Mr. LAUTENBERG. Madam President, I, at this juncture, have finished with my comments and I yield the floor.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Madam President, in light of Senator EXON's decision to possibly offer a second-degree amendment, I modify my amendment which is at the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment, and the amendment is so modified.

The amendment (No. 1010), as modified, is as follows:

At the end of the amendment add the following:

"Notwithstanding any other provision of this Act, none of the funds made available by this Act may be expended or obligated for the salaries and expenses at the Interstate Commerce Commission."

Mr. DANFORTH. I yield the floor.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Nebraska.

Mr. EXON. Mr. President, I rise to oppose the Danforth amendment to defund the Interstate Commerce Commission, commonly known as the ICC, and to transfer its responsibilities to the Department of Transportation. Such action would at a minimum be very shortsighted, in the opinion of this Senator; second, it would be ineffectual, and it would be tremendously harmful. This amendment would not create deficit reduction. It would create economic chaos.

This is not a debate about the economic regulation of trucks, trains, or buses. It is about who will administer those regulations. Even those transportation industries which support further deregulation have indicated that, if they are to be regulated, they would prefer the independent forum of the Interstate Commerce Commission to the politically controlled Department of Transportation.

There have been remarks made in this regard today, that what is wrong is transferring an independent agency's decisionmaking process over to the authority of an individual Department under the direct control of the President of the United States and his appointees. It is clear those who may have had some quarrel with the Interstate Commerce Commission at some time in the past clearly believe transportation is absolutely fundamental to the economic well-being of the United States of America, internally and abroad.

The Interstate Commerce Commission has performed their regulatory features for years, although granted it has somewhat less of an emphasis and authority than it had in the past. They still have some regulatory authority. I think, hardly without exception, those who would be governed by this are very fearful indeed of some of the transfers suggested by the Senator from Missouri, afraid of transferring their duties over to the Department of Transportation, an agency under the direct control of the President.

It seems to me these are things that many people do not get into. But it certainly seems to me the movement to strike funding for the Interstate Commerce Commission as advanced by the senior Senator from Missouri would in fact end the Interstate Commerce Commission without taking any action whatsoever about a replacement thereof, other than to say, oh, this can easily be transferred over to the Department of Transportation.

I suggest in all candor there is hardly a regulatory agency of the Federal Government that wisdom has not shown over the years should be out from under the direct control of the administration, whatever that administration is. There is nothing more important, as far as independence is concerned, and the survival of the healthy economy we hope will flourish even more in the future, than any concept of making this transfer or other transfers without study, without hearings—just close down the Interstate Commerce Commission.

I think most would agree the amendment offered by the Senator from Missouri is, in fact, if not technically, misuse of an appropriations bill. It is legislation on an appropriations bill, regardless of how it is disguised and in what form, as amended, it is presented to the Senate.

But I emphasize again the debate today is about who will administer these regulations. Even those transportation industries which support further deregulation have indicated that they, if they are to be regulated, prefer the independent forum of the ICC to the politically controlled Department of Transportation.

At this juncture, I would like to read a list of "Who's Who" in the transportation industry. They are totally opposed to the attempt being made by the Senator from Missouri to eliminate the Interstate Commerce Commission. They are:

The American Trucking Association; the American Bus Association; the Owner Operators of America; the National Motor Freight Transportation Association; the National Small Shipment Traffic Conference; the Regular Common Carrier Conference; the Transportation Brokers Conference of America; the National Association of Regulatory Utility Commissioners; Consolidated Freightways; the National Coal Association; the United Parcel Service; the National Grain and Feed Association; Edison Electric Institute; Consumers United for Rail Equity; Atchison, Topeka and Santa Fe Railway; Burlington Northern Railroad Company; Consolidated Rail Corporation; CSX Transportation, Inc.; Chicago and Northwestern Transportation Company; the Denver and Rio Grande Western Railroad; the Kansas City Southern Railway; the Norfolk Southern Corporation; the Soo Line Railroad; the Southern Pacific Transportation Company; the American Short Line and Regional Railroads of America; the Southern Transportation League; the Freight Traffic Services; the American Movers Conference; the Greenbrier Development Corporation; the Railway Labor Executives' Association; the Brotherhood of Maintenance of Way Employees; the United Transportation Union; Rails-to-Trails Conservancy.

It seems to me we should listen, and listen very carefully.

What I am most concerned about, frankly, is this is without very much thought and with no legislative hearing, with no real legislative input, with no legislative insight. This is supposed to be a deliberative body. It is often described as the most deliberative body in the world. I am very fearful that, unless all of the Senators understand fully the impact of the amendment offered by the Senator from Missouri, they might be tempted to come to the floor of the U.S. Senate and say, "This is a vote for fiscal responsibility. We are going to eliminate a Federal bureaucracy." Who can be against eliminating the bureaucracy in times like these?

I am fearful many Members of the U.S. Senate who recently have voted for many very expensive programs, including some that go into the billions and tens of billions of dollars of Federal expenditure, after voting for those on the floor of the U.S. Senate, they might feel they could get right with themselves, get right with their constituents, if they vote to eliminate a bureaucracy.

I say to all of my colleagues who might be so tempted, please understand more about what the ill effects of the amendment offered by the Senator from Missouri will be; what they will be on our transportation; and last but

far from least, most important, what it would do to the rights of the consumers of the United States of America.

I say again, to simply transfer the authority and responsibilities of the ICC to the executive branch would not produce any significant savings since new employees would have to be found to do the work formerly done by the ICC. What would be lost is the independent forum of the ICC, which has protected the public interest with great distinction since 1887.

Also lost would be the efficiency of a specialized agency which fully understands the industry and the customers it oversees. The ICC is an independent agency which protects, above everything else, the public interest. Let me repeat that. The ICC was founded way back then to protect the public interest. And it still has a role to play in that regard.

In addition to that, the ICC enhances competition, encourages efficiency, and fosters safety in truck, bus, and rail transportation. It is an agency which has reinvented itself into a trim, efficient, and effective agency.

Is the agency perfect? No. Can further improvements be made in the ICC? In my opinion, yes.

But it cannot be denied that the ICC has done a remarkable job of doing more with less. Example: In fiscal year 1979, the Interstate Commerce Commission's budget was $70 million and its average level of employment was over 2,040.

In fiscal year 1992, by comparison, its budget was $41 million and its average employment level was down to 613. At the same time, the number of proceedings before the Commission had substantially increased—had substantially increased, Mr. President—at a time when we are told by some that this agency does not have anything to do.

Customer service has also been maintained. Applications for interstate trucking authority are processed now within 48 hours. Fold this responsibility into the huge Department of Transportation, and this efficiency would be lost.

I have heard my good friend from Missouri bemoan the slow motion of action by the Department of Transportation in dealing with the safety issues and in aviation matters for years and years and years. It was only a few weeks ago, if I remember correctly, that the Senator from Missouri and I were debating whether or not we should go ahead and create a commission to study the difficulties in the aviation industry.

I simply say that by measurement of other agencies, the ICC, with a substantial cut in its budget, with a substantial cut in its staff—and I think more can be done there, very frankly—it seems to me that if we take the action suggested by the Senator from Missouri, we are simply saying to an agency that has cut its budget drastically, that has reduced its employment by over 70 percent in the last 10 years, that this is an agency which has acted responsibly and should be the model for other of our bureaucratic establishments as to what they should do. But, no, if we accept the amendment offered by the Senator from Missouri, we will be killing the goose that laid the golden egg to be hatched out, hopefully, in the rest of the bureaucracy. I think it would be a sad thing, indeed, if we penalized the ICC for doing what we have been demanding that the bureaucracy accomplish.

I have heard my good friend from Missouri moan for a long time about the other agencies. It seems to me that he should realize, above all else, that the Interstate Commerce Commission, as I said before, is dedicated to the legitimate transportation needs addressing—and refereeing, where necessary and where they can under the law—something that occurs that would not be in the interest of the consumer.

I really do not think, and I cannot imagine, how my friend and colleague from the State of Missouri, in whom I have had the greatest of confidence and admiration all these years, except in this instance, can really believe that the Department of Transportation is a place to put this agency. I may change my mind if we had hearings on this in the committees of jurisdiction. I really do not believe, though, that it would be proper, nor is it prudent at this time, to be jumping in and, in effect, legislating on an appropriations bill, regardless of what it is called or how it is framed because, in effect, it would eliminate the ICC and replace it with nothing whatsoever to carry on the important measures that that agency is responsible for.

Secretary Peña, who has done a terrific job in revitalizing the Department of Transportation, has his hands full with the current responsibility of the Department and does not support this amendment.

Let me repeat that. The agency that the Senator from Missouri has indicated should assume the responsibilities of the ICC, if his killer amendment is accepted, says it is not wise. In that regard, I would like to read and incorporate into the RECORD a letter of October 4 from the Secretary of Transportation.

Mr. President, the letter reads:

DEAR SENATOR EXON: I appreciated your telephone call and would like to take this opportunity to state my views on S. 1248, which I understand may be offered as an amendment to H.R. 2750, the Fiscal Year 1994 appropriations bill for the Department of Transportation and related agencies.

S. 1248, the "Interstate Commerce Efficiency and Safety Improvement Act of 1993," would sunset the Interstate Commerce Commission and transfer its functions, powers, and duties to the DOT on October 1, 1993."

Now past.

It would also bar any increase in the number of full-time employee positions within the DOT because of such transfers. The Secretary of Transportation would be required to submit to the Congress by March 31, 1994, a report that would include an assessment of the benefits and costs of the transfers, along with recommendations for modifying or eliminating transfer functions that are redundant or do not provide substantial economic and safety benefits.

The Department of Transportation strongly opposes this amendment. Although it is being offered in the name of reinventing and streamlining government and promoting highway safety—goals which we enthusiastically support—we believe to summarily abolish the ICC and transfer its functions, without any measured analysis as to which functions are valuable and which are burdensome and unnecessary, is not the appropriate way to accomplish these goals. The Vice President's National Performance Review did not recommend the elimination of the ICC.

The ICC is an independent forum for adjudicating problems between carriers, between carriers and rail captive shippers, and between carriers and state regulatory bodies in matters of interstate commerce. As its responsibilities have changed since the late 1970's, it has responded by downsizing its resources and carrying out its new mandates. We believe that, as long as the ICC statutory mandates remain, its functions should continue with an independent agency rather than to be absorbed within the DOT.

Contrary to the arguments of the sponsors of S. 1248, there would be no safety benefits as a result of this enactment. The Department took the necessary remedial steps to correct the safety "disconnects" between the ICC's and DOT's motor carrier programs that were identified by the National Transportation Safety Board shortly after the 1992 Vernon, New Jersey bus accident that brought them to the Board's attention. These safety programs are now operating smoothly.

According to the Congressional Budget Office report to Senator Danforth on S. 1248, dated September 21, 1993, the only budgetary impact would be the savings from reducing employment in the DOT by about 600 employees, offset by costs of severance pay. When measured against the devastating impact this level of cut would have on the Department of Transportation employees and functions, these benefits are illusory.

For these reasons, we oppose the amendment. The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this report for the consideration of the Congress.

Mr. President, it seems to me, if we need to look at this matter—and we might—then the proper thing to do is to vote down the Danforth amendment as untimely, ill-thought out and proposing legislation on an appropriations bill, therefore, shortcutting the responsibilities of each and every Senator who claims proudly to be a Member of this body.

I simply say, Mr. President, that if the Danforth amendment is defeated then as chairman of the Surface Transportation Subcommittee and in full concurrence with Senator HOLLINGS the chairman of the Commerce Committee, with whom I have discussed this, we will be very pleased during the

next year to hold hearings on this whole matter of becoming more efficient, if we can, with the development of changes that might be necessary. It might well be that this Senator could be convinced that the ICC should be moved into the Department of Transportation. I suggest that neither I nor other Members of the Senate have at this time the background I think is necessary to reach such a judgment.

We may be able to take some of the other commissions that operate in the executive branch and also fold them in, cutting into something a little bit larger that would still give an independent agency, hopefully, some input over the direct dictates of the Secretary of Transportation or the President of the United States.

Suffice it to say in this regard, Mr. President, when we have a letter that I just read from the Secretary, I think the letter was very well written, I think it was well conceived, and I think it makes a great deal of sense.

In that regard, I would also like to read into the RECORD at this point a letter from Mr. Howard Paster, the assistant to the President of the United States for Legislative Affairs dated October 4, 1993.

DEAR SENATOR EXON: It is my understanding that an amendment may be offered to the transportation appropriations bill that would substantially reduce or eliminate funding for the Interstate Commerce Commission. The administration strongly opposes this amendment.

In the September report of the National Performance Review, the Vice President did not recommend the elimination of the ICC. The Department of Transportation is also opposed to this amendment.

I appreciate your interest in this matter and look forward to working with you on this and other issues in the future.

Sincerely,

HOWARD PASTER,
Assistant to the President for Legislative Affairs.

Mr. President, I also want to mention a very specific concern that I have about the Senator's amendment and its effect on a matter we have worked shoulder to shoulder on in an attempt to resolve. That is the matter of the undercharge legislation with which I know my friend and colleague from Missouri is very familiar. Every one of my colleagues has heard from small and large businesses in their States about the so-called undercharge crisis, a crisis that could penalize businesses in the United States of America, many of them small businesses, a total of millions and millions and billions and billions of dollars.

As a result of the 1990 Supreme Court decision, bankrupt trucking companies have sued thousands of small and large business shippers. Billions of dollars are at stake. This cloud on American business comes from an earlier era when the ICC did not vigorously enforce its rules.

Let me repeat that. This comes from an earlier period when this was not enforced by the ICC in a vigorous fashion. That is not the case today. Had the ICC been operating in the last year, or if I thought it was going to be operating next year in the way it was operated in the last 5 years, I may have joined the Senator from Missouri in this effort. However, I would not have done it on an appropriations measure. There are ways to make changes without making these preemptive strikes, legislating on an appropriations bill, which should send a clear signal to every Member of the Senate that if we allow things like this to happen without hearings, without the background that hearings provide, without hearing from all sides of the issue, including the consumers, we can do great harm when maybe the intention is to do great good.

This cloud, the undercharge issue, on American businesses comes from that earlier era, and certainly I wish to say that in recent times I have found the Interstate Commerce Commission to be very understanding of the issue and very much involved in legislative efforts to correct it. But if this amendment is adopted, it may be a prolog as to what we have not done to protect the public interest.

Varying the function of the ICC and the bureaucracy of the Department of Transportation will almost certainly guarantee a return to lax enforcement and a repeat of another equally disastrous regulatory snafu. My experience has been that the larger the agency—and as the Senator from Missouri correctly identified, there are about 68,000 employees in the Department of Transportation, 600 or less in the ICC and that is going to go down. I simply say that suggesting moving the ICC at this juncture with the undercharge issues and others that are up front would be a serious mistake. Those Members who seek a swift resolution of the undercharge crisis should strongly oppose this amendment. The U.S. Senate has twice unanimously approved legislation to resolve this crisis, with the ICC being the key forum for dispute resolution.

The acting Chairperson, Gail McDonald, and her predecessors have worked closely with the Congress to clean up this mess. Even if legislation is not approved by the full Congress to resolve the undercharge crisis, which I hope it will be, the ICC will still be the key agency to resolve undercharge claims. And if there are Members of the Senate who do not know what undercharge claims are, I suggest they find out about it pronto because they are going to be hearing a great deal about it from the folks back home in the weeks and months to come.

To transfer this authority over to an executive branch department would only cause chaos, confusion, and delay a final resolution of the undercharge crisis.

Mr. President, essentially the same amendment offered by the Senator from Missouri was offered in the House of Representatives, and it was defeated. I have reviewed the floor debate of the House of Representatives and, as I had anticipated, the same arguments that were turned aside in the House of Representatives are being used over here.

The House of Representatives felt that while this should be looked into, legislating on an appropriations bill with this sudden strike to kill an agency without fully recognizing or realizing what that would do to consumers and our transportation industry was more than it could swallow. I also hope it will be more than the Senate can swallow.

When an independent agency does its job, it is often taken for granted. Thanks to good management and successful congressional oversight in recent times, the ICC now works so well that many Members have not heard of this agency or about it until now. This agency has a constituency as large as the Nation. It is hard to find an American who is not served by the work of the Interstate Commerce Commission.

For example, farmers depend on the ICC to assure that rural communities are treated fairly by the railroads. Manufacturers depend on the ICC so that common carriers operate in a nondiscriminatory manner. Seniors depend on the ICC to assure that bus operations are safe and ensured. Young families depend on the ICC to assure that complaints about moving companies receive prompt attention. Last but not least, all small businesses, Mr. President, depend on the ICC to assure that transportation is available at a reasonable rate.

Democrat and Republican administrations come and go. The political twists and turns of the transportation policy change with each administration. The independence—let me emphasize, Mr. President—the independence of the Interstate Commerce Commission has assured that shippers, passengers, and carriers have a fair forum to resolve their disputes and review regulations since 1887. This has been done, Mr. President, out in the open; with no closed hearings. Everyone has a right to come in and complain about something that was done or not done, and it is resolved in the transportation field area at least by the ICC.

The ICC is operating in an efficient and very good manner as of lately, and efforts to eliminate the agency would create phantom savings and real economic disruption for our very vital transportation industry.

I urge my colleagues in the strongest possible terms to oppose this ill-advised amendment.

Mr. President, I would also like to ask at this time to insert in the RECORD 15 key pending cases before the Interstate Commerce Commission which necessarily would be disrupted

by this amendment. I think the importance of these measures speaks for itself.

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

INTERSTATE COMMERCE COMMISSION KEY PENDING CASES—SEPTEMBER 1993

1. Finance Docket No. 28905 (Sub-No. 22), *CSX Corp.—Control—Chessie System, Inc.* An interpretation of the labor protective conditions applicable to railroad consolidations.

2. Finance Docket No. 30000 (Sub-No. 16), *St. Louis Southwestern Railway Company—Trackage Rights Over Missouri Pacific Railroad Company—Kansas City to St. Louis.* A dispute between the Southern Pacific and the Union Pacific.

3. Finance Docket No. 30186 (Sub-No. 2), *Tongue River Railroad Company—Application.* A major construction project in the Powder River Coal Basin.

4. Finance Docket No. 32133, *Union Pacific Corporation—Control—Chicago and North Western Holdings Corp. and Chicago and North Western Transportation Company.* One major railroad seeks authority to control another.

5. Finance Docket No. 32243, *City of Detroit* v. *Canadian National Railway Company.* A dispute over the construction of an international rail tunnel.

6. Ex Parte No. 346 (Sub-No. 29), *Rail General Exemption Authority—Petition of AAR to Exempt Rail Transportation of 31 Selected Commodity Groups.* A major proceeding to streamline regulation.

7. Ex Parte No. 495, *Bills of Lading.* A rulemaking to maintain but update the standard rail bill of lading.

8. No. 37038, *Bituminous Coal, Hiawatha, UT to Moapa, NV.* A major rate complaint against rail rates on coal.

9. No. 40581, *Georgia Power Company, Southern Company Services, Inc.* v. *Southern Railway Company and Norfolk Southern Corporation.* A coal rate complaint.

10. No. 38302S, *U.S. DOE & DOD* v. *B&O Railroad Co.* A complaint by the U.S. Government about rail rates on spent nuclear fuel.

11. No. 40903, *Degussa Corporation* v. *Southern Pacific Transportation Company, et al.* A complaint that rail rates are unreasonable.

12. No. 40131 (Sub-No. 1), *Ashley Creek Phosphate Co.* v. *Chevron Pipeline Co.* Complaint that a phosphate slurry pipeline's rates are unreasonable.

13. No. 40411, *Farmland Industries, Inc.* v. *Gulf Central Pipeline Company.* Complaint that the rates charged by a pipeline for shipping anyhydrous ammonia are too high.

14. No. 40265, *Georgia-Pacific Corp.—Petition for Declaratory Order—Certain Rates and Practices of Oneida Motor Freight, Inc.* Establishes standards for motor carrier rate reasonableness.

15. Mc-C-30215, *Pennsylvania Public Utility Commission—Petition for Declaratory Order.* The issue is whether the transportation by carrier is a legitimate interstate movement or a subterfuge to avoid intrastate jurisdiction.

Mr. EXON. Mr. President, I would also point out in closing that while it is said and claimed erroneously that the ICC has nothing to do, they have handled over 500 complaints within the last year.

Mr. President, I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, first of all, I would like to start by commending the senior Senator from Nebraska as it relates to key legislation—and I think Senator DANFORTH and others have sponsored bills concerning this incredible undercharge problem. That problem is one that goes into the tens of billions of dollars.

I have to tell you something. If there is any reason, though, for killing this turkey, it is just because of what they have done. The ICC, as a result of their bungling and colossal failure, has contributed to a situation where we are going to lose jobs. Thousands and thousands of small businessmen throughout the country today are being sued. Let me tell you why they are being sued.

Because you have an arcane, old "Jurassic Park" dinosaur trying to regulate modern day transportation systems that have been deregulated. In the old days, you had to file trucking rates with these turkeys. You had to go over and say, "Mr. Commissioner, this is how much we are going to charge"—even though shippers and carriers were negotiating openly and freely. Companies had to file their rates with these turkeys, the ICC. And they did.

Over years, people began to negotiate agreements; this is what competition is all about. They did not file all of their rate changes. Truckers would say, listen, we will haul it for less. Those agreements were not filed.

Let me tell you what takes place now.

Many of these trucking companies are now out of business. So smart lawyers came along, and said, boy, this is an opportunity. The parties agreed to make the shipments and they reduced the prices as opposed to what was formally filed. Nothing was filed. They did not file the changes.

Where was the ICC, when for years, when hundreds and hundreds of thousands of these agreements were made? And the courts have spoken. The Supreme Court has said that under current law this situation is legal. The Court really has said: Congress must enact legislation to change it.

I commend the senior Senator from Nebraska for dealing with this. The Senate has passed legislation that would give relief to the many parties who are harmed by this situation. For about the past 10 years after a trucking company has gone out of business shippers are being surcharged, in some cases millions of dollars, because the rate that they paid was less than the rate that was filed. The bankrupt trucking company, with their lawyers, who now see a chance to make some money, are coming after these shippers.

What do we do? We threaten now tens of thousands of jobs. Tens of thousands of small businesses today are getting hit with lawsuits and charges, unless they pay thousands of dollars to settle these unnecessary claims. This all may have taken place years ago. They face bankruptcy, all because of this old feeble institution with a bunch of political hacks. That is what they have there.

There are few meaningful functions conducted by the ICC. The National Transportation Safety Board does the investigation. These guys do not go out and do anything as it relates to real safety, as it relates to rates. What do they charge? What rates are we talking about? In 1887, 106 years ago, there was a need. We have deregulated in the air, trucks, buses. We do not need them.

Let me tell you what has happened.

Indeed, over the years since 1980 they had a budget that went from $79 to $82 million in 1981, and then we see a steady come-down on that budget and of personnel so it went from 1,900 people down to 613 people for 1992; and a budget of $40 million.

This year, would you believe it, for the first time since 1981, for the first time, we are requesting 640 people—an increase of personnel—and for the first time in the 11 years we go from $40 to $44.9 million, an increase of $5 million.

What is going on? Do we want to save money? Kill the turkey. End it. This is nonsense.

I have too much respect for my colleague not to mention that he has done a great job as it relates to dealing with the problems that these guys created. Now we have a new group on the block. They suddenly are going to come in giving this agency duties and responsibilities. That is silly.

We have a chance to save $40 million-plus. The Secretary of Transportation essentially carries out those functions, and they should be carried out by the Transportation Department. Let us get rid of this.

If we are going to keep faith with the people, this is the way to do it. This is a lot of money. When you have to pay severance pay, that is right. There will be some of these people who have technical abilities et cetera; that the Secretary of Transportation will want to bring into his department. That is fine. That is wonderful. We understand that.

But here is an opportunity to demonstrate that we are not just rhetoric. Here is an opportunity to get rid of a useless appendage that comes from an era that has gone by.

It is pretty embarrassing when you have Commissioners who say: "Listen, I am embarrassed. We do little, if anything."

The kinds of cases they hear are pro forma. They are not worth anything. They could easily be handled in another forum, and they should be.

For that reason, I support and I ask unanimous consent that I be added as an original cosponsor to the amendment of the distinguished Senator from Missouri.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. I urge that my colleagues support the Danforth amendment as modified.

ORDER OF PROCEDURE

Mr. LAUTENBERG. Mr. President, I ask unanimous consent to terminate at 5:15, with the time starting at 4:45 equally divided between the Senator from Missouri and the Senator from Nebraska,permitting me just a few minutes of comments and a vote to occur thereupon.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LAUTENBERG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LAUTENBERG. Mr. President, taking a couple minutes, I want to respond to the comments made by my colleague from New York, with his usual vigor and intensity and declarations of some things, falling short of a conflict, even falling short of butchery, because he described this as a "turkey."

Mr. President, one can argue about whether or not we ought to be looking at the current functions, but one cannot dismiss the past, when for the last 12 years, until this administration, the majority was of our distinguished colleagues' party, from the other side, a majority prevailed, three to two.

If there was inaction, then the record is going to reflect that the inaction that has taken place over the last dozen years may be creating some of these conditions we are now looking at, where bankrupt companies can still generate enough interest within the lawyer community to go after some of these claims. But there are legitimate reasons to see that certificates are issued that reflect financial capabilities, be they trucks, rail, or otherwise licensing requirements, as well as a fair publishing rate that do not, because of their cryptic or arcane nature, inhibit the smaller companies from competing fairly because they do not understand the gibberish that is put up there with rates and the codes, which few can figure out.

So, Mr. President, what we have to ask ourselves is whether this function is worth performing, first; second, whether it is being subsumed into the Department of Transportation; and whether or not the Secretary, who I think has demonstrated unusual seriousness, has a commitment to the job in terms of getting rid of all of the trappings—he has an airplane at his disposal, which has been used twice since he has been Secretary of Transportation. I have seen him with a group of staffers come up commercial to visit the New York region, travel around the country, sitting commercial and doing his work. This is not a person who is willing to fritter away the public's money. So when he says we cannot do it without adding to our budget, I think what we are doing is moving the chess piece from square A to square B.

So I urge—as the Senator from Nebraska, who has been intimately involved with this has suggested—let us have hearings, let us have a review, let us not change a course that was established for a purpose, unless we know that the purpose has not been met.

So I hope we will reject this amendment.

I yield the floor with the time as requested.

Mr. DANFORTH. Mr. President, first, let me compliment my friend from Nebraska for his wonderfully spirited argument on behalf of the Interstate Commerce Commission. It was a great job of defending this agency. I thought that the Senator's characterization of the ICC as the goose that laid the golden egg was particularly fine. I happen to be of the turkey school that was described by the Senator from New York. But I think that to call the ICC the goose that laid the golden egg, if there is a goose and a golden egg in this situation, it was just a wonderful description.

I also think that the argument with respect to the so-called undercharge issue was something worth pointing out. Here is a matter that is of great peril and concern to the shippers of America that was created by a regulatory framework that is now in existence and whose time has passed. But now somehow the argument is that the very agency that created the problem and that administers the problem is the one that will somehow clean the problem up. I do not get it. But the point of this particular amendment is not to change the whole regulatory framework. The point of this amendment is to say that if we have these regulations, simply transfer the function to the Department of Transportation, do not do it in the ICC.

Mr. President, with respect to whether this would save money, this is not legislation on an appropriations bill. This is an amendment to strike money out of an appropriations bill. It is a simple strike-out from an appropriations bill. The Congressional Budget Office tells us how much it will save. This will save up to $45 million a year.

Are we concerned about saving money around here? Are we ever concerned in the Congress of the United States about saving money? Or is the idea just to shove it out the door? If we are interested in saving money, can we not save what the CBO says is $45 million a year by abolishing an agency that is moribund, defunct, does nothing?

Of course, we can save money. People say, well, is there not some fat in the budget? You have asked us to raise taxes on the American people. Can we not cut the fat? Is there not fat somewhere in the budget? Here it is. Here it is at this ancient organization—the ICC—created in the 19th century and reaching its heyday in the age in which tycoons with top hats and gold-knobbed walking sticks and diamond stickpins showed up at the magnificent hearing room of the Interstate Commerce Commission. This is fact.

Let me say a word about safety, because the argument is made that somehow the ICC has something to do with safety. What does it have to do with safety? Its inspectors, such as they are, inspect forms, not equipment, not people. That is done within the Department of Transportation, and the fact of the matter is that the bifurcation of responsibility between the ICC and the Department of Transportation is today a safety hazard so found by the National Transportation Safety Board.

In July 1992, in Vernon, NJ, six people were killed in a bus crash. The bus had been licensed by the ICC. It had never been inspected because of the botched-up relationship that now exists between the ICC and DOT. The National Transportation Safety Board said at that time that 1,098 new passenger bus carriers had been approved by the ICC between 1988 and 1991, and they were not even known by the Department of Transportation.

The Senator from New Jersey says that is a problem that has been cleared up. I hope it has been. But how does that kind of problem even exist? It exists because of the bureaucratic mixup, when there are too many agencies and too many bureaucrats and too many places purporting to do the same thing.

I would just like to say a word about the two Commissioners who came by to see me last week and tell me they did not have anything to do. I mean, that is a slight exaggeration. They say that they can make themselves work up to 30 hours a week. If they proofread everything, go over everything line by line, they can work a 30-hour week. They are paid $115,000-plus each year, and they say that their workload is embarrassingly light.

Mr. President, this is the situation where we have people who are leaning on their shovels. This is a situation where we have Commissioners who get all dressed up every morning and they have no place to go and they have nothing useful to do. This is a situation where we have a magnificent building, populated by people who are underworked.

Why should we permit that, when we are raising taxes on the American people?

Now, finally, I would say that various organizations which support the ICC have been mentioned. Of course, there are people who have a stake in the status quo.

The President has said we should make changes. Of course, there are people who say: Do not change anything; we like the 19th century. We are comfortable in the 19th century.

But there are also groups on the other side: Citizens Against Government Waste—this is the Peter Grace organization—and the National Taxpayers Union both say that this is one of their votes that they will use in calculating their 1994 congressional rating. So there are organizations on the other side that are watching this, and they should be watching it.

I will simply say, in conclusion, Mr. President, that if the Congress of the United States is unable to abolish the Interstate Commerce Commission, there really is not much we can do.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, will the Senator from Nebraska yield 3 minutes?

Mr. EXON. I yield 3 minutes.

Mr. LAUTENBERG. Mr. President, I am sorry this dialog in this debate is taking a very bad, sharp turn, because what I see is politics. I do not see the kind of sincerity that accompanied some of these other debates.

To suddenly drag in the accident in New Jersey where several people were killed, a horrible accident, and accuse the ICC, that has no responsibility for licensing them, I suggest what we are trying to do is get even, not fix things.

This was under Republican domination for 12 years, when there was nothing happening, and nobody complained about it. That is the interesting thing. We did not hear one complaint from the majority in the executive about the inactivity that was taking place.

So, Mr. President, I remind my colleagues here that the National Transportation Safety Board reviewed this accident and found no fault with the ICC system. They did find fault with the Federal Highway Administration for failing to process the information that the ICC was forwarding to them on new carriers applying for operating authority.

This bus company had an insurance certificate that was the responsibility of the ICC. But inspections are not done by the ICC. And to create the false impression here that somehow or other this terrible tragedy talks to the inefficiency of the ICC is absolutely irrelevant, and I am sorry that we are getting into this part of it.

If there is a genuine interest in getting rid of an expense, I salute that interest. But I did not see our friends supporting some of the President's initiatives, and Vice President GORE out there, with a program to review the whole performance of Government.

I hope we will have that kind of outrage when it comes to working on some of those issues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I yield myself 7 minutes.

Mr. President, I have listened very carefully to the Senator from New York and the Senator from Missouri.

I must say that the complaints they made about the Interstate Commerce Commission are absolutely true. The complaints they made about the Interstate Commerce Commission are absolutely true; but that was a Commission of yesteryear. That was a Commission that was headed by a lady that had a do-nothing attitude. That was a Commission that indeed, because they did not do anything, allowed the undercharge issue to come home to haunt and maybe bankrupt lots of small business people in the United States today.

The Commission which the Senator from New York and the Senator from Missouri have been talking about is not the Commission of today. As to the members that they talk about who have talked to them about not having anything to do, why do they not resign their jobs and save the taxpayers some money?

I think it is astonishing to hear the former Chairman of the Commission now giving counsel and advice to those who want to kill and eliminate the Commission. Why did he fight to keep his job as Chairman of the Commission? Why was it that Commissioner Walden, who has been talked about here a great deal today—Commissioner Walden is one of the problems on the Commission, not one of those who would solve the problems that confront that Commission, that the Commission is trying to do something about.

Nothing to do? There were 685 contested proceedings a year before the Interstate Commerce Commission. What do they become involved in? They become involved in the railroad industry, with railroad abandonments. They are involved in financial transactions, assisting parties for mergers; sales that have abandonment tied in with them.

With regard to the bus and trucking industries, as to bus service, they try to assure that operating authority of unsafe and uninsured passenger carriers be suspended. Auto driveways: They intercede for the shippers who turn over their automobile to auto driveway carriers. Persistent unscrupulous practices by some carriers cause long transportation delays and at times failure to deliver the cars. The Commission attempts to resolve these problems.

We in the Midwest have gone frequently to the Interstate Commerce Commission when we do not see grain cars available to the railroads to ship the products of American farmers to market. There is hostage freight. With over 50,000 motor carriers, major disagreements about freight charges between carriers and shippers always take place, stalemates occur, and carriers refuse to deliver freight for a variety of reasons. The Commission takes action.

As to household goods, ICC helps shippers of household goods who experience difficulty from carriers during interstate shipments. Complaints range from the costs of the move to the loss or damage of the shippers' valuable property. Insurance: The Federal law requires that motor carriers have certain levels of insurance for the protection of the public, basically bodily injury and property damage. The ICC maintains a system that assures continuous applicability of these policies. When carriers do not maintain sufficient insurance coverage, the ICC forces these rules by administrative and court action.

With minority and female motor carriers listing by Federal, State, and private organizations, shippers have information gleaned from our annual survey in the design and implementation of the programs that address specific needs of women and minorities, owner operators, and to help small, independent truck operators working for regulated carriers to assure fair treatment under the establishment of the ICC rules. The bargaining power of small owners is tenuous, at best, and only the oversight of the ICC makes the whole system workable.

And State assisted: Assists in establishing uniform State regulations and procedure, thereby reducing the paperwork burden of both the States and carriers.

The ICC also provides guidance to the States on a variety of issues and assists in the efficient implementation of new or changed rules.

Nothing to do?

There was nothing for the old ICC to do. But the new ICC, with proper appointments, can carry a very valuable and vital role to the protection of our transportation industry and especially to protect the consumers.

Mr. President, at this time, I ask unanimous consent to have printed in the RECORD a letter from the National Grain and Feed Dealers Association, which I think every agricultural Senator should be interested in, addressed to Senator BYRD, strongly opposing this action, for reasons outlined in the letter.

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

NATIONAL GRAIN AND FEED ASSOCIATION,
Washington, DC, September 29, 1993.

Hon. ROBERT BYRD,
Chairman, Senate Appropriations Committee, U.S. Senate, Washington, DC.

DEAR SENATOR BYRD: The National Grain and Feed Association (NGFA) has learned that an amendment to the FY94 Transportation Appropriations bill, H.R. 2750, may be offered today in full committee or later on the Senate floor which would delete the appropriations for the Interstate Commerce Commission. We urge you to reject any such amendment.

The Interstate Commerce Commission serves a necessary function in regulating interstate surface transportation including rail transportation. This nation's agricultural production and marketing system is

heavily dependent on rail transportation to move grain and grain products to domestic users and export points. While the Staggers Rail Act of 1980 did substantially deregulate certain aspects of rail transportation, Congress also vested the ICC with the responsibility to ensure competitive, efficient and equitable rail transportation for shippers and communities dependent on rail service. Among the ICC's fundamental duties is ensuring that the statutory common carrier obligations of rail companies to all shippers are met.

We are aware of legislation which would transfer the ICC's functions to the U.S. Department of Transportation. As a general policy matter, the NGFA favors efforts to reform government and to make it more efficient by eliminating unnecessary programs. Such efforts, however, should only be implemented after careful study of the impacts. Eliminating funding for the ICC at this time and transferring its functions to the DOT has not been subject to a single congressional hearing. Nor have any steps been implemented to ensure that shippers' rights would be adequately protected—a fundamental issue which should be addressed prior to moving forward. The DOT is engaged primarily in regulating safety matters and is not equipped to handle the economic regulation matters on which the ICC has substantial experience and expertise.

Consequently, we urge you to reject any efforts to delete appropriations for the ICC. Those interested in eliminating the ICC should proceed forward through the authorizing committees where budget saving estimates, competitive concerns, shippers' rights, government efficiency and other factors can be fully considered and debated prior to implementing major changes in surface transportation regulations.

The NGFA is the national nonprofit trade association of more than 1,000 grain, feed and processing firms comprising 5,000 facilities that store, handle, merchandise, mill, process and export more than two-thirds of all U.S. grains and oilseeds utilized in domestic and export markets. NGFA member firms comprise the largest sector of U.S. agribusiness. Founded in 1896, the NGFA's members include country, terminal, and export elevators; feed mills; cash grain and feed merchandisers; commodity futures brokers and commission merchants; processors; millers; and allied industries. The NGFA also consists of 40 affiliated state and regional grain and feed associations whose members include more than 10,000 grain and feed companies nationwide.

Very sincerely,

DAVID C. BARRETT, Jr.,
Counsel for Public Affairs/
National Secretary.

Mr. EXON. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DANFORTH. Mr. President, I am prepared to yield back the remainder of my time, if Senator EXON is, also, and maybe we can proceed to a vote.

Mr. EXON. Mr. President, how much time is remaining on each side, may I ask the Chair?

The PRESIDING OFFICER. The Senator from Nebraska has 6 minutes and 31 seconds; the Senator from Missouri has 8 minutes and 21 seconds.

Mr. EXON. Mr. President, I will need an additional 5 minutes, and I will yield back my time if the Senator from Missouri will do likewise.

Will that be a satisfactory compromise?

Mr. DANFORTH. Would the Senator like to speak now?

Mr. EXON. The Senator from Missouri may go ahead, if he wishes.

I will be glad to lead off.

I ask unanimous consent then that there be 5 minutes remaining, controlled by the same parties of the previous unanimous-consent agreement, and then we will proceed to vote. I may table.

The PRESIDING OFFICER (Mr. CONRAD). Is there objection?

Mr. DANFORTH. I object, Mr. President. We will just have our vote at 5:15.

The PRESIDING OFFICER. Objection is heard.

Who yields time?

If Senators do not choose to yield time, the time will be deducted from each side equally.

Mr. EXON. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, in addition to the other items that I have referenced in this debate regarding the important role that the Interstate Commerce Commission can play if it is sufficiently stacked, the Commission has prepared and sent to many congressional offices informational guidance for constituent assistance for undercharges and rail abandonment matters. It has sent hundreds of undercharge guidebooks to the members of the public. The Office of Public Assistance alone responded to 22,115 inquiries last year from the public regarding Commission practices and policies.

The agency responds to hundreds of congressional correspondence regarding constituent complaints and inquiries each year. The agency conducts approximately 100 formal and informal conferences with parties and conducts numerous local hearings.

The Office of Hearings alone handles over 5,000 telephone calls a year concerning its activities.

In addition, Mr. President, the agency handled over 10,000 complaints, leading to the recovery of nearly $1 million for complainants, including owner-operators of household goods and general merchandise shippers.

Annually, it handles over 160,000 inquiries concerning its regulations and over 16,000 insurance assignments resulting from cancellation of carrier certification of insurance and related documents.

Mr. President, I simply emphasize once again that the period of complaint about the Interstate Commerce Commission goes back to the prior years, under a previous administration or administrations. While I agree they let down terribly and did not do their job, the people that we are going to have there—some of whom we have there right now—are dedicated to be there to carry out the important duties that we still assign them under the law.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, as I understand the argument for retaining the ICC, it is this: There are always more possibilities for vigorous action under a new regime, and, therefore, if we do not think that the ICC is doing enough, maybe a new and more aggressive ICC will do more.

But the point of the Senator from Missouri is that the entire function of the ICC is a thing of the past. I imagine that if you have some real go-getters, they could make the most out of nothing at all. If we had some real regulators and people who were out to harass people, they could really go great guns with very little as a basis for their operation. Even at the ICC, we could probably have more forms sent out, more requests for this and that made.

But I do not think that is what Government should be. I mean, that would really be a perverse way of reinventing Government. That would be underscoring the worst that Government is now: Let us make it even bigger for the sake of making it bigger.

But the fact of the matter is that the function of the ICC is something that is a thing of the past. It went out with deregulation, primarily in 1980. Thirteen years ago, the role of the ICC ceased being a real role. Now it has 615 people basically sitting around receiving forms. The safety role of the ICC is not to inspect; it is to receive forms.

When Congress deregulated the airlines in 1984, we did away with the CAB, and we melded its functions into the Department of Transportation, such as the functions were. That is what we are saying we should do now; that the model should be what was done with the CAB, not to just keep a bunch of people around in a posh office, five Commissioners each drawing $115,000 a year, when they come by your office and say, "We do not know what to do with our time."

Do they answer the phone? That was one of the arguments made, "Hey, they answer the phone." One Commissioner told me he receives two calls a day—$115,000 to answer the two phone calls. It is ridiculous.

This really, Mr. President, has become a ridiculous agency. The ICC is a ridiculous agency. With five Commissioners, it is like a stage setting somewhere. It is like the grand march of "Aida" at the ICC. It is a bunch of people walking across the stage carrying spears, dressed up as commissioners, with nothing to do. Just get across the stage day by day.

What does reinventing Government mean if it does not mean doing away with the ICC? What does efficiency in Government mean if it does not mean getting rid of the ICC? Why should we be spending $50 million a year running this agency with nothing to do? Every function, according to Commissioner Walden, can be done in the executive branch. So shift it to the executive branch, shift it over to the Department of Transportation, just as we did with the CAB back in 1985.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, how much time is remaining on each side?

The PRESIDING OFFICER. The Senator from Missouri has 3 minutes 43 seconds, and the Senator from Nebraska has 3 minutes 41 seconds.

Mr. EXON. Mr. President, I think it is ironic that there seems to be such a great difference of opinion about the need for the ICC.

The Senator form Missouri continues to say it would be a good idea if we simply transfer this over to the Department of Transportation. We did that with the Civil Aeronautics Board. Certainly, the Senator from Missouri cannot be satisfied with the activities of the Civil Aeronautics Board, because he is on the floor time after time after time trying to get something done for one individual airline.

If he thinks the Civil Aeronautics Board has not worked very well, just wait, just wait, Mr. President, to see what would happen to our shippers and our consumers if his latest technique works out.

There has been a great deal of discussion here, Mr. President, with regard to, if I have the argument correctly: "Isn't it about time we start saving some money around here? If we can't cut this, we can't cut anything."

Mr. President, that is my major concern about the upcoming vote.

There are people who are saying, "It is time to save money around here. If we cannot cut this we cannot cut anything." They come to the floor of the U.S. Senate at a recent date and vote for the superconducting super collider, vote for the space station—those are multi-billion-dollar programs—but want to make a great case out of saving $40 million that is vitally necessary to protect our transportation industry.

Yes, I think we can cut some money around here. I think we can make all kinds of speeches belittling the Interstate Commerce Commission. I have heard great mention here today of Commissioner Walden and what Commissioner Walden has or has not done. I think it is somewhat ironic that Gerald Walden should criticize his own Commission. My colleagues should know Mr. Walden has not been confirmed by the U.S. Senate. He serves on the Commission as a result of an 11th-hour recess appointment by President Bush. That appointment has given the Republicans unprecedented control of the Commission, although there is a Democratic President of the United States. Why the Democratic President has not moved on this sooner is beyond my grasp.

Mr. Walden has spoken frequently of his right to remain on the Commission until the end of this session of the Congress by virtue of the recess appointment. The irony is that an individual who would fight so hard for the right to keep his job is fighting just as hard to eliminate the Commission after he leaves. I am always wary of the so-called reformers who believe an agency is good enough to give them a monthly paycheck but not good enough to exist after they leave.

Before this body acts, as this proposal is suggesting, I hope the President will have had an opportunity to make the appointment which he has not. But it does not follow that Mr. Walden is an expert, because he has not been on the ICC long enough.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from New York.

Mr. D'AMATO. Mr. President, let me simply make an observation——

The PRESIDING OFFICER. The Senator will suspend for one moment. The Chair wants to notify the gallery that there can be no expressions, no outbursts, or the gallery will be cleared.

The Senator from New York.

Mr. D'AMATO. Mr. President, I voted against the superconducting super collider. I voted against the space station. And, I dare say, there are some things I voted for that others voted against, and vice versa.

I find it tough to say we should continue business as usual, given the faux pas of the previous administration in the conduct of this agency. I am not going to defend them. However, No. 1, there is no reason to continue this. No. 2, how is it that for the first time in 11 years, instead of the budget request going down, we have the budget request going the other way, from $40 to $44.9 million, approximately a $5 million increase in this turkey of an agency?

If there are those of us who suggest this is nothing more than a hiring hall kind of mentality, and to the winner belong the spoils, that is just the kind of attitude the people say we want changed. We voted for change. We voted to make cuts. If you cannot cut here, then you are not going to cut anyplace. This is the time to do it. The time to do it is now.

I yield the floor.

Mr. PRESSLER. Mr. President, I wish to associate myself with the forthright remarks made by the senior Senator from Nebraska.

Mr. President, it is not often that I find myself in disagreement with the ranking member of the Commerce, Science, and Transportation Committee. However, I strongly oppose his amendment to effectively transfer the duties of the Interstate Commerce Commission [ICC] to the Department of Transportation [DOT]. More specifically, I do not think such a serious policy matter should be achieved via an appropriations bill. In my view, this is not the best way to formulate policy.

As the former ranking member of the Surface Transportation Subcommittee, I am well aware of the ICC's role in providing needed oversight for our interstate transportation system. The ICC's responsibilities encompass a necessary and independent review of checks and balances for the rail, truck, and bus industries. For example, over the years, the ICC has provided critical oversight in rail abandonment cases. Frankly, if it were not for the ICC's involvement in rail abandonment matters, South Dakota may be without rail transportation service today. In addition, the ICC provides a fair means for resolving interstate transportation disputes, such as disagreements between shippers and railroads, or small business owners and trucking companies.

Indeed, the independent role of the ICC should not be taken lightly. I am not implying such a view is taken by the sponsors of the amendment. Obviously, if the merits of the ICC were questionable, the amendment would not be transferring the Commission's duties. Instead, those oversight duties would simply be left to fall by the wayside altogether.

Given the clear fact that the ICC carries out essential and critical oversight responsibilities, we cannot assume that a seemingly simple transfer of ICC duties to the DOT, as directed by this amendment, would provide for continuity of essential oversight. This is particularly doubtful given the fact that Transportation Secretary Federico Pena has voiced his strong opposition to such action.

This proposed duty transfer could have extensive and long-term effects on interstate transportation. Therefore, it should not be permitted without considerable committee deliberation and consideration. While I am not saying that I would support revoking the ICC's independent agency duties or transferring those duties to the DOT even after committee action, I urge the senior Senator from Missouri to withdraw his amendment so that the Commerce Committee can consider and vote on the merits of his proposal before we ask the full Senate to vote on it.

Mr. President, I urge my colleagues to defeat the amendment.

Mr. DORGAN. Mr. President, I am voting to table this amendment because it does not adequately address some critical issues such as rail abandonment and others.

But I want to say that I support either restructuring or abolishing the ICC.

This is an agency that has done a poor job of protecting the public interest, and I think it should be either abolished or fixed. We don't need to have a regulatory agency unless it is going to regulate in the public interest.

We are looking at this issue in the Commerce Committee, and I just want to be sure that no one misinterprets my vote to table. This amendment is not the right way, but I am fully prepared to abolish the ICC if it is done with adequate protections for the public interest.

Mr. DASCHLE. Mr. President, at first blush, the Danforth amendment has superficial appeal; it promises to cut bureaucracy and cut spending, two goals I enthusiastically support. As is so often the case, however, further reflection on the amendment raises disturbing questions about its practical effect.

Specifically, has serious thought been given to whether the ICC is currently performing an important mission, and, if it is, how is that mission going to be executed at DOT if funding to support the mission is eliminated? This question is critical and, for me, it cuts to the heart of the issue.

The ICC was established to provide an independent forum to review the complaints and concerns of commercial shippers, carriers, and passengers. It is the ICC's job to maintain a level playing field for its constituencies.

Democratic and Republican administrations will continue to come and go, undoubtedly leaving in their wake the mark of their respective political philosophies. Without the independent review afforded by the ICC, what guarantee will people have that their concerns will be taken seriously?

In my view, the ICC's mission is an important one that should be preserved outside the Department of Transportation. But even if one were to suspend disbelief and assume that the ICC could maintain its independent status within the Department of Transportation, the question of funding remains. It simply makes no sense to argue, as the author of the amendment appears to do, that the ICC's mission is worthwhile enough to ask the Department of Transportation to carry it out, and, at the same time, argue that the Government should commit zero resources to support that mission.

We cannot have it both ways, and suggesting that we can only adds to the misunderstanding of our fiscal problems that continues to impede their solution.

I have served under three administrations that worked to deregulate outmoded features of the ICC's jurisdiction. But those administrations also recognized the importance of maintaining the ICC's rate-making oversight and ability to help so-called captive shippers. This role is particularly important to rural areas like South Dakota, which are dependent on rail service and whose farmers and small communities may not have the kind of economic resources necessary to challenge the economic power of rail conglomerates.

We have see the need for the forum that the ICC provides when rail lines have attempted to abandon service in South Dakota. While I may not always agree with the decisions of that agency, I have great concern about whether its expertise would be matched by simply moving its jurisdiction to DOT, particularly if we eliminate its funding.

I commend the President and Vice President for initiating a bottom-up review of the Federal bureaucracy. Certainly the ICC should not be immune from that review. In undertaking such a review, however, we must first understand whether an agency like the ICC performs a necessary function. I have seen, at least on a limited basis, a need for the ICC's involvement to resolve rail transportation issues in South Dakota, and, without knowing the details of how that function would be handled by another entity, cannot support this amendment.

The PRESIDING OFFICER. The Senator from Missouri still controls 2½ minutes.

Mr. DANFORTH. Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The question is on the amendment.

Mr. EXON. Mr. President, I move to table the amendment of the Senator from Missouri.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Missouri. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. Mr. President, I announce that the Senator from Delaware [Mr. BIDEN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Alabama [Mr. HEFLIN], the Senator from Georgia [Mr. NUNN], the Senator from Alabama [Mr. SHELBY], and the Senator from Pennsylvania [Mr. WOFFORD] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Kentucky [Mr. MCCONNELL] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 52, nays 39, as follows:

[Rollcall Vote No. 302 Leg.]

YEAS—52

Akaka	Gorton	Mikulski
Baucus	Graham	Mitchell
Boren	Harkin	Moseley-Braun
Boxer	Hatfield	Murray
Breaux	Hollings	Packwood
Bryan	Inouye	Pell
Bumpers	Johnston	Pressler
Byrd	Kennedy	Pryor
Cohen	Kerrey	Riegle
Conrad	Kerry	Robb
Daschle	Kohl	Rockefeller
DeConcini	Lautenberg	Sarbanes
Dodd	Leahy	Sasser
Dorgan	Levin	Simon
Exon	Lieberman	Specter
Feinstein	Lugar	Wellstone
Ford	Mathews	
Glenn	Metzenbaum	

NAYS—39

Bennett	Domenici	Mack
Bingaman	Faircloth	McCain
Brown	Feingold	Moynihan
Burns	Gramm	Murkowski
Campbell	Grassley	Nickles
Chafee	Gregg	Reid
Coats	Hatch	Roth
Cochran	Helms	Simpson
Coverdell	Hutchison	Smith
Craig	Jeffords	Stevens
D'Amato	Kassebaum	Thurmond
Danforth	Kempthorne	Wallop
Dole	Lott	Warner

NOT VOTING—9

Biden	Durenberger	Nunn
Bond	Heflin	Shelby
Bradley	McConnell	Wofford

So the motion to lay on the table the amendment (No. 1010), as modified, was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, is there a unanimous-consent agreement on future amendments?

The PRESIDING OFFICER. There is no agreement.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. LAUTENBERG. May I respond to the inquiry of the Senator from Arizona. It is the intention to——

Mr. DECONCINI. I will be glad to yield to the Senator providing I do not lose my right to the floor.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. DECONCINI. I yield to the Senator under that understanding.

Mr. LAUTENBERG. If I may, Mr. President, just declare that the intention is, if possible, to finish this bill tonight, or at least finish the amendments that are related thereto, and we would like to continue to work on it. So I hope that alerts those who have amendments to work on getting them up, being considered, and dealt with. It will enable us to proceed to other

things. If we can finish this tonight, I think it is in keeping with the majority leader's intention to move legislation along.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. WARNER. Mr. President, will the Senator yield for 1 minute for a question to the managers?

Mr. DECONCINI. I will be glad to yield to the Senator from Virginia with the understanding I do not lose the privilege of the floor.

The PRESIDING OFFICER. The Senator from Arizona has yielded for purposes of a question.

Mr. DECONCINI. One minute to the Senator from Virginia with the understanding that I do not lose the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. Mr. President, I direct the question to the managers. It is the intention of the Senator from Virginia to raise an amendment which can best be characterized as an amendment on minimum allocation. It is in the form of an amendment to strike certain language. I anticipate it will take speaking a minimum of 2 hours, and I am anxious to determine how much time those who wish to associate themselves with the Senator from Virginia would like, and at the appropriate time this evening I will be happy to enter into a time agreement.

But I would like to alert my colleagues, those who are interested in the time, to call my office because we would be better informed as to the parameters of the time agreement.

Mr. LAUTENBERG. Mr. President, in terms of the amendment or the concern of the Senator from Virginia, I understand that he is interested in dealing with a change—he did use the term "minimum allocation," but in the first quarter reporting on that allocation.

Mr. WARNER. Mr. President, the Senator is correct. It is the position of the Senator from Virginia that the committee is very skillfully moving from the traditional area of budgeting for this ISTEA account into control by the committee, and that that will eventually lead to far more discretion reposed in the committee than I think those of us from our State feel there should be.

This is a long, contentious debate, I assure you. And I simply raise the question now to accommodate the managers in the event they seek a time agreement from the Senator from Virginia, so we may be better informed as to how much time he should require for those who wish to speak.

Mr. LAUTENBERG. Mr. President, I then respond to the distinguished Senator by saying that this right now is simply a benchmark, and it does not affect at all the obligation ceiling for that year.

We would, in fairness to our colleague who has the floor, need some time to discuss it. But I hear what the Senator from Virginia has said. We will certainly make time available when he chooses to bring this up and discuss it.

I believe that his concerns would not be of the nature that he sees them, if we have a chance to talk about it. Maybe we can even discuss it privately a little bit while the Senator from Arizona has the floor, and perhaps come to a resolution very quickly.

Mr. WARNER. Mr. President, I thank the managers. I will be happy to cooperate.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

THE WORLD'S UNTENABLE BOSNIA POLICIES

Mr. DECONCINI. Mr. President, A few days ago the Bosnian Parliament decided that it could not accept the peace settlement placed before it. This decision is understandable. While no negotiated settlement for Bosnia's future could be considered just, in light of the aggression and genocide perpetrated by Serb forces, this plan goes too far in rewarding the perpetrators.

Soon after the Bosnian Parliament announced its decision, the shelling of Sarajevo recommenced. This Serb response revealed, yet again, their key negotiating tactic: give us the land we want, or we kill more of you. Still, undoubtedly, a new, amended plan will be sought, as the international community remains wrongly committed to diplomatic negotiations, and pressures the Bosnians to come to terms.

Meanwhile, an issue before us now is a prospective plan's implementation, and whether the United States will contribute its own forces to a peacekeeping operation. U.S. participation, in my view, is essential if the settlement is to be implemented as agreed. Given the way the world has abandoned them, I think we own it to the Bosnians to protect what they have left, and to help them rebuild. However, as many hope the Bosnians do agree to the plan on the table, they predictably balk at the notion of guaranteeing that Bosnia's opponents will implement the plan as agreed.

Mr. President, how can our fellow Bosnian parliamentarians be expected to agree to a plan which rewards their opponents' evils? How can we expect these parliamentarians to agree to a plan which their opponents show not the least sign of honoring? Even worse, how can these parliamentarians agree to a plan when the rest of the world is unwilling to give them credible assurances of assistance in its implementation? We are parliamentarians; how would we vote under such circumstances?

Let me state, as I have stated many times before, that peacekeeping is fraught with incredible dangers, especially since aggressor Serb forces are encouraged by the way they have gotten away with their crimes. Peacekeeping is the potential quagmire about which we should worry, not the peacemaking through air strikes and arming of the Bosnian forces that I have consistently advocated. If and when we debate the prerequisites for American participation in a peacekeeping operation in Bosnia and Herzegovina, I will detail my views on the matter, especially with respect to the mandate and rules of engagement.

In the meantime, however, I want to make one, more general point, which I intend to repeat again and again regardless of how the situation turns out. I want to make it clear that the ones responsible for the dangerous peacekeeping operation we now confront are those who, from the beginning, opposed more decisive action to thwart Serb aggression.

The first time such action really became politically possible was in August 1992, when revelations of Serb-run concentration camps made our Never Again response to the Holocaust echo grimly in our minds. Moreover, the Serb forces were much more vulnerable to air strikes at that time than they are now, and a credible show of force would likely have had sufficient credibility to have caused their retreat.

A subsequent lifting of the arms embargo would have been much easier to implement, and could have precluded any further international escalation if it went that far. But opponents, in this Chamber and elsewhere, trotted out highly skewed or irrelevant historical analyses of centuries-old tribal warefare in the Balkans, Yugoslav resistance to Nazi German occupation, and our own Vietnam experience, ignoring, of course, that violent Balkan disputes have not been resolved by negotiation and good will, and that they, in fact, usually spread.

In my view, because of successful opposition to punitive action early on, peacemaking has become a riskier job over time, even as the need for it has become more critical. U.N. protection forces have been shot at, taken hostage and killed without fear of retaliation, as the job of peacekeeping has been rendered all the more dangerous as well. Because action was not taken sooner, at least 100,000 additional innocent Bosnians have been killed so far.

Many of us may not be disturbed by the death of a few soldiers from other countries' peackeeping efforts in Bosnia and Herzegovina, just as many in Europe and the United States seem indifferent to the death of so many Muslims. In the meantime, however, mediation has produced a peace settlement that will place 50,000 or more foreign troops on the ground as peacekeepers in Bosnia and Herzegovina. Half of these groups will likely be

Americans, placed in between people who feel they can commit any atrocity they want, and people bent on revenging atrocities already committed.

This solution not only contains more risk and less justice. Just look at the cost to the taxpayer. Estimates are as high as $4 billion for the total operation, much of it likely to come from American pockets.

Of course, many of those who have opposed American-led peacemaking in the past are opposing any American-led peackeeping now. They can make a good argument in the latter case. But those who have taken this position have, in effect, said: Let the women be raped, let the innocent be tortured, let the people be killed. And they are now saying, let more be raped, tortured, and killed, and let us deny the survivors any justice or protection as well.

This is insane, Mr. President, insane. To kill people because they are Moslems is a crime. What is it when people are allowed to be killed because they are Moslems?

How can it be that this administration and our allies are not truly frightened for the chilling precedents we are allowing to take hold? Do they not see this as undermining the very foundation upon which a new Europe was to be built? Do they really think the Serbs who have waged a brutal campaign of aggression and genocide with virtual impunity are going to allow a Bosnia Moslem state to exist? America's security rests upon its ability to help shape a new Europe based on a true commitment to democracy.

Our country, Mr. President, is not the world's policemen, but Bosnia and Herzegovina has come to represent something much uglier and more ominous that just another regional conflict. It represents something against which we must take a stand.

I yield the floor.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

MEGALOPOLIS UNBOUND: A REALITY

Mr. PELL. Mr. President, it is with a great sense of satisfaction that I rise today in support of the Transportation appropriations bill for fiscal year 1994, and especially that part of the bill which addresses rail transportation.

I salute the distinguished Senator from New Jersey and chairman of the Subcommittee on Transportation Appropriations, Mr. LAUTENBERG, for his diligence and particularly for his commitment to funding electrification of rail service in that portion of the Northeast corridor between New York and Boston.

And I especially appreciate his recognition of the importance of preserving freight service concurrently with the upgrading of passenger service. Passenger and freight rail transportation are not mutually exclusive. We must ensure that freight rail operations are not disrupted or hampered in the process of electrification. We can little afford improved passenger rail service at the expense of freight operations, which are of immense importance to the economic future of our country.

We have the opportunity now to ensure that the necessary steps are taken to guard against the possible deterioration of the freight system, and we should not hesitate to do so. Passenger rail enhancements should not serve as an impediment to the enhancement of the vital freight network.

In many ways, the electrification of the Northeast corridor and the upgrading of passenger rail service represents a major step toward fulfillment of a personal commitment I made during my first term in the Senate more than 30 years ago.

In those days, the quality of rail passenger service had fallen to abysmally low levels, largely as a consequence of the post-World War II rush to automobile mobility. I was acutely aware of the inadequacy of service, since I frequently depended on the overnight trains between Providence and Washington to meet my Senate schedule.

The railroads referred to the overnight service as sleeper service. I knew from hard experience that it would be more accurate to describe it as waker service. And I always contrasted it in my mind with the far more comfortable and efficient experience I had enjoyed on European railroads.

Against this background I began to evolve a plan for public action which I summarized as follows:

> Simply put, it was that our superbly advanced society, with its great capacity for inventiveness and technological adaptability to human needs, should somehow contrive easier and more efficient ways of transporting people on relatively short intercity trips where distances are too insignificant for economic use of airplanes but too great for regular use of the automobile. The solution, it seemed to me, lay in modernization and improvement of railroad service.

In order to achieve that objective, I knew that some mechanism would have to be devised to promote investment in technological advancement, and my first impulse was to try and do so in the private sector.

With that in mind, I introduced on June 1, 1962, Senate Joint Resolution 194, which simply would have granted the consent of Congress to the negotiation of an interstate compact in the Northeast seaboard region for the purpose of owning, operating, and maintaining railroad passenger service. Its financing was to come from the private sector, but with Government guarantees against default.

While this simple piece of legislation never was enacted, it proved to be the impetus for developments which were far beyond my original concepts. It immediately struck a responsive chord with the press, beginning with the New York Times, and that in turn gave impetus to the political results which were to follow.

Fortunately, I was able to engage the interest of President John F. Kennedy in the concept, in good part because he too, as a New England Congressman and Senator, had shared my first-hand experiences with the inadequacies of the existing rail service.

At his instigation, a modest appropriation was obtained to start the Northeast corridor project in the Department of Commerce, the purpose of which was to conduct a systematic study of the transportation needs between Washington and Boston and to provide a basis for further Government action. At this point, my proposal began to broaden considerably and became institutionalized in the executive branch.

After the untimely death of President Kennedy, I succeeded in drawing the attention of President Johnson to the Northeast corridor project, which, although very modest in scope, focused on an area of the country which was of considerable electoral vote importance. And at his instigation the project moved from paper to three dimensional form.

After pledging his intention in his January 1965 State of the Union Address to seek funding for high speed rail demonstrations between Boston and Washington, President Johnson's administration threw its weight behind the High Speed Ground Transportation Act of 1965, which he signed into law on September 30 of that year.

I recall being immensely pleased when the President, in remarks at the signing ceremony, gave credit to those who had contributed to the passage of the legislation, and added "particularly Senator PELL, who harassed me week after week until he got me to take some action."

The 1965 legislation did in fact lead to demonstration projects which laid the groundwork for the Metroliner service, which continues in the Northeast corridor today. And in a larger sense, it paved the way for the creation of Amtrak in the years that followed.

In 1966, I authored a book entitled "Megalopolis Unbound: The Supercity and the Transportation of Tomorrow," which told in some detail of these developments in the early years of the 1960's. But its main purpose was to show that the transportation problems of the Northeast were indeed national in scope. And I am afraid that my book is still current today since so little has been done to carry out its suggestions.

In fact, I argued, the Northeast megalopolis was only 1 of 21 such megalopolitan areas, spread over some 26

States, which in 1960 accounted for 55 percent of the Nation's total population. And each of them, even then, were beginning to experience auto gridlock and airport saturation, with attendant problems of pollution control and curtailment of personal mobility. The solution, as I saw it then and still see it today, is high-speed ground transportation.

The appropriation bill before us today thus represents for me one more keystone in what I hope will be just the first stage of a national solution. Achievement of high-speed service between Boston and New York on what was formerly known as the New Haven Railroad has long been a major stumbling block. It is a corkscrew section of track which, if all the curves were put together end to end, would spiral through nearly 17 full circles. Now the prospect of electrification, combined with tilt-train technology, makes the achievement of my original objective a reality.

But with that achievement, comes an unforeseen complication which also has national implications, and that is the preservation of railroad freight service that must coexist with high speed passenger service. When I started this crusade in the 1960's, I lamented the fact that passenger service was the stepchild of freight service. Now with the institutionalization of Amtrak and high-speed passenger service, the roles are becoming reversed.

Mr. President, rail transportation—both passenger and freight—offers our country significant economic and environmental benefits that would be lost if there were to be a further shift of traffic from the tracks to our already congested highways. Thus, as we work to improve our country's passenger rail system, we must take necessary steps to prevent the deterioration of our freight operations. Passenger and freight rail operations are not mutually exclusive. Indeed, they have previously coexisted and, with proper coordination and cooperation, can continue to do so and prosper.

With this proper balance in mind, Mr. President, I am certain that we can succeed in making our rail system safer, cleaner to the environment, and more cost-effective.

I raise this issue, Mr. President, not in a hypothetical or theoretical manner, but because this issue is grounded in reality in Rhode Island. I have deep concern that an unintended side effect of the electrification project would impede existing freight operations in Rhode Island. As New England continues to struggle out of a prolonged recession, this side effect could adversely impact our region's current and future economic viability.

Having nurtured the concept of high-speed rail for the past 30 years, this potential conflict causes me great pain. States can little afford improved passenger service at the expense of freight and vice versa.

My distinguished colleague from New Jersey, Senator LAUTENBERG, a champion of rail development, understands this dichotomy and realizes that enhancements to passenger service should not result in the deterioration of freight operations. Also, having been one of the first elected public officials to arrive on the scene of the train collision in Chase, MD, a few years ago, Senator LAUTENBERG correctly and wisely advocates separation of fast moving passenger trains from slower moving commuter and freight trains. I, too, believe we should do this wherever it is possible and cost-effective. That tragic disaster underscores the need for us to make rail service completely safe.

In the case of southern New England, particularly Rhode Island, the plans to electrify the corridor pose numerous operational and structural difficulties to the current freight operations. A solution exists that will accommodate high-speed passenger rail service and freight rail service, while improving safety along the corridor by separating passenger and freight rail. This solution entails the construction of a 22-mile track, 7 miles of which already exists, which would be dedicated to light rail and freight operations.

Amtrak has a statutory obligation to assure that its work along the corridor does not interfere with current freight rail operations. It is my belief, Mr. President, that Amtrak also has a clear obligation to allow for the planning and eventual introduction of modern freight and commuter rail services to the area.

Senator LAUTENBERG is, I believe, committed to a fair and positive resolution of this matter. In fact, he has included language in the accompanying report which, I believe, is a step in the right direction.

I am sure that the report language accompanying this bill was not intended to be completely restrictive in nature. I am sure the report does not intend that the reimbursement required for the necessary planning to accommodate freight operations needs to come wholly from State funds but could be derived from a combination of sources, including other appropriate Federal programs as well as the private sector.

On a personal note and in closing, Mr. President, I want to once again thank my colleague from New Jersey for the leadership and expertise he has exhibited in this area and for helping to shepherd along a vision of mine and a crusade I started more than 30 years ago.

All told, this is a wonderful bill. To me, it is a great satisfaction to see high-speed rail service coming into effect.

I wrote a book on this subject in 1966, and it is absolutely current today because so little has been done since.

So I congratulate the chairman, the Senator from New Jersey, on his work and what he is doing.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I first want to say thank you to our distinguished colleague, Senator PELL, for his longstanding support of rail development. He was, as he noted, one of the pioneers in enhancing and improving passenger service in this country. He has been instrumental in the introduction of high-speed ground transportation. We worked very closely. Despite the fact that the Senator from Rhode Island is not on a particular committee, he has had this abiding interest for a long time.

I share his interest. He preceded me here by a number of years. Certainly no one can challenge the fact that he has had a vision of what high-speed rail might mean, particularly to his sector of the country, my sector of the country where we have so much of the national population. I am fully aware of the situation surrounding the introduction of the electrification to the Northeast corridor. Senator PELL was very helpful as we developed that concept. I, at Senator PELL's request, recently met with Governor Sundlun of Rhode Island to discuss this particular situation, which relates to the movement of freight as well as passenger service. I informed him that I would look into his concerns, which were also brought by Senators PELL and CHAFEE.

As to Senator PELL's question regarding reimbursement for modification of the electrification design plants to include an independent third track in Rhode Island, I endorse his contention that such reimbursement can be made by a combination of appropriate Federal funds—from sources other than Amtrak and the FRA—the State of Rhode Island and private sources. I salute the leadership. They are taking in Rhode Island, with Senator PELL's insistence, and we are happy to work with him on that and look forward to the day that we can zip back up to Rhode Island and come back on high-speed electric trains.

Mr. PELL. I look forward to riding in the train with the Senator from New Jersey.

Mr. LAUTENBERG. Yes. I thank the Chair and yield the floor.

Mr. BUMPERS. Mr. President, I yield to the minority manager of the bill.

Mr. D'AMATO. I thank my friend and colleague from Arkansas. I have an amendment here that I will soon offer, which has been cleared on both sides. It makes available $3,200,000 that previously was not included in the bill as a result of the moneys for 1993 not having been spent. They have now been spent. We learned that in the last 24 hours. Therefore, there is no additional outlay.

I ask unanimous consent that the present business pending be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1011

(Purpose: To allocate $3.2 million in uncommitted Federal Transit Administration discretionary grant funds under the Department of Transportation and related agencies bill for fiscal year 1994 to the RAILTRAN corridor project now that all matching funds have been made available and all prior grants have been expended)

Mr. D'AMATO. Mr. President, I send an amendment to the desk on behalf of Senator HUTCHISON and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mr. D'AMATO], for Mrs. HUTCHISON, proposes an amendment numbered 1011.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 37, strike lines 12 and 13, and insert the following: $3,200,000 shall be for the RAILTRAN Corridor project of Dallas, Texas and Fort Worth, Texas, and $69,300,000 shall be allocated at the discretion of the Secretary.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 1011) was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

AMENDMENT NO. 1012

(Purpose: To provide $5,000,000 for Arkansas: Lock and dam No. 4, Pine Bluff)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 1012.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, line 24 add the following after the period: "Of the funds made available pursuant to this heading, $5,000,000 shall be provided for continuing construction of Lock and dam No. 4 located at Pine Bluff, Arkansas.".

Mr. BUMPERS. Mr. President, this is an amendment that I think has been cleared on both sides. It deals with an authorization of bridges over locks and dams. I think this is the seventh year of funding. I appreciate very much the cooperation from the Senators.

Mr. LAUTENBERG. If the Senator will withhold for a few minutes on that request, I think it is something that we can process with facility. I just want to be certain that I understand the statute under which it comes.

Mr. BUMPERS. I ask unanimous consent that the amendment be laid aside until the Senator is satisfied.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. I ask unanimous consent to lay aside the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1013

(Purpose: To provide flexible use of highway dollars for the State of Florida)

Mr. D'AMATO. Mr. President, I send an amendment to the desk on behalf of Senator MACK and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mr. D'AMATO], for Mr. MACK, proposes an amendment numbered 1013.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. . TRANSFER OF APPORTIONED TITLE 23 FUNDING.

The Secretary of Transportation shall permit the obligation of not to exceed $4,000,000, apportioned under title 23, United States Code, section 104(b)(5)(B) for the State of Florida for operating expenses of the tricounty commuter rail project in the area of Dade, Broward, and Palm Beach Counties, Florida, during each year that Interstate 95 is under reconstruction in such area.

Mr. D'AMATO. This is statutory language required to continue to fund this project, and it has no budgetary impact. This has been cleared on both sides, and there is no objection.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No. 1013) was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. D'AMATO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. D'AMATO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Without objection, it is so ordered.

Mr. D'AMATO. Madam President, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1014

Mr. D'AMATO. Madam President, on behalf of Senator BOND, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for Mr. BOND, proposes an amendment numbered 1014.

Mr. D'AMATO. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

Insert where appropriate:

Notwithstanding any other provision of law, of the funds made available by this act under Federal Aviation Administration Grants-in-Aid for Airports, $6,000,000 shall be made available to repair and rebuild airports damaged as a result of the Midwest floods of 1993: *Provided*, That these funds shall remain available until expended.

Mr. D'AMATO. This amendment has been cleared on both sides. There are no fiscal implications. It comes about as a result of the floods in Missouri. It is indeed an emergency for airport flood relief. I hope that we could adopt this amendment.

Mr. LAUTENBERG. We are agreed on that, Madam President, and we ask that the amendment be agreed to.

Mr. FORD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Kentucky has suggested the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call roll.

Mr. FORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Madam President, I have discussed with the two managers of the bill the taking of $6 million off the top of the airport improvement program trust fund. I am sure it goes for a good cause. But the chairman of the committee is not here, and as chairman of

the Aviation Subcommittee, we have not had our markup yet. It looks like our moneys are going to be short. Therefore, with the agreement of the managers, I ask unanimous consent this amendment be set aside, and it be brought up tomorrow in the normal course.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. I thank the Chair and I thank the managers.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Madam President, is there a pending amendment?

The PRESIDING OFFICER. There is no pending amendment before the Senate.

AMENDMENT NO. 1012, AS MODIFIED

Mr. BUMPERS. Madam President, I previously offered an amendment. I now send a modified amendment to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment (No. 1012), as modified, is as follows:

On page 53, line 8, before the period, add: "$5,000,000 for Lock and dam No. 4 located at Pine Bluff, Arkansas".

Mr. BUMPERS. Madam President, I think after much labor, and running this, this has been agreed to by both parties.

Mr. LAUTENBERG. Madam President, this is the Bumpers amendment that has been authorized under lock and dam legislation. This project has received Appropriations Committee support in the past. Considerable work remains to be done. It is an acceptable amendment. I encourage adoption of the amendment. It is cleared, I believe, by the Republican manager as well.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1012), as modified, was agreed to.

Mr. BUMPERS. Madam President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I ask unanimous consent that the following be the only floor amendments remaining in order to H.R. 2750, the Transportation appropriations bill, and that they be subject to relevant second-degree amendments, if applicable. The amendments are as follows:

An amendment by Senator WARNER regarding minimum allocation; an amendment by Senators BOXER and FEINSTEIN regarding California; an amendment by Senator BOND regarding flooded airports; an amendment by Senator KASSEBAUM regarding labor issue, section 342; an amendment by Senator JOHNSTON that is technical regarding ISTEA; an amendment by Senator DOLE that is travel related; an amendment by Senator LOTT that is relevant; an amendment by Senator WALLOP that is a sense of the Senate regarding the FAA; an amendment by Senator MCCAIN that isrelevant; an amendment by Senator GLENN that is relevant; an amendment by Senator BRADLEY that is relevant; an amendment by Senator BRADLEY that is relevant; an amendment by Senator METZENBAUM that is relevant; an amendment by Senator METZENBAUM that is relevant; an amendment by Senator RIEGLE that is relevant; an amendment by Senator MURRAY that is relevant; an amendment by Senator LAUTENBERG that is relevant; an amendment by Senator D'AMATO that is relevant; an amendment by Senator HATFIELD that is relevant; an amendment by Senator GRAMM, of Texas, that is relevant; an amendment by Senator BYRD that is relevant; an amendment by Senator MURKOWSKI that is relevant.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Madam President, it has come to my attention that Senator BURNS had asked for an amendment dealing with cargo preference, and inadvertently it was not included in the list. I ask unanimous consent that a place be reserved for Senator BURNS' amendment so that it may be included in those amendments that can be offered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Madam President, I am wondering——

Mr. LAUTENBERG. Does the Senator mind withholding? I reserve the right to object, and do not object and probably will not, but there is a question we have on the Burns amendment.

Mr. D'AMATO. I am not suggesting we accept it, but only that he have an opportunity to offer it.

Mr. LAUTENBERG. Was it on the list earlier?

Mr. D'AMATO. He had given it to me.

Mr. LAUTENBERG. In fairness, because I think I saw it on the list, I would have no objection to including it.

Mr. D'AMATO. I thank my colleague.

I am wondering if the manager of the bill thinks it would be appropriate that we ask for the yeas and nays on final passage at this time.

Mr. LAUTENBERG. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The pending question is the committee amendment on page 50, line 22.

Mr. D'AMATO. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that a Breaux relevant amendment be included in the list, as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. With that, Madam President, I think it covers them all.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIESEL FUELS

Mr. REID. Madam President, a provision in the Omnibus Reconciliation Act of 1993 will require tax-exempt, low sulfur diesel fuel to be dyed at the terminal rack if it is to sold to wholesalers or retailers tax free for off-road uses. The effective date of that provision is January 1, 1994. I ask the Senator from Montana, the distinguished chairman of the Environment and Public Works Committee, if he is aware of the environmental ramifications of that provision.

Mr. BAUCUS. It is my understanding that some terminal racks will not have in place the dye injection equipment necessary to dye the fuel that is intended for off-highway or tax-exempt use. As a result, the users of the tax-exempt fuel may seek out the high sulfur fuel for off-road uses that is now required to be dyed as part of the Clean Air Act. The requirement in the Clean Air Act to dye high sulfur fuel was intended to dissuade the use of this fuel

because of its detrimental effect on the air quality of this country. The Clean Air Act will be compromised if the only tax-exempt, off road fuel available is high sulfur diesel.

Mr. REID. That is my understanding as well. In fact, I have learned that even if all of the terminal racks wanted to provide dyed fuel to their off road customers, the physical ability to do so is limited because of the implementation date of this provision. In addition, the fact that some terminal racks in a region of the country will be able to provide dyed, low sulfur fuel to their customers, while some terminals in the same region will not, is going to put some businesses that sell diesel fuel at a distinct competitive disadvantage. In some cases, this competitive disadvantage will put these businesses, some of them small businesses that are family owned, at risk of survival.

With this understanding, would the Chairman agree that the IRS should be astute to these conditions when drafting the regulations relating to the dyed, low-sulfur diesel provisions in OBRA?

Mr. BAUCUS. I agree. The IRS must keep the issues we have discussed here today in mind so the regulations it promulgates do not result in an increased use of high-sulfur fuel and do not put some businesses at a competitive disadvantage.

Mr. REID. I thank the Chairman.

TRANSPORTATION ACCESSIBILITY PROGRAM

Mr. HARKIN. I wonder if I can engage the chairman of the Subcomittee on Transportation Appropriations, my friend from New Jersey, in a colloquy on the transportation accessibility program contained in the transit planning and research portion of the bill.

Mr. LAUTENBERG. I would be pleased to join the Senator from Iowa, a leader in transportation accessibility, in a colloquy.

Mr. HARKIN. I thank the Senator. I note to the Senator from New Jersey that the committee "directs FTA to continue Project ACTION—Accessible Community Transportation In Our Nation—which is administered by the National Easter Seal Society through a cooperative agreement with FTA." I thank the chairman for his leadership in this area, not only with this language but in his support for the project over recent years.

Mr. LAUTENBERG. I appreciate the comments of my friend from Iowa, the author of ADA. I believe that the assistance which Project ACTION provides to communities to help them meet the transportation requirements of ADA is very important.

Mr. HARKIN. I note to the Senator from New Jersey that the technical information and assistance needs of communities for complying with ADA and finding tools and techniques to meet the growing transportation needs of persons with disabilities is increasing every day. Is it the intention of the committee that Project ACTION be continued by FTA at its current level, or perhaps even expanded?

Mr. LAUTENBERG. That is correct. I expect that the new team at FTA, which has shown great sensitivity to these issues, will seek to continue Project ACTION at its current level or possibly expand it.

Mr. HARKIN. I thank my friend for that information and his outstanding leadership in this area.

RECYCLED PAVING MATERIALS PROVISION

Mr. BAUCUS. Madam President, the bill before the Senate includes a 1-year moratorium on the enforcement of section 1038(d) of the Intermodal Surface Transportation Efficiency Act, the recycled paving materials provision. The committee report on the bill also directs the Department of Transportation to undertake several studies related to crumb rubber. The report directs the Department to utilize pavement research funds to conduct "a detailed examination of the cost differential of using rubber in asphalt as well as economic and technical impacts of alternative highway uses of rubber compared to using crumb rubber in asphalt." While these are much needed study directives, the report does not specify a time for completion of this work. In light of the fact that the moratorium provision is for 1 year, am I correct in assuming that the intent of the Senate is for DOT to report back to Congress promptly, and provide as much as it can on crumb rubber and the cost differential of using rubber in asphalt by June 1, 1994, so that we will have the benefit of DOT input before the moratorium is over, even if DOT reports in that time frame only on an interim basis?

Mr. LAUTENBERG. The Senator is correct. I would expect DOT to provide advice to the Congress on those issues in that time frame.

Mr. BAUCUS. I thank the Senator. The costs of crumb rubber pavement compared to conventional asphalt are concerns that have been raised by many State transportation departments, including Montana Department of Transportation. I therefore commend the chairman of the subcommittee for developing a bill and study requirements that will facilitate review of the concerns that have been raised.

SUPPORT FOR A CONTRACT TOWER AT THE ABERDEEN REGIONAL AIRPORT

Mr. DASCHLE. Madam President, I would like to call upon the distinguished chairman of the Transportation Appropriations Subcommittee, Senator LAUTENBERG, to discuss a matter related to the growth of air traffic and the need for additional air traffic control service at the Aberdeen Regional Airport in Aberdeen, SD.

Mr. LAUTENBERG. I would be happy to discuss the matter with the Senator from South Dakota.

Mr. DASCHLE. Madam President, before discussing the Aberdeen Airport, I would like to compliment the Senator from New Jersey for once again doing a masterful job in providing the Senate with an appropriations bill that recognizes the importance of our transportation systems to the health of our economy and fairly balances the competing demands for improved transportation services throughout the United States.

Mr. LAUTENBERG. I thank the Senator for his kind remarks.

Mr. DASCHLE. Madam President, the report accompanying the transportation bill addresses a matter of great importance to me and all pilots in South Dakota who depend on air traffic control service for safe operations around the Aberdeen Regional Airport. Specifically, the report directs the FAA to include the Aberdeen Airport in the FAA's contract tower program.

As the distinguished Chairman is aware, the Aberdeen Regional Airport has experienced a substantial increase in traffic during the past few years. With the recent addition of another regional carrier and two freight carriers, the overall number of flights at the Aberdeen Airport has increased from 40,616 in 1991 to 48,426 flights in 1992. The increase in traffic is expected to continue, especially when the runway at the Aberdeen Airport is extended next year to accommodate larger aircraft.

Currently, there is no tower control service at the Aberdeen Airport, and, like many area pilots, I am concerned that with the dramatic increase in traffic, the overall safety of the Aberdeen airport is in serious jeopardy. The city of Aberdeen has recently committed $100,000 for the construction of the control tower contingent upon Federal assistance, and I am grateful that report directs the FAA to include the Aberdeen Airport in the FAA's contract tower program. Again, I would like to thank the distinguished chairman of the subcommittee for his assistance in this regard.

Mr. LAUTENBERG. I appreciate the Senator's bringing his concerns to my attention. The committee's report addresses the contract tower program at length. I strongly endorse the FAA's contract tower program for level 1 control towers. In that regard, the committee provided $1 million above the FAA's budget request for the program so that additional airports such as Aberdeen can be included in it. The use of contract towers is an example of how we can reduce the costs of Government services and achieve savings over the long run. FAA estimates that the use of a contract control tower saves $200,000 annually because of the flexibility available in scheduling controller working hours around changes in air traffic activity levels.

Mr. DASCHLE. I thank the Senator from New Jersey for his support and attention to this important matter.

TUCSON DIAL-A-RIDE PROJECT

Mr. DECONCINI. Madam President, it is my understanding that the transportation appropriations bill currently before us does not earmark discretionary funds for buses and bus facilities.

Mr. LAUTENBERG. That is correct.

Mr. DECONCINI. It is also my understanding that the transportation appropriations bill approved by the House of Representatives did earmark transit projects and $2.3 million was approved for the city of Tucson.

Mr. LAUTENBERG. That is correct.

Mr. DECONCINI. I would like to bring to the Chairman's attention that under section 3035(bb) of the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA], Congress authorized $8 million for the Tucson Dial-a-Ride project. The project combines on-demand bus service with some innovative technologies to make bus transportation more dependable and convenient in sprawling, low-density neighborhoods. The $2.3 million in the House bill is the final appropriation that will bring Dial-a-Ride to completion. I hope that when the conference committee meets, the final funding for Dial-a-Ride will be approved.

Mr. LAUTENBERG. We will do everything we can to ensure that Dial-a-Ride and other transit projects authorized under ISTEA will receive full funding.

Mr. DECONCINI. I thank the Chairman.

Mr. WALLOP. I would first like to thank my colleagues on the Transportation Appropriations Subcommittee for considering the Wyoming delegation's request regarding the civilian and military needs for an aircraft approach radar at the joint-use Cheyenne, WY, Airport, which is overseen by the Federal Aviation Administration. While the Air Force has responded to the Wyoming delegation's request for a surplus military radar which can be refurbished to meet Cheyenne's increasing safety needs and the FAA's systemwide criteria, while the military has responded to the delegation's request to objectively evaluate the merits for a refurbished radar at Cheyenne, the FAA refuses to consider those planned military and private enplanement increases at joint-use airports which it oversees. It is clear to this Senator that the FAA has had all of the most updated information available from the military and other relevant interests to complete a thoughtful evaluation of the joint-use Cheyenne Airport.

The Federal Aviation Administration should be more flexible and look at the entire taxpayer picture in its recommendations to Congress. I am angry that FAA's cost/benefit evaluators have failed to respond to my calls to encourage that military interests play a key role in the agency's evaluations at joint-use airport facilities. I also personally called Secretary Peña to discuss this problem, and it is apparent to this Senator that the FAA is not interested in even responding to concerns communicated through the Secretary of Transportation. It's absolutely ludicrous and somewhat hypocritical that the FAA is so self-involved—so polarized and unresponsive that simple evaluation adjustments are not made at the FAA staff level. it is upsetting that an agency refuses to respond to objective military information concerning radar installations at joint-use facilities.

While we do not plan to offer a nongermane amendment to this fiscal year 1994 Transportation appropriations bill, Senator SIMPSON and I would like to discuss this problem with our colleague and chairman of the Transportation Appropriations Subcommittee, Senator LAUTENBERG. At the conclusion of our conversation, we plan to offer a sense-of-the-Senate resolution which calls on the Federal Aviation Administration to move away from its self-absorbed bureaucracy and work with other agencies—especially the military—to better utilize limited Federal dollars. The public is calling for Federal agencies to cooperate by using surplus Government property in cost-effective ways. The Wyoming delegation's proposal to install a surplus military radar at Cheyenne is an appropriate extension of that concept.

Mr. SIMPSON. I would add my support for the comments and concerns expressed by my friend and senior colleague from Wyoming, Senator WALLOP. Indeed, there are many extenuating reasons for the FAA to reevaluate the Cheyenne Airport project. I am very concerned and quite puzzled as to how the FAA responds—or does not respond to Wyoming's civilian and military aviation needs. For quite some time, the FAA has had all of the most recent data from all relevant sources in order to make necessary and appropriate adjustments to its cost/benefit analysis procedures for radar installations at civilian/military airports. Yet, the agency has totally failed to hear this plea for Wyoming's aviation needs. The time has come for the FAA to recognize that the airport in Cheyenne needs radar along with the necessary auxiliary equipment and should qualify for FAA assistance. I shall look forward to timely action by the FAA on this issue.

Mr. LAUTENBERG. The Senators are correct concerning FAA's initial response to their request. As the Wyoming delegation knows, the subcommittee forwarded their request to the agency. The FAA responded that the Cheyenne project did not meet its cost/benefit criteria to receive a favorable response.

Mr. WALLOP. Perhaps we agree that Government agencies should look at projections and concerns of other agencies with regard to decisions involving radar installations at airport facilities serving varying constituencies. I respect the Appropriation Committee's decision reflecting the FAA's recommendation involving the Cheyenne Airport. However, I ask for your support in passing our sense-of-the-Senate resolution today. In my view, the FAA is a prime example of an agency which fails to look at the whole picture. It's high time that military and other concerns be solicited and fully utilized in a timely way by the FAA during the agency's radar review processes at joint-use airport facilities. In my view, the Secretary of Transportation should report back to Congress within 60 days on progress made in this regard. I send the resolution to the desk and ask for its immediate consideration.

Mr. LAUTENBERG. FAA is going to be faced with more and more of these types of requests. They should make every effort to be able to respond, especially as additional military installations are downsized. I am prepared to accept the Senators sense-of-the-Senate resolution.

Mr. WALLOP. I thank the Chairman.

THE OLYMPIC PENINSULA

Mrs. MURRAY. Madam President, in August, I spent several days on the Olympic Peninsula in Washington State. The communities there are now coming to grips with severely reduced timber harvest levels, and the need to diversify their economic base. I was impressed by the resilience of the people, and their desire to move on with their lives.

The beauty of the peninsula, the coast, and the Olympic National Park make tourism a natural for this area. One idea that has the potential to promote tourism without disturbing the natural beauty of the area is the construction of a bike path around the Olympic National Park. Cycling tours of the San Juan Islands and the Skagit Valley in Washington State are already very popular, and I am convinced that a bike path on the peninsula would attract many cyclists to this scenic spot. The bike path could be built from recycled materials, consistent with Washington's strong commitment to recycling.

Madam President, I intend to study the feasibility of this project and, if it has real potential, to work with the people of the peninsula to see it become a reality.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT

Mr. CAMPBELL. Madam President, I rise today to alert my colleagues to the fact that 23 States have been penalized as of October 1, 1993, under the Intermodal Surface Transportation Efficiency Act of 1991, otherwise known as ISTEA. These States were penalized for

not enacting mandatory seatbelt and helmet laws by the October 1 deadline. Madam President, I see this not only as a burdensome Federal mandate placed on the backs of State legislatures, but also as erosion of civil liberties and personal freedom.

ISTEA gave States less than 2 years to enact these laws. As some State legislatures only meet for 40 to 180 days, many States were actually only given slightly over 1 year to enact the required laws or face penalties. The penalties in section 1031 of ISTEA will have significant financial impact on any State, causing millions of dollars to be reprogrammed from highway construction to safety programs. Less than 2 years is not sufficient time for State legislatures to deal with an issue that impacts their States by millions of dollars.

I own a motorcycle, that is no secret. Where helmets are required to be worn, I wear them, where they are not, I do not. I make no bones about the fact that my dislike for the Federal mandate requiring States to pass helmet laws is in part inspired by my interest in motorcycling. But, my discomfort also comes from the Feds mandating these kinds of laws before States can receive highway funds, funds that their own citizens have already contributed to. When Congress blackmailed the States regarding highway speed limits, I thought that was wrong. I feel the same way about seatbelt and helmet laws. To me, the issue is not whether these are good laws or not, the issue is Federal mandates versus State authority.

Members who have been following this issue know I am the sponsor of S. 401, which would delay the deadline for complying with the act from October 1, 1993, to October 1, 1995. My good friend from Minnesota, Senator DURENBERGER has introduced S. 295—which would repeal the penalty altogether.

In the meantime, October 1 has come and gone. Currently, 23 States are facing these sanctions, although they do have a brief respite under current law, as the penalties do not actually take place until fiscal year 1995.

If these penalties were to be implemented in fiscal year 1994, I would have offered an amendment to the transportation appropriations bill we are discussing today. As that is not necessary at this time, I wanted to bring this matter to my colleagues' attention and to let it be known that I look forward to working with my colleague, Senator BAUCUS, when he brings a technical corrections bill to the floor of this body. It is through that vehicle that I plan to address this matter.

It is not right for the Federal Government to blackmail States by threatening to cut Federal highway funds if States do not mandate the use of seatbelts and helmets. Whether I support the use of seatbelts and helmets or not, I do not like strong arm tactics being used against the States by the Federal Government.

In closing, Madam President, I want to be clear that the issue is not only the use or nonuse of helmets, but rather Federal mandates. I also think personal freedom is an issue. I am prochoice. I do not think the Federal Government should dictate to the States, or its citizens, on matters of individual liberty.

CHICAGO CENTRAL AREA CIRCULATOR

• Ms. MOSELEY-BRAUN. Madam President, I would like to express my strong support for adequate continued section 3 New Start funding for the city of Chicago's Central Area Circulator project. This light rail transit system, known as the circulator, will serve commuters working in the rapidly expanding downtown area of the great city of Chicago. This area, known as the Loop, is the economic core of Chicago and provides 40 percent of all jobs in the city.

Furthermore, it will also connect many of this city's great development projects in progress. These include Navy Pier, Cityfront Center, McCormick Place, and the Central Station in the city's South Loop district.

Madam President, the great employment, cultural, and business expansion in downtown Chicago requires an expanded transit system to reach into the corners of the city which are not currently being served by existing rail and bus lines. The circulator will help to meet the need for an improved downtown transportation system that will complement existing lines. Its simple goal is to help move people within Central Chicago while decreasing vehicle congestion, and pollution as mandated in the Clean Air Act.

The circulator received a $260 million authorization in ISTEA. It was one of the few projects in ISTEA that received contract authority. Funding for the project will be shared among local, State, and Federal Governments—each providing one-third of its cost. The State and local authorities are fully committed to the project and have already committed to funding two-thirds of the project. While the House allocated $55 million for fiscal year 1994 Federal funding, the Senate Appropriations Committee has recommended only $5 million.

At this time, the circulator's preliminary engineering design has received approval by the Federal Transit Administration and 50 percent of preliminary engineering work has been completed. It is important to note that the planning for this project is on schedule. Furthermore, the requested funding this year will not sit idle—it can be utilized this fiscal year. Delays in bringing this project on-line will only add to delays in the construction process, which in the long run leads to cost overruns. The money provided to date has been prudent and I encourage my colleagues not to delay continuation of Federal funding.

It is projected that the circulator will be fully operational by 1998. Given that this project is well underway, I encourage the conferees of this Transportation bill to take a second look at this outstanding transportation system.

For the past 12 years, the urban areas of our Nation have been greatly neglected. As businesses expand to the greener suburbs, cities have been left to decay. Under the outstanding leadership of Mayor Richard Daley, Chicago's Central Area Circulator is an excellent example of the type of investment in urban infrastructure that is needed to revive our metropolitan areas.•

MORNING BUSINESS

Mr. FORD. Madam President, I now ask unanimous consent that the Senate proceed to morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. KASSEBAUM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. KASSEBAUM. Parliamentary inquiry, Madam President. We are in morning business; is that correct?

The PRESIDING OFFICER. That is correct.

SITUATION IN SOMALIA

Mrs. KASSEBAUM. Madam President, today, on our television sets, we saw a great tragedy unfolding in Somalia, and I think there is not one person in the United States who is not touched by what is happening there and feels for our Armed Forces in Somalia.

Saying that, of course, is a great quandary for us about what to do. Yesterday's events have renewed calls for the United States to withdraw from Somalia. I was in Kansas this morning, as a matter of fact, and many spoke to me about the fact that we have no business there and we should come home. I know a number of Senators have raised this issue in this Chamber, and I share the concern of my colleagues about the deteriorating situation in that country.

But, Madam President, when United States troops entered Somalia in December of last year, hundreds of thousands of people, mostly women and

children, had died from starvation. Our brave troops rescued Somalia from total and complete destruction and saved thousands of lives. We should be very proud of that mission.

We went into Somalia with the best of humanitarian motives as well as a sense of responsibility. The United States had used Somalia during the cold war, propping up a brutal and repressive dictator at that time.

The original mission of our troops was narrow and defined: To establish a secure environment for the delivery of humanitarian relief. This has been achieved in 99 percent of the country. But clearly because of General Aideed's brutal attacks, a secure environment does not exist in southern Mogadishu.

Contrary to what many have said, U.S. troops have not strayed from this original mission. While the United Nations has begun efforts to build Somalia as a nation, United States troops have focused solely on maintaining a secure environment.

Once this is achieved, all American forces will depart Somalia, leaving the broader nation-building mission to other U.N. troops.

Yet, yesterday's events in Mogadishu underscore the continuing difficulty of achieving even the narrow mission of security.

Madam President, for this reason, I believe we have reached a turning point in the United States policy in Somalia. Either we commit the resources necessary to fulfill our mission or we withdraw our troops from harm's way.

The attack yesterday on U.S. troops demonstrates that our current troop levels are not sufficient to achieve our ends. I understand from press reports that some 400 additional troops may be sent to Somalia. If we are serious about protecting our young men and women, I seriously doubt so few additional personnel are adequate and if we are serious, I think we ought to consider thousands more, or whatever is necessary to give that protection.

President Clinton must be willing to make a forceful case to the American people about the importance and necessity of this operation.

In addition, we must accelerate the political reconciliation process in Somalia. Efforts to build an interim political authority of Somalis to govern their country are essential. I support initiatives to involve regional powers, particularly President Meles of Ethiopia.

If United States troops stay, Somalia themselves must work to ensure that the U.N. operation succeeds. They must stand up and be counted at this crisis in their country. This is not a war between the United States and Somalia. But it has turned into a brutal attack on the United States by some vary small portion of the Somali people. In my conversations with Somalis and relief groups, I am told that the overwhelming majority of the people in the country strongly support the United Nations. Yet, we only see anti-U.S. and U.N. demonstrations on the streets of Mogadishu.

At the beginning of this operation, U.S. Secretary-General Boutros Boutros-Ghali warned the Somalis: "The international community could just say, 'enough is enough,' and walk away. This is a message the Somali leaders need to understand." In theend, the United States and United Nations can only create the conditions for Somalis themselves to form a new government and retain control of their destiny.

If, on the other hand, the United States decides to remove our troops from Somalia, it is important to understand the consequences.

If the United States troops leave Somalia, the operation will likely collapse and the United States would, in all likelihood, not be able to forge another such effort again anywhere.

American withdrawal would also hand a victory to General Aideed and set a damaging precedent for future operations. Aideed is directly challenging the United States. With each attack on an American, Aideed is hoping to force a U.S. and U.N. withdrawal so that he can regain political and military power.

I, for one, have grave concerns about allowing a renegade thug to kill U.S. forces with impunity.

Madam President, last month the Senate conducted a very healthy debate on Somalia. The amendment approved by the Senate, and since then, the House, calls for a report from President Clinton by October 15 on the United States role in Somalia.

In this report, the President should state his intentions clearly. Are we willing to dedicate the resources necessary to achieve our goals and protect our people? Or is it time to close up shop—saying we did our best—and watch Somalia return to anarchy and starvation?

I think many today would say yes, let us close up shop. I, for one, say we should complete our mission.

I yield the floor.

The PRESIDING OFFICER (Mr. CAMPBELL). Who yields time?

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

I hear the comments of Senator KASSEBAUM, and although this is not why I have risen, I would like to associate myself with those comments.

I think she has hit the nail on the head. I just want her to know that her views do have support on this side of the aisle.

I would hate to see our country turn tail and run. I would like to see us complete our mission. And I think it is extraordinarily important that the President of the United States, come October 15, state very clearly what our national interest is, what our goals are, and what our commitments are going to be to meet both our interests and our goals.

I think she has stated it just as well and as cogently as it can be. I would like to associate myself with her comments.

Mrs. KASSEBAUM. Mr. President, if I may just thank the Senator from California. I very much appreciate her comments. It is a difficult time, I think, for all of us. I particularly value her thoughtful observations.

Mrs. FEINSTEIN. I thank the Senator very much.

THE TRANSPORTATION APPROPRIATIONS BILL

Mrs. FEINSTEIN. Mr. President, I rise to speak on the transportation appropriations bill. I would like to begin by saying thank you to Senator LAUTENBERG, to the members of the committee, and to the staff, who I believe have done an excellent job in a very difficult situation.

I want to point out how critical and how important this bill is to the largest State in the Union. I am sure my colleague, Senator BOXER, would associate herself—I hope she would—with these remarks because transit and highway are extraordinary in California. We must replace highways, to the extent we can, with transit.

So a commitment to public transit as a part of an appropriations bill is a beall and end-all for our State. We can simultaneously boost the economy. Transportation initiatives build infrastructure. And they are win-win in virtually every State of this Union.

This body, I hope, in that bill, will fund four major projects for our State: The Los Angeles metro rail system, which will continue the design and construction of segments two and three of this growing subway and light rail system in a city that needs light rail and subway as much as any, the Bay Area Rapid Transit system, and the San Jose rail system—these extensions are proven systems with a combined daily ridership of 280,000 passengers—a proposal for an Orange County Intermodal Transportation Center which will serve as a major transportation hub in the most congested transit corridor in America, that going out of Los Angeles into Orange County and also into the inland empire.

Here the county of Orange, the city of Anaheim, the Orange County Transportation Authority, have submitted a state-of-the-art intermodal transportation center which will serve the public with the interconnection of express bus, urban rail, airport shuttle, taxi, and park-and-ride systems.

Its location would serve the Anaheim Convention Center, the stadium, Disneyland, as well as the proposed west expansion and resulting business growth expected in the region; the advanced technology stealth bus. This is an example of defense conversion in progress; and the advanced technology transit bus, a model transportation initiative applying technology from the defense industry to domestic needs; also, the regional Sacramento Transit District with funds to support clean burning vehicles. But most important in this bill is a major commitment to begin the funding of high-speed rail in America.

I am hopeful that, working with others on this high-speed rail bill when it comes to us for authorization, the President's fast rail bill will receive quick passage in this Senate. For California, it is extraordinary. It will allow us to upgrade tracks to allow for faster trains. It will strengthen the Federal-State-local partnership in the development of magnetic levitation, known as maglev train technology.

One of the corridors that would become immediately eligible for funding would be the corridor between San Francisco and San Diego through the Central Valley, a rail spine down the center of California. High-speed rail that could connect the northern and southern parts of our State would help commerce, reduce dependency on the private automobile and, most important, it is analyzed to create jobs. This high-speed rail bill, it is estimated, in 5 years could create 41,000 new jobs in our Nation.

In California, the State legislature enacted a joint resolution directing the Governor to establish an intercity high-speed rail commission. The commission will create a plan for an integrated state-of-the-art high-speed ground transportation network by 1995. The voters of California have demonstrated their desire to support this by supporting $2.9 billion for rail bonds in a vote that was cast in 1990. So the match is already guaranteed.

We would expect that if this passes, construction will commence on a Los Angeles-to-San Francisco high-speed ground transportation corridor by the year 2000, with a full statewide system operating by the year 2020.

So I want to say that, for California, this appropriations bill is an extraordinarily important one. I noticed in the newspaper today that, of manufacturing jobs lost in this Nation in the last year, 100,000 of them—more than twice any other State—have taken place in the State of California; 22,100 jobs lost just in 1 month.

So programs like this, which produce infrastructure, also produce jobs—the best jobs, jobs that are blue collar, jobs that can put people back to work, and jobs that can help build a State and enable people to get from their home to their workplace.

So I say "Thank you" to the committee and indicate my support for the bill.

I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

THE SITUATION IN SOMALIA

Mr. SIMON. Mr. President, I am just going to take a few minutes to comment on the situation in Somalia. I regret I was not on the floor when Senator KASSEBAUM spoke. I heard that she was speaking on this issue, and I am sure I agreed with at least 90 percent of what she had to say. I do not think it is amiss to say that she would agree with 90 percent of what I have to say. We all see the pictures and read about the tragedies of the American loss of life and the loss of life of others, and we regret that. But I hope we do not act too hastily here in this body.

We have a leadership role in the world. There is only one leader left in the world, and that is the United States of America. And George Bush made a decision—the right decision—to go in there and prevent the largest massivestarvation in the history of the world in any one country since the Irish famine of the 1840's. We played that role successfully. But we knew, contrary to some statements that were made, that we would have to stay there for a while to bring some stability to the area.

The great threat in the world today is instability. If you were to ask 10 years ago or 5 years ago what was the great threat, we would have said world communism and all of the nuclear weapons. That has changed and now it is instability.

We have to be, of course, for stability. When we ask 30 other nations to join us in Somalia—which we have done—and if then suddenly we say we are just going to pull out, that does not send the right message. And that message, frankly, compounds the problem of Bosnia. It is easy in hindsight—as easy as a Monday morning quarterback—for someone who did not sit in the White House and have to make the decisions. But we made a mistake, frankly, in not moving in with air strikes when the Serbs first started acting as they did in Bosnia. That mistake was made by George Bush. That mistake was made by the new President, Bill Clinton, when he came in. That is history. But it sent the wrong message to the rest of the world in terms of firm U.S. leadership in bringing stability into the world.

We have to stick it out in Somalia. We have to work with other nations. We have about 4,400 troops there. We once had about 30,000. We have about 4,400 out of 28,000 total troops there, and we have to make the very best of the situation until the situation stabilizes there. And the overall situation is stable. There is just one portion of the capital city, about one-fourth of Mogadishu that is controlled by General Aideed.

I believe we are making a mistake in trying to have a military solution for that one-fourth of the city in going after General Aideed. Former President Jimmy Carter has indicated that General Aideed sent him a message that he would be willing to go somewhere and try and negotiate a settlement. I know there are those who do not want to do this.

We may have learned the wrong lesson in World War II where we demolished the enemy. That ordinarily is not the way you make peace. Ordinarily, you make peace as they did 3 weeks ago on the White House lawn, where the two sides—and I am sure both Prime Minister Rabin and Chairman Arafat shook hands with some reluctance on both sides, both seeing the other as somebody who represents a side that has perpetrated both great evils. But you negotiate with someone who has force, and you try and work out political settlements. I think that is what we have to do in Somalia.

It is not easy to say we have to put our troops in some jeopardy, as well as troops of other nations, while we try and bring stability. But if we just pull out precipitously, we just turn it over to the Aideeds. We cannot let the General Aideeds of this world dictate American military policy and American leadership policy.

So, unpleasant as it is, I think it would be a great mistake just to pull out precipitously.

I yield the floor.

MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate on October 1, 1993, received a message from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

The nominations received on October 1, 1993, are shown in today's RECORD at the end of the Senate proceedings.

STRENGTHENING AMERICA'S SHIPYARDS—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 47

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate, on October 1, 1993, during the recess of the Senate, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with the requirements of section 1031 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484), I transmit herewith a report entitled "Strengthening America's Shipyards: A Plan for Competing in the International Market."

The U.S. shipbuilding industry is unsurpassed in building the finest and most complex naval vessels in the world. Now that the Cold War has ended, these shipyards, like many other defense firms, face a new challenge—translating their skills from the military to the commercial market. Individual shipyards already have begun to meet this challenge. The enclosed report describes steps that the Government is taking and will take to assist their efforts. I look forward to working with the Congress and the industry to ensure a successful transition to a competitive industry in a truly competitive marketplace.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 1, 1993.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

NORWAY'S COMMERCIAL HARVESTING OF MINKE WHALES—MESSAGE FROM THE PRESIDENT—PM 48

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

On August 5, 1993, the Secretary of Commerce certified that Norway's resumption of commercial harvesting of minke whales has diminished the effectiveness of the International Whaling Commission (IWC). The IWC acted to continue the moratorium on all commercial whaling at its most recent meeting last spring. Despite this action, Norway has recommenced commercial whaling of the Northeastern Atlantic minke, noting that it has lodged an objection to the moratorium. This letter constitutes my report to the Congress pursuant to section 8(b) of the Fishermen's Protective Act of 1967, as amended (Pelly Amendment) (22 U.S.C. 1978(a)).

The United States is deeply opposed to commercial whaling: the United States does not engage in commercial whaling, and the United States does not allow the import of whale meat or whale products. While some native Alaskans engage in narrowly circumscribed subsistence whaling, this is approved by the IWC through a quota for "aboriginal whaling." The United States also firmly supports the proposed whale sanctuary in the Antarctic.

The United States has an equally strong commitment to science-based international solutions to global conservation problems. The United States recognizes that not every country agrees with our position against commercial whaling. The issue at hand is the absence of a credible, agreed management and monitoring regime that would ensure that commercial whaling is kept within a science-based limit.

I believe that Norway's action is serious enough to justify sanctions as authorized by the Pelly Amendment. Therefore, I have directed that a list of potential sanctions, including a list of Norwegian seafood products that could be the subject of import prohibitions, be developed. Because the primary interest of the United States in this matter is protecting the integrity of the IWC and its conservation regime, I believe our objectives can best be achieved by delaying the implementation of sanctions until we have exhausted all good faith efforts to persuade Norway to follow agreed conservation measures. It is my sincere hope that Norway will agree to and comply with such measures so that sanctions become unnecessary.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 4, 1993.*

MESSAGES FROM THE HOUSE

At 2:37 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3116. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as follows:

H.R. 3116. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times, by unanimous consent, and placed on the Calendar:

H.R. 2399. An act to provide for the settlement of land claims of the Catawba Tribe of Indians of the State of South Carolina and the restoration of the Federal trust relationship with the Tribe, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1578. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a draft of proposed legislation to authorize the Secretary to reorganize the Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1579. A communication from the President of the United States, transmitting, pursuant to law, a report relative to an amendment to the Department of Transportation Appropriations Act for fiscal year 1994; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 729. A bill to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes (Rept. No. 103-152).

By Mr. INOUYE, from the Committee on Appropriations, with amendments:

H.R. 3116. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes (Rept. No. 103-153).

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 486. A bill to establish a specialized corps of judges necessary for certain Federal proceedings required to be conducted, and for other purposes (Rept. No. 103-154).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KENNEDY (for himself, Mr. PELL, Mrs. KASSEBAUM, and Mr. JEFFORDS):

S. 1513. A bill entitled "Improving America's Schools Act of 1993"; to the Committee on Labor and Human Resources.

By Mr. COVERDELL (for himself, Mr. KEMPTHORNE, and Mrs. HUTCHISON):

S. 1514. A bill entitled the "Guaranteed Deficit Reduction Act of 1993"; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions

that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1515. A bill to amend the Central Bering Sea Fisheries Enforcement Act of 1992; to the Committee on Commerce, Science, and Transportation.

By Mr. COVERDELL:

S. 1516. A bill to limit the use of funds for deployment of the Armed Forces of the United States outside the United States under United Nations command; to the Committee on Foreign Relations.

By Mr. GRAHAM (for himself, Mr. MACK, and Mrs. BOXER):

S.J. Res. 139. A joint resolution to designate the third Sunday in November of 1993 as "National Children's Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY:

S. 1513. A bill entitled "Improving America's Schools Act of 1993"; to the Committee on Labor and Human Resources.

THE IMPROVING AMERICA'S SCHOOLS ACT

Mr. KENNEDY. Mr. President, I am pleased to introduce on behalf of the administration the Improving America's School Act, which is the reauthorization of the Elementary and Secondary Education Act. Since 1965, when President Johnson and the Congress launched the war on poverty, it has been clear that the Federal Government has a special obligation to help eliminate the disadvantages that poor children face in education. This legislation is our opportunity to revise that landmark legislation in ways that provide more effective national leadership in achieving better schools for all children.

The administration is proposing the most far-reaching changes since the legislation was first enacted in 1965. These changes will set a new standard for Federal education programs, offer new help to disadvantaged children, and reshape the manner in which the Federal Government supports elementary and secondary education.

Much has been accomplished in the 28-year history of this legislation. Most notably, the dropout rate has been substantially reduced, the gap in achievement between white and minority children has narrowed, school districts have linked to equalize resources among their schools, and large numbers of parents have been drawn into their children's education.

We have learned a great deal about what works or what doesn't, and it is time to act on that knowledge to make this good program better.

The administration's proposal calls for major and far-reaching changes in the Nation's schools to reach the National Education Goals by the year 2000 and to ensure that all children, not just children with advantages, have a realistic opportunity to succeed in their schools. It is a bold step and a direction I fully support.

The Improving America's Schools Act recognizes the need for overhauling and simplifying the existing Federal programs. Its recommendations are well-thought out and impressive. First, and most important, it renews our commitment to the Nation's poorest children by focusing greater resources on students in high-poverty schools. These are the students who have made the least progress and they need help the most.

Before the end of this session, we will lay the groundwork for this measure by taking up the President's Goals 2000 legislation.

The measure we are introducing today builds on Goals 2000 in several ways. It calls for high standards for all children. It realigns ESEA programs with State and local reform efforts. It reduces the excessive redtape of current Federal reporting requirements.

The Improving America's Schools Act gives special attention to teachers by requiring that funds be used for teacher development. The bill also gives greater flexibility to local schools and school districts to use their best judgment about allocating Federal funds, as long as they meet the purposes of the programs. Finally, it rewards success by identifying schools making progress and enabling them to compete for more funds. By contrast, under current law schools that make progress lose Federal funds. Finally, the legislation recognizes that good health is an important part of good education; it encourages schools and health providers to work together, and calls for health screening in schools.

Action on this legislation will be a major domestic policy priority of the next session, second only to health care reform. I look forward to working with all Senators on this measure, and I welcome their suggestions and comments. I ask unanimous consent that a more detailed summary of the bill and the text of the bill itself may be printed in the RECORD.

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

S. 1513

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Improving America's Schools Act of 1993".

ORGANIZATION OF THE ACT

SEC. 2.—This Act is organized into the following titles:

Title I—Amendments to the Elementary and Secondary Education Act of 1965.

Title II—Amendments to the General Education Provisions Act.

Title III—Amendments to Other Acts.

EFFECTIVE DATES; TRANSITION

SEC. 3. (a) EFFECTIVE DATES.—(1) The provisions of title I of this Act shall take effect July 1, 1995, except that those provisions of title I that apply to programs under title VIII of the Elementary and Secondary Education Act of 1965, as amended by this Act, and to programs that are conducted on a competitive basis, shall be effective with respect to appropriations for use under such programs in fiscal year 1995 and in subsequent fiscal years.

(2) The provisions of title II of this Act shall be effective upon enactment, except that section 250 of such title shall be effective—

(A) July 1, 1995 for non-competitive programs in which funds are allocated in the basis of a formula; and

(B) for programs that are conducted on a competitive basis, with respect to appropriations for use under such programs in fiscal year 1995 and in subsequent fiscal years.

(3)(A) Part A and B of title III of this Act shall take effect July 1, 1995.

(B) Part C of title III of this Act shall take effect on October 1, 1994.

(b) TRANSITION.—Notwithstanding any other provision of law, a recipient of funds under the Elementary and Secondary Education Act of 1965, as in effect prior to amendment by this Act, may use funds available to it under such predecessor authority to carry out necessary and reasonable planning and transition activities in order to ensure a smooth implementation of programs authorized by this Act.

TITLE I—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 101.—The Elementary and Secondary Education Act of 1965 is amended to read as follows:

"SHORT TITLE

"SECTION 1.—This Act may be cited as the 'Elementary and Secondary Education Act of 1965'.

"TABLE OF CONTENTS

"SEC. 2.—The table of contents for this Act is as follows:

"TITLE I—HELPING CHILDREN IN NEED MEET HIGH STANDARDS

"Sec. 1001. Declaration of policy and statement of purpose.
"Sec. 1002. Authorization of appropriations.
"PART A—MAKING HIGH-POVERTY SCHOOLS WORK
"Subpart 1—Basic Program Requirements
"Sec. 1111. State plans.
"Sec. 1112. Local educational agency plans.
"Sec. 1113. Eligible school attendance areas.
"Sec. 1114. Schoolwide programs.
"Sec. 1115. Targeted assistance schools.
"Sec. 1116. Parental involvement.
"Sec. 1117. Participation of children enrolled in private schools.
"Sec. 1118. Assessment and school and district improvement.
"Sec. 1119. Fiscal requirements.
"Subpart 2—Allocations
"Sec. 1121. Grants for the outlying areas and the Secretary of the Interior.
"Sec. 1122. Allocations of States.
"Sec. 1123. Basic grants.
"Sec. 1124. Concentration grants.
"Sec. 1125. Special allocation procedures.
"Sec. 1126. Carryover and waiver.
"PART B—EVEN START FAMILY LITERACY PROGRAMS
"Sec. 1201. Statement of purpose.
"Sec. 1202. Program authorized.
"Sec. 1203. State programs.

"Sec. 1204. Uses of funds.
"Sec. 1205. Program elements.
"Sec. 1206. Eligible participants.
"Sec. 1207. Applications.
"Sec. 1208. Award of subgrants.
"Sec. 1209. Evaluation.

"PART C—EDUCATION OF MIGRATORY CHILDREN

"Sec. 1301. Program purpose.
"Sec. 1302. Program authorized.
"Sec. 1303. State allocations.
"Sec. 1304. State applications; services.
"Sec. 1305. Secretarial approval; peer review.
"Sec. 1306. Comprehensive needs assessment and service-delivery plan; authorized activities.
"Sec. 1307. Bypass.
"Sec. 1308. Coordination of migrant education activities.
"Sec. 1309. Definitions.

"PART D—EDUCATION OF NEGLECTED AND DELINQUENT YOUTH

"Sec. 1401. Purpose; program authorized.
"Sec. 1402. Eligibility.
"Sec. 1403. Allocation of funds.
"Sec. 1404. State reallocation of funds.
"Sec. 1405. State plan and State agency applications.
"Sec. 1406. Use of funds.
"Sec. 1407. Institution-wide projects.
"Sec. 1408. Three-year projects.
"Sec. 1409. Program evaluations.
"Sec. 1410. Transition services.
"Sec. 1411. Definitions.

"PART E—FEDERAL EVALUATIONS AND DEMONSTRATIONS

"Sec. 1501. Evaluations.
"Sec. 1502. Demonstrations of innovative practices.

"PART F—GENERAL PROVISIONS

"Sec. 1601. State administration.

"TITLE II—IMPROVING TEACHING AND LEARNING

"PART A—DWIGHT D. EISENHOWER PROFESSIONAL DEVELOPMENT PROGRAM

"Sec. 2101. Findings.
"Sec. 2102. Purposes.
"Sec. 2103. Authorization of appropriations; allocation between subparts.

"Subpart 1—Federal Activities

"Sec. 2111. Program authorized.
"Sec. 2112. Authorized activities.

"Subpart 2—State and Local Activities

"Sec. 2121. Program authorized.
"Sec. 2122. Allocation of funds.
"Sec. 2123. Within-State allocations.
"Sec. 2124. Priority for professional development in mathematics and science.
"Sec. 2125. State applications.
"Sec. 2126. State-level activities.
"Sec. 2127. Local education agency applications.
"Sec. 2128. Local cost-sharing.
"Sec. 2129. Local allocation of funds and allowable activities.
"Sec. 2130. Higher education activities.

"Subpart 3—General Provisions

"Sec. 2131. Reporting and accountability.
"Sec. 2132. Definitions.

"PART B—SUPPORT AND ASSISTANCE FOR ESEA PROGRAMS

"Sec. 2201. Findings.
"Sec. 2202. Purpose.
"Sec. 2203. Program authorized.
"Sec. 2204. Eligible entities.
"Sec. 2205. Comprehensive regional centers.
"Sec. 2206. Information collection and evaluation.
"Sec. 2207. Transition.
"Sec. 2208. Authorization of appropriation.

"TITLE III—EXPANDING OPPORTUNITIES FOR LEARNING

"PART A—PUTTING TECHNOLOGY TO WORK FOR ALL STUDENTS

"Subpart 1—Research, Development, and Demonstration of Educational Technology

"Sec. 3111. Findings and purposes.
"Sec. 3112. Office of Educational Technology.
"Sec. 3113. National long-range plan.
"Sec. 3114. Federal leadership.
"Sec. 3115. Authorization of appropriations.

"Subpart 2—Star Schools Program

"Sec. 3121. Findings.
"Sec. 3122. Statemen of purpose.
"Sec. 3123. Program authorized.
"Sec. 3124. Eligible entities.
"Sec. 3125. Applications.
"Sec. 3126. Leadership and evaluation activities.
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"TITLE I—HELPING CHILDREN IN NEED MEET HIGH STANDARDS

"DECLARATION OF POLICY AND STATEMENT OF PURPOSE

"SEC. 1001. (a) STATEMENT OF POLICY.—The Congress declares it to be the policy of the United States that a high-quality education for all citizens and a fair and equal opportunity to obtain that education—

"(1) are a societal good necessary for creating a vibrant future for our complex and diverse democracy and for meeting the challenge of an internationally competitive economy;

"(2) are a private good because individual opportunity is greatly enhanced by one's being well educated;

"(3) are a moral imperative in our society; simple justice demands that the opportunity to acquire skills and knowledge deemed necessary for basic citizenship and economic opportunity be equally available to all; and

"(4) improve the life of every citizen, because the quality of our individual lives ultimately depends on the quality of the lives of others.

"(b) RECOGNITION OF NEED.—The Congress recognizes that—

"(1) although the achievement gap between disadvantaged children and other children has been reduced by half over the past two decades, a sizeable gap remains, and many segments of our society lack the opportunity to become well educated;

"(2) the most urgent need for educational improvement is in schools with high concentrations of children from low-income families. Achieving the National Education Goals will not be possible without substantial improvement in these schools;

"(3) educational needs are particularly great for low-achieving children in our highest-poverty schools, children with limited English proficiency, children of migrant workers, Indian children, children who are neglected or delinquent, and young children and their parents who are in need of family-literacy services; and

"(4) while title I and other programs funded under this Act have contributed to narrowing the achievement gap between children in high-poverty and low-poverty schools, they need to become even more effective in improving high-poverty schools in order to help enable all children to achieve high standards.

"(c) WHAT HAS BEEN LEARNED.—To enable schools to provide all children a high-quality education, this title builds upon what has been learned:

"(1) All children can master challenging content and complex problem-solving skills; research clearly shows that children, including low-achieving children, can succeed when expectations are high and they are given the opportunity to learn challenging material.

"(2) Piecemeal reform, particularly when not tied to an overall vision of teaching to, and helping all children reach, high standards, does not work.

"(3) Use of low-level tests that are not aligned with schools' curricula fails to provide adequate information about what children know and can do and encourages curricula and instruction that focus on low-level skills measured by those tests.

"(4) Resources are less effective when they serve children through such practices as pull-out programs, instead of ensuring that children have full access to effective regular school programs and receive supplemental help through extended-time activities.

"(5) The disproven theory that children must first learn basic skills before engaging in more complex tasks continues to dominate strategies for classroom instruction, resulting in emphasis on repetitive drill and practice at the expense of content-rich instruction, accelerated curricula, and effective teaching to high standards.

"(6) Intensive and sustained professional development for teachers and other school staff—focused on teaching and learning and on helping children attain high standards—is too often not provided.

"(7) Insufficient attention and resources are directed toward the effective use of technology in schools and the role it can play in professional development and improved teaching and learning.

"(8) All parents can contribute to their children's success by helping at home and becoming partners with teachers so that children can achieve high standards.

"(9) Decentralized decisionmaking is a key ingredient of systemic reform. Schools need the resources, flexibility, and responsibility to design and implement effective strategies for bringing their children to high levels of performance and should accept responsibility to do so.

"(10) Opportunities for students to achieve to high standards can be enhanced through a variety of approaches such as public school choice and charter schools.

"(11) Attention to academics alone cannot ensure that all children will reach high standards. The health and other needs of children that affect learning are frequently unmet, particularly in high-poverty schools, thereby necessitating coordination of services to better meet children's needs.

"(12) Resources provided under this title have not been adequately targeted on the highest-poverty school districts and schools that have children most in need.

"(d) STATEMENT OF PURPOSE.—The purpose of this title is to enable schools to provide opportunities for children served to acquire the knowledge and skills contained in the rigorous State content standards and to meet the challenging State performance standards developed for all children under the Goals 2000: Educate America Act or, in their absence, under this title. This purpose shall be accomplished by—

"(1) ensuring high standards for all children and aligning the efforts of States, local educational agencies, and schools to help children served under this title to reach them;

"(2) providing children an enriched and accelerated educational program through schoolwide programs or through additional services that increase the amount and quality of instructional time so that children served under this title receive at least all the classroom instruction that other children receive;

"(3) promoting schoolwide reform and ensuring access of children—from the earliest grades—to effective instructional strategies

and challenging academic content that includes intensive complex thinking and problem-solving experiences;

"(4) significantly upgrading the quality of curricula and instruction by providing staff in participating schools with substantial opportunities for intensive and sustained professional development;

"(5) coordinating services under all parts of this title with each other, with other educational services, and, to the extent feasible, with health and social service programs funded from other sources;

"(6) affording parents meaningful opportunities to participate in the education of their children at home and at school;

"(7) distributing resources, in amounts sufficient to make a difference, to areas where needs are greatest;

"(8) improving accountability, as well as teaching and learning, by using State assessment systems designed to measure how well children are achieving high State standards of performance expected of all children; and

"(9) providing greater decisionmaking authority and flexibility to schools in exchange for greater responsibility for student performance.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1002. Appropriations are authorized for the following programs and activities under this title:

"(a) LOCAL EDUCATIONAL AGENCY GRANTS.—for the purpose of carrying out part A of this title, other than section 1117(e) and sections 1118(b)(1), (b)(2), and (e), there are authorized to be appropriated $7,000,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996 through 2004.

"(b) EVEN START.—For the purpose of carrying out part B of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 2004.

"(c) EDUCATION OF MIGRATORY CHILDREN.—For the purpose of carrying out part C of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 2004.

"(d) EDUCATION FOR NEGLECTED OR DELINQUENT YOUTH.—for the purpose of carrying out part D of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 2004.

"(e) CAPITAL EXPENSES.—For the purpose of carrying out section 1117(e) of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 2004.

"(f) SCHOOL IMPROVEMENT.—For the purpose of carrying out the activities authorized in sections 1118(b)(1), (b)(2), and (e) of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 2004.

"(g) FEDERAL ACTIVITIES.—(1) For the purpose of carrying out section 1501 of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 2004.

"(2) For the purpose of carrying out section 1502 of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 2004.

"PART A—MAKING HIGH-POVERTY SCHOOLS WORK

"Subpart 1—Basic Program Requirements

"STATE PLANS

"SEC. 1111. (a) PLANS REQUIRED.—(1) Any State desiring to receive a grant under this part shall submit to the Secretary a plan, developed in consultation with local educational agencies, teachers, administrators, and parents, that—

"(A) is integrated with the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that State plan; or

"(B) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under this Act and satisfies the requirements of this section.

"(2) A State plan submitted under paragraph (1)(A) may, if necessary, be submitted as an amendment to the State's plan under title III of the Goals 2000: Educate America Act.

"(b) STANDARDS AND ASSESSMENT PROVISIONS.—(1)(A) Each State plan shall contain a description of the high-quality standards for all children that will be used by the State, its local educational agencies, and its schools to carry out this Act, which shall include—

"(i) challenging content standards in the core academic subjects that—

"(I) specify what all children are expected to know and be able to do; and

"(II) contain coherent and rigorous content; and

"(ii) challenging performance standards that—

"(I) are aligned with the State's content standards;

"(II) describe two levels of high performance—'proficient' and 'advanced'—that determine how well children are mastering the material in the content standards; and

"(III) include a third benchmark below proficient, if necessary, to provide complete information about the progress of the lower-performing children toward achieving to the high 'proficient' and 'advanced' performance standards

"(B) If a State has not adopted challenging content and performance standards in all of its core academic subjects, the State plan shall include content and performance standards for elementary and secondary school children in those core subjects that it has adopted (which must include at least mathematics and reading/language arts), and the State shall add other content and performance standards as it adopts them under a schedule that it shall include in the State plan.

"(2)(A) Each State plan shall include a description, based on assessments described under paragraph (3), of what constitutes adequate yearly progress of—

"(i) any school served under this part toward enabling all children to meet the State's 'proficient' and 'advanced' performance standards; and

"(ii) any local educational agency that receives funds under this part toward enabling all children within its jurisdiction to meet the State's 'proficient' and 'advanced' performance standards.

"(B) Adequate yearly progress shall be defined in a manner that results in continuous and substantial yearly improvement of each school and local educational agency toward the goal of all children meeting the State's challenging 'advanced' performance standards.

"(3) Each State plan shall include a description of the set of high-quality, yearly student assessments that will be used as the primary means of determining the yearly performance of each local educational agency and school served under this part in enabling all children to meet the State's performance standards. These assessments shall—

"(A) be aligned with the State's challenging content and performance standards and provide coherent information about student attainment;

"(B) be used for purposes for which they are valid and reliable and be consistent with relevant, nationally recognized, professional and technical standards of assessment;

"(C) be comprised of multiple, up-to-date measures of student performance;

"(D) include, except under the most extreme conditions, children with disabilities and limited English proficient children who, to the extent practicable, shall be assessed in the language that will afford them the greatest opportunity to demonstrate their proficiency;

"(E) provide individual student scores; and

"(F) provide for disaggregated results for educationally meaningful categories of children, when results for those categories would be reliable.

"(4) If a State has adopted challenging content and performance standards and an aligned set of assessments for all students under title III of the Goals 2000: Educate America Act, the State shall use those standards and assessments, modified, if necessary, to conform with the requirements of paragraphs (1)(A)(ii), (2), and (3).

"(5)(A) If a State does not have challenging content and performance standards that meet the requirements of paragraph (1) or assessments that meet the requirements of paragraph (3), the State may propose to use, for an interim period of up to two years, an alternative statewide set of yearly assessments that the Secretary finds assesses the performance of complex skills and challenging subject matter.

"(B)(i) The Secretary, upon the request of a State and a showing of substantial progress toward meeting the requirements of paragraphs (1) and (3), may extend for one year the use of the alternative assessments described in subparagraph (A).

"(ii) A State that is denied the one-year extension under clause (i) or is granted such an extension but, after one additional year, does not have challenging content and performance standards that meet the requirements of paragraph (1) or assessments that meet the requirements of paragraph (3) shall adopt a set of standards and aligned assessments that are satisfactory to the Secretary, such as those contained in other State plans the Secretary has approved.

"(C) for any year during which a State is using an interim assessment system, the State shall devise a means for identifying schools and local educational agencies in need of improvement under section 1118.

"(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall also describe—

"(1) the method the State educational agency will use to implement a system of school support teams under section 1114(c), including provision of necessary professional development for those teams;

"(2) the means by which the State educational agency will work with other agencies and institutions to provide technical assistance to local educational agencies and schools to carry out their responsibilities under this part;

"(3) how the State educational agency will fulfill its district and school improvement responsibilities under section 1118, including the corrective actions it will take under section 1118(d)(6); and

"(4) how the State educational agency will encourage the use of funds from other Federal, State, and local sources for schoolwide reform in schoolwide programs under section 1114.

"(d) PEER REVIEW AND SECRETARIAL APPROVAL.—The Secretary shall—

"(1) establish a peer review process to assist in the review and revision of State plans;

"(2) following an initial peer review, approve a State plan the Secretary determines meets the requirements of subsections (b) and (c); and

"(3)(A) if the Secretary determines that the State plan does not meet the requirements of subsection (b) or (c), immediately notify the State of that determination and the reasons for it.

"(B) The Secretary may withhold funds until he or she determines that the plan meets the requirements.

"(e) DURATION OF THE PLAN.—(1) Each State plan shall—

"(A) remain in effect for the duration of the State' participation under this part; and

"(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

"(2) If the State makes significant changes in its plan, such as the adoption of new content and performance standards, new assessments, or a new definition of adequate progress, the State shall submit this information to the Secretary for approval.

"LOCAL EDUCATIONAL AGENCY PLANS

"SEC. 1112. (a) PLANS REQUIRED.—(1) A local educational agency may receive a subject under this part for any fiscal year only if it has on file with the State educational agency a plan, approved by the State educational agency, that—

"(A) is integrated with the local educational agency's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that plan; or

(B) if the local educational agency does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with its other plans under this Act and satisfies the requirements of this section.

"(2) A local educational agency plan submitted under paragraph (1)(A) may, if necessary, be submitted as an amendment to its plan under title III of the Goals 2000: Educate America Act.

"(b) STANDARDS AND ASSESSMENT PROVISIONS.—Each local educational agency plan shall include—

"(A) is integrated with the local educational agency's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that plan; or

"(B) if the local educational agency does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with its other plans under this Act and satisfies the requirements of this section.

"(2) A local educational agency plan submitted under paragraph (1)(A) may, if necessary, be submitted as an amendment to its plan under title III of the Goals 2000: Educate America Act.

"(b) STANDARDS AND ASSESSMENT PROVISIONS.—Each local educational agency plan shall include—

"(1) a description of its challenging content and performance standards, if any, in the core subjects, in addition to the content and performance standards adopted by the State under section 1111, that the local educational agency expects all children to meet; and

"(2) a description of additional high-quantity student assessments, if any, other than those described in the State plan under section 1111, that the local education agency and schools served under this part will use to determine—

"(A) the success of children in schools served under his part in meeting the State's performance standards; and

"(B) what revisions are needed to projects under this part so that such children will meet the State's performance standards.

"(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—(1) To ensure high-quality instruction to enable participating children to meet the State's challenging performance standards expected of all students, each local educational agency plan shall describe a coherent strategy for intensive and sustained professional development for teachers, administrators, and other staff, including district-level staff, that—

"(A) takes into account the needs and activities across and within schools; and

"(B) draws on resources available under this part and from other sources.

"(2) Each local educational agency plan shall describe how the local educational agency will—

"(A) work in consultation with schools as the schools develop their plans pursuant to section 1114 or 1115 and assist schools as they implement those plans to that each school can make adequate yearly progress toward meeting the State's standards;

"(B) support and encourage schoolwide programs; and

"(C) fulfill its school improvement responsibilities under section 1118, including the corrective actions it will take under section 1118(c)(4).

"(3) To address the comprehensive needs of children, each local educational agency plan shall describe how the local educational agency will—

"(A) coordinate and integrate services provided under this part with other educational services, including—

"(i) Even Start, Head Start, and other preschool programs, and school-to-work transition programs; and

"(ii) services for children with limited English proficiency or with disabilities, migratory children served under part C of this title, neglected or delinquent children served under part D of this title, homeless children, and immigrant children in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the children's instructional program;

"(B) coordinate and collaborate, to the extent feasible, with other agencies providing services to children, youth, and families, including, but not limited to, health and social services; and

"(C) establish a procedure to ensure that all children in participating elementary schools in which the percentage of children from low-income families is 50 percent or more receive, at a minimum, two health screenings during the elementary school years at appropriate intervals based on reasonable pediatric standards. Funds under this part may be used to provide such health screenings only if funds from other public or private sources, including, but not limited to, Medicaid; Early Periodic Screening, Diagnosis, and Treatment (EPSDT); private insurance; or other community health resources, are not reasonably available to pay for such screening.

"(4) The local educational agency plan shall also include a description of—

"(A) the poverty criteria that will be used to select school attendance areas under section 1113;

"(B) the multiple criteria that will be used by targeted assistance schools under section 1115 to identify children eligible for services under this part;

"(C) a general description of the nature of the programs to be conducted by its schools under sections 1114 and 1115 and services outside those schools for children living in local institutions for neglected or delinquent children and for eligible homeless children; and

"(D) a description of how the local educational agency will provide services to eligible children attending private elementary and secondary schools in accordance with section 1117, and how timely and meaningful consultation with private school officials regarding such services will occur.

"(d) PLAN DEVELOPMENT AND DURATION.—Each local educational agency plan shall be—

"(1) developed in consultation with teachers and parents of children in schools served under this part; and

"(2) periodically reviewed and revised, as necessary, to reflect changes in the local educational agency's strategies and programs.

"(e) STATE APPROVAL.—The State educational agency shall approve a local educational agency's plan only if the State educational agency determines that the plan will enable schools served under this part to substantially help all children served meet the State's challenging performance standards expected of all children.

"(f) PROGRAM RESPONSIBILITY.—The local educational agency plan shall reflect the shared responsibility of schools and the local educational agency in making decisions required under sections 1114 and 1115.

"ELIGIBLE SCHOOL ATTENDANCE AREAS

"SEC. 1113. (a) GENERAL.—(1)(A)(i) A local educational agency shall use funds received under this part only in school attendance areas with high concentrations of children from low-income families, hereafter in this section referred to as 'eligible school attendance areas'.

"(ii) For the purposes of this part—

"(I) 'school attendance area' means, in relation to a particular school, the geographical area in which the children who are normally served by that school reside; and

"(II) 'eligible school attendance area' means a school attendance area in which the percentage of children from low-income families is at least as high as the percentage of children from low-income families in the local educational agency as a whole.

"(B) If funds allocated in accordance with subsection (c) are insufficient to serve all eligible school attendance areas, a local educational agency shall—

"(i) annually rank, without regard to grade spans, its eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent from highest to lowest according to the percentage of children from low-income families; and

"(ii) serve such eligible school attendance areas in rank order.

"(C) If funds remain after serving all eligible school attendance areas under subparagraph (B), a local educational agency shall—

"(i) annually rank its remaining eligible school attendance areas from highest to lowest either by grade span or for the entire

local educational agency according to the percentage of children from low-income families; and

"(ii) serve such eligible school attendance areas in rank order either within each gradespan grouping or within the local educational agency as a whole.

"(2) The local educational agency shall use the same measure of low income, which it shall choose on the basis of the best available data and which maybe composite of several indicators, with respect to all school attendance areas in the local educational agency to—

"(A) identify eligible school attendance areas;

"(B) determine the ranking of each area; and

"(C) determine allocations under subsection (c).

"(3) This subsection shall not apply to a local educational agency with a total enrollment of less than 1,000 children.

"(b) LOCAL EDUCATIONAL AGENCY DISCRETION.—Notwithstanding subsection (a)(1), a local educational agency may—

"(1) designate as eligible any school attendance area or school in which at least 50 percent of the children are from low-income families;

"(2) use funds received under this part in a school that is not in an eligible school attendance area, if the percentage of children from low-income families enrolled in the school is equal to or greater than the percentage of such children in a participating school attendance area of such agency; and

"(3)(A) skip an eligible school attendance area or eligible school that has a higher percentage of children from low-income families if—

"(i) the school meets the comparability requirements of section 1119(c);

"(ii) the school is receiving supplemental funds from other State or local sources that are spent according to the requirements of section 1114 or 1115; and

"(iii) the funds expended from those other sources equal or exceed the amount that would be provided under this part.

"(B) Notwithstanding subparagraph (A), the number of children to receive services attending private elementary and secondary schools, and the assistance they receive under this part, shall be determined without regard to whether the public school attendance area in which such children reside is skipped under this paragraph.

"(c) ALLOCATIONS.—(1) A local educational agency shall allocate funds received under this part to eligible school attendance areas or eligible schools, identified under subsection (a) or (b), in rank order, on the basis of the total number of children from low-income families in each area or school.

"(2)(A) Except as provided in subparagraph (B), the per-pupil amount of funds allocated to each school attendance area or school under paragraph (1) shall be at least 80 percent of the per-pupil amount of funds the local educational agency received for that year under sections 1123 and 1124.

"(B) A local educational agency may reduce the amount of funds allocated under subparagraph (A) for a school attendance area or school by the amount of any supplemental State and local funds expended in that school attendance area or school for programs that meet the requirements of section 1114 or 1115.

"(3) 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—

"(A) eligible homeless children who do not attend participating schools, including providing educationally related support services to children in shelters, where appropriate; and

"(B) children living in local institutions for neglected or delinquent children.

"SCHOOLWIDE PROGRAMS

"SEC. 1114. (a) USE OF FUNDS FOR SCHOOLWIDE PROGRAMS.—(1) A local educational agency may use funds under this part, in combination with other Federal, State, and local funds, to upgrade the entire educational program in an eligible school if, for the initial year of the schoolwide program, the school meets the following criteria:

"(A) For school year 1995–96—

"(i) the school serves an eligible school attendance area in which at least 65 percent of the children are from low-income families; or

"(ii) at least 65 percent of the children enrolled in the school are from such families.

"(B) For school year 1996–97 and thereafter, the percentage requirement in subparagraphs (A)(i) and (ii) shall be 50 percent.

"(2)(A) No schoolwide program school shall be required to identify particular children as eligible to participate or to provide supplemental services to them.

"(B) A schoolwide program school shall use such funds only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school, including funds needed to provide services that are required by law for children with disabilities and children with limited English proficiency.

"(3) A school may use funds received under any noncompetitive, formula-grant program administered by the Secretary, except such a program under the Individuals with Disabilities Education Act, and any discretionary program contained on a list (updated as necessary) issued by the Secretary to support a schoolwide program, notwithstanding any provision of the statute or regulations governing any such program.

"(b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—(1) A schoolwide program shall include the following components:

"(A) A comprehensive needs assessment of the entire school that is based on information on the performance of children in relation to the State's standards.

"(B) Schoolwide reform strategies that—

"(i) provide opportunities for all children to meet the State's 'proficient' and 'advanced' performance standards expected of all children;

"(ii) are based on research on effective means of improving the achievement of children;

"(iii) use effective instructional strategies that increase the amount and quality of learning time and help provide an enriched and accelerated curriculum rather than remedial drill and practice;

"(iv) address the needs of all children in the school, but particularly the needs of low-achieving children, children with limited English proficiency, children from migratory families, and children who are members of the target population of any program that is included in the schoolwide program, and how the school will determine if those needs have been met; and

"(v) are consistent with, and are designed to implement, the State and local reform plans, if any, approved under title III of the Goals 2000: Educate America Act.

"(C) Instruction by highly qualified professional staff.

"(D) Intensive and sustained professional development for teachers, principals, and other staff to enable all children in the school to meet the State's performance standards.

"(E) Parental involvement in accordance with section 1116.

"(F) Additionally, in schools serving children beyond grade six, in coordination with funds available from other programs and, as appropriate, drawing on private and public organizations—

"(i) counseling and mentoring services;

"(ii) college and career awareness and preparation, such as college and career guidance, enhancement of employability skills, and job placement services; and

"(iii) services to prepare students for the transition from school to work.

"(2)(A) Any eligible school that desires to operate a schoolwide program shall first develop, in consultation with the local educational agency, a comprehensive plan for reforming the total instructional program in the school that—

"(i) incorporates the components described in paragraph (1);

"(ii) describes how the school will use resources under this part and from other sources to implement those components;

"(iii) includes a list of State and local educational agency programs and other Federal programs under paragraph (a)(3) that will be included in the schoolwide program; and

"(iv) describes how the school will provide individual student assessment results, including an interpretation of those results, to the parents of any child who participates in the assessment required by section 1111(b)(3).

"(B) Plans developed before a State has adopted standards and a set of assessments that meet the criteria in section 1111(b)(1) and (3) shall be based on an analysis of available data on the achievement of students in the school and a review of the school's instructional practices in the context of available research on effective instructional and school improvement practices.

"(C) The comprehensive plan shall be—

"(i) developed over a one-year period, unless—

"(I) the local educational agency, based on the recommendation of the school support team under subsection (c), determines that less time is needed to develop and implement the schoolwide program; and

"(II) the school is operating a schoolwide program at the time this section takes effect, in which case it may continue to operate that program, but shall develop a new plan during the first year to reflect the provisions of this section;

"(ii) developed with the involvement of the community to be served and those individuals who will carry it out, including teachers, principals, other staff, parents, and, if the plan relates to a secondary school, students from the school;

"(iii) reviewed and revised, as necessary, by the school; and

"(iv) available to the local educational agency, parents, and the public. The information contained therein shall be translated, to the extent feasible, into any language that a significant percentage of the parents of participating children in the school speak as their primary language.

"(c) SCHOOL SUPPORT TEAMS.—(1) Each State educational agency shall establish a system of school support teams to provide information and assistance to each schoolwide program to ensure that schoolwide programs provide the opportunity for all children to meet the State's challenging performance standards.

"(2) Each such team shall be composed of persons, including teachers, knowledgeable about research and practice on teaching and learning, particularly about strategies for improving the educational opportunities for low-achieving children.

"(3) A school support team shall work with each school as it develops its schoolwide program plan, review the merits of each plan, and make recommendations to the school and the local educational agency.

"(4) During the operation of the schoolwide program, a school support team shall—

"(A) periodically review the progress of the school in enabling children in the school to meet the State's performance standards;

"(B) identify problems in the design and operation of the instructional program; and

"(C) make suggestions for improvement to the school and the local educational agency.

"(5) Funds available for State administration and for local educational agencies under this part may be used to pay the costs of the school support teams.

"TARGETED ASSISTANCE SCHOOLS

"SEC. 1115. (a) GENERAL.—In all schools selected to participate under section 1113 that are ineligible for a schoolwide program, or that choose not to operate a schoolwide program, a local educational agency may use funds received under this part only for programs that provide services to eligible children identified as having the greatest need for special assistance.

"(b) ELIGIBLE CHILDREN.—(1)(A) The eligible population for services under this part is—

"(i) those children up to age 21 who are entitled to a free public education through grade 12; and

"(ii) those children who are not yet at a grade level where the local educational agency provides a free public education, yet are of an age at which they can benefit from an organized instructional program provided in a school or other educational setting.

"(B) From the population described in subparagraph (A), eligible children are children identified by the school as failing, or most at risk of failing, to meet the State's challenging performance standards on the basis of multiple, educationally related, objective criteria established by the local educational agency and supplemented by the school, except that children from preschool through grade two shall be selected solely on the basis of such criteria as teacher judgment, interviews with parents, and developmentally appropriate measures.

"(2)(A)(i) Children receiving services to overcome a disability or limited English proficiency are eligible for services under this part on the same basis as other children selected to receive services under this part.

"(ii) Funds received under this part may not be used to provide services that are otherwise required by law to be made available to such children.

"(B) A child who, at any time in the previous two years, received services under the program for neglected and delinquent children under part D of this title (or its predecessor authority) is eligible for services under this part.

"(C) A local educational agency shall use funds received under this part to serve eligible homeless children who attend any school in the local educational agency.

"(c) COMPONENTS OF A TARGETED ASSISTANCE SCHOOL PROGRAM.—(1) To assist targeted assistance schools and local educational agencies to meet their responsibility to provide for all their students the opportunity to meet the State's challenging performance standards, each targeted assistance program under this section shall—

"(A) use its resources under this part to help participating children meet the challenging performance standards expected for all children;

"(B) be based on research on effective means for improving achievement of children;

"(C) use effective instructional strategies that—

"(i) give primary consideration to providing extended learning time;

"(ii) involve an accelerated, high-quality curriculum, rather than remedial drill and practice; and

"(iii) minimize removing children from the regular classroom for instruction provided under this part;

"(D) be coordinated with and support the regular program in providing an enriched and accelerated curriculum for eligible children;

"(E) provide instruction by highly qualified professional staff;

"(F) provide opportunities for intensive and sustained professional development with resources under this part and from other sources for administrators and for teachers and other school staff who work with participating children in programs under this section or in the regular education programs;

"(G) provide opportunities for parental involvement in accordance with section 1116; and

"(H) include, additionally, in schools serving children beyond grade six, in coordination with funds available from other programs and, as appropriate, drawing on private and public organizations—

"(i) counseling and mentoring;

"(ii) college and career awareness and preparation, such as college and career guidance, enhancement of employability skills, and job placement services; and

"(iii) services to prepare students for the transition from school to work.

"(2)(A) Each school conducting a program under this section shall develop, in consultation with the local educational agency, a plan to assist participating children to meet the State's 'proficient' and 'advanced' performance standards that describes—

"(i) the selection of children to participate in accordance with subsection (b);

"(ii) the program to be conducted that incorporates the components described in paragraph (1) and how the resources provided under this part will be coordinated with other resources to enable the children served to meet the State's standards;

"(iii) how the school will review, on an ongoing basis, the progress of participating children and revise the program, if necessary, to provide additional assistance to enable such children to meet the State's challenging performance standards;

"(iv) how the school will provide individual student assessment results, including an interpretation of those results, to the parents of any child who participates in the assessment required by section 1111(b)(3); and

"(v) if the school is eligible to operate a schoolwide program under section 1114, why it did not choose to do so.

"(B) Plans developed before a State has adopted standards and a set of assessments that meet the criteria of section 1111(b)(1) and (3) shall be based on an analysis of available data on the achievement of participating children and a review of the school's instructional practices in the context of available research on effective instructional practices.

"(C) Each plan shall be—

"(i) developed with the involvement of the community to be served and those individuals who will carry it out, including teachers, administrators, other staff, parents, and, if the plan relates to a secondary school, students from the school;

"(ii) available to the local educational agency, parents, and the public, and the information contained therein shall be translated, to the extent feasible, into any language that a significant percentage of the parents of participating children in the school speak as their primary language; and

"(iii) reviewed and revised, as necessary, by the school.

"(d) ASSIGNMENT OF PERSONNEL.—To promote the integration of staff supported with funds under this part and children served under this part into the regular school program and overall school planning and improvement efforts, public school personnel we are paid with funds received under this part may—

"(1) assume limited duties that are assigned to similar personnel who are not so paid, including duties beyond classroom instruction or that do not benefit participating children so long as the amount of time spent on these duties is the same proportion of total work time as prevails with respect to similar personnel at the same school;

"(2) participate in general professional development and school planning activities; and

"(3) collaboratively teach with regular classroom teachers, so long as their efforts directly benefit participating children.

"PARENTAL INVOLVEMENT

"SEC. 1116. (a) LOCAL EDUCATIONAL AGENCY POLICY.—(1) Each local educational agency that receives funds under this part shall develop jointly with, and make available to, parents of participating children a written parent involvement policy that is incorporated into the local educational agency's plan developed under section 1112, establishes the expectations for parent involvement, and describes how the local educational agency will—

"(A) involve parents in the development of the plan described under section 1112, and the process of school review and improvement described under section 1118;

"(B) provide the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parent involvement;

"(C) build the schools' and parents' capacity for strong parent involvement as described in subsection (e);

"(D) coordinate and integrate parent involvement strategies in this part with those under other programs; and

"(E) ensure that participating schools review their parent involvement activities on an ongoing basis and use the findings of the reviews in designing strategies for school improvement.

"(2) If the local educational agency has a district-level parental involvement policy that applies to all parents, it may amend that policy, if necessary, to meet the requirements of this subsection.

"(b) SCHOOL PARENTAL INVOLVEMENT PLAN.—(1) Each school served under this part shall jointly develop with, and make available to, parents of participating children a written parent involvement plan that shall be incorporated into the school plan developed under section 1114 or 1115 and shall describe the means for carrying out the requirements of subsections (c) through (f).

"(2) If the school has a parental involvement policy that applies to all parents, it

may amend that policy, if necessary, to meet the requirements of this subsection.

"(c) POLICY INVOLVEMENT.—Each school served under this part shall—

"(1) convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation under this part and to explain this part, its requirements, and their right to be involved;

"(2) involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under this part, including the development of the school plan under section 1114 or 1115. If a school has in place a process for involving parents in the planning and design of its programs, the school may use that process, provided that it includes an adequate representation of parents of participating children; and

"(3) provide parents of participating children—

"(A) timely information about programs under this part;

"(B) school performance profiles required under section 1118(a))2);

"(C) opportunities for regular meetings to formulate suggestions, if such parents so desire; and

"(D) timely responses to their recommendations.

"(d) SHARED RESPONSIBILITIES FOR HIGH STUDENT PERFORMANCE.—As a component of the school-level parental involvement plan developed under subsection (b), each school served under this part shall jointly develop with parents for all children a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards. Such compact shall—

"(1) describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enable the children to meet the State's challenging performance standards, and the ways in which each parent will be responsible for supporting his or her children's learning, including monitoring attendance, homework completion, television watching, and positive use of extracurricular time; and

"(2) address the importance of communication between teachers and parents on an ongoing basis through at least—

"(A) parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as it relates to the individual child's achievement;

"(B) frequent reports to parents on their children's progress; and

"(C) reasonable access to staff and observation of classroom activities.

"(e) BUILDING CAPACITY FOR INVOLVEMENT.—To ensure effective involvement of parents and to support a partnership among the school, parents, and the community to improve student achievement, each school and local educational agency shall—

"(1) provide assistance to participating parents in such areas as understanding the National Education Goals, the State's content and performance standards, State and local assessments, the requirements of this part, and how to monitor their children's progress and work with educators to improve the performance of their children;

"(2) provide materials and training, including necessary literacy training that is not otherwise available from other sources to help parents work with their children to improve their children's achievement;

"(3) educate teachers, principals and other staff in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between home and school; and

"(4) develop appropriate roles for community-based organizations and businesses in parent involvement activities, including providing information about opportunities for them to work with parents and schools.

"(f) ACCESSIBILITY.—In carrying out the parental involvement requirements of this part, local educational agencies and schools shall, to the extent practicable, provide full opportunities for participation to parents with limited English proficiency or with disabilities, including providing information in a language and form they understand.

"PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS

"SEC. 1117. (a) GENERAL REQUIREMENT.—(1) To the extent consistent with the number of eligible children identified according to section 1115(b) in a local educational agency who are enrolled in private elementary and secondary schools, a local educational agency shall, after timely and meaningful consultation with appropriate private school officials, provide such children, on an equitable basis, special educational services or other benefits under this part.

"(2) The educational services or other benefits, including materials and equipment, must be secular, neutral, and nonideological.

"(3) Educational services and other benefits for such private school children shall be equitable in comparison to services and other benefits for public school children participating under this part.

"(4) Expenditures for educational services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools.

"(5) The local educational agency may provide such services directly or through contracts with public and private agencies, organizations, and institutions.

"(b) CONSULTATION.—(1) To ensure timely and meaningful consultation, a local educational agency shall consult with appropriate private school officials during the design and development of the agency's programs under this part, on issues such as—

"(A) how the children's needs will be identified;

"(B) what services will be offered;

"(C) how and where the services will be provided; and

"(D) how the services will be assessed.

"(2) Consultation shall occur before the local educational agency makes any decision that affects the opportunities of eligible private school children to participate in programs under this part.

"(3) Consultation shall include a discussion of the full range of service delivery mechanisms a local educational agency could use to provide equitable services to eligible private school children including, but not limited to, instruction provided at public school sites, at neutral sites, and in mobile vans, computer-assisted instruction, extended-day services, home tutoring, and instruction provided with take-home computers.

"(c) PUBLIC CONTROL OF FUNDS.—(1) The control of funds provided under this part, and title to materials, equipment, and property purchased with those funds, shall be in a public agency, and a public agency shall administer such funds and property.

"(2)(A) The provision of services under this section shall be provided—

"(i) by employees of a public agency; or

"(ii) through contract by such public agency with an individual, association, agency, or organization.

"(B) In the provision of such services, such employee, person, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.

"(d) STANDARDS FOR A BYPASS.—If a local educational agency is prohibited by law from providing for the participation on an equitable basis of eligible children enrolled in private elementary and secondary schools or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for such participation, as required by this section, the Secretary shall—

"(1) waive the requirements of this section for such local educational agency; and

"(2) arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section and sections 9505 and 9506 of this Act.

"(e) CAPITAL EXPENSES.—(1)(A) From the amount appropriated for this subsection under section 1002(e) for any fiscal year, each State is eligible to receive an amount that bears the same ratio to the amount so appropriated as the number of private school children who received services under this part in the State in the most recent year for which data satisfactory to the Secretary are available bears to the number of such children in all States in that same year.

"(B) The Secretary shall reallocate any amounts allocated under subparagraph (A) that are not used by a State for the purpose of this subsection to other States on the basis of their respective needs, as determined by the Secretary.

"(2)(A) A local educational agency may apply to the State educational agency for payments for capital expenses consistent with this subsection.

"(B) State educational agencies shall distribute such funds to local educational agencies based on the degree of need set forth in their respective applications.

"(3) Any funds appropriated to carry out this subsection shall be used only for capital expenses incurred to provide equitable services for private school children under this section.

"(4) For the purpose of this subsection, the term 'capital expenses' is limited to—

"(A) expenditures for noninstructional goods and services, such as the purchase, lease, or renovation of real and personal property, including, but not limited to, mobile educational units and leasing of neutral sites or spaces;

"(B) insurance and maintenance costs;

"(C) transportation; and

"(D) other comparable goods and services.

"ASSESSMENT AND SCHOOL AND DISTRICT IMPROVEMENT

"SEC. 1118. (a) LOCAL REVIEW.—Each local educational agency receiving funds under this part shall—

"(1) use the State assessments described in the State plan and any additional measures described in the local educational agency's plan to review annually the progress of each school served under this part to determine

whether the school is meeting, or making adequate progress as defined in section 1111(b)(2)(A)(i) toward enabling its students to meet, the State's performance standards;

"(2) publicize and disseminate to teachers, parents, students, and the community the results of the annual review under paragraph (1) of all schools served under this part in individual school performance profiles that include disaggregated results as required by section 1111(b)(3)(F); and

"(3) provide the results of the local annual review to schools so that they can continually refine the program of instruction to help all children in those schools meet the State's high performance standards.

"(b) DISTINGUISHED SCHOOLS.—(1) Each State shall designate as a Distinguished School—

"(A) any school served under this part that, for three consecutive years, has exceeded the State's definition of adequate progress as defined in section 1111(b)(2)(A)(i); and

"(B) any school in which virtually all students have met the State's 'advanced' performance standards.

"(2)(A) A State shall use funds available under section 1002(f) to recognize Distinguished Schools, including making monetary awards.

"(B) Funds awarded to a Distinguished School may be used by the school to further its educational program under this part, provide additional incentives for continued success, and reward individuals or groups in the school for past performance.

"(3) A local educational agency may also recognize the success of a Distinguished School by providing additional institutional and individual rewards, such as greater decisionmaking authority at the school building level, increased access to resources or supplemental services such as summer programs that may be used to sustain or increase success, additional professional development opportunities, opportunities to participate in special projects, and individual financial bonuses.

"(4) Schools designated as Distinguished Schools under paragraph (1) may serve as models and provide additional assistance to other schools served under this part that are not making adequate progress.

"(c) SCHOOL IMPROVEMENT.—(1) A local educational agency shall identify for school improvement any school served under this part that—

"(A) has been in program improvement under section 1020 of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, as in effect before the effective date of the Improving America's Schools Act of 1993, for at least two consecutive school years prior to that date;

"(B) has not made adequate progress as defined in the State's plan under section 1111(b)(2)(A) for two consecutive school years and if it does not have virtually all students meeting the State's 'advanced' performance standards; or

"(C) has failed to meet the criteria established by the State through its interim procedure under section 1111(b)(5)(C) for two consecutive years.

"(2)(A) Each school identified under paragraph (1) shall—

"(i) in connection with parents, the local educational agency, and, for schoolwide programs, the school support team, revise its school plan under section 1114 or 1115 in ways that have the greatest likelihood of improving the performance of participating children in meeting the State's performance standards; and

"(ii) submit the revised plan to the local educational agency for approval.

"(B) During the first year immediately following identification under paragraph (1), the school shall implement its revised plan.

"(3) For each school identified under paragraph (1), the local educational agency shall provide technical assistance as the school develops and implements its revised plan.

"(4)(A) The local educational agency may take corrective action at any time against a school that has been identified under paragraph (1), but, during the third year following identification under paragraph (1), shall take such action against any school that still fails to make adequate progress.

"(B) Corrective actions are those listed in the local educational agency plan, which may include, but are not limited to, decreasing decisionmaking authority at the school level; making alternative governance arrangements such as the creation of a charter school; reconstituting the school staff; withholding funds; and authorizing students to transfer, including paying transportation costs, to other schools in the local educational agency.

"(5) The State educational agency shall—

"(A) make assistance from Distinguished Educators under subsection (e) available to the schools farthest from meeting the State's standards, if requested by the school or local educational agency; and

"(B) if it determines that a local educational agency failed to carry out its responsibility under paragraphs (3) and (4), take such corrective actions that it deems appropriate.

"(6) Schools that for at least two of the three years following identification under paragraph (1) make adequate progress toward meeting the State's 'proficient' and 'advanced' performance standards no longer need to be identified for school improvement.

"(d) STATE REVIEW AND LOCAL EDUCATIONAL AGENCY IMPROVEMENTS.—(1) A State educational agency shall—

"(A) annually review the progress of each local educational agency receiving funds under this part to determine whether it is making adequate progress as defined in section 1111(b)(2)(A)(ii) toward meeting the State's performance standards; and

"(B) publicize and disseminate to teachers, parents, students, and the community the results of the State review, including disaggregated results, as required by section 1111(b)(3)(F).

"(2) In the case of a local educational agency that for three consecutive years has exceeded the State's definition of adequate progress as defined in section 1111(b)(2)(A)(ii), the State may make institutional and individual rewards of the kinds described for individual schools in subsection (b)(3).

"(3) A State educational agency shall identify for improvement any local educational agency that—

"(A) for two consecutive years, is not making adequate progress as defined in section 1111(b)(2)(A)(ii) toward meeting the State's performance standards; or

"(B) has filed to meet the criteria established by the State through its interim procedure under section 1111(b)(5)(C) for two consecutive years.

"(4) Each local educational agency identified under paragraph (3) shall, in consultation with schools, parents, and educational experts, revise its district-level plan under section 1112 in ways that have the greatest likelihood of improving the performance of its schools in meeting the State's performance standards.

"(5) For each local educational agency identified under paragraph (3), the State educational agency shall—

"(A) provide technical assistance to better enable the local educational agency to develop and implement its revised plan and work with schools needing improvement; and

"(B) make available to the districts farthest from meeting the State's standards, if requested, assistance from Distinguished Educators under subsection (e).

"(6)(A) The educational agency may take corrective action at any time against a local education agency that has been identified under paragraph (3), but, during the fourth year following identification under paragraph (3), shall take such action against any local educational agency that still fails to make adequate progress.

"(B) Corrective actions are those listed in the local educational agency plan, which may include, but are not limited to, reconstitution of district personnel; appointment by the State educational agency of a receiver or trustee to administer the affairs of the local educational agency in place of the superintendent and school board; removal of particular schools from the jurisdiction of the local educational agency and establishment of alternative arrangements for governing and supervising such schools; the abolition or restructuring of the local educational agency; authorizing students to transfer from one local educational agency to another, including paying the cost of transportation; and the withholding of funds.

"(7) Local educational agencies that for at least two of the three years following identification under paragraph (3) make adequate progress toward meeting the State's standards no longer need to be identified for district improvement.

"(e) DISTINGUISHED EDUCATORS—(1) In order to provide assistance to schools and local educational agencies identified as needing improvement under subsection (c) or (d), each State, using funds available under section 1002(f), shall establish a corps of Distinguished Educators.

"(2) When possible, these Distinguished Educators shall be chosen from schools served under this part that have been especially successful in enabling children to meet or make outstanding progress toward meeting the State's performance standards, such as those schools described in subsection (b).

"(3) Distinguished Educators shall provide, upon request, intensive and sustained assistance to the schools and districts farthest from meeting the State's standards as they revise and implement their plans.

"(4) If the State has devised an alternative approach to providing such intensive and sustained assistance to schools and districts farthest from meeting the State's standards, this approach shall meet the requirements of this subsection subject to the approval of the Secretary part of the State plan.

"(f) STATE ALLOCATIONS FOR SCHOOL IMPROVEMENT.—From the amount appropriated under section 1002(f) for any fiscal year, each State shall be eligible to receive an amount that bears the same ratio to the amount appropriated as the amount allocated to the State under sections 1123 and 1124 bears to the total amount allocated to all States under those sections, except that each State shall receive at least $180,000, or $30,000 in the case of Guam, American Samoa, the Virgin Islands, the Northern Marianas, and Palau (until the Compact of Free Association goes into effect).

"FISCAL REQUIREMENTS

"SEC. 1119. (a) MAINTENANCE OF EFFORT.—A local educational agency may receive funds under this part for any fiscal year only if the State educational agency finds that the local educational agency has maintained its fiscal effort in accordance with section 9501 of this Act.

"(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—(1)(A) Except as provided in subparagraph (B), a State or local educational agency shall use funds received under this part only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds.

"(B) For the purpose of complying with subparagraph (A), a State or local educational agency may exclude supplemental State and local funds expended in any eligible school attendance area or school for programs that meet the requirements of section 1114 or 1115.

"(2) No local educational agency shall be required to provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate its compliance with paragraph (1).

"(c) COMPARABILITY OF SERVICES.—(1)(A) Except as provided in paragraphs (4) and (5), a local educational agency may receive funds under this part only if State and local funds will be used in schools served under this part to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.

"(B) If the local educational agency is serving all of its schools under this part, such agency may receive funds under this part only if it will use State and local funds to provide services that, taken as a whole, are substantially comparable in each school.

"(C) A local educational agency may meet the requirements of subparagraphs (A) and (B) on a grade-span by grade-span basis or a school-by-school basis.

"(2)(A) To meet the requirements of paragraph (1), a local educational agency shall demonstrate that—

"(i) expenditures per pupil from State and local funds in each school served under this part are equal to or greater than the average expenditures per pupil in schools not receiving services under this part; or

"(ii) instructional salaries per pupil from State and local funds in each school served under this part are equal to or greater than the average instructional salaries per pupil in schools not receiving services.

"(B) A local educational agency need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services under this subsection.

"(3) Each local educational agency shall—

"(A) develop procedures for compliance with this subsection; and

"(B) maintain records that are updated biennially documenting its compliance.

"(4) This subsection shall not apply to a local educational agency that does not have more than one building for each grade span.

"(5) For the purpose of determining compliance with paragraph (1), a local educational agency may exclude State and local funds expended for—

"(A) bilingual education for children of limited English proficiency; and

"(B) excess costs of providing services to children with disabilities.

"Subpart 2—Allocations

"GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR

"SEC. 1121. (a) RESERVATION OF FUNDS.—From the amount appropriated for payments to States for any fiscal year under section 1002(a), the Secretary shall reserve a total of up to 0.8 percent to provide assistance to—

"(1) the outlying areas on the basis of their respective need for such assistance according to such criteria as the Secretary determines will best carry out the purpose of this part; and

"(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (b).

"(b) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.—(1) The amount allotted for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be, as determined pursuant to criteria established by the Secretary, the amount necessary to meet the special educational needs of—

"(A) Indian children on reservations served by elementary and secondary schools for Indian children operated or supported by the Department of the Interior; and

"(B) out-of-State Indian children in elementary and secondary schools in local educational agencies under special contracts with the Department of the Interior.

"(2) From the amount allotted for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, upon such terms as the Secretary of Education determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1). The amount of such payment may not exceed, for each such child, the greater of—

"(A) 40 percent of the average per-pupil expenditure in the State in which the agency is located; or

"(B) 48 percent of such expenditure in the United States.

"ALLOCATIONS TO STATES

"SEC. 1122. (a) GENERAL.—After reserving funds under section 1121(a), the Secretary shall allocate the remaining funds appropriated under section 1002(a) to States as follows:

"(1) Fifty percent of such funds shall be allocated for basic grants in accordance with section 1123.

"(2) Fifty percent of such funds shall be allocated for concentration grants in accordance with section 1124.

"(b) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—(1) If the sums available under subsection (a) for any fiscal year are insufficient to pay the full amounts that all counties in States are eligible to receive under sections 1123 and 1124 for such year, the Secretary shall ratably reduce the allocations to such counties, subject to subsections (c) and (d) of this section.

"(2) If additional funds become available for making payments under sections 1123 and 1124 for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as they were reduced.

"(c) HOLD-HARMLESS AMOUNTS.—Notwithstanding subsection (b), the total amount made available to each county under sections 1123 and 1124 for any fiscal year shall be at least 85 percent of the total amount such county was allocated under such sections (or, for fiscal year 1995, their predecessor authorities) for the preceding fiscal year.

"(d) STATE MINIMUM.—Notwithstanding any other provision of this part, from the total amount available for any fiscal year to carry out sections 1123 and 1124, each State shall be allotted at least the lesser of—

"(1) one quarter of one percent of such amount; or

"(2) the amount it was allotted under such sections (or, for fiscal year 1995, under their predecessor authorities) for the previous year increased or decreased, as the case may be, by the same percentage by which such total amount appropriated for those sections increased or decreased from the previous year.

"(e) DEFINITION.—For the purpose of this section and sections 1123 through 1125, the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"BASIC GRANTS

"SEC. 1123. (a) ELIGIBILITY OF COUNTIES.—A county in a State is eligible for a basic grant under this section for any fiscal year only if the number of children in the county counted under subsection (c)(1)(A) is at least—

"(1) 100; or

"(2) 18 percent of the total number of children aged five through 17 in the county.

"(b) GRANTS FOR COUNTIES, THE DISTRICT OF COLUMBIA, AND PUERTO RICO.—(1) The amount of the grant that a county in a State or that the District of Columbia is eligible to receive under this section for any fiscal year shall be the product of—

"(A) the number of children counted under subsection (c); and

"(B) 40 percent of the average per-pupil expenditure in the State, except that such percentage shall not be less than 32 percent nor more than 48 percent of the average per-pupil expenditure in the United States.

"(2) For each fiscal year, the amount of the grant for which the Commonwealth of Puerto Rico is eligible under this section shall be equal to—

"(A) the number of children counted under subsection (c) for Puerto Rico, multiplied by the product of—

"(B)(i) the percentage that the average per-pupil expenditure in Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

"(ii) 32 percent of the average per-pupil expenditure in the United States.

"(c) CHILDREN TO BE COUNTED.—

"(1) CATEGORIES OF CHILDREN.—The number of children to be counted for purposes of this section shall be—

"(A) the total number of children aged five through 17 in a county—

"(i) from families below the poverty level, as determined under paragraph (2)(A);

"(ii) from families above the poverty level, as determined under paragraph (2) (B) and (C); and

"(iii) living in institutions for neglected or delinquent children (other than institutions operated by the United States and those with children counted under part D of this title) or being supported in foster homes with public funds, as determined under paragraph (2)(C); less

"(B) two percent of the total number of children aged five through 17 in the county.

"(2) DETERMINATION OF NUMBER OF CHILDREN.—(A)(i) The Secretary shall determine the number of children described in paragraph (1)(A)(i) on the basis of the most recent satisfactory data available from the Department of Commerce for counties, the District of Columbia, and Puerto Rico.

"(ii) In making such determinations, the Secretary shall use the criteria of poverty

used by the Bureau of the Census in compiling the most recent decennial census.

"(B)(i) The Secretary shall determine the number of children described in paragraph (1)(A)(ii) on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act.

"(ii) In making such determinations, the Secretary shall use the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census, for a family of four, in such form as those criteria have been updated to reflect increases in the Consumer Price Index.

"(C) The Secretary shall determine the number of children described in paragraph (1)(A) (ii) and (iii) on the basis of—

"(i) caseload data for the month of October of the preceding fiscal year, using, in the case of children described in paragraph (1)(A)(ii), the criteria of poverty and the form of such criteria that were determined for the calendar year preceding such month of October; or

"(ii) to the extent that such data are not available to the Secretary by January 1 of the calendar year in which the Secretary's determination is made, on the basis of the most recent reliable data available to the Secretary at the time of such determination.

"(D) For purposes of this subsection, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

"(E) The Secretary of Health and Human Services shall collect and transmit information on the number of children described in paragraph (1)(A)(ii) and the number of foster children described in paragraph (1)(A)(iii) to the Secretary by January 1 of each year.

"(d) LOCAL EDUCATIONAL AGENCY ALLOCATIONS.—(1) From funds remaining after the State educational agency reserves any funds under section 1601(c), and except as provided in section 1125(d), a State educational agency shall allocate each county amount determined under subsection (b) among all local educational agencies in the county or counties in which the agencies are located on the basis of—

"(A) the total number of children aged five through 17 in the local educational agency—

"(i) in local institutions for neglected or delinquent children; and

"(ii) from low-income families, as determined under paragraph (2); less

"(B) two percent of the total number of children aged five through 17 in the local educational agency.

"(2) The State educational agency shall determine the number of children from low-income families in local educational agencies—

"(A) based on the best data available on a statewide basis; and

"(B) using the same measure of low income throughout the State.

"(3) The State educational agency shall distribute funds under this section to each local educational agency in proportion to the number of children counted under paragraph (1) in the local educational agency compared to the number of such children in all local educational agencies in the county.

"CONCENTRATION GRANTS

"SEC. 1124. (a) ELIGIBILITY OF COUNTIES.—Except as otherwise provided in this section, a county in a State is eligible for a grant under this section if—

"(1) the number of children counted under section 1123(c)(1)(A) in the county is more than 6,500; or

"(2) the percentage of children counted under such section is greater than 18 percent of the total number of children aged five through 17 in the county.

"(b) GRANTS FOR COUNTIES, THE DISTRICT OF COLUMBIA, AND PUERTO RICO.—(1) The amount of the grant that a county in a State or that the District of Columbia or Puerto Rico is eligible to receive under this section for any fiscal year is the product of—

"(A) the number of children counted under section 1123(c)(1)(A), minus two percent of the total number of children aged five through 17 in the county; and

"(B) the per-pupil amount determined under section 1123(b) for the fiscal year for which the determination is being made for that county.

"(c) LOCAL EDUCATIONAL AGENCY ALLOCATIONS.—(1)(A) From funds remaining after the State educational agency reserves any funds under section 1601(c), and except as otherwise provided in this subsection and in section 1125(d), funds allocated to counties under this section shall be allocated by the State educational agency only to those local educational agencies whose school districts lie, in whole or in part, within the county and that are determined by the State educational agency to meet either or the eligibility criteria in subsection (a).

"(B) Such determinations shall be made on the basis of the same poverty data used by the State educational agency under section 1123(d). If the State educational agency does not use census poverty data to determine eligibility, it must equate the poverty measure it uses to the latest available census data in order that eligibility is not affected by differences in sources of poverty data.

"(C) The State educational agency shall distribute funds under this section to each local educational agency that is eligible to receive those funds in proportion to the number of children counted under section 1123(d) in each local educational agency compared to the number of such children in all local educational agencies that are eligible for concentration grants in the county.

"(2)(A) In counties where no local educational agency meets either of the criteria in subsection (a), the State educational agency shall allocate such funds among the local educational agencies within such counties, in whole or in part, based on their respective concentrations and numbers of children counted under section 1123(d).

"(B) Only local educational agencies with concentrations of poverty that exceed the countywide average percentage of children counted under section 1123(d) or the countywide average number of such children may receive any funds on the basis of this paragraph.

"(3) In States that receive the minimum grant under section 1122(d), the State educational agency shall allocate such funds among the local educational agencies in such State either—

"(A) in accordance with paragraphs (1) and (2) of this subsection and section 1125(d); or

"(B) without regard to the counties in which such local educational agencies are located, based on their respective concentrations and numbers of children counted under section 1123(d), except that only those local educational agencies with concentrations of children counted under section 1123(d) that exceed the statewide average percentage of such children or the statewide average number of such children shall receive any funds on the basis of this subparagraph.

"(4) A State educational agency may reserve not more than ten percent of its allocation under this section to make direct payments to local educational agencies that meet either of the criteria in subsection (a), but are in ineligible counties.

"SPECIAL ALLOCATION PROCEDURES

"SEC. 1125. (a) Hold-Harmless Amounts.—The total amount made available to each local educational agency under sections 1123 and 1124 for any fiscal year shall be at least 85 percent of the total amount such agency received under such sections (or, for fiscal year 1995, under their predecessor authorities) for the preceding fiscal year.

"(b) ALLOCATIONS FOR NEGLECTED OR DELINQUENT CHILDREN.—(1) If a State educational agency determines that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children who are living in institutions for neglected or delinquent children as described in section 1123(c)(1)(A)(ii), the State educational agency shall, if it assumes responsibility for the special educational needs of such children, receive the portion of such local educational agency's allocation under sections 1123 and 1124 that is attributable to such children.

"(2) If the State educational agency does not assume such responsibility, any other State or local public agency that does assume such responsibility shall receive that portion of the local educational agency's allocation.

"(c) ALLOCATIONS AMONG LOCAL EDUCATIONAL AGENCIES.—The State educational agency may allocate the amounts of grants under sections 1123 and 1124 between and among the affected local educational agencies when—

"(1) two or more local educational agencies serve, in whole or in part, the same geographical area; or

"(2) a local educational agency provides free public education for children who reside in the school district of another local educational agency.

"(d) ALLOCATIONS WITHOUT REGARD TO COUNTIES.—A State educational agency may allocate funds under sections 1123 and 1124 directly to eligible local educational agencies without regard to counties if the State educational agency can demonstrate to the Secretary's satisfaction that doing so will result in a reasonable allocation of those funds.

"(e) REALLOCATION.—If a State educational agency determines that the amount of a grant a local educational agency would receive under sections 1123 and 1124 is more than such local agency will use, the State educational agency shall make the excess amount available to other local educational agencies in the State that need additional funds in accordance with criteria established by the State educational agency.

"CARRYOVER AND WAIVER

"SEC. 1126. (a) LIMITATION ON CARRYOVER.—Notwithstanding section 412 of the General Education Provisions Act or any other provision of law, not more than 15 percent of the funds allocated to a local educational agency for any fiscal year under this subpart (but not including funds received through any reallocation under this subpart) may remain available for obligation by such agency for one additional fiscal year.

"(b) WAIVER.—A State educational agency may, once every three years, waive the percentage limitation in subsection (a) if—

"(1) the agency determines that the request of a local educational agency is reasonable and necessary; or

"(2) supplemental appropriations for this subpart become available.

"(c) EXCLUSION.—The percentage limitation under subsection (a) shall not apply to any local educational agency that receives less than $50,000 under this subpart for any fiscal year.

"PART B—EVEN START FAMILY LITERACY PROGRAMS

"Statement of Purpose

"SEC. 1201. It is the purpose of this part to help break the cycle of poverty and illiteracy by improving the educational opportunities of the Nation's low-income families by integrating early childhood education, adult literacy or adult basic education, and parenting education into a unified family literacy program, to be referred to as 'Even Start', that is implemented through cooperative projects that build on existing community resources to create a new range of services, that promotes achievement of the National Education Goals, and that assists children and adults from low-income families to achieve to challenging State standards.

"PROGRAM AUTHORIZED

"SEC. 1202. (a) RESERVATION FOR MIGRANT PROGRAMS, OUTLYING AREAS, AND INDIAN TRIBES.—In each fiscal year, the Secretary shall reserve not more than five percent of the amount appropriated under section 1002(b) of this title for programs, under such terms and conditions as the Secretary shall establish, that are consistent with the purpose of this part, and according to their relative needs, for—

"(1) children of migratory workers;

"(2) the outlying areas; and

"(3) Indian tribes and tribal organizations.

"(b) RESERVATION FOR FEDERAL ACTIVITIES.—From amounts appropriated under section 1002(b), the Secretary may reserve not more than three percent of such amounts or the amount reserved for such purposes in the fiscal year 1994, whichever is greater, for purposes of—

"(1) carrying out the evaluation required by section 1209; and

"(2) providing, through grants or contracts, technical assistance, program improvement, and replication activities.

"(c) STATE ALLOCATION.—(1) After reserving funds under subsections (a) and (b), the Secretary shall allocate the remaining funds appropriated for this part to States, to be used in accordance with section 1203.

"(2) Except as provided in paragraph (3), from the total amount available for allocation to States in any fiscal year, each State shall be eligible to receive a grant under paragraph (1) in an amount that bears the same ratio to such total amount as the amount allocated to that State under section 1122 of this title bears to the total amount allocated under that section to all the States.

"(3) No State shall receive less than $250,000 under paragraph (1) for any fiscal year.

"(d) DEFINITIONS.—For the purpose of this part—

"(1) the term 'eligible entity' means a partnership composed of both—

"(A) a local educational agency; and

"(B) a nonprofit community-based organization, public agency, institution of higher education, or other public or private nonprofit organization of demonstrated quality;

"(2) the terms 'Indian tribe' and 'tribal organization' have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act; and

"(3) the term 'State' includes each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"STATE PROGRAMS

"SEC. 1203. (a) STATE-LEVEL ACTIVITIES.—Each State that receives a grant under section 1202(c)(1) may use not more than five percent of assistance provided under the grant for the cost of—

"(1) administration; and

"(2) providing, through one or more subgrants or contracts, technical assistance for program improvement and replication to eligible entities that receive subgrants under subsection (b).

"(b) SUBGRANTS FOR LOCAL PROGRAMS.—(1) Each State shall use the remainder of its grant to make subgrants to eligible entities to carry out Even Start programs.

"(2) No State shall award a subgrant under paragraph (1) for an amount less than $75,000.

"USES OF FUNDS

"SEC. 1204. (a) IN GENERAL.—In carrying out an Even Start program under this part, a recipient of funds under this part shall use such funds to pay the Federal share of the cost of providing family-centered education programs that involve parents and children in a cooperative effort to help parents become full partners in the education of their children and to assist children in reaching their full potential as learners.

"(b) FEDERAL SHARE LIMITATION.—(1)(A) Except as provided in paragraph (2), the Federal share under this part may not exceed—

"(i) 90 percent of the total cost of the program in the first year that that program receives assistance under this part or its predecessor authority;

"(ii) 80 percent in the second such year;

"(iii) 70 percent in the third such year;

"(iv) 60 percent in the fourth such year; and

"(v) 50 percent in any subsequent such year.

"(B) The remaining cost of a program under this part may be provided in cash or in kind, fairly evaluated, and may be obtained from any source other than funds received under this title.

"(2) The State educational agency may waive, in whole or in part, the cost-sharing requirement of paragraph (1) if an eligible entity—

"(A) demonstrates that it otherwise would not be able to participate in the program under this part; and

"(B) negotiates an agreement with the State educational agency with respect to the amount of the remaining cost to which the waiver would be applicable.

"(3) Federal funds under this part may not be used for the indirect costs of an Even Start program, except that the Secretary may waive this limitation if a recipient of funds reserved under section 1202(a)(3) demonstrates to the Secretary's satisfaction that it otherwise would not be able to participate in the program under this part.

"PROGRAM ELEMENTS

"SEC. 1205. Each Even Start program assisted under this part shall—

"(1) include the identification and recruitment of those families most in need of services provided under this part, as indicated by a low level of income, a low level of adult literacy or English language proficiency of the eligible parent or parents, and other need-related indicators;

"(2) include screening and preparation of parents and children to enable them to participate fully in the activities and services provided under this part, including testing, referral to necessary counselling, other developmental and support services, and related services;

"(3) be designed to accommodate the participants' work and other responsibilities, including the provision of support services, when unavailable from other sources, necessary for their participation, such as—

"(A) scheduling and location of services to allow joint participation by parents and children;

"(B) child care for the period that parents are involved in the program provided under this part; and

"(C) transportation for the purpose of enabling parents and their children to participate in programs authorized by this part;

"(4) include high-quality instructional programs that promote adult literacy, training of parents to support the educational growth of their children, developmentally appropriate early childhood educational services, and preparation of children for success in regular school programs;

"(5) include special training of staff, including child care staff, to develop the skills necessary to work with parents and young children in the full range of instructional services offered through this part;

"(6) provide and monitor integrated instructional services to participating parents and children through home-based programs;

"(7) operate on a year-round basis, including the provision of some program services, either instructional or enrichment, or both, during the summer months;

"(8) be coordinated with—

"(A) programs assisted under other parts of this title and this Act;

"(B) any relevant programs under the Adult Education Act, the Individuals with Disabilities Education Act, and the Job Training Partnership Act; and

"(C) Head Start program, volunteer literacy programs, and other relevant programs; and

"(9) provide for an independent evaluation of the program.

"ELIGIBLE PARTICIPANTS

"SEC. 1206. (a) IN GENERAL.—Except as provided in subsection (b), eligible participants in an Even Start program are—

"(1) a parent or parents—

"(A) who are eligible for participation in an adult basic education program under the Adult Education Act; or

"(B) who are within the State's compulsory school attendance age range, so long as a local educational agency provides (or ensures the availability of) the basic education component required under this part; and

"(2) the child or children, from birth through age seven, of any individual described in paragraph (1).

"(b) ELIGIBILITY FOR CERTAIN OTHER PARTICIPANTS.—(1) Family members other than those described in subsection (a) may participate in program activities and services, when deemed by the program to serve the purpose of this part.

"(2) Any family participating in a program under this part that becomes ineligible for such participation as a result of one or more members of the family becoming ineligible for such participation may continue to participate in the program until all members of the family become ineligible for participation, which—

"(A) in the case of a family in which ineligibility was due to the child or children of such family attaining the age of eight, shall be in two years or when the parent or parents become ineligible due to educational advancement, whichever occurs first; and

"(B) in the case of a family in which ineligibility was due to the educational advancement of the parent or parents of such family,

shall be when all children in the family attain the age of eight.

"APPLICATIONS

"SEC. 1207. (a) SUBMISSION.—To be eligible to receive a subgrant under this part, an eligible entity shall submit an application to the State educational agency in such form and containing or accompanied by such information as the State educational agency shall require.

"(b) REQUIRED DOCUMENTATION.—Each application shall include documentation, satisfactory to the State educational agency, that the eligible entity has the qualified personnel needed—

"(1) to develop, administer, and implement an Even Start program under this part; and

"(2) to provide the special training necessary to prepare staff for the program.

"(c) PLAN.—Such application shall also include a plan of operation for the program that is consistent with, and promotes the goals of, the State and local plans, either approved or being developed, under title III of the Goals 2000: Educate America Act or, if those plans are not approved or being developed, with the State and local plans under sections 1111 and 1112 of this Act; and includes—

"(1) a description of the program goals;

"(2) a description of the activities and services that will be provided under the program, including a description of how the program will incorporate the program elements required by section 1205;

"(3) a description of the population to be served and an estimate of the number of participants;

"(4) as appropriate, a description of the applicant's collaborative efforts with institutions of higher education, community-based organizations, the State educational agency, private elementary schools, or other appropriate nonprofit organizations in carrying out the program for which assistance is sought; and

"(5) a statement of the methods that will be used—

"(A) to ensure that the programs will serve those families most in need of the activities and services provided by this part;

"(B) to provide services under this part to individuals with special needs, such as individuals with limited English proficiency and individuals with disabilities; and

"(C) to encourage participants to remain in the program for a time sufficient to meet the program's purpose.

"AWARD OF SUBGRANTS

"SEC. 1208. (a) SELECTION PROCESS.—(1) The State educational agency shall establish a review panel that will approve applications that—

"(A) are most likely to be successful in meeting the purpose of this part, and in effectively implementing the program elements required under section 1205;

"(B) demonstrate that the area to be served by such program has a high percentage or a large number of children and families who are in need of such services as indicated by high levels of poverty, illiteracy, unemployment, limited English proficiency, or other need-related indicators, including a high percentage of children to be served by the program who reside in a school attendance area designated for participation in programs under part A of this title;

"(C) provide services for at least a three-year age range;

"(D) demonstrate the greatest possible cooperation and coordination between a variety of relevant service providers in all phases of the program;

"(E) include cost-effective budgets, given the scope of the application;

"(F) demonstrate the applicant's ability to provide the additional funding required by section 1204(b);

"(G) are representative of urban and rural regions of the State; and

"(H) show the greatest promise for providing models that may be adopted by other local educational agencies.

"(2) The State educational agency shall give priority for subgrants under this subsection to proposals that either—

"(A) target services primarily to families whose children reside in attendance areas of schools eligible for schoolwide programs under part A of this title; or

"(B) are located in areas designated as empowerment zones or enterprise communities.

"(b) REVIEW PANEL.—A review panel shall consist of at least three members, including one early childhood professional, one adult education professional, and one of the following individuals:

"(1) A representative of a parent-child education organization.

"(2) A representative of a community-based literacy organization.

"(3) A member of a local board of education.

"(4) A representative of business and industry with a commitment to education.

"(5) An individual who has been involved in the implementation of programs under this title in the State.

"(c) DURATION.—(1) Subgrants may be awarded for a period not to exceed four years.

"(2) The State educational agency may provide a subgrantee, at the subgrantee's request, a 3- to 6-month start-up period during the first year of the four-year period, which may include staff recruitment and training, and the coordination of services, before requiring full implementation of the program.

"(3)(A) In reviewing any application for subgrant to continue a program for the second, third, or fourth year, the State educational agency shall review the progress being made toward meeting the objectives of the program after the conclusion of the start-up period, if any.

"(B) The State educational agency may refuse to award a subgrant if such agency finds that sufficient progress has not been made toward meeting such objectives, but only after affording the applicant notice and an opportunity for a hearing.

"(4)(A) An eligible entity that has previously received a subgrant under this part may reapply under the terms of this part for a second project period.

"(B) During the second project period, the Federal share of the subgrant shall not exceed 50 percent in any year.

"EVALUATION

"SEC. 1209. From funds reserved under section 1202(b)(1), the Secretary shall provide for an independent evaluation of programs under this part—

"(1) to determine the performance and effectiveness of programs; and

"(2) to identify effective Even Start projects that can be replicated and used in providing technical assistance to national, State, and local programs.

"PART C—EDUCATION OF MIGRATORY CHILDREN

"PROGRAM PURPOSE

"SEC. 1301. It is the purpose of this part to assist States to—

"(1) support high-quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves;

"(2) ensure that migratory children are provided with appropriate educational services (including supportive services) that address their special needs in a coordinated and efficient manner;

"(3) ensure that migratory children have the opportunity to achieve to meet the same challenging State performance standards that all children are expected to meet;

"(4) design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit their ability to do well in school, and to prepare these children to make a successful transition to post-secondary education or employment; and

"(5) ensure that migratory children benefit from State and local systemic reforms.

"PROGRAM AUTHORIZED

"SEC. 1302. In order to carry out the purpose of this part, the Secretary shall make grants to State educational agencies, or combinations of such agencies, to establish or improve, directly or through local operating agencies, programs of education for migratory children in accordance with this part.

"STATE ALLOCATIONS

"SEC. 1303. (a) STATE ALLOCATIONS.—Each State (other than the commonwealth of Puerto Rico) is eligible to receive under this part, for each fiscal year, an amount equal to—

"(1) the sum of the estimated number of migratory children aged three through 21 who reside in the State full time and the full-time equivalent of the estimated number of migratory children aged three through 21 who reside in the State part time, as determined in accordance with subsection (e); multiplied by

"(2) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States.

"(b) ALLOCATION TO PUERTO RICO.—For each fiscal year, the amount for which the Commonwealth of Puerto Rico is eligible under this section shall be equal to—

"(1) the number of migratory children in Puerto Rico, determined under subsection (a)(1); multiplied by

"(2) the product of—

"(A) the percentage that the average per-pupil expenditure in Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

"(B) 32 percent of the average per-pupil expenditure in the United States.

"(c) RATABLE REDUCTIONS; REALLOCATIONS.—(1)(A) If, after the Secretary reserves funds under section 1308(c), the amount appropriated to carry out this part for any fiscal year is insufficient to pay in full the amounts for which all States are eligible, the Secretary shall ratably reduce each such amount.

"(B) If additional funds become available for making such payments for any fiscal year, the Secretary shall allocate such funds to States in amounts that the Secretary finds would best carry out the purpose of this part.

"(2)(A) The Secretary shall further reduce the amount of any grant to a State under this part for any fiscal year if the Secretary determines, based on available information

on the numbers and needs of migratory children in the State and the program proposed by the State to address those needs, that such amount is not needed by the State.

"(B) The Secretary shall reallocate such excess funds to other States whose grants under this part would otherwise be insufficient to provide an appropriate level of services to migratory children, in such amounts as the Secretary determines are appropriate.

"(d) CONSORTIUM ARRANGEMENTS.—(1) In the case of any State that receives a grant of $500,000 or less under this section, the Secretary shall consult with the State educational agency to determine whether consortium arrangements with another State or other appropriate entity would result in delivery of services in a more effective and efficient manner.

"(2) Any State, irrespective of the amount of its allocation, may propose a consortium arrangement.

"(3) The Secretary shall approve a consortium arrangement under paragraph (1) or (2) if the proposal demonstrates that the arrangement will—

"(A) reduce administrative costs or program function costs for State programs; and

"(B) make more funds available for direct services to add substantially to the welfare or educational attainment of children to be served under this part.

"(e) DETERMINING NUMBERS OF ELIGIBLE CHILDREN.—In order to determine the estimated number of migratory children residing in each State for purposes of this section, the Secretary shall—

"(1) use such information as the Secretary finds most accurately reflects the actual number of migratory children; and

"(2) adjust the full-time equivalent number of migratory children who reside in each State to take account of—

"(A) the special needs of those children participating in special programs provided under this part that operate during the summer or other intersession periods; and

"(B) the additional costs of operating such programs.

"STATE APPLICATIONS; SERVICES

"SEC. 1304. (a) APPLICATION REQUIRED.—Any State wishing to receive a grant under this part for any fiscal year shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(b) PROGRAM INFORMATION.—Each such application shall include—

"(1) a description of how, in planning, implementing, and evaluating programs and projects under this part, the State and its operating agencies will ensure that the special educational needs of migratory children are identified and addressed through a comprehensive plan for needs assessment and service delivery that meets the requirements of section 1306;

"(2) a description of the steps the State is taking to provide all migratory students with the opportunity to meet the same challenging State performance standards that all children are expected to meet;

"(3) a description of how the State will use its funds to promote interstate and intrastate coordination of services for migratory children, including how, consistent with procedures the Secretary may require, it will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when children move from one school to another, whether or not during the regular school year;

"(4) a description of the State's priorities for the use of funds received under this part, and how they relate to the State's assessment of needs for services in the State;

"(5) a description of how the State will determine the amount of any subgrants it will award to local operating agencies and the amount of funds that these agencies will provide to individual schools, taking into account the requirements of paragraph (1); and

"(6) such budgetary and other information as the Secretary may require.

"(c) ASSURANCES.—Each such application shall also include assurances, satisfactory to the Secretary, that—

"(1) funds received under this part will be used only—

"(A) for programs and projects, including the acquisition of equipment, in accordance with section 1306(b)(1); and

"(B) to coordinate such programs and projects with similar programs and projects within the State and in other States, as well as with other Federal programs that can benefit migratory children and their families;

"(2) such programs and projects will be carried out in a manner consistent with the objectives of sections 1114, 1115(b) and (d), 1117, and 1119(b) and (c), and part F of this title;

"(3) in the planning and operation of programs and projects at both the State and local operating agency level, there is appropriate consultation with parent advisory councils for programs lasting a school year, and that all such programs and projects are carried out, to the extent feasible, in a manner consistent with section 1116 of this title;

"(4) in planning and carrying out such programs and projects, there has been, and will be, adequate provision for addressing the unmet education needs of preschool migratory children;

"(5) the effectiveness of such programs and projects will be determined, where feasible, using the same approaches and standards that will be used to assess the performance of students, schools, and local educational agencies under part A of this title; and

"(6) the State will assist the Secretary in determining the number of migratory children under section 1303(e), through such procedures as the Secretary may require.

"(d) PRIORITY FOR SERVICES.—In providing services with funds received under this part, each recipient of those funds shall give priority to migratory children who are failing, or most at risk of failing, to meet the State's challenging performance standards, and whose education has been interrupted during the regular school year;

"(e) CONTINUATION OF SERVICES.—Notwithstanding any other provision of this part—

"(1) a child who ceases to be a migratory child during a school term shall be eligible for services until the end of such term; and

"(2) a child who is no longer a migratory child may continue to receive services for one additional school year, but only if comparable services are not available through other programs.

"SECRETARIAL APPROVAL; PEER REVIEW

"SEC. 1305. (a) SECRETARIAL APPROVAL.—The Secretary shall approve each State application that meets the requirements of this part.

"(b) PEER REVIEW.—The Secretary may review any such application with the assistance and advice of State officials and other individuals with relevant expertise.

"COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES

"SEC. 1306. (a) COMPREHENSIVE PLAN.—Each State that receives a grant under this part shall ensure that the State and its local operating agencies identify and address the special educational needs of migratory children in accordance with a comprehensive State plan that—

"(1)(A) is integrated with the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this subsection that are not already addressed by that State plan; or

"(B) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under this Act and satisfies the requirements of this subsection;

"(2) provides that migratory children will have an opportunity to meet the same challenging State performance standards, set out in those plans, that all children are expected to meet;

"(3) specifies measurable program goals and outcomes;

"(4) encompasses the full range of services that are available for migratory children from appropriate local, State and Federal educational programs;

"(5) is the product of joint planning among such local, State, and Federal programs, including those under part A of this title, early childhood programs, and bilingual education programs under title VII of this Act;

"(6) provides for the integration of services available under this part with services provided by such other programs; and

"(7) to the extent feasible, provides for—

"(A) advocacy and outreach activities for migratory children and their families, including informing them of, or helping them gain access to, other education, health, nutrition, and social services;

"(B) professional development programs, including mentoring, for teachers and other program personnel;

"(C) family literacy programs, including those that use models developed under the Even Start program;

"(D) the integration of information technology into educational and related programs; and

"(E) programs to facilitate the transition of high school students to postsecondary education or employment.

"(b) AUTHORIZED ACTIVITIES.—(1) In implementing the comprehensive plan described in subsection (a), each local operating agency shall have the flexibility to determine the activities to be provided with funds made available under this part, provided that—

"(A) before funds provided under this part are used to provide services described in subparagraph (B), those funds shall be used to meet the identified needs of migratory children that—

"(i) result from the effects of their migratory lifestyle, or are needed to permit migratory children to participate effectively in school; and

"(ii) are not addressed by services provided under other programs, including part A of this title; and

"(B) all migratory children who are eligible to receive services under part A of this title shall receive such services with funds provided under this part or under part A of this title.

"(2) This subsection shall not apply to funds under this part that are used for schoolwide programs under section 1114 of this title.

"BYPASS

"SEC. 1307. The Secretary may use all or part of any State's allocation under this part

to make arrangements with any public or nonprofit agency to carry out the purpose of this part in such State if the Secretary determines that—

"(1) the State is unable or unwilling to conduct educational programs for migratory children;

"(2) such arrangements would result in more efficient and economic administration of such programs; or

"(3) such arrangements would add substantially to the welfare or educational attainment of such children.

"COORDINATION OF MIGRANT EDUCATION ACTIVITIES

"SEC. 1308. (a) IMPROVEMENT OF COORDINATION.—The Secretary, in consultation with the States, may make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, and other public and private entities to improve the interstate and intrastate coordination among State and local educational agencies of their educational programs, including the establishment or improvement of programs for credit accrual and exchange, available to migratory students.

"(b) REPORT.—Not later than October 1, 1995, the Secretary shall submit a report to the Congress regarding the effectiveness of methods used by States to transfer migratory students' educational and health records.

"(c) AVAILABILITY OF FUNDS.—For the purpose of carrying out this section, the Secretary shall reserve up to five percent of the amount appropriated for each fiscal year to carry out this part.

"DEFINITIONS

"SEC. 1309. As used in this part, the following terms have the following meanings:

"The term 'local operating agency' means—

"(A) a local educational agency to which a State educational agency makes a subgrant under this part;

"(B) a public or nonprofit private agency with which a State educational agency or the Secretary makes an arrangement to carry out a project under this part; or

"(C) a State educational agency, if the State educational agency operates the State's migrant education program or projects directly.

"(2) The term 'migratory child' means a child who is, or whose parent or spouse is, a migratory agricultural worker (including a migratory dairy worker) or a migratory fisher, and who, in the preceding 24 months, in order to obtain, or accompany such parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work—

"(A) has moved from one school district to another; or

"(B) in a State that is comprised of a single school district, has moved from one administrative area to another within such district.

"PART D—EDUCATION FOR NEGLECTED AND DELINQUENT YOUTH

"PURPOSE; PROGRAM AUTHORIZED

"SEC. 1401. (a) PURPOSE.—It is the purpose of this part to—

"(1) improve educational services to children in institutions for neglected or delinquent children so that they have the opportunity to meet the same challenging State performance standards that all children in the State will be expected to meet; and

"(2) provide those children the services they need to make a successful transition from institutionalization to further schooling or employment.

"(b) PROGRAM AUTHORIZED.—In order to carry out the purpose of this part, the Secretary shall make grants to State educational agencies, which shall make subgrants to State agencies to establish or improve programs of education for neglected or delinquent children, in accordance with this part.

"ELIGIBILITY

"SEC. 1402. A State agency is eligible for assistance under this part if it is responsible for providing free public education for children—

"(1) in institutions for neglected or delinquent children;

"(2) attending community-day programs for neglected or delinquent children; or

"(3) in adult correctional institutions.

"ALLOCATION OF FUNDS

"SEC. 1403. (a) SUBGRANTS TO STATE AGENCIES.—Each State agency described in section 1402 (other than an agency in the Commonwealth of Puerto Rico) is eligible to receive under this part, for each fiscal year, an amount equal to the product of—

"(1) the number of neglected or delinquent children in institutions or attending programs described in section 1402, who are enrolled for at least 20 hours per week in education programs operated or supported by such agency, which shall—

"(A) be determined by such agency as of a date or dates set by the Secretary; and

"(B) be adjusted, as the Secretary determines is appropriate, to reflect the relative length of such agency's annual programs; and

"(2) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States.

"(b) SUBGANTS TO STATE AGENCIES IN PUERTO RICO.—For each fiscal year, the amount of the grant for which a State agency in the Commonwealth of Puerto Rico is eligible under this part shall be equal to—

"(1) the number of children counted under subsection (a)(1) for Puerto Rico; multiplied by the product of—

"(2)(A) the percentage that the average per-pupil expenditure in Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

"(B) 32 percent of the average per-pupil expenditure in the United States.

"(c) RATABLE REDUCTIONS IN CASE OF INSUFFICIENT APPROPRIATIONS.—If the amount appropriated for any fiscal year for subgrants under subsections (a) and (b) is insufficient to pay the full amount for which all agencies are eligible under such subsections, the Secretary shall ratably reduce each such amount.

"(d) PAYMENTS TO STATE EDUCATIONAL AGENCIES.—(1) The Secretary shall pay to each State educational agency the total amount needed to make subgrants to State agencies in that State, as determined under this section.

"(2) Each State educational agency may retain a portion of such total amount for State administration of, in accordance with section 1601(c) of this title.

"STATE REALLOCATION OF FUNDS

"SEC. 1404. If a State educational agency determines that a State agency does not need the full amount of the subgrant for which it is eligible under this part for any fiscal year, the State educational agency may reallocate the amount that will not be needed to other State agencies that need additional funds to carry out the purpose of this part, in such amounts as the State educational agency shall determine.

"STATE PLAN AND STATE AGENCY APPLICATIONS

"SEC. 1405. (a) STATE PLAN.—(1)(A) Each State educational agency that desires to receive payments under this part shall submit, for approval by the Secretary, a plan for meeting the needs of neglected and delinquent children, which shall be revised and updated as needed, that—

"(i) is integrated with the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that State plan; or

"(ii) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under this Act and satisfies the requirements of this section.

"(B) A State plan submitted under paragraph (1)(A)(i) may, if necessary, be submitted as an amendment to the State's plan under title III of the Goals 2000: Educate America Act.

"(2) Each such plan shall also—

"(A) describe the State-established program goals, objectives, and performance measures that will be used to assess the effectiveness of the program in improving academic and vocational skills of children in the program;

"(B) provide that, to the extent feasible, such children will have the same opportunities to learn as they would have if they were in the schools of local educational agencies in the State; and

"(C) contain assurances that the State educational agency will—

"(i) ensure that programs assisted under this part will be carried out in accordance with the State plan described in this subsection;

"(ii) carry out the evaluation requirements of section 1409 of this part;

"(iii) ensure that its State agencies comply with all applicable statutory and regulatory requirements; and

"(iv) provide such other information as the Secretary may reasonably require.

"(b) SECRETARIAL APPROVAL; PEER REVIEW.—The Secretary shall approve each State plan that meets the requirements of this part.

"(2) The Secretary may review any such plan with the assistance and advice of individuals with relevant expertise.

"(c) STATE AGENCY APPLICANTS.—Any State agency that desires to receive funds to carry out a program under this part shall submit an application to the State educational agency that—

"(1) describes the procedures to be used, consistent with the State plan under part A of this title, to assess the educational needs of the children to be served;

"(2) describes the program, including a budget for the first year of the program, with annual updates to be provided;

"(3) describes how the program will meet the goals and objectives of the State plan under this part;

"(4) describes how the State agency will consult with experts and provide the necessary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 1407 are of high quality;

"(5) describes how the agency will carry out the evaluation requirements of section 1409 and how the results of the most recent evaluation were used to plan and improve the program;

"(6) includes data showing that the agency has maintained fiscal effort as if it were a local educational agency, in accordance with section 9501 of this title;

"(7) describes how the programs will be coordinated with other State and Federal programs administered by the State agency;

"(8) describes how appropriate professional development will be provided to teachers and other instructional and administrative personnel;

"(9) designates an individual in each affected institution to be responsible for issues relating to the transition of children from the institution to locally operated programs.

"USE OF FUNDS

"SEC. 1406. (a) GENERAL.—(1) A State agency shall use funds received under this part only for programs and projects that—

"(A) are consistent with the State plan referred to in section 1405(a); and

"(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to further education or employment.

"(2) Such programs and projects—

"(A) may include the acquisition of equipment;

"(B) shall be designed to support educational services that—

"(i) except for institution-wide projects under section 1407, are provided to children identified by the State agency as failing, or most at risk of failing, to meet the State's challenging performance standards;

"(ii) supplement and improve the quality of the educational services provided to such children by the State agency; and

"(iii) afford those children an opportunity to learn to those challenging State standards;

"(C) shall be carried out in a manner consistent with section 1119(b) and part F of this title; and

"(D) may include the costs of meeting the evaluation requirements of section 1409.

"(b) SUPPLEMENT, NOT SUPPLANT.—A program under this part that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the 'supplement, not supplant' requirement of section 1119(b) of this title without regard to the subject areas in which instruction is given during those hours.

"INSTITUTION-WIDE PROJECTS

"SEC. 1407. (a) PROJECTS AUTHORIZED.—A state agency that provides free public education for children in an institution for neglected or delinquent children (other than an adult correctional institution) or attending a community-day program for such children may use funds received under this part to serve all children in, and upgrade the entire educational effort of, that institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for that institution or program that—

"(1) provides for a comprehensive assessment of the educational needs of all individuals under the age of 21 in the institution or program;

"(2) describes the steps the State agency has taken, or will take, to provide all children under 21 with the opportunity to meet challenging academic and vocational standards in order to improve the likelihood that they will complete high school and find employment after leaving the institution;

"(3) describes the instructional program, pupil services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for secondary school students;

"(4) specifically describes how such funds will be used;

"(5) describes the measures and procedures that will be used to assess student progress;

"(6) describes how the agency has planned, and will implement and evaluate, the institution-wide or program-wide project in consultation with personnel providing direct instructional services and support services in institutions or community-day programs for neglected or delinquent children and personnel from the State educational agency; and

"(7) includes an assurance that the State agency has provided for appropriate training to teachers and other instructional and administrative personnel to enable them to carry out the project effectively.

"(b) PROJECTS REQUIRED.—Beginning with school year 1996–1997, a State agency described in subsection (a) shall use funds received under this part only for institution-wide projects described in that subsection, except as described in section 1410.

"THREE-YEAR PROJECTS

"SEC. 1408. If a State agency operates a program under this part in which individual children are likely to participate for more than one year, the State educational agency may approve the State agency's application for a subgrant under this part for a period of up to three years.

"PROGRAM EVALUATIONS

"SEC. 1409. (a) SCOPE OF EVALUATION.—Each state agency that conducts a program under this part shall evaluate the program at least once every three years to determine its impact on the ability of participants to—

"(1) maintain and improve educational achievement;

"(2) accrue school credits that meet State requirements for grade promotion and high school graduation;

"(3) make the transition to a regular program or other education program operated by a local educational agency; and

"(4) complete high school and obtain employment after they leave the institution.

"(b) EVALUATION MEASURES.—In conducting each such evaluation with respect to subsection (a)(1), a State agency shall use multiple and appropriate measures of student progress.

"(c) EVALUATION RESULTS.—Each State agency shall—

"(1) submit those results to the State educational agency; and

"(2) use the results of evaluations under this section to plan and improve subsequent programs for participating children.

"TRANSITION SERVICES

"SEC. 1410. (a) TRANSITION SERVICES.—Each State agency may reserve up to ten percent of the amount it receives under this part for any fiscal year to support projects that facilitate the transition of children from State-operated institutions for neglected and delinquent children into locally operated programs.

"(b) CONDUCT OF PROJECTS.—A project supported under this section may be conducted directly by the State agency, or through a contract or other arrangement with one or more local educational agencies, other public agencies, or private nonprofit organizations.

"(c) LIMITATION.—Any funds reserved under subsection (a) shall be used only to provide special educational services, which may include counseling and mentoring, to neglected and delinquent children in schools other than State-operated institutions.

"DEFINITIONS

"SEC. 1411. For the purpose of this part, the following terms have the following meanings:

"(1) The term 'adult correctional institution' means a facility in which persons are confined as a result of a conviction for a criminal offense, including persons under 21 years of age.

"(2) The term 'community-day program' means a regular program of instruction provided by a State agency at a community-day school operated specifically for neglected or delinquent children.

"(3) The term 'institution for delinquent children' means a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision.

"(4) The term 'institution for neglected children' means a public or private residential facility, other than a foster home, that is operated for the care of children who have been committed to the institution or voluntarily placed in the institution under applicable State law, due to abandonment, neglect, or death of their parents or guardians.

"PART E—FEDERAL EVALUATIONS AND DEMONSTRATIONS

"EVALUATIONS

"SEC. 1501. (a) NATIONAL ASSESSMENT.—(1) The Secretary shall conduct a national assessment of programs under this title, in coordination with the ongoing Chapter 1 Longitudinal Study under subsection (c) of this section, that shall be planned, reviewed, and conducted in consultation with an independent panel of researchers, State practitioners, local practitioners, and other appropriate individuals.

"(2) The assessment shall examine how well schools, local educational agencies, and States—

"(A) are progressing toward the goal of all children served under this title reaching the State's content and performance standards; and

"(B) accomplishing the specific purposes set out in section 1001(d) of this title to achieve this goal, including—

"(i) ensuring high standards for all children and aligning the efforts of States, local educational agencies, and schools to help children reach them;

"(ii) providing children an enriched and accelerated educational program through schoolwide programs or through additional services that increase the amount and quality of instructional time that children receive;

"(iii) promoting schoolwide reform and access of all children to effective instructional strategies and challenging academic content;

"(iv) significantly upgrading the quality of the curriculum and instruction by providing staff in participating schools with substantial opportunities for professional development;

"(v) coordinating services under all parts of this title with each other, with other educational services, including preschool services, and, to the extent feasible, with health and social service programs funded from other sources;

"(vi) affording parents meaningful opportunities to participate in the education of their children at home and at school;

"(vii) distributing resources to areas where needs are greatest;

"(viii) improving accountability, as well as teaching and learning, by making assessments under this title congruent with State assessment systems; and

"(ix) providing greater decisionmaking authority and flexibility to schools in exchange for greater responsibility for student performance.

"(3) Where feasible, the Secretary shall use information gathered by the National Assessment of Educational Progress in carrying out this subsection.

"(4) The Secretary shall submit an interim report summarizing the preliminary findings of the assessment to the President and the appropriate committees of the Congress by December 31, 1997 and a final report by December 31, 2002.

"(b) STUDIES AND DATA COLLECTION.—(1) The Secretary may collect such data, as necessary, at the State, local, and school levels and conduct studies and evaluations, including national studies and evaluations, to assess on an ongoing basis the effectiveness of programs under this title and to report on such effectiveness on a periodic basis.

"(2) At a minimum, the Secretary shall collect trend information on the effect of programs under this title. These data shall complement the data collected and reported under subsections (a) and (c).

"(c) NATIONAL LONGITUDINAL STUDY.—The Secretary shall continue to conduct the longitudinal study of the educational achievement and progress of children served under this title, as authorized under section 1462 of this Act as in effect prior to its amendment by the Improving America's Schools Act of 1993. The Secretary shall report, not later than January 1, 1997, the findings of the study and recommendations for future data collections and reports to the President and the appropriate committees of the Congress.

"(d) DESIGN STUDY ON ESTIMATING STATE CHILD POVERTY COUNTS.—The Secretary shall conduct a study to determine whether a feasible method exists for producing reliable estimates, between decennial census counts, of the number of school-aged children living in poverty by State in each of the 50 States, the District of Columbia, and Puerto Rico, and use such a method, if one exists, to provide Congress with such estimates.

"DEMONSTRATIONS OF INNOVATIVE PRACTICES

"SEC. 1502. (a) DEMONSTRATION PROGRAMS TO IMPROVE ACHIEVEMENT.—(1) From the funds appropriated for any fiscal year under section 1002(g)(2), the Secretary may make grants to State educational agencies, local educational agencies, other public agencies, non-profit organizations, and consortia of those bodies to carry out demonstration projects that show the most promise of enabling children served under this title to meet challenging State standards. Such projects shall include promising strategies such as—

"(A) accelerated curricula, the application of new technologies to improve teaching and learning, extended learning time, and a safe and enriched full-day environment for children to provide them the opportunity to reach high standards;

"(B) integration of education services with each other and with health, family, and other social services, particularly in empowerment zones and enterprise communities;

"(C) effective approaches to whole school reform; and

"(D) programs that have been especially effective with limited English proficient children, migratory children and other highly mobile students, children leaving institutions for neglected or delinquent children and returning to school, and homeless children and youth.

"(2) The Secretary shall evaluate the demonstration projects supported under this title, using rigorous methodological designs and techniques, including control groups and random assignment, to the extent feasible, to produce reliable evidence of effectiveness.

"(b) PARTNERSHIPS.—(1) From funds appropriated under section 1002(g)(2) for any fiscal year, the Secretary may, directly or through grants or contracts, work in partnership with State educational agencies, local educational agencies, other public agencies, and non-profit organizations to disseminate and use the highest quality research and knowledge about effective practices to improve the quality of teaching and learning in schools supported under this title.

"PART F—GENERAL PROVISIONS

"STATE ADMINISTRATION

"SEC. 1601. (a) RULEMAKING.—(1) Each State that receives funds under this title shall—

"(A) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title;

"(B) minimize such roles, regulations, and policies to which their local educational agencies and schools are subject; and

"(C) identify any such rule, regulation, or policy as a State-imposed requirement.

"(2) State rules, regulations, and policies under this title shall support and facilitate local educational agency and school-level systemic reform designed to enable all children to meet the State's standards.

"(b) COMMITTEE OF PRACTITIONERS.—(1) Each State educational agency shall create a State committee of practitioners to advise the Senate in carrying out its responsibilities under this title.

"(2) Each such committee shall include—

"(A) as a majority of its members, representatives from local educational agencies;

"(B) administrators;

"(C) teachers;

"(D) parents;

"(E) members of local boards of education; and

"(F) representatives of private school children.

"(c) PAYMENT FOR STATE ADMINISTRATION.—Each State may reserve for the proper and efficient performance of its duties under this title the greater of—

"(1) one percent of the funds received under section 1002(a) and (c) through (f); or

"(2) $325,000, or $50,000 in the case of Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and Palau (until the Compact of Free Association takes effect).

"TITLE II—IMPROVING TEACHING AND LEARNING

"PART A—DWIGHT D. EISENHOWER PROFESSIONAL DEVELOPMENT PROGRAM

"FINDINGS

"SEC. 2101. The Congress finds that—

"(1) reaching National Education Goal Three (all students will demonstrate mastery of challenging subject matter in the core academic subjects) and National Education Goal Four (U.S. students will become first in the world in mathematics and science achievement) requires a comprehensive educational reform strategy that involves parents, schools, government, communities, and other public and private organizations at all levels;

"(2) a crucial component of the strategy for achieving these two goals is ensuring, through sustained and intensive high-quality professional development, that all teachers can provide challenging learning experiences in the core academic subjects for their students;

"(3) the potential positive impact of high-quality professional development is underscored by recent research findings that—

"(A) professional development must be focused on teaching and learning in order to change the opportunities of all students to achieve higher standards;

"(B) effective professional development focuses on discipline-based knowledge and effective subject-specific pedagogical skills, involves teams of teachers and administrators in a school and, through professional networks of teachers and administrators, is interactive and collaborative, motivates by its intrinsic content and relationship to practice, builds on experience and learning-by-doing, and becomes incorporated into the everyday life of the school; and

"(C) professional development can dramatically improve classroom instruction and learning when teachers and administrators are partners in its development and implementation;

"(4) special attention must be given in professional development activities to ensure that education professionals are knowledgeable of, and make use of, strategies for serving populations that historically have lacked access to equal opportunities for advanced learning and career advancement;

"(5) professional development is often a victim of budget reductions in fiscally difficult times;

"(6) there are few incentives or sanctions operating to encourage teachers and administrators to work to prepare themselves to be more effective or to participate in challenging and effective professional development activities; and

"(7) the Federal Government has a vital role in helping to make sustained and intensive high-quality professional development in the core academic subjects become an integral part of the elementary and secondary education system.

"PURPOSES

"SEC. 2102. The purposes of this part are to help ensure that teachers, other staff, and administrators have access to high-quality professional development that is aligned to challenging State content and performance standards and to support the development and implementation of sustained and intensive high-quality professional development activities in the core academic subjects. This program is designed to help ensure that teachers have access to professional development that—

"(1) is tied to challenging State student content and performance standards;

"(2) reflects recent research on teaching and learning;

"(3) includes strong academic content and pedagogical components;

"(4) is of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom; and

"(5) is part of the everyday life of the school and creates an orientation toward continuous improvement throughout the school.

"AUTHORIZATION OF APPROPRIATIONS; ALLOCATION BETWEEN SUBPARTS

"SEC. 2103. (a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out

this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(b) ALLOCATION BETWEEN SUBPARTS.—Of the funds appropriated to carry out this part for any fiscal year, the Secretary shall use—

"(1) 6 percent to carry out subpart 1; and

"(2) 94 percent to carry out subpart 2.

"Subpart 1—Federal Activities

"PROGRAM AUTHORIZED

"SEC. 2111. (a) The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, local educational agencies, State educational agencies, State agencies for higher education, institutions of higher education, and other public and private agencies, organizations, and institutions to—

"(1) support activities of national significance that will contribute to the development and implementation of high-quality professional development activities in the core academic subject areas; and

"(2) evaluate activities carried out under this subpart and under subpart 2.

"(b) In carrying out this program, the Secretary shall consult and coordinate with the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, and other appropriate Federal agencies and entities.

"AUTHORIZED ACTIVITIES

"SEC. 2112. The Secretary shall use funds available to carry out this subpart for activities that help meet the purposes of this part, such as—

"(1) providing seed money to eligible entities to develop their capacity to offer sustained and intensive high-quality professional development;

"(2) professional development institutes that provide teams of teachers, or teachers and administrators, from individual schools, with professional development that contains strong and integrated disciplinary and pedagogical components;

"(3) encouraging the development of local and national professional networks that provide a forum for interaction among teachers of the core academic subjects and that allow the exchange of information on advances in content and pedagogy;

"(4) supporting the National Board for Professional Teaching Standards;

"(5) the development and dissemination of teaching standards in the core academic subjects;

"(6) the development of exemplary methods of assessing teachers, other staff, and administrators for licensure and certification;

"(7) activities that promote the transferability of licensure and certification of teachers and administrators among State and local jurisdictions;

"(8) the development and testing of incentive strategies for motivating teachers and administrators to help increase their effectiveness through professional development focused on teaching and learning and giving all students the opportunity to learn to challenging State standards;

"(9) the dissemination of information about voluntary national content and performance standards and related models of high-quality professional development;

"(10) the development and maintenance of a national clearinghouse for science, mathematics, and technology education materials and of such other clearinghouses for core academic subjects as the Secretary determines are needed;

"(11) joint activities with other Federal agencies and entities engaged in or supporting similar professional development efforts;

"(12) support for consortia of education agencies and organizations to disseminate information and provide assistance regarding teaching methods and assessment tools that support national or State content standards in mathematics and science; and

"(13) the evaluation of programs under this subpart and under subpart 2.

"Subpart 2—State and Local Activities

"PROGRAM AUTHORIZED

"SEC. 2121. The Secretary is authorized to make grants to State educational agencies for the support of sustained and intensive high-quality professional development activities in the core academic subjects at the State and local levels.

"ALLOCATION OF FUNDS

"SEC. 2122. (a) RESERVATION OF FUNDS.—From the amount made available to carry out this subpart for any fiscal year, the Secretary shall—

"(1) reserve one-half of one percent for the outlying areas, to be distributed among them on the basis of their relative need, as determined by the Secretary in light of the purposes of this part; and

"(2) reserve one quarter of one percent for the Secretary of the Interior for programs under this subpart for professional development activities for teachers, other staff, and administrators in schools operated or funded by the Bureau of Indian Affairs.

"(b) STATE ALLOTMENTS.—The Secretary shall allocate the remaining amount to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico as follows, except that no State shall receive less than one-half of one percent of such remaining amount:

"(1) 50 percent shall be allocated among such jurisdictions on the basis of their relative populations of individuals aged 5 through 17, as determined by the Secretary on the basis of the most recent satisfactory data.

"(2) 50 percent shall be allocated among such jurisdictions in accordance with the relative amounts such jurisdictions received under part A of title I of this Act for the preceding fiscal year.

"(c) REALLOCATION.—If any jurisdiction does not apply for its allotment under subsection (b) for any fiscal year, the Secretary shall reallocate such amount to the remaining jurisdictions in accordance with that subsection.

"WITHIN-STATE ALLOCATIONS

"SEC. 2123. Of the amounts received by any State under this subpart for any fiscal year—

"(1) not more than six percent shall be used for this administrative costs of programs carried out by the State educational agency and the State agency for higher education;

"(2) not more than 7.5 percent may be used for State-level activities, as described in section 2126; and

"(3) of the remaining amount—

"(A) 85 percent shall be distributed to local educational agencies, to be used in accordance with section 2129, as follows:

"(i) 50 percent of such amount shall be distributed in accordance with the relative population of individuals aged 5–17 in each agency.

"(ii) 50 percent of such amount shall be distributed in accordance with the relative amount such agencies received under part A of title I of this Act for the preceding fiscal year; and

"(B) 15 percent shall be used for competitive grants to institutions of higher education as described in section 2130.

"PRIORITY FOR PROFESSIONAL DEVELOPMENT IN MATHEMATICS AND SCIENCE

"SEC. 2124. (a) APPROPRIATION OF LESS THAN $250 MILLION.—In any fiscal year for which the amount appropriated for this part is $250,000,000 or less, each State shall ensure that all funds distributed in accordance with section 2123(3) are used for professional development in mathematics and science.

"(b) APPROPRIATION BETWEEN $250 MILLION AND $500 MILLION.—In any fiscal year for which the amount appropriated for this part is at least $250,000,000, but not more than $500,000,000, each State shall ensure that the amount of funds distributed in accordance with section 2123(3) that is used for professional development in mathematics and science is not less than the amount that bears the same ratio to the total amount of funds so distributed as the sum of $250,000,000 plus 25 percent of the amount of the total appropriation for this part in excess of $250,000,000 bears to the total amount appropriated for this part.

"STATE APPLICATIONS

"SEC. 2125. (a) APPLICATIONS REQUIRED.—Each State educational agency that wishes to receive its allotment under this subpart for any fiscal year shall submit an application to the Secretary at such time and in such form as the Secretary may require.

"(b) PROFESSIONAL DEVELOPMENT PLAN.—(1) Each application under this section shall include a State plan for professional development that—

"(A) is integrated with the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that State plan; or

"(B) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under this act and satisfies the requirements of this section.

"(2) A State plan submitted under paragraph (1)(A) may, if necessary, be submitted as an amendment to the State's plan under title III of the Goals 2000: Educate America Act.

"(3) Each such plan shall also—

"(A) be developed in conjunction with the State agency for higher education, institutions of higher education, schools of education, and with the extensive participation of local teachers and administrators and show the role of each in implementation;

"(B) be designed to give teachers and administrators in the State the knowledge and skills to provide all students the opportunity to meet challenging State performance standards;

"(C) include an assessment of State and local needs for professional development specifically related to subparagraph (B);

"(D) describe a strategy for addressing the need for teacher development beginning with recruitment, pre-service, and induction, and continuing throughout the professional teaching career;

"(E) describe specific steps for the reform of State requirements for licensure of teachers and administrators, including certification and recertification, to align them with challenging State content and performance standards;

"(F) describe how the State will work with teachers, administrators, local educational agencies, schools, and institutions of higher education to ensure that they develop the capacity to support sustained and intensive, high-quality professional development programs in the core academic subject areas;

"(G) describe how the State will use technology, including the emerging national information infrastructure, to enhance the professional development of teachers and administrators;

"(H) describe how the State will ensure a strong focus on professional development in mathematics and science;

"(I) describe how the State will provide incentives to teachers and administrators to focus their professional development on preparing themselves to provide instruction consistent with challenging State content and performance standards; and

"(J) set specific outcome performance indicators for professional development.

"(c) ADDITIONAL MATERIAL.—Each State application shall also include—

"(1) a description of how the activities funded under this subpart will be coordinated, as appropriate, with—

"(A) other activities conducted with Federal funds, especially those supported under part A of title I of this Act;

"(B) State and local funds;

"(C) resources from business and industry; and

"(D) funds for other Federal agencies, such as the National Science Foundation, the Departments of Commerce, Energy, and Health and Human Services, the National Endowment for the Arts, and the National Endowment for the Humanities; and

"(2) a description of the activities to be sponsored under the State-level activities and the higher education components of its program under this subpart.

"(d) PEER REVIEW AND SECRETARIAL APPROVAL.—(1) The Secretary shall approve the application of a State educational agency if it meets the requirements of this section and holds reasonable promise of achieving the purposes of this part.

"(2) In reviewing applications, the Secretary shall obtain the advice of non-Federal experts on education in the core academic subjects and on teacher education, including teachers and administrators.

"STATE-LEVEL ACTIVITIES

"SEC. 2126. Each State may use funds reserved under section 2123(2) to carry out activities referred to in section 2125(b), such as—

"(1) reviewing and reforming State requirements for teacher and administrator licensure, including certification and recertification, to align these requirements with the State's content standards and ensure that teachers and administrators have the knowledge and skills to help students meet challenging State performance standards;

"(2) developing performance assessments and peer review procedures, as well as other methods, for licensing teachers and administrators;

"(3) providing technical assistance to schools and local educational agencies to help them provide effective professional development in the core academic subjects;

"(4) developing or supporting professional development networks, either within a State or in a regional consortium of States, that provide a forum for interaction among teachers and that allow exchange of information on advances in content and pedagogy;

"(5) professional development in the effective use of educational technology as an instructional tool for increasing student understanding of the core academic subject areas;

"(6) providing financial or other incentives for teachers to become certified by the National Board for Professional Teaching Standards;

"(7) designing systems that enable teachers to meet pay ladder professional development requirements by demonstrating content knowledge and pedagogical competence tied to challenging State content and performance standards, rather than by merely completing course credits;

"(8) providing incentives for teachers to be involved in assessment, curriculum development, and technical assistance processes for teachers and students;

"(9) professional development to enable teachers and other school staff to ensure that girls and young women, minorities, limited English proficient students, individuals with disabilities, and the economically disadvantaged have full opportunity to achieve to challenging State performance standards in the core academic subjects by, for example, encouraging girls and young women and minorities to pursue advanced courses in mathematics and science; and

"(10) professional development activities designed to increase the numbers of members of minority and other underrepresented groups in the teaching force in the core subjects.

"LOCAL EDUCATIONAL AGENCY APPLICATIONS

"SEC. 2127. (a) APPLICATIONS REQUIRED.—(1) Each local educational agency that wishes to receive a subgrant under this subpart shall submit an application to the State educational agency at such time as the State educational agency may require, but not less frequently than every third year.

"(2) If the local educational agency has an application approved by the State under title III of the Goals 2000: Educate America Act, the application required by this section shall be a component or (or, if necessary, an addendum to) its Goals 2000 application.

"(b) APPLICATION CONTENTS.—Each application under this section shall include—

"(1) the local educational agency's plan for professional development that has been developed with the extensive participation of teachers and administrators and that—

"(A) is aligned with the State's content and performance standards;

"(B) includes an assessment of local needs for professional development as identified by the local educational agency and school staff;

"(C) describes a strategy, tied to State content and performance standards, for addressing these needs; and

"(D) includes strong academic content and pedagogical components;

"(E) is of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom; and

"(F) sets specific outcome performance indicators;

"(2) an assurance that the activities conducted with such agency's funds received under this program will be assessed at least every three years using the outcome performance indicators to determine the effectiveness of those activities;

"(3) a description of how the programs funded under this subpart will be coordinated, as appropriate, with—

"(A) services of institutions of higher education;

"(B) State and local funds;

"(C) resources provided under part A of title I and other parts of this Act;

"(D) resources from business and industry; and

"(E) funds from other Federal agencies, such as the National Science Foundation, the Department of Energy, the Department of Health and Human Services, the National Endowment for the Arts, and the National Endowment for the Humanities; and

"(4) an identification of the sources of funding that will provide the local educational agency's contribution under section 2128.

"LOCAL COST-SHARING

"SEC. 2128. (a) GENERAL.—Each local educational agency shall bear at least 33 percent of the cost of any program carried out under this subpart, but not including the cost of services provided to private school teachers.

"(b) AVAILABLE RESOURCES FOR COST-SHARING.—A local educational agency may meet the requirement of subsection (a) through one or more of the following:

"(1) Cash expenditures from non-Federal sources directed toward professional development activities.

"(2) Released time for teachers participating in professional development funded under this subpart.

"(3) Funds received under one or more of the following programs, so long as they are used for professional development activities consistent with this subpart and the statutes under which those funds were received, and are used to benefit students and teachers in schools that would otherwise have been served with those funds:

"(A) Part A of title I of this Act.

"(B) The Safe and Drug-Free Schools program under title IV of this Act.

"(C) The bilingual education program under title VII of this Act.

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

"(E) Programs that are related to the purposes of this Act that are administered by other agencies, including, but not limited to, the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, and the Department of Energy.

"LOCAL ALLOCATION OF FUNDS AND ALLOWABLE ACTIVITIES

"SEC. 2129. (a) LOCAL ALLOCATION OF FUNDS.—Each local educational agency that receives funds under this subpart for any fiscal year—

"(1) shall use at least 80 percent of such funds for professional development of teachers and other staff of individual schools in a manner that is determined by such teachers and staff and is consistent with the local educational agency's application under section 2127, any school plan under part A of title I of this Act, and any other plan for professional development carried out with Federal, State, or local funds; and

"(2) may use not more than 20 percent of such funds for district-level professional development activities, which may include the participation of administrators and policymakers.

"(b) AUTHORIZED ACTIVITIES.—Each local educational agency and school that receives funds under this subpart shall use those funds for activities that contribute to the implementation of the local educational agency's professional development plan described in section 2127(b)(1), such as—

"(1) professional development for teams of teachers, administrators, or other staff from individual schools, to support teaching consistent with State or voluntary national content standards and to create a school environment conducive to high achievement in the core subjects;

"(2) support and time for teachers and other school staff to participate in professional development in the core subjects offered through professional associations, universities, and other providers;

"(3) support and time for teachers and other school staff to participate in professional development that goes beyond training and encourages a variety of forms of learning that are related to an educator's regular work, such as group study and consultation with peers and supervisors;

"(4) peer training and mentoring programs, including cross-generational mentoring, in the core academic subjects;

"(5) establishment and maintenance of local professional networks that provide a forum for interaction among teachers and that allow exchange of information on advances in content and pedagogy;

"(6) activities that provide follow-up for teachers who have participated in professional development activities that are designed to ensure that the knowledge and skills learned by the teacher are implemented in the classroom;

"(7) preparing teachers to work with parents and families on fostering student achievement in the core academic subjects;

"(8) preparing teachers in the effective use of educational technology as an instructional tool for increasing student understanding of the core academic subject areas;

"(9) establishing policies to permit teachers to meet pay ladder requirements by demonstrating content and pedagogical competence rather than by only meeting course requirements;

"(10) professional development to enable teachers and other school staff to ensure that girls and young women, minorities, limited English proficient students, individuals with disabilities, and the economically disadvantaged have full opportunity to achieve to challenging State performance standards in the core academic subjects;

"(11) professional development activities designed to increase the number of minorities, individuals with disabilities, and other underrepresented groups in the teaching force and to increase the numbers of women and members of other underrepresented groups who are science and mathematics teachers, for example, through career ladder programs that assist educational paraprofessionals to obtain teaching credentials;

"(12) developing incentive strategies for rewarding teachers and administrators collectively in schools that sustain high performance or consistent growth in the number of their students who meet the challenging State performance standards; and

"(13) developing incentive strategies for rewarding schools where a substantial portion of the teachers achieve certification by the National Board for Professional Teaching Standards.

"HIGHER EDUCATION ACTIVITIES

"SEC. 2130. (a) GENERAL.—(1) The State agency for higher education, working in conjunction with the State educational agency (if it is a separate agency), shall make grants to, or enter into contracts or cooperative agreements with, institutions of higher education working in conjunction with local educational agencies, for professional development activities in the core academic subject areas that contribute to the State plan for professional development.

"(2) All such awards shall be made on a competitive basis.

"(3) Each project funded under this section shall involve a joint effort of the recipient's school or department of education and the schools or departments in the specific disciplines in which such professional development will be provided.

"(b) ALLOWABLE ACTIVITIES.—A recipient of funds under this section shall use those funds for—

"(1) sustained and intensive high-quality professional development for teams of teachers, or teachers and administrators from individual schools or districts; and

"(2) other sustained and intensive professional development activities related to achievement of the State plan for professional development.

"Subpart 3—General Provisions

"REPORTING AND ACCOUNTABILITY

"SEC. 2131. (a) STATES.—Each State that receives funds under this part shall submit a report to the Secretary every three years on the State's progress toward the outcome performance indicators identified in its State plan, as well as on the effectiveness of State and local activities under this part.

"(b) LOCAL EDUCATIONAL AGENCIES.—Each local educational agency that receives funds under this part shall submit a report to the State every three years on its progress toward outcome performance indicators identified in its local plan, as well as on the effectiveness of its activities under this part.

"(c) FEDERAL EVALUATION.—The Secretary shall report to the President and Congress on the effectiveness of programs and activities funded under this part.

"DEFINITIONS

"SEC. 2132. As used in this part, the following terms have the following meanings:

"(1) The term 'core academic subjects' means those subjects listed in the State plan under title III of the Goals 2000: Educate America Act or under National Education Goals Three as set out in section 102(3) of such Act.

"(2) The term 'sustained and intensive high-quality professional development' means professional development activities that—

"(A) are tied to challenging State or voluntary national content and performance standards;

"(B) reflect up-to-date research in teaching and learning and include integrated content and pedagogical components;

"(C) are of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom or the administrator's performance on the job; and

"(D) recognize teachers as an important source of knowledge that should inform and help shape professional development.

"(3) The term 'outcome performance indicators' means measures of specific outcomes that the State or local educational agency identifies as assessing progress toward the goal of ensuring that all teachers have the knowledge and skills to assist their students to meet challenging State standards in the core academic subject areas. Examples of such indicators include—

"(A) the degree to which licensure requirements are tied to State standards;

"(B) specific increases in the number of teachers who are certified by the National Board for Professional Teaching Standards;

"(C) specific increases in the number of elementary and secondary teachers with strong content backgrounds in the core academic subjects; and

"(D) specific increases in the number of teachers licensed in each core subject.

"PART B—SUPPORT AND ASSISTANCE FOR ESEA PROGRAMS

"FINDINGS

"SEC. 2201. The Congress finds that—

"(1) high-quality technical assistance can enhance the improvements in teaching and learning achieved through the implementation of programs under this Act;

"(2) comprehensive technical assistance is an essential ingredient of the overall strategy of the 1994 reauthorization of this Act to improve programs and to provide all children opportunities to meet challenging State performance standards;

"(3) States, local educational agencies, and schools serving students with special needs, such as students with limited English proficiency, have great need for comprehensive technical assistance in order to use funds under this Act to provide such students with opportunities to learn to challenging State standards;

"(4) current technical assistance efforts are fragmented and categorical in nature, and thus fail to address adequately the needs of States and local educational agencies for help in integrating into a coherent strategy for improving teaching and learning the various programs under this Act with State and local programs and other education reform efforts;

"(5) too little creative use is made of technology as a means of providing information and assistance in a cost-effective way;

"(6) comprehensive technical assistance can help schools and school systems focus on improving opportunities for all children to reach challenging State performance standards, as they implement programs under this Act;

"(7) comprehensive technical assistance would provide 'one-stop shopping' to help States, local educational agencies, participating colleges and universities, and schools integrate Federal, State, and local education programs in ways that contribute to improving schools and entire school systems; and

"(8) technical assistance in support of programs under this Act should be coordinated with the Department's regional offices, the regional educational laboratories, and other technical assistance efforts supported by the Department.

"PURPOSE

"SEC. 2202. The purpose of this part is to make available to States, local educational agencies, schools, and other recipients of funds under this Act technical assistance in—

"(1) administering and implementing programs authorized by this Act in a manner that is consistent with State and local plans under the Goals 2000: Education America Act; and

"(2) coordinating those programs with other Federal, State, and local education activities, so that all students are provided opportunities to meet challenging State performance standards.

"PROGRAM AUTHORIZED

"SEC. 2203. (a) COMPREHENSIVE REGIONAL CENTERS.—The Secretary is authorized to establish one center in each of the Department's ten regions to provide comprehensive technical assistance to States, local educational agencies, schools, and other recipients of funds under this Act in their administration and implementation of programs authorized by this Act. In allocating resources among the centers, the Secretary shall consider the geographic distribution of students with special needs.

"(b) TECHNOLOGY-BASED TECHNICAL ASSISTANCE.—The Secretary is also authorized to provide a technology-based technical assistance service that will—

"(1) support the administration and implementation of programs authorized by this

Act by providing information, including legal and regulatory information, and technical guidance and information about best practices; and

"(2) be accessible to all States, local educational agencies, schools, and others who are recipients of funds under this Act.

"ELIGIBLE ENTITIES

"SEC. 2204. The Secretary may carry out this part directly or through grants to, or contracts or cooperative agreements with, public or private agencies or organizations or consortia of those agencies and organizations.

"COMPREHENSIVE REGIONAL CENTERS

"SEC. 2205. Each comprehensive regional center established under section 2203(a) shall—

"(1) maintain staff expertise in at least all of the following areas:

"(A) instruction, curriculum improvement, school reform, and other aspects of title I of this Act;

"(B) meeting the needs of children served under this Act, including children in high-poverty areas, migratory children, children with limited English proficiency, neglected or delinquent children, homeless children and youth, Indian children, and children with disabilities;

"(C) professional development for teachers, other school staff, and administrators to help students meet challenging State performance standards;

"(D) bilingual education, including programs that emphasize English and native language proficiency, and promote multicultural understanding;

"(E) safe and drug-free schools;

"(F) educational applications of technology;

"(G) parent involvement and participation;

"(H) the reform of schools and school systems; and

"(I) program evaluation;

"(2) ensure that technical assistance staff have sufficient training, knowledge, and expertise in how to integrate and coordinate programs under this Act with each other, as well as with other Federal, State, and local programs and reforms;

"(3) work collaboratively with the Department's regional offices;

"(4) provide technical assistance using the highest quality and most cost-efficient strategies possible;

"(5) provide information and assistance regarding exemplary and promising practices;

"(6) work collaboratively, and coordinate the services it provides, with the general reform assistance provided by the regional educational laboratories supported by the Office of Educational Research and Improvement; and

"(7) consult with representatives of State educational agencies, local educational agencies, and populations served under this Act.

"INFORMATION COLLECTION AND EVALUATION

"SEC. 2206. The Secretary shall evaluate activities under this part to determine their effectiveness in advancing the purposes of this part, and report to the President and Congress on the effectiveness of such activities.

"TRANSITION

"SEC. 2207. (a) GENERAL.—The Secretary may use funds appropriated for this part for fiscal year 1995 in such manner as the Secretary finds necessary in order to ensure a smooth implementation of this part.

"(b) EXTENSION OF PREVIOUS CENTERS.—In accordance with subsection (a), and notwithstanding any other provisions of law, the Secretary may use such funds for existing contracts and to extend the award of any categorical technical assistance center under this Act that was in operation on the day before enactment of the Improving America's Schools Act of 1993.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 2208. For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"TITLE III—EXPANDING OPPORTUNITIES FOR LEARNING

"PART A—PUTTING TECHNOLOGY TO WORK FOR ALL STUDENTS

"Subpart 1—Research, Development, and Demonstration of Educational Technology

"FINDINGS AND PURPOSES

"SEC. 3111. (a) FINDINGS.—The Congress finds that—

"(1) technology has the potential to assist and support the improvement of teaching and learning in schools and other settings;

"(2) technology can provide students, parents, teachers, and other education professionals with increased access to information, instruction, and educational services in schools and other settings, including homes, libraries, preschool and child-care facilities, and postsecondary institutions;

"(3) technology can produce far greater opportunities for all students to learn to high standards and to promote efficiency and effectiveness in education; and

"(4) the rapidly changing nature of technology requires coordination and flexibility in Federal leadership.

"(b) PURPOSES.—The purposes of this subpart are to promote achievement of the National Education Goals and to increase the opportunity for all students to achieve to challenging State standards by—

"(1) promoting awareness of the potential of technology for improving teaching and learning;

"(2) supporting State and local efforts to increase the effective use of technology for education;

"(3) demonstrating ways in which technology can be used to improve teaching and learning, and to help ensure that all students have an equal opportunity to meet challenging State education standards;

"(4) ensuring the availability of knowledge drawn from research and experience that can form the basis for sound State and local decisions about investment in, and effective uses of, educational technology;

"(5) promoting high-quality professional development opportunities for teachers and administrators on the integration of technology into instruction and administration;

"(6) ensuring that Federal technology-related policies and programs facilitate the use of technology in education; and

"(7) ensuring that, as technological advances are made, the educational uses of these advances are considered and their applications are developed.

"OFFICE OF EDUCATIONAL TECHNOLOGY

"SEC. 3112. There is established in the Department an Office of Educational Technology, which shall be administered by a Director of Educational Technology appointed by the Secretary. The Office of Educational Technology, in consultation with other appropriate agencies, shall provide leadership to the Nation in the use of technology to promote achievement of the National Education Goals and to increase opportunities for all students to achieve to challenging State standards, and shall perform such additional functions as the Secretary may require.

"NATIONAL LONG-RANGE PLAN

"SEC. 3113. (a) IN GENERAL.—The Secretary shall develop and publish by September 30, 1995, and update when appropriate, a national long-range plan to carry out the purposes of this subpart.

"(2) the Secretary shall—

"(A) develop the plan in consultation with other Federal agencies, State and local education practitioners and policy-makers, experts in technology and the educational applications of technology, and providers of technology services and products;

"(B) transmit the plan to the President and to the appropriate committees of the Congress; and

"(C) publish the plan in a form that is readily accessible to the public.

"(b) CONTENTS OF THE PLAN.—The national long-range plan shall describe the Secretary's activities to promote the purposes of this subpart, including—

"(1) how the Secretary will encourage the effective use of technology to provide all students the opportunity to achieve to challenging State standards, especially through programs administered by the Department;

"(2) joint activities with other Federal agencies, such as the National Endowment for the Humanities, the National Endowment for the Arts, the National Aeronautics and Space Administration, the National Science Foundation, and the Departments of Commerce, Energy, Health and Human Services, and Labor, to promote the use of technology in education, and training and lifelong learning, including plans for the educational uses of a national information infrastructure, and to ensure that the policies and programs of such agencies facilitate the use of technology for educational purposes to the extent feasible;

"(3) how the Secretary will work with educators, State and local educational agencies, and appropriate representatives of the private sector to facilitate the effective use of technology in education;

"(4) how the Secretary will promote—

(A) increased access to the benefits of technology for teaching and learning for schools with high concentrations of children from low-income families;

(B) the use of technology to assist in the implementation of State systemic reform strategies;

(C) the application of technological advances to use in education; and

(D) increased opportunities for the professional development of teachers in the use of new technologies;

"(5) how the Secretary will determine, in consultation with appropriate individuals, organizations, and agencies, the feasibility and desirability of establishing guidelines and protocols to facilitate effective use of technology in education; and

"(6) the Secretary's long-range measurable goals and objectives relating to the purposes of this subpart.

"FEDERAL LEADERSHIP

"SEC. 3114. (a) PROGRAM AUTHORIZED.—(1) In order to provide Federal leadership in promoting the use of technology in education, the Secretary, in consultation with the National Science Foundation, the Department of Commerce, and other appropriate Federal agencies, may carry out activities designed to achieve the purposes of this subpart directly or by awarding grants (pursuant to a peer review process) to, or entering into contracts with, State educational agencies,

local educational agencies, institutions of higher education, or other public and private nonprofit or for-profit agencies and organizations.

"(2) For the purpose of carrying out coordinated or joint activities consistent with the purposes of this subpart, the Secretary may accept funds from, and transfer funds to, other Federal agencies.

"(b) USES OF FUNDS.—The Secretary may use funds appropriated under this subpart for activities designed to carry out the purpose of this subpart, and to meet the goals and objectives of the national long-range plan under section 3113, including—

"(1) planning grants to States and local education agencies, to enable such entities to examine and develop strategies for the effective use of technology to help achieve the objectives of the Goals 2000: Educate America Act and the School-to-Work Opportunities Act of 1993;

"(2) development grants to technical assistance providers, to enable them to improve substantially the services they offer to educators on the educational uses of technology, including professional development;

"(3) consulting with representatives of industry, elementary and secondary education, higher education, and appropriate experts in technology and its educational applications in carrying out activities under this subpart;

"(4) research on, and the development of, guidelines and protocols to facilitate efficient and effective use of technology in education;

"(5) research on, and the development of, educational applications of the most advanced and newly emerging technologies;

"(6) the development, demonstration, and evaluation of applications of existing technology in preschool education, elementary and secondary education, training and lifelong learning, and professional development of educational personnel;

"(7) the development and evaluation of software and other products, including television programming, that incorporate advances in technology and help achieve the National Education Goals and challenging State standards;

"(8) the development, demonstration, and evaluation of model strategies for preparing teachers and other personnel to use technology effectively to improve teaching and learning;

"(9) the development of model programs to demonstrate the educational effectiveness of technology in urban and rural areas and economically distressed communities;

"(10) research on, and the evaluation of, the effectiveness and benefits of technology in education;

"(11) conferences on, and dissemination of information about, the uses of technology in education;

"(12) the development of model strategies to promote gender equity concerning access to, and the use of, technology in the classroom; and

"(13) such other activities as the Secretary determines would meet the purposes of this subpart.

"(c) NONFEDERAL SHARE.—(1) Subject to paragraph (2), the Secretary is authorized to require any recipient of a grant or contract under this subpart to share in the cost of its project, which share shall be announced through a notice in the *Federal Register* and may be in the form of cash or in-kind contributions, fairly valued.

"(2) The Secretary may increase the non-Federal share required of such recipient after the first year of the recipient's project, except that such share may not exceed 50 percent at any time during the recipient's project.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 3115. For the purpose of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"Subpart 2—Star Schools Program

"FINDINGS

"SEC. 3121. The Congress finds that—

"(1) the Star Schools program has helped to encourage the use of distance learning strategies to serve multi-State regions primarily by means of satellite and broadcast television;

"(2) in general, distance learning programs have been used effectively to provide students in small, rural, and isolated schools with courses and instruction, such as science and foreign language instruction, that the local educational agency would not otherwise have been able to provide; and

"(3) distance learning programs could also be used to—

"(A) provide students in all types of schools and local educational agencies with greater access to high-quality instruction in the full range of core academic subjects that would enable them to meet challenging, internationally competitive, educational standards;

"(B) expand professional development opportunities for teachers;

"(C) contribute to achievement of the National Education Goals;

"(D) expand learning opportunities for everyone.

"STATEMENT OF PURPOSE

"SEC. 3122. The purpose of this subpart is to encourage the expansion and use of distance learning programs and technologies to help—

"(1) improve teaching and learning;

"(2) achieve the National Education Goals;

"(3) all students learn to challenging State content standards; and

"(4) increase participation in State and local educational reform.

"PROGRAM AUTHORIZED

"SEC. 3123. (a) STAR SCHOOL AWARDS.—The Secretary is authorized, in accordance with this subpart, to make grants to eligible entities for the Federal share of the cost of providing distance learning programs, including—

"(1) developing, constructing, and acquiring telecommunications facilities and equipment;

"(2) developing and acquiring instructional programming; and

"(3) providing technical assistance regarding the use of such facilities and instructional programming.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(c) LIMITATIONS.—(1) a Grant under this section shall not exceed—

"(A) five years in duration; and

"(B) $10,000,000 in any one fiscal year.

"(2) Not less than 25 percent of the funds available to the Secretary for any fiscal year under this subpart shall be used for the cost of instructional programming.

"(3) Not less than 50 percent of the funds available to the Secretary for any fiscal year under this subpart shall be used for the cost of facilities, equipment, teacher training or retraining, technical assistance, or programming, for local educational agencies that are eligible to receive assistance under part A of title I of this Act.

"(d) FEDERAL SHARE.—(1) The Federal share of the cost of projects funded under this section shall not exceed 75 percent for the first and second years of the award, 60 percent for the third and fourth years, and 50 percent for the fifth year.

"(2) The Secretary may reduce or waive the requirement of the non-Federal share under paragraph (1) upon a showing of financial hardship.

"(e) AUTHORITY TO ACCEPT FUNDS FROM OTHER AGENCIES.—The Secretary is authorized to accept funds from other agencies to carry out the purposes of this section, including funds for the purchase of equipment.

"ELIGIBLE ENTITIES

"SEC. 3124. (a) ELIGIBLE ENTITIES.—(a) The Secretary may make a grant under section 3123 to any eligible entity, provided that at least one local educational agency is participating in the proposed project.

"(2) An eligible entity may include—

"(A) a public agency or corporation established for the purpose of developing and operating telecommunications networks to enhance educational opportunities provided by educational institutions, teacher training centers, and other entities, except that any such agency or corporation shall represent the interests of elementary and secondary schools that are eligible to participate in the program under part A of title I of this Act; or

"(B) any two or more of the following, which will provide a telecommunications network:

"(i) a local educational agency that has a significant number of elementary and secondary schools that are eligible for assistance under part A of title I of this Act, or elementary and secondary schools operated or funded for Indian children by the Department of the Interior eligible under section 1121(b)(1) of this Act;

"(ii) a State educational agency;

"(iii) an institution of higher education or a State higher education agency;

"(iv) a teacher training center or academy that—

"(I) provides teacher pre-service and in-service training; and

"(II) receives Federal financial assistance or has been approved by a State agency;

"(v)(I) a public or private entity with experience and expertise in the planning and operation of a telecommunications network, including entities involved in telecommunications through satellite, cable, telephone, or computer; or

"(II) a public broadcasting entity with such experience; or

"(vi) a public or private elementary or secondary school.

"APPLICATIONS

"SEC. 3125. (a) GENERAL REQUIREMENT.—Each eligible entity that desires to receive a grant under this subpart shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

"(b) STAR SCHOOL AWARDS APPLICATIONS.—Each application for a grant authorized under section 3123 shall—

"(1) describe—

"(A) how the proposed project will assist in achieving the National Education Goals set out in title I of the Goals 2000: Educate America how, how it will assist all students to have an opportunity to learn to challenging State standards, and how it will assist State and local educational reform efforts;

"(B) the telecommunications facilities and equipment and technical assistance for which assistance is sought, which may include—

"(i) the design, development, construction, and acquisition of district, multidistrict, State, or multistate educational telecommunications networks and technology resource centers;

"(ii) microwave, fiber optics, cable, and satellite transmission equipment, or any combination thereof;

"(iii) reception facilities, satellite time, production facilities, and other telecommunications equipment capable of serving the intended geographic area;

"(iv) the provision of training services to instructors who will be using the facilities and equipment for which assistance is sought in using such facilities and equipment, and in integrating programs into the class curriculum; and

"(v) the development of educational and related programming for use on a telecommunications network;

"(C) the types of programming that will be developed to enhance instruction and training, including an assurance that such programming will be designed in consultation with professionals who are exports in the applicable subject matter and grade level;

"(D) how the eligible entity has engaged in sufficient survey and analysis of the area to be served to ensure that the services offered by the eligible entity will increase the availability of courses of instruction in English, mathematics, science, foreign languages, arts, history, geography, or other disciplines;

"(E) the professional development policies for teachers and other school personnel to be implemented to ensure the effective use of the telecommunications facilities and equipment for which assistance is sought;

"(F) the manner in which historically underserved students (such as students from low-income families, limited English proficient students, disabled students, or students who have low literacy skills) and their families will participate in the benefits of the telecommunications facilities, equipment, technical assistance, and programming assisted under this subpart;

"(G) how existing telecommunications equipment, facilities, and services, where available, will be used;

"(H) the activities or services for which assistance is sought, such as—

"(i) providing facilities, equipment, training services, and technical assistance;

"(ii) making programs accessible to individuals with disabilities through mechanisms such as closed captioning and descriptive video services;

"(iii) linking networks around issues of national importance (such as elections) or to provide information about employment opportunities, job training, or student and other social service programs;

"(iv) sharing curriculum materials between networks;

"(v) providing teacher and student support services;

"(vi) incorporating community resources such as libraries and museums into instructional programs;

"(vii) providing professional development for teachers, including, as appropriate, training to early childhood development and Head Start teachers and staff and vocational education teachers and staff; and

"(viii) providing programs for adults at times other than the regular school day in order to maximize the use of telecommunications facilities and equipment; and

"(I) how the proposed project as a whole will be financed and how arrangements for future financing will be developed before the project expires;

"(2) provide an assurance that a significant portion of any facilities, equipment, technical assistance, and programming for which assistance is sought for elementary and secondary schools will be made available to schools in local educational agencies that have a high percentage of children counted for the purpose of part A of title I of this Act; and

"(3) provide an assurance that the applicant will provide such information and cooperate in any evaluation that the Secretary may conduct under this subpart.

"(c) PRIORITIES.—The Secretary shall, in approving applications for grants authorized under section 3123, give priority to applications that—

"(1) propose high-quality plans to assist in achieving one or more of the National Education Goals as set out in title I of the Goals 2000: Educate America Act, would provide instruction consistent with State content standards, or would otherwise provide significant and specific assistance to States and local educational agencies undertaking systemic education reform under title III of the Goals 2000: Educate America Act; and

"(2) would serve schools with significant numbers of children counted for the purposes of part A of title I of this Act.

"(d) GEOGRAPHIC DISTRIBUTION.—In approving applications for grants authorized under section 3123, the Secretary shall, to the extent feasible, ensure an equitable geographic distribution of services.

"LEADERSHIP AND EVALUATION ACTIVITIES

"SEC. 3126. (a) SET-ASIDE.—From amounts appropriated under section 3123(b), the Secretary may reserve up to 10 percent for national leadership, evaluation, and peer review activities.

"(b) METHOD OF FUNDING.—The Secretary may fund the activities described in subsection (a) directly or through grants, contracts, and cooperative agreements.

"(c) USES OF FUNDS.—Funds reserved for leadership activities may be used for—

"(A) disseminating information, including lists and descriptions of services available from recipients; and

"(B) other activities designed to enhance the quality of distance learning activities nationwide.

"(2) Funds reserved for evaluation activities shall be used to conduct independent evaluations of the Star Schools program under this subpart and of distance learning in general, including—

"(A) analyses of distance learning efforts, including both Star Schools projects and efforts not funded by the program under this subpart; and

"(B) comparisons of the effects, including student outcomes, of different technologies in distance learning efforts.

"(3) Funds reserved for peer review activities may be used for peer review of both proposals and funded projects.

"DEFINITIONS

"SEC. 3127. For the purpose of this subpart, the following terms have the following meanings:

"(1) The term 'educational institution' means an institution of higher education, a local educational agency, or a State educational agency.

"(2) The term 'instructional programming' means courses of instruction and training courses for elementary and secondary students, teachers, and others, and materials for use in such instruction and training that have been prepared in audio and visual form on tape, disc, film, or live, and presented by means of telecommunications devices.

"(3) The term 'public broadcasting entity' has the same meaning given that term in section 397 of the Communications Act of 1934.

"PART B—FUND FOR THE IMPROVEMENT OF EDUCATION

"FUND FOR THE IMPROVEMENT OF EDUCATION

"SEC. 3201.(a) FUND AUTHORIZED.—From funds appropriated under subsection (d), the Secretary is authorized to support nationally significant programs and projects to improve the quality of education, assist all students to meet challenging standards, and contribute to achievement of the National Education Goals. The Secretary is authorized to carry out such programs and projects directly or through grants to, or contracts with, State and local education agencies, institutions of higher education, and other public and private agencies, organizations, and institutions.

"(b) USES OF FUNDS.—Funds under this section may be used for—

"(A) activities that will promote systemic education reform at the State and local levels, such as—

"(i) research and development related to content and performance standards for student learning; and

"(ii) the development and evaluation of model strategies for assessment of student learning, professional development for teachers and administrators, parent and community involvement, and other aspects of systemic reform;

"(B) demonstrations at the State and local levels that are designed to yield nationally significant results, including approaches to public school choice and school based decision-making;

"(C) joint activities with other agencies to assist the effort to achieve the National Education Goals, including activities related to improving the transition from preschool to school and from school to work, as well as activities related to the integration of education and health and social services;

"(D) activities to promote and evaluate counseling and mentoring for students, including intergenerational mentoring;

"(E) activities to promote comprehensive health education

"(F) activities to promote environmental education;

"(G) activities to assist students to demonstrate competence in foreign languages;

"(H) studies and evaluation of various education reform strategies and innovations being pursued by the Federal Government, States, and local educational agencies;

"(I) the identification and recognition of exemplary schools and programs, such as Blue Ribbon Schools; and

"(J) other programs and projects that meet the purposes of this section.

"(2) The Secretary may also use funds under this section to complete the project periods for direct grants or contracts awarded under the provisions of the Elementary and Secondary Education Act of 1965; part B of title III of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, or title III of the Education for Economic Security Act, as these Acts were in effect on the day before enactment of the Improving America's Schools Act of 1993.

"(c) AWARDS.—(1) The Secretary may make awards under this section on the basis of

competitions announced by the Secretary and may also support meritorious unsolicited proposals.

"(2) The Secretary shall ensure that projects and activities supported under this section are designed so that their effectiveness is readily ascertainable.

"(3) The Secretary shall use a peer review process in reviewing applications for grants under this section and may use funds appropriated under subsection (d) for this purpose.

"(d) AUTHORIZATION.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"PART C—JACOBS K. JAVITS GIFTED AND TALENTED EDUCATION PROGRAM

"FINDINGS AND PURPOSE

"SEC. 3301. (a) FINDINGS.—The Congress finds that—

"(1) all students can learn to high standards;

"(2) all students must develop their talents, realize their potential, and learn to high standards if the United States is to prosper;

"(3) too often, schools fail to challenge students to do their best work, and students who are not challenged will not fully develop their talents, realize their potential, and learn to high standards;

"(4) schools must provide all students with important and challenging subject matter to study and encourage the habits of hard work;

"(5) during the past 20 years, programs for gifted and talented students have served as laboratories for innovative and experimental approaches to teaching and learning;

"(6) many programs developed for gifted and talented students, when used with disadvantaged students, have shown promise in achieving better results than remedial programs;

"(7) the experience and knowledge gained in developing and implementing programs for gifted and talented students can and should be used to develop a rich and challenging curriculum for all students;

"(8) the Federal Government should encourage the adaptation of strategies used in programs for gifted and talented students to help all students develop their talents, realize their potential, and learn to high standards, while also continuing to challenge gifted and talented students; and

"(9) examples of programs and strategies in which students can and have learned to the highest standards will help to demonstrate how all students can learn to high standards.

"(b) PURPOSE.—The purpose of this part is to demonstrate how strategies and programs designed for the education of gifted and talented students can be adapted and used to improve teaching and learning for all students in a school and to help all students in a school develop their talents, realize their potential, and meet challenging performance standards, while not diminishing the curriculum and instruction for students traditionally identified as gifted and talented. Such strategies and programs shall, at a minimum—

"(1) contain important and challenging academic content;

"(2) elicit complex thinking and understanding in students;

"(3) engage students in learning and allow them to progress at their own pace; and

"(4) use performance measures that assess whether students have developed a thorough understanding of the important and challenging subject matter contained in the school curriculum.

"AUTHORIZED PROGRAMS

"SEC. 3302. (a) ESTABLISHMENT OF PROGRAM.—From the sums appropriated under section 3305(a) for any fiscal year that are remaining after the reservation of funds pursuant to section 3305(b), the Secretary shall make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, or other public agencies or private agencies and organizations (including Indian tribes and organizations, as defined by the Indian Self-Determination and Education Assistance Act, and Native Hawaiian organizations) to assist such agencies, schools, institutions, and organizations to carry out the purpose of this part.

"(b) APPLICATION.—Any eligible applicant that wishes to receive funds under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(c) USES OF FUNDS.—(1) A recipient of funds under this part shall use those funds for activities that are designed to meet the purpose of this part. Such activities may include—

"(A) developing, implementing, and expanding new programs that adapt strategies or programs designed for gifted and talented students to serve all students (including gifted and talented students) in a school or in several schools;

"(B) adapting and expanding existing programs for gifted and talented students to serve all students (including gifted and talented students) in a school or in several schools;

"(C) implementing innovative strategies, such as cooperative learning and peer tutoring, for expanding programs that serve gifted and talented students into programs that serve all the students (including gifted and talented students) in a school;

"(D) establishing and operating cooperative programs involving business, industry, and education;

"(E) establishing and operating summer programs; and

"(F) strengthening the capability of State educational agencies and institutions of higher education to provide leadership and assistance to local educational agencies and nonprofit private schools in adapting strategies and programs for educating gifted and talented students to improve education for all students (including gifted and talented students).

"(2) Each project assisted under this part that provides services to students shall, by the end of the period for which assistance is sought (but in no case later than the end of the third year of assistance under this part) serve all the students (including gifted and talented students) in a school.

"(d) NONFEDERAL SHARE.—(1) Subject to paragraph (2), the Secretary is authorized to require any recipient of a grant or contract under this part to share in the cost of its project, which share shall be announced through a notice in the FEDERAL REGISTER and may be in the form of cash or in-kind contributions, fairly valued.

"(2) The Secretary may increase the non-Federal share required of such recipient after the first year of the recipient's project, except that such share may not exceed 50 percent at any time during the recipient's project.

"PROGRAM PRIORITIES

"SEC. 3303. In making awards under this part, the Secretary shall ensure that for each fiscal year at least one-half of the awards made contain a component designed to serve schools in which at least 50 percent of the students in the school are children counted under section 1123(c)(1)(A) (children from low-income families).

"NATIONAL RESPONSIBILITIES

"SEC. 3304. (a) PROGRAM OPERATIONS.—The Secretary shall ensure that the programs under this part are administered within the Department of Education by a person who has recognized professional qualifications and experience in the field of the education of gifted and talented students and who shall serve as a focal point of national leadership and information on mechanisms to carry out the purpose of this part.

"(b) REVIEW, DISSEMINATION, AND EVALUATION.—The Secretary shall—

"(1) use a peer review process in reviewing applications under this part;

"(2) ensure that information on the activities and results of projects funded under this part is disseminated to appropriate State and local agencies and other appropriate organizations, including nonprofit private organizations; and

"(3) evaluate the effectiveness of programs under this part, both in terms of the impact on students traditionally served in separate gifted and talented programs and on other students, and submit the results of such evaluation to Congress by January 1, 1999.

"(c) APPLIED RESEARCH AND DEVELOPMENT.—The Secretary may conduct, in coordination with other appropriate offices of the Department, applied research and development of theories, strategies, and models that further the purpose of this part.

"(d) GRANT AND CONTRACT AUTHORITY.—The Secretary may carry out the activities under subsections (a), (b), and (c) directly or through grants or contracts.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 3305. (a) IN GENERAL.—For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(b) RESERVATION.—In order to carry out the purpose of this part, the Secretary may reserve not more than 15 percent of the sum appropriated under subsection (a) for any fiscal year for activities under section 3304(b).

"DEFINITIONS

"SEC. 3306. For the purpose of this part, the following terms have the following meanings:

"(1) The term 'Native Hawaiian' means any individual any of whose ancestors were native prior to 1778 of the area that now comprises the State of Hawaii.

"(2) The term 'Native Hawaiian organization' means any organization recognized by the Governor of the State of Hawaii and primarily serving and representing Native Hawaiians.

"PART D—CHARTER SCHOOLS

"FINDINGS AND PURPOSE

"SEC. 3401. (a) FINDINGS. The Congress finds that—

"(1) enhancement of parent and student choices among public schools can assist in promoting comprehensive educational reform and give more students the opportunity to learn to challenging State academic standards, if sufficiently diverse and high-quality choices, and genuine opportunities to take advantage of them, are available to all students;

"(2) useful examples of such choices can come from States and communities that experiment with methods of offering teachers

and other educators, parents, and other members of the public the opportunity to design and implement new public schools;

"(3) the new schools developed through this process should be free to test a variety of educational approaches and should, therefore, be exempted from restrictive rules and regulations if their leadership commits to attaining specific and ambitious educational results for students consistent with challenging State content and performance standards for all students;

"(4) charter schools, as they have been implemented in a few States, can embody the necessary mixture of enhanced choice, exemption from restrictive regulations, and a focus on learning gains; and

"(5) the Federal Government should test, evaluate, and disseminate information on a variety of charter school models in order to help demonstrate the benefits of this promising educational reform.

"(b) PURPOSE. It is the purpose of this part to increase national understanding of the charter schools model by—

"(1) providing financial assistance for the design and initial implementation of charter schools; and

"(2) evaluating the effects of those schools, including their effects on students, staff, and parents.

"PROGRAM AUTHORIZED

"SEC. 3402. (a) GENERAL. The Secretary may make grants to eligible applicants for the design and initial operation of charter schools.

"(b) PROJECT PERIODS. Each such grant shall be for a period of not more than three years, of which the grantee may use—

"(1) no more than 10 months for planning and program design; and

"(2) no more than two years for the initial implementation of the charter school.

"(c) LIMITATION. The Secretary shall not make more than one grant to support a particular charter school.

"APPLICATIONS

"SEC. 3403. (a) APPLICATIONS REQUIRED. Any eligible applicant that desires to receive a grant under this part shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(b) SCOPE OF APPLICATION. Each such application may request assistance for a single charter school or for a cluster of schools, which may include a high school and its feeder elementary and middle schools, within a community.

"(c) APPLICATION CONTENTS. Each such application shall include, for each charter school for which assistance is sought—

"(1) a description of the educational program to be implemented by the proposed charter school, including—

"(A) how the program will enable all students to meet challenging State performance standards;

"(B) the grade levels or ages of children to be served; and

"(C) the curriculum and instructional practices to be used;

"(2) a description of how the school will be managed;

"(3) a description of—

"(A) the objectives of the school; and

"(B) the methods by which the school will determine its progress toward achieving those objectives;

"(4) a description of the administrative relationship between the charter school and the local educational agency or State educational agency that will authorize or approve the school's charter and act as the grantee under this part;

"(5) a description of how parents and other members of the community will be involved in the design and implementation of the charter school;

"(6) a description of how the State or local educational agency, as the case may be, will provide for continued operation of the school once the Federal grant has expired, if such agency determines that the school is successful;

"(7) a request and justification for waivers of any Federal statutory or regulatory provisions that the applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school;

"(8) a description of how the grant funds would be used;

"(9) a description of how grant funds would be used in conjunction with other Federal programs administered by the Secretary;

"(10) a description of how students in the community will be—

"(A) informed about the school; and

"(B) given an equal opportunity to attend the school;

"(11) an assurance that the applicant will annually provide the Secretary such information as the Secretary may require to determine if the charter school is making satisfactory progress toward achieving the objectives described under paragraph (3);

"(12) an assurance that the applicant will cooperate with the Secretary in evaluating the program authorized by this part; and

"(13) such other information and assurances as the Secretary may require.

"(d) STATE EDUCATIONAL AGENCY APPROVAL REQUIRED.—(1) A local educational agency that desires to receive a grant under this part shall obtain the State educational agency's approval of its application before submitting it to the Secretary.

"(2) A State educational agency that approves an application of a local educational agency shall provide the local educational agency, and such local agency shall include in its application to the Secretary, a statement that the State has granted, or will grant, the waivers and exemptions from State requirements described in such local agency's application.

"SELECTION OF GRANTEES; WAIVERS

"SEC. 3404. (a) CRITERIA.—The Secretary shall select projects to be funded on the basis of the quality of the applications, taking into consideration such factors as—

"(1) the quality of the proposed curriculum and instructional practices;

"(2) the degree of flexibility afforded by the State and, if applicable, the local educational agency to the school;

"(3) the extent of community support for the application;

"(4) the ambitiousness of the objectives for the school;

"(5) the quality of the plan for assessing achievement of those objectives; and

"(6) the likelihood that the school will meet those objectives and improve educational results for students.

"(b) PEER REVIEW.—The Secretary shall use a peer review process to review applications for grants under this section.

"(c) DIVERSITY OF PROJECTS.—The Secretary may approve projects in a manner that ensures, to the extent possible, that they—

"(1) are distributed throughout different areas of the Nation, including in urban and rural areas; and

"(2) represent a variety of educational approaches.

"(d) WAIVERS.—The Secretary may waive any statutory or regulatory requirement that the Secretary is responsible for enforcing, except for any such requirement relating to the elements of a charter school described in section 3407(1), if—

"(1) the waiver is requested in an approved application or by a grantee under this part; and

"(2) the Secretary determines that granting such a waiver would promote the purpose of this part.

"USES OF FUNDS

"SEC. 3405. A recipient of a grant under this part may use the grant funds only for—

"(1) post-award planning and design of the educational program, which may include—

"(A) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and

"(B) professional development of teachers and other staff who will work in the charter school; and

"(2) initial implementation of the charter school, which may include—

"(A) informing the community about the school;

"(B) acquiring necessary equipment;

"(C) acquiring or developing curriculum materials;

and

"(D) other operational costs that cannot be met from State or local sources.

"NATIONAL ACTIVITIES

"SEC. 3406. The Secretary may reserve up to ten percent of the funds appropriated for this part for any fiscal year for—

"(1) peer review of applications under section 3404(b);

"(2) an evaluation of charter schools, including those assisted under this part; and

"(3) other activities designed to enhance the success of the program authorized by this part, such as bringing grantees together to share ideas and information.

"DEFINITIONS

"SEC. 3407. As used in this part, the following terms have the following meanings:

"(1) the term 'charter school' means a school that—

"(A) in accordance with an enabling State statute, is exempted 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;

"(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the State or local educational agency applying for a grant on behalf of the school;

"(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, 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, and part B of the Individuals with Disabilities Education Act;

"(H) admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

"(I) agrees to comply with the same Federal and State audit requirements as do other schools in the State, unless such requirements are specifically waived for the purpose of this program; and

"(J) meets all applicable Federal, State, and local health and safety requirements.

"(2) The term 'developer' means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

"(3) The term 'eligible applicant' means a State educational agency or local educational agency, in partnership with a developer.

AUTHORIZATION OF APPROPRIATIONS

"SEC. 3408. For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"PART E—ARTS IN EDUCATION

"SUPPORT FOR ARTS EDUCATION

"SEC. 3501. (a) FINDINGS.—The Congress finds that—

"(1) the arts are forms of understanding and ways of knowing that are fundamentally important to education;

"(2) the arts are important to excellent education and to effective school reform;

"(3) the most significant contribution of the arts to education reform is the transformation of teaching and learning;

"(4) this transformation is best realized in the context of comprehensive, systemic education reform;

"(5) demonstrated competency in the arts for American students is among the National Education Goals; and

"(6) arts education should be an integral part of the elementary and secondary school curriculum.

"(b) PURPOSE.—The purposes of this part are to—

"(1) support systemic education reform by strengthening arts education as an integral part of the elementary and secondary school curriculum;

"(2) help ensure that all students have the opportunity to learn to challenging standards in the arts; and

"(3) support the national effort to enable all students to demonstrate competence in the arts in accordance with the National Education Goals.

"(c) ELIGIBLE RECIPIENTS.—In order to carry out the purposes of this part, the Secretary is authorized to make grants to, or enter into contracts or cooperative agreements with,—

"(1) State educational agencies;

"(2) local educational agencies;

"(3) institutions of higher education; and

"(4) other public and private agencies, institutions, and organizations.

"(d) AUTHORIZED ACTIVITIES.—Funds under this part may be used for—

"(1) research on arts education;

"(2) the development of, and dissemination of information about, model arts education programs;

"(3) the development of model arts education assessments based on high standards;

"(4) the development and implementation of curriculum frameworks for arts education;

"(5) the development of model preservice and inservice professional development programs for arts educators and other instructional staff;

"(6) supporting collaborative activities with other Federal agencies or institutions involved in arts education, such as the National Endowment for the Arts, the Institute of Museum Services, the John F. Kennedy Center for the Performing Arts, and the National Gallery of Art;

"(7) supporting model projects and programs in the performing arts for children and youth through arrangements made with the John F. Kennedy Center for the Performing Arts;

"(8) supporting model projects and programs in the arts for individuals with disabilities through arrangements with the organization, Very Special Arts;

"(9) supporting model projects and programs to integrate arts education into the regular elementary and secondary school curriculum; and

"(10) other activities that further the purposes of this part.

"(e) COORDINATION.—(1) A recipient of funds under this part shall, to the extent possible, coordinate its projects with appropriate activities of public and private cultural agencies, institutions, and organizations, including museums, arts educational associations, libraries, and theaters.

"(2) In carrying out this part, the Secretary shall coordinate with the National Endowment for the Arts, the Institute of Museum Services, the John F. Kennedy Center for the Performing Arts, and the National Gallery of Art.

"(f) AUTHORIZATION.—For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"PART F—INEXPENSIVE BOOK DISTRIBUTION PROGRAM

INEXPENSIVE BOOK DISTRIBUTION PROGRAM FOR READING MOTIVATION

"SEC. 3601. (a) AUTHORIZATION.—The Secretary is authorized to enter into a contract with Reading Is Fundamental (RIF) (hereinafter in this section referred to as "the contractor") to support and promote programs, which include the distribution of inexpensive books to students, that motivate children to read.

"(b) REQUIREMENTS OF CONTRACT.—Any contract entered into under subsection (a) shall—

"(1) provide that the contractor will enter into subcontracts with local private nonprofit groups or organizations or with public agencies under which each subcontractor will agree to establish, operate, and provide the non-Federal share of the cost of reading motivation programs that include the distribution of books, by gift or loan, to preschool, elementary, and secondary school children;

"(2) provide that funds made available by the Secretary will be used by the contractor only to pay the Federal share of the cost of such programs;

"(3) provide that in selecting subcontractors for initial funding, the contractor will give priority to programs that will serve a substantial number of percentage of children with special needs, such as—

"(A) low-income children, particularly in high-poverty areas;

"(B) children at risk of school failure;

"(C) children with disabilities, including children with serious emotional disturbance;

"(D) foster children;

"(E) homeless children;

"(F) migrant children;

"(G) children without access to libraries;

"(H) institutionalized or incarcerated children; and

"(I) children whose parents are institutionalized or incarcerated;

"(4) provide that the contractor will not provide Federal assistance under this section to any subcontractor for more than five years after the date of enactment of the Improving America's Schools Act of 1993 or the beginning of the subcontractor's program under this section (or its predecessor authority), whichever comes later, except that the contractor may continue to provide such assistance beyond such date if—

"(A) the program qualifies for priority treatment under paragraph (3); and

"(B) the contractor determines that, because of severe economic hardship facing the subcontractor and the local area is serves, the local program will be unable to continue without additional assistance under this section;

"(5) provide that, not later than three years from the date of enactment of the Improving America's Schools Act of 1993, the contractor will cease providing Federal assistance under this section to any subcontractor whose program—

"(A) received such assistance under section 1563 of this Act, as in effect before the date of enactment of the Improving America's Schools Act of 1993; and

"(B) does not qualify for priority treatment under paragraph (3);

"(6) provide that the contractor will provide such technical assistance to subcontractors as may be necessary to carry out the purpose of this section;

"(7) provide that the contractor will annually report to the Secretary the number of, and describe, programs funded under paragraph (3); and

"(8) include such other terms and conditions as the Secretary determines to be appropriate to ensure the effectiveness of such programs.

"(c) RESTRICTION ON PAYMENTS. The Secretary shall make no payment of the Federal share of the cost of acquiring and distributing books under any contract under this section unless the Secretary determines that the contractor or subcontractor, as the case may be, has made arrangements with book publishers or distributors to obtain books at discounts at least as favorable as discounts that are customarily given by such publisher or distributor for book purchases made under similar circumstances in the absence of Federal assistance.

"(d) DEFINITION OF 'FEDERAL SHARE'. For the purpose of this section, the term 'Federal share' means the portion of the cost to a subcontractor of purchasing books to be paid with funds made available under this section. The Federal share shall be established by the Secretary, and shall not exceed 75 percent, except for books to be distributed to children of migrant or seasonal farmworkers.

"(e) AUTHORIZATION OF APPROPRIATIONS. For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be needed for each of the fiscal years 1995 through 1999.

"TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

"FINDINGS

"SEC. 4001. The Congress finds as follows:

"(1) National Education Goal Six provides that by the year 2000, all schools in America will be free of drugs and violence and offer a disciplined environment that is conducive to learning.

"(2) The widespread use of alcohol and other drugs among the Nation's secondary school students, and increasingly by students in elementary schools as well, constitutes a grave threat to their physical and mental well-being, and significantly impedes

the learning process. For example, data show that students who drink tend to receive lower grades and are more likely to miss school because of illness than students who do not drink.

"(3) Our Nation's schools and communities are increasingly plagued by violence and crime. Approximately three million thefts and violent crimes occur in or near our Nation's schools every year, the equivalent of more than 16,000 incidents per school day. Approximately one of every five high school students now carries a firearm, knife, or club on a regular basis.

"(4) The tragic consequences of violence and the illegal use of alcohol and other drugs by students are felt not only by students and their families, but by their communities and the Nation, which can ill afford to lose their skills, talents, and vitality.

"(5) Alcohol and tobacco (nicotine) are the most widely used drugs among young people today. Both of these drugs can, and do, have adverse consequences for users, their families, communities, schools, and colleges. Drug prevention programs for youth that address only controlled drugs send an erroneous message that alcohol and tobacco do not present significant problems, or that society is willing to overlook their use. To be credible, messages opposing illegal drug use by youth should address all drugs.

"(6) Drug and violence prevention programs are essential components of a comprehensive strategy to promote school safety and to reduce the demand for and use of drugs throughout the Nation. Schools and local organizations in communities throughout the Nation have a special responsibility to work together to combat the growing epidemic of violence and illegal drug use and should measure the success of their programs against clearly defined goals and objectives.

"(7) Students must take greater responsibility for their own well-being, health, and safety if schools and communities are to achieve their goals of providing a safe, disciplined, and drug-free learning environment.

"PURPOSE

"SEC. 4002. The purpose of this title is to support programs to meet Goal Six of the National Educational Goals by preventing violence in and around schools and by strengthening programs that prevent the illegal use of alcohol and other drugs, involve parents, and are coordinated with related Federal, State, and community efforts and resources, through the provision of Federal assistance to—

"(1) States for grants to local and intermediate educational agencies and consortia to establish, operate, and improve local programs of school drug and violence prevention, early intervention, rehabilitation referral, and education in elementary and secondary schools (including intermediate and junior high schools);

"(2) States for grants to, and contracts with, community-based organizations and other public and private non-profit agencies and organizations for programs of drug and violence prevention, early intervention, rehabilitation referral, and education;

"(3) States for development, training, technical assistance, and coordination activities;

"(4) institutions of higher education to establish, operate, expand, and improve programs of school drug and violence prevention, education, and rehabilitation referral for students enrolled in colleges and universities;

"(5) a national center to provide training and technical assistance to institutions providing postsecondary education in developing and implementing model programs and strategies to prevent violence and illegal drug use by students at such institutions; and

"(6) public and private non-profit organizations to conduct training, demonstrations, research, and evaluation, and to provide supplementary services for the prevention of drug use and violence among students and youth.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 4003. There are authorized to be appropriated—

"(1) for State grants under part A, such sums as may be necessary for each of fiscal years 1995 through 1999;

"(2) for postsecondary programs under part B, such sums as may be necessary for each of fiscal years 1995 through 1999; and

"(3) for national programs under part C, such sums as may be necessary for each of fiscal years 1995 through 1999.

"PART A—STATE GRANTS FOR DRUG AND VIOLENCE PREVENTION PROGRAMS

"RESERVATIONS AND ALLOTMENTS

"SEC. 4101. (a) RESERVATIONS.—From the amount appropriated for each fiscal year under section 4003(1), the Secretary—

"(1) shall reserve no more than one-half of one percent of such amount for grants under this part to Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau), to be allotted in accordance with the Secretary's determination of their respective needs;

"(2) shall reserve no more than one percent of such amount for the Secretary of the Interior to carry out programs under this part for Indian youth; and

"(3) may reserve no more than $1 million for the national impact evaluation required by section 4108(a).

"(b) STATE ALLOTMENTS.—(1) Except as provided under paragraph (2), the Secretary shall, for each fiscal year, allocate among the States—

"(A) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

"(B) one-half of such remainder according to the ratio between the amount each State received under section 1122 of this Act for the preceding year (or, for fiscal year 1995 only, sections 1005 and 1006 of this Act as in effect on the day before enactment of the Improving America's Schools Act of 1993) and the sum of such amounts received by all the States.

"(2) For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of one percent of the total amount allotted to all the States under this subsection.

"(3) 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 two years of such allotment. Such reallotments may be made on whatever basis the Secretary determines would best serve the purposes of this title.

"(4) For the purpose of this subsection, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"STATE DRUG AND VIOLENCE PREVENTION COORDINATING COUNCIL

"SEC. 4102. (a) ESTABLISHMENT OF COUNCIL.—No State may receive its allotment under section 4101 unless its chief executive officer establishes a State Drug and Violence Prevention Coordinating Council (or designates an existing body to perform the functions of such a Council) to advise him or her and the chief State school officer on the development and implementation of the State's application under section 4103.

"(b) MEMBERSHIP.—(1) The chief executive officer, the chief State school officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, and the head of the State criminal justice planning agency, or their designees, shall be members of the Council.

"(2) the chief executive officer shall also appoint representatives of other appropriate State agencies or offices as members of the Council.

"(c) FUNCTIONS OF COUNCIL.—The Council established or designated under this section shall—

"(1) review and comment on the development of the State's application under section 4103, including the chief executive officer's and State education agency's comprehensive plans under sections 4103(b) and (c);

"(2) disseminate information about drug and violence prevention initiatives within the State, including programs funded under sections 4104 and 4105;

"(3) advise the chief executive officer and the State educational agency on how to coordinate the State's activities under this part with other available resources; and

"(4) advise the chief executive officer and the State educational agency on the planning and implementation of program evaluation activities and make recommendations on how to improve the State's program, including the formulation of measurable goals.

"STATE APPLICATIONS

"SEC. 4103. (a) IN GENERAL.—In order to receive its allotment under section 4101 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

"(1)(A)(i) is integrated into the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that plan; and

"(ii) is submitted, if necessary, as an amendment to the State's plan under title III of the Goals 2000: Educate America Act; or

"(B) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under this Act and satisfies the requirements of this section;

"(2) contains the results of the State's needs assessment for drug and violence prevention programs, which shall be based on the results of on-going State evaluation activities, including data on the prevalence of drug use and violence by youth in schools and communities;

"(3) contains a list of the members, and the interests or organizations they represent, of the State Drug and Violence Prevention Coordinating Council;

"(4) contains a description of the procedures the State educational agency will use to review applications from local educational agencies under section 4106;

"(5) contains an assurance that the State will cooperate with, and assist, the Secretary in conducting a national impact evaluation of programs required by section 4108(a); and

"(6) includes any other information the Secretary may require.

"(b) GOVERNOR'S FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4104(a) by the chief executive officer that includes—

"(1) a statement of the chief executive officer's measurable goals and objectives for drug and violence prevention and a description of the procedures to be used for assessing and publicly reporting progress toward meeting those goals and objectives;

"(2) a description of how the chief executive officer will coordinate his or her activities under this part with the State educational agency and other State agencies and organizations involved with drug and violence prevention efforts;

"(3) a description of how funds reserved under section 4104(a) will be used so as not to duplicate the efforts of the State educational agency and local educational agencies with regard to the provision of school-based prevention efforts and services and how those funds will be used to serve populations not normally served by the State educational agency, such as school dropouts and youth in detention centers;

"(4) a description of how the chief executive officer will award funds under section 4104(a) and a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds; and

"(5) a description of how funds will be used to support community-wide comprehensive drug and violence prevention planning.

"(c) STATE EDUCATIONAL AGENCY FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4105(a) by the State educational agency that includes—

"(1) a statement of the State educational agency's measurable goals and objectives for drug and violence prevention and a description of the procedures it will use for assessing and publicly reporting progress toward meeting those goals and objectives;

"(2) a plan for monitoring the implementation of, and providing technical assistance regarding, the drug and violence prevention programs conducted by local educational agencies in accordance with section 4107;

"(3) a description of how the State educational agency will use funds it reserves under section 4105(b);

"(4) a description of how the State educational agency will coordinate its activities under this part with the chief executive officer's drug and violence prevention programs under this part and with the prevention efforts of other State agencies; and

"(5) an explanation of the criteria the State educational agency will use to identify which local educational agencies receive supplemental funds under section 4105(d)(2)(A)(ii) and how the supplemental funds will be allocated among those local educational agencies.

"(d) PEER REVIEW.—The Secretary shall use a peer review process in reviewing State applications under this section.

"(e) INTERIM APPLICATION.—Notwithstanding any other provisions of this section, a State may submit for fiscal year 1995 a one-year interim application and plan for the use of funds under this part that are consistent with the requirements of this section and contain such information as the Secretary may specify in regulations. The purpose of such interim application and plan shall be to afford the State the opportunity to fully develop and review its application and comprehensive plan otherwise required by this section. A State may not receive a grant under this part for a fiscal year subsequent to fiscal year 1995 unless the Secretary has approved its application and comprehensive plan.

"GOVERNOR'S PROGRAMS

"SEC. 4104. (a) USE OF FUNDS.—(1) An amount equal to 20 percent of the total amount allocated to a State under section 4101 for each fiscal year shall be used by the chief executive officer of such State for drug and violence prevention programs and activities in accordance with this section.

"(2) A chief executive officer may use no more than five percent of the amount reserved under subsection (a)(1) for the administrative costs incurred in carrying out the duties of such officer under this section, including the cost of the State Drug and Violence Prevention Coordinating Council under section 4102(a).

"(b) PROGRAMS AUTHORIZED.—(1) A chief executive officer shall use funds reserved under subsection (a)(1) for grants to or contracts with parent groups, community action and job training agencies, community-based organizations, and other public entities and private nonprofit organizations. Such grants or contracts shall support programs and activities described in subsection (c) for children and youth who are not normally served by State or local educational agencies, for populations that need special services or additional resources (such as preschoolers, youth in juvenile detention facilities, runway or homeless children and youth, and dropouts), or both.

"(2) Grants or contracts awarded under this subsection shall be subject to a peer review process.

"(c) AUTHORIZED ACTIVITIES.—Grants and contracts under subsection (b) shall be used for programs and activities such as—

"(1) disseminating information about drug and violence prevention;

"(2) training parents, law enforcement officials, judicial officials, social service providers, health service providers and community leaders about drug and violence prevention, education, early intervention, counseling, or rehabilitation referral;

"(3) developing and implementing comprehensive, community-based drugs and violence prevention programs that link community resources with schools and integrate services involving education, vocational and job skills training, law enforcement, health, mental health, and other appropriate services;

"(4) planning and implementing drug and violence prevention activities that coordinate the efforts of State agencies with those of the State educational agency and its local educational agencies;

"(5) activities to protect students traveling to and from school;

"(6) developing and implementing strategies to prevent illegal gang activity;

"(7) coordinating and conducting community-wide violence and safety assessments and surveys; and

"(8) evaluating programs and activities under this section.

"STATE AND LOCAL EDUCATIONAL AGENCY PROGRAMS

SEC. 4105. (a) USE OF FUNDS.—An amount equal to 80 percent of the total amount allocated to a State under section 4101 for each fiscal year shall be used by the State educational agency and its local educational agencies for drug and violence prevention activities in accordance with this section.

"(b) STATE LEVEL PROGRAMS.—(1) A State educational agency shall use no more than 5 percent of the amount reserved under subsection (a) for activities such as—

"(A) training and technical assistance concerning drug and violence prevention for local and intermediate educational agencies, including teachers, administrators, coaches and athletic directors, other educational personnel, parents, students, community leaders, health service providers, local law enforcement officials, and judicial official;

"(B) the development, identification, dissemination and evaluation of the most readily available, accurate, and up-to-date curriculum materials, for consideration by local educational agencies;

"(C) demonstration projects in drug and violence prevention;

"(D) financial assistance to enhance resources available for drug and violence prevention in areas serving large numbers of economically disadvantaged children or sparsely populated areas, or to meet other special needs consistent with the purposes of this part; and

"(E) evaluation activities required by this subpart.

"(2) A State educational agency may carry out activities under this subsection directly, or through grants or contracts.

"(c) STATE ADMINISTRATION.—A State educational agency may use no more than 5 percent of the amount reserved under subsection (a) for the administration costs of carrying out its responsibilities under this part.

"(d) LOCAL EDUCATIONAL AGENCY PROGRAMS.—(1) A State educational agency shall distribute not less than 90 percent of the amount reserved under subsection (a) for each fiscal year to local educational agencies in accordance with this subsection.

"(2)(A) Of the amount distributed under subsection (d)(1), a State educational agency shall distribute—

"(i) 70 percent of such amount to local educational agencies, based on the relative enrollments in public and private non-profit schools within their boundaries; and

"(ii) 30 percent of such amount to local educational agencies that the State educational agency determines have the greatest need for additional funds to carry out drug and violence prevention programs authorized by this part.

"(B)(i) A State educational agency shall distribute funds under subparagraph (A)(ii) to no more than ten percent of its local educational agencies, or five such agencies, whichever is greater.

"(ii) In determining which local educational agencies have the greatest need for additional funds, the State educational agency shall consider factors such as—

"(I) high rates of alcohol or other drug use among youth;

"(II) high rates of victimization of youth by violence and crime;

"(III) high rates of arrests and convictions of youth for violent or drug- or alcohol-related crime;

"(IV) the extent of illegal gang activity;

"(V) high rates of referrals of youths to drug and alcohol abuse treatment and rehabilitation programs;

"(VI) high rates of referrals of youths to juvenile court; and

"(VII) high rates of expulsions and suspensions of students from schools.

"(e) REALLOCATION OF FUNDS.—If a local educational agency chooses not to apply to receive the amount allocated to it under subsection (d), or if its application under section 4106 is disapproved by the State educational agency, the State educational agency shall reallocate such amount to one or more of the local education agencies determined by the State educational agency under subsection (d)(2)(B) to have the greatest need for additional funds.

"LOCAL APPLICATIONS

"SEC. 4106. (a) IN GENERAL.—(1) In order to be eligible to receive an allocation under section 4105(d) for any fiscal year, a local educational agency shall submit, at such time as the State educational agency requires, an application to the State educational agency for approval. Such an application shall be amended, as necessary, to reflect changes in the local educational agency's program.

"(2)(A) A local educational agency shall develop its application under subsection (a)(1) in consultation with a local or substate regional advisory council that includes, to the extent possible, representatives of local government, business, parents, students, teachers, appropriate state agencies, private schools, the medical profession, law enforcement, community-based organizations, and other groups with interest and expertise in drug and violence prevention.

"(B) In addition to assisting the local educational agency to develop its application under this section, the advisory council established or designated under paragraph (2)(A) shall, on an on-going basis—

"(i) disseminate information about drug and violence prevention programs, projects, and activities conducted with the boundaries of the local educational agency;

"(ii) advise the local educational agency on how best to coordinate its activities under this part with other related programs, projects, and activities and the agencies that administer them; and

"(iii) review program evaluations and other relevant material and make recommendations to the local educational agency on how to improve its drug and violence prevention programs.

"(b) CONTENTS OF APPLICATIONS.—An application under this section shall contain—

"(1) a needs assessment of the current alcohol, tobacco, and other drug problems as well as the violence, safety, and discipline problems among students who attend the schools of the applicant (including private school students who participate in the applicant's drug and violence prevention program) that is based on ongoing local assessment or evaluation activities;

"(2) a detailed explanation of the local educational agency's comprehensive plan for drug and violence prevention, which shall include a description of—

"(A) how that plan is consistent with, and promotes the goals in, the State's application under section 4103 and the local educational agency's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, or if the local educational agency does not have such an approved plan and is not developing one, its plan under section 1112 of this Act;

"(B) the local educational agency's measurable goals for drug and violence prevention, and a description of how it will assess and publicly report progress toward attaining these goals;

"(C) if the local educational agency intends to use funds under this part to implement an expanded drug and violence prevention program under section 4107(c), an explanation of how the local educational agency is already meeting the requirements of a basic drug and violence prevention program under section 4107(b), regardless of the source of funds used;

"(D) how the local educational agency will use its regular allocation under section 4105(d)(2)(A)(i) and its supplemental allocation, if any, under section 4105(d)(2)(A)(ii);

"(E) how the local educational agency will coordinate its programs and projects with community-wide efforts to achieve its goals for drug and violence prevention; and

"(F) how the local educational agency will coordinate its programs for projects with other Federal, State, and local programs for drug-abuse prevention, including health programs; and

"(3) such other information and assurances as the State educational agency may reasonably require.

"(c) REVIEW OF APPLICATION.—(1) A State educational agency shall use a peer review process in reviewing local applications under this section.

"(2)(A) In determining whether to approve the application of a local educational agency under this section, a State educational agency shall consider the quality of the local educational agency's comprehensive plan under subsection (b)(2) and the extent to which it is consistent with, and supports, the State's application under section 4103 and the State's plan under the Goals 2000: Educate America Act, and if the State does not have such a plan, its plan under section 1111 of this Act.

"(B) A State educational agency shall not permit a local educational agency to use funds under this part to implement an expanded drug and violence prevention program under section 4107(c) unless it determines that the local educational agency is already meeting (regardless of the source of funds) the requirements of a basic drug and violence prevention program under section 4107(b).

"(C) A State educational agency may disapprove a local educational agency application under this section is whole or in part and may withhold, limit, or place restrictions on the use of funds allocated to such a local educational agency in a manner the State educational agency determines will best promote the purposes of this part or the State's plan under the Goals 2000: Educate America Act, and if the State does not have such a plan, its plan under section 1111 of this Act.

"LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS

"SEC. 4107. (a) USE OF FUNDS.—Except as permitted under subsection (c), a local educational agency shall use funds received under this part to adopt and implement a basis drug and violence prevention program described under subsection (b).

"(b) BASIC PROGRAM.—(1) A basic drug and violence prevention program under this part shall—

"(A) be designed, for all students and employees, to—

"(i) prevent the illegal use, possession, and distribution of alcohol, tobacco, and other drugs;

"(ii) prevent violence and promote school safety; and

"(iii) create a disciplined environment conducive to learning;

"(B) include mandatory standards of conduct for students and employees, which clearly describe the sanctions that will be imposed for violations of the standards and which are distributed to all students, parents, and employees;

"(C) include, with respect to drug prevention—

"(i) age-appropriate, developmentally based education and prevention programs for all students, from the early childhood level through grade 12, that address the legal, social and health consequences of the use of illegal drugs, promote a sense of individual responsibility, and provide information about effective techniques for resisting peer pressure to use illegal drugs;

"(ii) professional development programs for school personnel who provide the education and prevention programs required by subsection (b)(1)(C)(i);

"(iii) the activities to promote the involvement of parents and coordination with community groups and agencies, including the distribution of information about the local educational agency's needs assessments, goals, and programs under subsection (b)(1)(C)(i); and

"(iv) the distribution of information to all students and employees about resources for drug and alcohol counseling, rehabilitation, and re-entry programs that are available in the community; and

"(D) include, with respect to violence prevention—

"(i) age-appropriate, developmentally based education and prevention programs for all students, from the early childhood level through grade 12, that address the legal, personal, and social consequences of violent and disruptive behavior, including sexual harassment, and that include activities designed to help students develop a sense of individual responsibility and respect for the rights of others, and to resolve conflicts without violence;

"(ii) professional development programs for school personnel who provide the education and prevention programs required by subsection (b)(1)(D)(i);

"(iii) activities to promote the involvement of parents and coordination with community groups and agencies, including the distribution of information about the local educational agency's needs assessment, goals and programs under subsection (b)(1)(D)(i); and

"(iv) the distribution of information to all students and employees about resources for counseling, re-entry, and conflict resolution that are available in the community.

"(2) In implementing its basic drug and violence prevention program under subsection (b) or its expanded program under subsection (c), a local educational agency may use no more than 33 percent of the funds it receives under this part for any fiscal year for—

"(A) minor remodeling to promote security and reduce the risk of violence, such as removing lockers, installing better lights, and upgrading locks; and

"(B) acquiring and installing metal detectors and hiring security personnel.

"(c) EXPANDED PROGRAM.—(1) A local educational agency that demonstrates to the satisfaction of the State educational agency that it has adopted and implemented a basic drug and violence prevention program described under subsection (b) may use funds received under this subpart to supplement its basic program, to carry out one or more of the activities described in paragraph (2), or both.

"(2) A local educational agency described in paragraph (1) may use funds received under this subpart for—

"(A) programs of drug prevention, health education, early intervention, counseling, mentoring, or rehabilitation referral, which emphasize students' sense of individual responsibility and may include—

"(i) the dissemination of information about drug prevention;

"(ii) the training of school personnel, parents, students, law enforcement officials, judicial officials, health service providers, and community leaders in prevention, education, early intervention, counseling, or rehabilitation referral; and

"(iii) the implementation of strategies, including strategies to integrate the delivery of services from a variety of providers, to combat illegal alcohol and other drug use, such as—

"(I) family counseling;

"(II) early intervention activities that prevent family dysfunction, enhance school performance, and boost attachment to school and family; and

"(III) activities, such as community service projects, that are designed to increase students' sense of community;

"(B) violence prevention programs for school-aged youth, which emphasize students' sense of individual responsibility and may include—

"(i) the dissemination of information about school safety and discipline;

"(ii) the training of school personnel, parents, law enforcement officials, judicial officials, and community leaders in designing and implementing strategies to prevent school violence;

"(iii) the implementation of strategies, such as conflict resolution and peer mediation and the use of mentoring programs, to combat school violence and other forms of disruptive behavior, such as sexual harassment; and

"(iv) comprehensive, community-wide strategies to prevent or reduce illegal gang activity;

"(C) the promotion of before- and after-school recreational, instructional, cultural, and artistic programs in supervised community settings; and

"(D) the evaluation of any of the activities authorized by subsection (c).

"EVALUATION AND REPORTING

"SEC. 4108. (a) NATIONAL IMPACT EVALUATION.—The Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall conduct an independent biennial evaluation of the national impact of programs under this part and submit a report of the findings of such evaluation to the President and the Congress.

"(b) STATE REPORT.—(1) By October 1, 1997, and every third year thereafter, the chief executive officer of the State, in cooperation with the State educational agency, shall submit to the Secretary a report—

"(A) on the implementation and outcomes of State programs under section 4104 and section 4105(b) and local programs under section 4105(d), as well as an assessment of their effectiveness; and

"(B) on the State's progress toward attaining its goals for drug and violence prevention under sections 4103(b)(1) and (c)(1).

"(2) The report required by this subsection shall be—

"(A) in the form specified by the Secretary;

"(B) based on the State's on-going evaluation activities, and shall include data on the prevalence of drug use and violence by youth in schools and communities; and

"(C) made readily available to the public.

"(c) LOCAL EDUCATIONAL AGENCY REPORT.—Each local educational agency receiving funds under this subpart shall submit to the State educational agency whatever information, and at whatever intervals, the State requires to complete the State report required by subsection (b), including information on the prevalence of drug use and violence by youth in the schools and the community. Such information shall be made readily available to the public.

"PART B—POSTSECONDARY DRUG AND VIOLENCE PREVENTION PROGRAMS

"GRANTS TO INSTITUTIONS OF HIGHER EDUCATION

SEC. 4201. (a) IN GENERAL.—From funds appropriated under section 4003(2), the Secretary is authorized to make grants to, or enter into contracts with, institutions of higher education, or consortia of such institutions, for drug and violence prevention programs under this section. Awards under this section shall support the development, implementation, validation, and dissemination of model programs and strategies to promote the safety of students attending institutions of higher education by preventing violent behavior and the illegal use of alcohol and other drugs by such students.

"(b) APPLICATIONS.—An institution of higher education, or consortium of such institutions, that desires to receive an award under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. The Secretary shall use a peer review process for reviewing applications for funds under this section.

"(c) EQUITABLE PARTICIPATION.—The Secretary shall make every reasonable effort to ensure the equitable participation of private and public institutions of higher education (including community and junior colleges), institutions of limited enrollment, and institutions in different geographic regions.

"NATIONAL CENTER

"SEC. 4202.—From funds appropriated under section 4003(2), the Secretary is authorized to support, through a grant to, or a contract with, an institution of higher education, a public or private non-profit organization, or a for-profit organization, a national center to provide training and technical assistance to institutions providing postsecondary education, including for-profit institutions, in developing, implementing, evaluating, validating, replicating, and disseminating model programs and strategies to prevent violence and the use of illegal drugs by students at such institutions.

"PART C—NATIONAL PROGRAMS

"FEDERAL ACTIVITIES

"SEC. 4301. (a) PROGRAM AUTHORIZED.—From funds appropriated under section 4003(3), the Secretary of Education, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall carry out programs to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students at all educational levels, prekindergarten through postsecondary. The Secretary shall carry out such programs directly, or through grants, contracts, or cooperative agreements with public and private non-profit organizations and individuals, or through agreements with other Federal agencies, and shall coordinate such programs with other appropriate Federal activities. Such programs may include—

"(1) the development and demonstration of innovative strategies for training school personnel, parents, and members of the community, including the demonstration of model preservice training programs for prospective school personnel;

"(2) demonstrations and rigorous evaluations of innovative approaches to drug and violence prevention;

"(3) drug and violence prevention research that is coordinated with other Federal agencies and is directed towards improving programs and activities under this title;

"(4) program evaluations that address issues not addressed under section 4108(a);

"(5) direct services to schools and school systems affiliated with especially severe drug and violence problems;

"(6) activities in communities designated as empowerment zones or enterprise communities that will connect schools to community-wide efforts to reduce drug and violence problems;

"(7) developing and disseminating drug and violence prevention materials, including model curricula; and

"(8) other activities that meet unmet national needs related to the purposes of this title.

"(b) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for funds under this section.

"PART D—GENERAL PROVISIONS

"DEFINITIONS

"SEC. 4401.—For the purposes of this title, the following terms have the following meanings:

"(1) The term 'drug and violence prevention' means—

"(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of alcohol and tobacco (nicotine) and the use of controlled, illegal, addictive, or harmful substances, including inhalants and anabolic steroids; and

"(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

"(2) The term 'nonprofit', as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(3) The term 'school-aged population' means the population aged 5 through 17, as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

"(4) The term 'school personnel' includes teachers, administrators, guidance counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

"MATERIALS

"SEC. 4402. (a) 'WRONG AND HARMFUL' MESSAGE.—Drug prevention programs supported under this title shall convey a clear and consistent message that the illegal use of alcohol and other drugs is wrong and harmful.

"(b) CURRICULUM.—The Secretary shall not prescribe the use of specific curricula for programs supported under this title, but may evaluate the effectiveness of such curricula and other strategies in drug and violence prevention.

"PROHIBITED USES OF FUNDS

"SEC. 4403.—No funds under this title may be used for—

"(1) construction (except for minor remodeling needed to accomplish the purposes of this title);

"(2) drug treatment or rehabilitation; and

"(3) psychiatric, psychological, or other medical treatment or rehabilitation, other than school-based counseling for students or school personnel who are victims or witnesses of school-related crime.

"TITLE V—PROMOTING EQUITY

"PART A—MAGNET SCHOOLS ASSISTANCE

"FINDINGS

"SEC. 5101.—The Congress finds that—

"(1) magnet schools are a significant part of our Nation's effort to achieve voluntary desegregation in its schools;

"(2) the use of magnet schools has increased dramatically since enactment of this program, with approximately 1.4 million students nationwide now attending such schools, of which more than 60 percent of the students are nonwhite;

"(3) magnet schools offer a wide range of distinctive programs that have served as models for school improvement efforts;

"(4) in administering this program, the Federal Government has learned that—

"(A) where magnet programs are implemented for only a portion of a school's student body, special efforts must be made to discourage the isolation of magnet students from other students in the school;

"(B) school districts can maximize their effectiveness in achieving the purposes of this program if they have more flexibility to serve students attending a school who are not enrolled in the magnet school program;

"(C) school districts must be creative in designing magnet schools for students at all academic levels, so that school districts do not skim off only the highest achieving students to attend the magnet schools;

"(D) school districts must seek to enable participation in magnet school programs by students who reside in the neighborhoods where the programs are placed; and

"(E) in order to ensure that magnet schools are sustained after Federal funding ends, the Federal Government must assist school districts to improve their capacity to continue to operate magnet schools at a high level of performance;

"(5) it is in the best interest of the Federal Government to—

"(A) continue its support of school districts implementing court-ordered desegregation plans and school districts seeking to foster meaningful interaction among students of different racial and ethnic backgrounds beginning at the earliest stage of their education;

"(B) ensure that all students have equitable access to quality education that will prepare them to function well in a culturally diverse, technologically-oriented, and highly competitive global community; and

"(C) maximize the ability of school districts to plan, develop, implement and continue new and innovative magnet schools that contribute to State and local systemic reform.

"STATEMENT OF PURPOSE

"SEC. 5102.—The purpose of this part is to assist in the desegregation of school districts by providing financial assistance to eligible local educational agencies for—

"(1) the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority students;

"(2) the development and implementation of magnet school projects that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet challenging performance State standards;

"(3) the development and design of innovative educational methods and practices; and

"(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational skills of students attending such schools.

"PROGRAM AUTHORIZED

"SEC. 5103.—The Secretary is authorized, in accordance with this part, to make grants to eligible local educational agencies for use in magnet schools that are part of an approved desegregation plan and that are designed to bring students from different social, economic, ethnic, and racial backgrounds together.

"DEFINITION

"SEC. 5104.—For the purpose of this part, the term "magnet school" means a school or education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

"ELIGIBILITY

"SEC. 5105.—A local educational agency is eligible to receive assistance under this part if it—

"(1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official or competent jurisdiction, and that requires the desegregation of minority-group-segregated children or faculty in the elementary and secondary schools of such agency; or

"(2) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this part, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.

"APPLICATIONS AND REQUIREMENTS

"SEC. 5106. (a) APPLICATIONS.—An eligible local educational agency desiring to receive assistance under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

"(b) INFORMATION AND ASSURANCES.—An application under this part shall include—

"(1) a description of—

"(A) how assistance made available under this part will be used to promote desegregation, including how the proposed magnet school project will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

"(B) the manner and extent to which the magnet school project will increase student achievement in the instructional area or areas offered by the school;

"(C) the manner in which an applicant will continue the magnet school project after assistance under this part is no longer available, including, if applicable, an explanation of whether successful magnet schools established or supported by the applicant with funds under this part have been continued without the use of funds under this part;

"(D) how funds under this part will be used to implement services and activities that are consistent with—

"(i) the State's systemic reform plan, if any, under title III of the Goals 2000: Educate America Act; and

"(ii) the local educational agency's systemic reform plan, if any, under title III of the Goals 2000: Educate America Act; and

"(E) the criteria to be used in selecting students to attend the proposed magnet school projects; and

"(2) assurances that the applicant will—

"(A) use funds under this part for the purposes specified in section 5103;

"(B) employ teachers in the courses of instruction assisted under this part who are certified or licensed by the State to teach the subject matter of the courses of instruction;

"(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

"(i) the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

"(ii) the assignment of students to schools, or to courses of instruction within the school, of such agency, except to carry out the approved plan; and

"(iii) designing or operating extracurricular activities for students;

"(D) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and

"(E) give students residing in the local attendance area of the proposed magnet school projects equitable consideration for places in those projects.

"(c) SPECIAL RULE.—No application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

"PRIORITY

"SEC. 5107.—In approving applications under this part, the Secretary shall give priority to applicants that—

"(1) have the greatest need for assistance, based on the expense or difficulty of effectively carrying out an approved desegregation plan and the projects for which assistance is sought;

"(2) propose to carry out new magnet school projects or significantly revise existing magnet school projects;

"(3) propose to implement innovative educational approaches that are consistent with the State's and the local educational agency's approved systemic reform plans, if any, under title III of the Goals 2000: Educate America Act;

"(4) propose to select students to attend magnet school projects by lottery, rather than through academic examination; and

"(5) propose to draw on comprehensive community plans for educational improvement, school and residential desegregation, and community renewal.

"USE OF FUNDS

"SEC. 5108. (a) USE OF FUNDS.—Grants made under this part may be used by eligible local educational agencies—

"(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

"(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation thereof, necessary for the conduct of programs in magnet schools;

"(3) for the payment of, or subsidization of the compensation of, elementary and secondary school teachers who are certified or licensed by the State and who are necessary for the conduct of programs in magnet schools; and

"(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that—

"(A) are designed to make available the special curriculum that is offered by the magnet school project to students who are enrolled in the school but who are not enrolled in the magnet school program; and

"(B) further the purposes of this part.

"(b) SPECIAL RULE.—With respect to subsections (a)(2) and (3), such grants may be used by eligible local educational agencies for such activities only if those activities are directly related to improving the students' reading skills or their knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational skills.

"PROHIBITIONS

"SEC. 5109.—Grants under this part may not be used for transportation, or for any activity that does not augment academic improvement.

"LIMITATION ON PAYMENTS

"SEC. 5110. (a) DURATION OF AWARDS.—Awards made under this part shall not exceed four years.

"(b) LIMITATION ON PLANNING FUNDS.—(1) A local educational agency may expend for planning up to 50 percent of the funds received under this part for the first year of the project, 25 percent for the second year of the project, and 10 percent for the third year of the project.

"(2) A local educational agency shall not expend funds under this part for planning after the third year of the project.

"(c) FEDERAL SHARE.—The Federal share of the cost of any project under this part shall not exceed 100 percent for the first and second years of the project, 90 percent for the third year, and 70 percent for the fourth year.

"(d) LIMITAITON ON GRANTS.—No local educational agency shall receive more than $4,000,000 under this part in any one grant cycle.

"(e) AWARD REQUIREMENTS.—To the extent practicable, for any fiscal year, the Secretary shall award grants to local educational agencies under this part no later than June 30 of the applicable fiscal year.

"AUTHORIZATION OF APPROPRIATIONS; RESERVATION

"SEC. 5111. (a) AUTHORIZATION.—For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(b) AVAILABILITY OF FUNDS FOR GRANTS TO AGENCIES NOT PREVIOUSLY ASSISTED.—(1) In any fiscal year for which the amount appropriated pursuant to subsection (a) exceeds $75,000,000, the Secretary shall, with respect to such excess amount, give priority to grants to local educational agencies that did not receive a grant under this part in the last fiscal year of the funding cycle prior to the fiscal year for which the determination is made.

"(c) EVALUATIONS.—The Secretary may reserve no more than two percent of the funds appropriated under subsection (a) for any fiscal year to carry out evaluations of projects under this part.

"PART B—EQUALIZATION ASSISTANCE

"TECHNICAL AND OTHER ASSISTANCE REGARDING SCHOOL FINANCE EQUITY

"SEC. 5201. (a) TECHNICAL ASSISTANCE.—(1) The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, State educational agencies and other public and private agencies, institutions, and organizations to provide technical assistance to State and local educational agencies to assist them in achieving a greater degree of equity in the distribution of financial resources for education among local educational agencies in the State.

"(2) ACTIVITIES.—A grant or contract under this section may support technical assistance activities, such as—

"(A) the establishment and operation of a center or centers for the provision of technical assistance to State and local educational agencies;

"(B) the convening of conferences on equalization of resources within local educational agencies, within States, and among States; and

"(C) obtaining advice from experts in the field of school finance equalization.

"(b) RESEARCH.—(1) The Secretary is authorized to carry out applied research and analysis designed to further knowledge and understanding of methods to achieve greater equity in the distribution of financial resources among local educational agencies.

"(2) The Secretary may carry out research under this subsection directly or through grants to, or contracts or cooperative agreements with, any public or private organization.

"(3) In carrying out this section, the Secretary is authorized to—

"(A) support research on the equity of existing State school funding systems;

"(B) train individuals in such research;

"(C) promote the coordination of such research;

"(D) collect and analyze data related to school finance equity in the United States and other nations; and

"(E) report periodically on the progress of States in achieving school finance equity.

"(4) The Secretary shall coordinate activities under this subsection with activities carried out by the Office of Educational Research and Improvement.

"(5) Each State educational agency or local educational agency receiving assistance under this Act shall provide such data and information on school finance as the Secretary may require to carry out the purposes of this section.

"(c) MODELS.—The Secretary is authorized, directly or through grants, contracts, or cooperative agreements, to develop and disseminate models and materials useful to States in planning and implementing revisions of their school finance systems.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"PART C—WOMEN'S EDUCATIONAL EQUITY

"FINDINGS

"SEC. 5301. FINDINGS.—The Congress finds that—

"(1) since the enactment of title IX of the Educational Amendments of 1972, women and girls have made strides in educational achievement and in their ability to avail themselves of educational opportunities.

"(2) because of funding provided under the Women's Educational Equity Act, there are now many more curricula, training and other educational materials concerning educational equity for women and girls available for national dissemination;

"(3) however, significant gender inequities still exist in teaching and learning practices, for example—

"(A) sexual harassment, particularly that experienced by girls, is a significant problem in schools, undermining the ability of schools to provide a safe and equitable learning or workplace environment;

"(B) girls receive significantly less attention from classroom teachers than boys, and girls of color have less interaction with teachers than all other girls;

"(C) educational materials do not sufficiently reflect the experiences, achievements, or concerns of women and, in most cases, are not written by women or persons of color;

"(D) girls do not take as many mathematics and science courses as boys, they lose confidence in their mathematics and science ability as they move through adolescence, there are few women role models in the sciences, and women continue to be concentrated in low-paying, traditionally female jobs that do not require mathematics and science skills; and

"(E) pregnant and parenting teenagers are at high risk for dropping out of school and existing dropout prevention programs do not adequately address this population;

"(4) Federal support should address not only research and development of innovative model curricula and teaching and learning strategies to promote gender equity, but, to the extent feasible, also help schools and local communities implement and institutionalize gender equitable practices;

"(5) Federal assistance for gender equity must be tied to systemic reform, involve collaborative efforts to implement effective gender practices at the local level, and encourage parental participation and

"(6) excellence in education, high educational achievements and standards, and the full participation of women and girls in American society cannot be achieved without educational equity for women and girls.

"STATEMENT OF PURPOSES

"SEC. 5302. The purposes of this part are to—

"(A) promote educational equity for women and girls in the United States and to provide financial assistance to enable educational agencies and institutions to meet the requirements of title IX of the Education Amendments of 1972;

"(B) promote educational equity for women and girls who suffer multiple discrimination, bias, or stereotyping based on gender and on race, ethnic origin, disability, or age; and

"(C) help ensure that all women and girls have equal opportunity to achieve to high educational standards.

"PROGRAM AUTHORIZED

"SEC. 5303. The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, public agencies, private nonprofit agencies, organizations, and institutions, including student and community groups, and individuals, to achieve the purposes of this part by providing support and technical assistance for—

"(1) the implementation of effective gender-equity policies and practices at all educational levels, including—

"(A) assisting educational agencies and institutions to implement policies and practices to comply with title IX of the Education Amendments of 1972, including preventing the sexual harassment of students and employees;

"(B) training for teachers, counselors, administrators, and other school personnel, especially preschool and elementary school personnel, to ensure that gender equity pervades their teaching and learning practices;

"(C) leadership training to allow women and girls to develop professional and marketable skills to compete in the global marketplace, improve self-esteem, and benefit from exposure to positive role models;

"(D) school-to-work transition programs and other programs to increase opportunities for women and girls to enter a technologically demanding workplace and, in particular, to enter highly skilled, high paying careers in which they have been underrepresented;

"(E) enhancing educational and career opportunities for women and girls who suffer multiple forms of discrimination, based on sex and on race, ethnic origin, limited English proficiency, disability, or age; and

"(F) assisting pregnant students and students rearing children to remain in high school, graduate, and prepare their preschool children to start school; and

"(2) research and development designed to advance gender equity nationwide and to help make policies and practices in educational agencies and institutions and local communities gender-equitable, including—

"(A) research and development designed to advance gender equity, including the development of innovative strategies to improve teaching and learning practices;

"(B) the development of high quality and challenging assessment instruments that are free of gender bias;

"(C) the evaluation of curricula, textbooks, and other educational materials to ensure the absence of gender stereotyping and bias;

"(D) the development of instruments and procedures that employ new and innovative strategies to assess whether diverse educational settings are gender equitable;

"(E) the development of new dissemination and replication strategies; and

"(F) updating high quality educational materials previously developed through awards made under this part.

"APPLICATIONS

"SEC. 5304. (a) APPLICATIONS.—(1) A grant may be made, and a contract or cooperative agreement may be entered into, under this part only upon application to the Secretary, at such time, in such form, and containing or accompanied by such information as the Secretary may prescribe.

"(2) Each application shall—

"(A) set forth policies and procedures that will ensure a comprehensive evaluation of the activities carried out under the project, including an evaluation of the practices, policies, and materials used by the applicant and an evaluation or estimate of the continued significance of the work of the project following completion of the award period;

"(B) demonstrate how funds received under this part will be used to promote the attainment of one or more of the National Education Goals set out in title I of the Goals 2000: Educate America Act and support the implementation of State and local plans for systemic reform, if any, approved under title III of such Act;

"(C) demonstrate how the applicant will address perceptions of gender roles based on cultural and linguistic differences or stereotypes;

"(D) describe how funds under this part will be used in a manner that is consistent with and promotes the implementation of State and local programs under the School-to-Work Opportunities Act of 1993;

"(E) for applications for projects under section 5303(1), demonstrate how the applicant will foster partnerships and share resources with State educational agencies, local educational agencies, institutions of higher education, and other recipients of Federal educational funding; and

"(F) for applications for projects under section 5303(1), demonstrate how parental involvement in the project will be encouraged.

"(b) SPECIAL RULE.—In approving applications under this part, the Secretary shall give special consideration to applications—

"(1) submitted by applicants that have not received assistance under this part or under part C of title IX of this Act as in effect prior to October 1, 1988;

"(2) for projects that would contribute significantly to directly improving teaching and learning practices in the local community; and

"(3) for projects that would—

"(A) provide for a comprehensive approach to enhancing gender equity in educational institutions, and agencies; and

"(B) draw on a variety of resources, including local educational agencies, community-based organizations, institutions of higher education, and private organizations.

"(c) LIMITATION.—Nothing in this part shall be construed as prohibiting men and boys from participating in any programs or activities assisted under this part.

"CRITERIA AND PRIORITIES

"SEC. 5305. The Secretary shall establish separate criteria and priorities for awards under sections 5303(1) and (2) of this part to ensure that available funds are used for programs that most effectively will achieve the purposes of this part.

"REPORT

"SEC. 5306. The Secretary shall, by January 1, 1999, submit to the President and the Congress a report on the status of educational equity for girls and women in the Nation.

"EVALUATION AND DISSEMINATION

"SEC. 5307. (a) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate and disseminate materials and programs developed under this part.

"(b) USE OF PROGRAM FUNDS.—The Secretary is authorized to use funds appropriated under section 5308 to gather and disseminate information about emerging issues concerning gender equity and, if necessary, to convene meetings for this purpose.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 5308. For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"TITLE VI—INDIAN EDUCATION

"FINDINGS

"SEC. 6001. The Congress finds that—

"(1) the Federal Government has a special responsibility to ensure that educational programs for all American Indian and Alaska Native children and adults—

"(A) are based on high-quality, internationally competitive content and student performance standards and build on Indian culture and the Indian community; and

"(B) assist local educational agencies, Indian tribes, and others in providing Indian students the opportunity to learn to those standards;

"(2) since enactment of the original Indian Education Act in 1972, Indian parents have become significantly more involved in the planning, development, and implementation of educational programs that affect them and their children, and schools should continue to foster this involvement;

"(3) although the numbers of Indian teachers, administrators, and university professors have increased since 1972, teacher training programs are not recruiting, training, or retraining sufficient numbers of Indian persons as educators to meet the needs of a growing Indian student population in elementary, secondary, vocational, adult, and higher education;

"(4) the dropout rate for Indian students is unacceptably high; for example, nine percent of Indian students who were 8th graders in 1988 had already dropped out of school by 1990;

"(5) from 1980 to 1990, the percentage of Indian persons living in poverty increased from 24 percent to 31 percent, and the readiness of Indian children to learn is hampered by the high incidence of poverty, unemployment, and health problems among Indian children and families; and

"(6) research related specifically to the education of Indian children and adults is very limited, and much of it is poor in quality or focused on limited local or regional issues.

"PURPOSE

"SEC. 6002. It is the purpose of this title to support the efforts of local educational agencies, Indian tribes and organizations, State educational agencies, postsecondary institutions, and other entities to meet the unique educational needs of American Indians and Alaska Natives, so that they can achieve to the same challenging State performance standards expected of all students.

"(2) This title carries out this purpose by authorizing programs of direct assistance for—

"(A) the education of Indian children and adults;

"(B) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and

"(C) research, evaluation, data collection, and technical assistance.

"PART A—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

"PURPOSE

"SEC. 6101. It is the purpose of this part to support local educational agencies in their efforts to reform elementary and secondary school programs that serve Indian students, in order to ensure that those programs—

"(1) are based on challenging State content and student performance standards that are used for all students; and

"(2) are designed to assist Indian students meet those standards and assist the Nation in reaching the National Education Goals.

"GRANTS TO LOCAL EDUCATIONAL AGENCIES

"SEC. 6102. A local educational agency is eligible for a grant under this part for any fiscal year if the number of Indian children who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

"(1) was at least 20; or

"(2) constituted at least 25 percent of the agency's total enrollment.

"AMOUNT OF GRANTS

"SEC. 6103. (a) AMOUNT OF GRANTS.—(1) The Secretary is authorized to allocate to each local educational agency whose application has been approved under this part an amount equal to the product of—

"(A) the number of Indian children described in section 6102; and

"(B) the greater of—

"(i) the average per-pupil expenditure of the State in which the agency is located; or

"(ii) 80 percent of the average per-pupil expenditure in the United States.

"(2) The Secretary shall reduce the amount of each allocation determined under paragraph (1) in accordance with subsection (e) of this section.

"(b) MINIMUM GRANT AMOUNT.—The Secretary shall not make any grant to a local educational agency if the amount determined under subsection (a) is less than $4,000, except that the Secretary may make a grant to a consortium of local educational agencies, one or more of which does not qualify for such a minimum award, if—

"(1) the total amount so determined for those agencies is at least $4,000;

"(2) those agencies, in the aggregate, meet the eligibility requirement of either section 6102(1) or 6102(2); and

"(3) the Secretary determines that such a grant would be effectively used to carry out the purpose of this part.

"(c) DEFINITION.—For the purpose of this section, the average per-pupil expenditure of a State is determined by dividing—

"(1) the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; by

"(2) the aggregate number of children who were in average daily attendance for whom such agencies provided free public education during such preceding fiscal year.

"(d) SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN AFFAIRS.—(1) In addition to the grants determined under subsection (a), the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

"(A) the total number of Indian children enrolled in schools that are operated by—

"(i) the Bureau of Indian Affairs; or

"(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of that tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act (25 U.S.C. 450f et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.); and

"(B) the greater of—

"(i) the average per-pupil expenditure of the State in which the school is located; or

"(ii) 80 percent of the average per-pupil expenditure in the United States.

"(2) The Secretary shall transfer the amount determined under paragraph (1), reduced as may be necessary under subsection (e), to the Secretary of the Interior in accordance with, and subject to, section 9205 of this Act.

"(e) RATABLE REDUCTIONS.—If the sums appropriated for any fiscal year under section 6602(a) are insufficient to pay in full the amounts determined for local educational agencies under subsection (a)(1) and for the Secretary of the Interior under subsection (d), each of those amounts shall be ratably reduced.

"APPLICATIONS

"SEC. 6104. (a) GENERAL.—Any local educational agency that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(b) COMPREHENSIVE PLAN REQUIRED.—Each such application shall include a comprehensive plan for meeting the needs of Indian children in the local educational agency, including their language and cultural needs, that—

"(1)(A) is consistent with, and promotes the goals in, the State and local plans, either approved or being developed, under title III of the Goals 2000: Educate America Act or, if those plans are not approved or being developed, with the State and local plans under sections 1111 and 1112 of this Act; and

"(B) includes academic content and student performance goals for those children, and benchmarks for attaining them, that are based on the challenging State standards adopted under title III of the Goals 2000: Educate America Act or under title I of this Act for all children;

"(2) explains how Federal, State, and local programs, especially under title I of this Act, will meet the needs of those students;

"(3) demonstrates how funds under this part will be used for activities authorized by section 6106;

"(4) describes the professional development to be provided, as needed, to ensure that—

"(A) teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and

"(B) all teachers who will be involved in the project have been properly trained to carry it out; and

"(5) described how the agency—

"(A) will periodically assess the progress of all Indian children in its schools, including those not participating in programs under this part, in meeting the goals described in paragraph (1);

"(B) will provide the results of that assessment to the parent committee described in subsection (c)(8) and to the community served by the agency; and

"(C) in responding to findings of any previous such assessments.

"(c) ASSURANCES.—Each such application shall also include assurances that—

"(1) the local educational agency will use funds received under this part only to supplement the level of funds that, in the absence of such Federal funds, the agency would make available for the education of Indian children, and not to supplant such funds;

"(2) the local educational agency will submit such reports to the Secretary, in such form and containing such information, as the Secretary may require to—

"(A) carry out the Secretary's functions under this part; and

"(B) determine the extent to which funds provided under this part have been effective in improving the educational achievement of Indian students in the local educational agency;

"(3) the program for which assistance is sought will use the best available talents and resources, including persons from the Indian community;

"(4) the local educational agency has developed the program in open consultation with parents of Indian children, teachers, and, where appropriate, secondary school Indian students, including holding public hearings at which these persons have had a full opportunity to understand the program and to offer recommendations on it;

"(5) the local educational agency has developed the program with the participation and written approval of a committee—

"(A) that is composed of, and selected by, parents of Indian children in the local educational agency's schools, teachers, and, where appropriate, secondary school Indian students; and

"(B) of which at least half the members are parents described in subparagraph (A); and

"(6) the parent committee described in paragraph (5) will adopt and abide by reasonable bylaws for the conduct of the activities of the committee.

"(d) STATE EDUCATIONAL AGENCY REVIEW.—(1) Before submitting its application to the Secretary, the local educational agency shall obtain comments on the application from the State educational agency.

"(2) The local educational agency shall send the State educational agency's comments to the Secretary with its application.

"AUTHORIZED SERVICES AND ACTIVITIES

"SEC. 6105. (a) GENERAL REQUIREMENTS. Each local educational agency that receives a grant under this part shall use the grant funds for services and activities, consistent with the purpose of this part, that—

"(1) are designed to carry out its comprehensive plan for Indian students, described in its application under section 6104(b);

"(2) are designed with special regard for the language and cultural needs of those students; and

"(3) supplement and enrich the regular school program.

"(b) PARTICULAR ACTIVITIES.—Such services and activities include, but are not limited to—

"(1) early childhood and family programs that emphasize school readiness;

"(2) enrichment programs that focus on problem-solving and cognitive skills development and that directly support the attainment of challenging State content and student performance standards;

"(3) integrated educational services in combination with other programs meeting similar needs;

"(4) school-to-work transition activities to enable Indian students to participate in programs such as those supported by the School-to-Work Opportunities Act of 1993 and the Carl D. Perkins Vocational and Applied Technology Education Act, including tech-prep programs;

"(5) prevention of, and education about, substance abuse; and

"(6) acquisition of equipment, but only if it is essential to meet the purpose of this part.

"(c) SCHOOLWIDE PROGRAMS.—Notwithstanding any other provision of this part, a local educational agency may use funds it receives under this part to support a schoolwide program under section 1114 of title I of this Act, in accordance with such section, if the Secretary determines that the local educational agency has made adequate provision for the participation of Indian children, and the involvement of Indian parents, in such project.

"STUDENT ELIGIBILITY FORMS

"SEC. 6106. Each local educational agency that applies for a grant under this part shall maintain in its files a form, prescribed by the Secretary, for each Indian child described in section 6102, which shall contain at least—

"(1) the child's name;

"(2) the name of the Indian tribe or band of Indians in which membership is claimed; and

"(3) the parent's signature.

"PAYMENTS

"SEC. 6107. (a) GENERAL.—The Secretary shall pay each local educational agency with an application approved under this part the amount determined under section 6103, subject to subsections (b) and (c) of this section.

"(b) PAYMENTS TAKEN INTO ACCOUNT BY THE STATE.—The Secretary shall not make a grant under this part for any fiscal year to any local educational agency in a State that has taken into consideration payments under this part (or under subpart 1 of the Indian Education Act of 1988) in determining

the eligibility of the local educational agency for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

"(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—(1) The Secretary shall not pay any local educational agency the full amount determined under section 6103 for any fiscal year unless the State educational agency notifies the Secretary, and the Secretary determines, that the combined fiscal effort of that local agency and the State with respect to the provision of free public education by that local agency for the preceding fiscal year, computed on either a per-student or aggregate expenditure basis, was at least 90 percent of such combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

"(2) If the Secretary determines for any fiscal year that a local educational agency failed to maintain its fiscal effort at the 90 percent level required by paragraph (1), the Secretary shall—

"(A) reduce the amount of the grant that would otherwise be made to the agency under this part in the exact proportion of that agency's failure to maintain its fiscal effort at that level; and

"(B) not use the reduced amount of the agency's expenditures for the preceding year to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1).

"(3)(A) The Secretary may waive the requirement of paragraph (1), for not more than one year at a time, if the Secretary determines that the failure to comply with such requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources.

"(B) The Secretary shall not use the reduced amount of such agency's expenditures for the fiscal year preceding the fiscal year for which a waiver is granted to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of the waiver.

"(d) REALLOCATIONS.—The Secretary may reallocate, in the manner the Secretary determines will best carry out the purpose of this part, any amounts that—

"(1) based on estimates by local educational agencies or other information, will not be needed by those agencies to carry out their approved projects under this part; or

"(2) otherwise become available for reallocation under this part.

"PART B—DISCRETIONARY PROGRAMS TO IMPROVE EDUCATIONAL ACHIEVEMENT OF INDIAN CHILDREN

"GRANTS TO INDIAN-CONTROLLED SCHOOLS

"SEC. 6201. (a) PURPOSE. It is the purpose of this section to support Indian-controlled schools by providing assistance to—

"(1) help Indian-controlled schools get started and established; and

"(2) pay for supplemental services that will—

"(A) enable Indian students to meet the same challenging State performance standards that all students will be expected to meet; and

"(B) assist the Nation in reaching the National Education Goals.

"(b) ELIGIBLE APPLICANTS.—Indian tribes and Indian organizations may apply under this section for grants for schools for Indian children.

"(c) PRIORITY.—(1) In making grants under this section, the Secretary shall give priority to applicants that are—

"(A) starting new schools with the approval of the Bureau of Indian Affairs; or

"(B) in the process of gaining control over a school operated by the Bureau of Indian Affairs.

"(2) To qualify for the priority under paragraph (1), an applicant must demonstrate to the Secretary's satisfaction that the school for which assistance is sought will—

"(A) receive funds under the Indian school equalization program established under the Education Amendments of 1978 within three years of the beginning of its proposed project; and

"(B) have been under the control of the applicant for less than three years as of the beginning of its proposed project.

"(d) AUTHORIZED ACTIVITIES.—(1) Recipients of grants under this section shall use grant funds to carry out projects and activities that meet the purpose of this section.

"(2) Such activities include, but are not limited to—

"(A) student assessments;

"(B) curriculum development;

"(C) staff development; and

"(D) community orientation.

"DEMONSTRATION GRANTS

"SEC. 6202. (a) PURPOSE; COORDINATION.—(1) It is the purpose of this section to support projects that are designed to develop, test, and demonstrate the effectiveness of services and programs to improve educational achievement of Indian children.

"(2) The Secretary shall ensure that projects under this section are coordinated with projects under other provisions of this Act.

"(b) ELIGIBLE APPLICANTS.—State educational agencies, local educational agencies, Indian tribes, Indian organizations, and institutions of higher education, including Indian institutions of higher education, may apply for grants under this section.

"(c) AUTHORIZED PROJECTS AND ACTIVITIES.—Recipients of grants under this section shall use the grant funds to carry out projects and activities that meet the purpose of this section, such as—

"(1) instruction to raise the achievement of Indian children in one or more of the core curriculum areas of English, mathematics, science, foreign languages, arts, history, and geography;

"(2) programs designed to reduce the incidence of students dropping out of school and to increase the rate of high school graduation;

"(3) partnership projects between local educational agencies and institutions of higher education that allow high school students to enroll in courses at the postsecondary level to aid them in the transition from high school to postsecondary education;

"(4) partnership projects between schools and local businesses for school-to-work transition programs designed to provide Indian youth with the knowledge and skills they need to make an effective transition from school to a first job in a high-skill, high-wage career;

"(5) family-based preschool programs that emphasize school readiness and parenting skills;

"(6) programs designed to encourage and assist Indian students to work toward, and gain entrance into, institutions of higher education; and

"(7) programs to meet the needs of gifted and talented Indian students.

"(d) APPLICATIONS.—(1) Any eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(2) Each such application shall contain—

"(A) a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the project for which assistance is sought;

"(B) an assurance that the applicant will participate, at the request of the Secretary, in any national evaluation of projects under this section; and

"(C) such other assurances and information as the Secretary may require.

"PART C—PROFESSIONAL DEVELOPMENT AND ADULT EDUCATION PROGRAMS

"PROFESSIONAL DEVELOPMENT

"SEC. 6301. (a) PURPOSE.—The purpose of this section is to increase the number of qualified Indian persons in professions serving Indian people.

"(b) ELIGIBLE APPLICANTS.—Eligible applicants under this section are—

"(1) institutions of higher education, including Indian institutions of higher education;

"(2) State and local educational agencies, in consortium with institutions of higher education; and

"(3) Indian tribes and Indian organizations, in consortium with institutions of higher education.

"(c) AUTHORIZED PROJECTS AND ACTIVITIES.—(1) Each recipient of a grant under this section shall use the grant funds to provide training to Indian persons, consistent with the purpose of this section.

"(2)(A) For teachers, counselors, and other education professionals, such training shall consist of pre-service or inservice professional development.

"(B) For those being trained in other fields, such training shall be in programs that result in graduate degrees.

"(d) ALLOCATION OF FUNDS.—The Secretary shall ensure that at least 50 percent of the sums appropriated to carry out this section for any fiscal year are used for training of educational personnel under subsection (c)(2)(A).

"(e) PROJECT PERIOD.—The project for each project approved under this section shall be up to five years.

"(f) SERVICE OBLIGATION.—The Secretary may, by regulation, require that individuals who receive training under this section perform related work following that training or repay all or part of the cost of the training.

"ADULT EDUCATION

"SEC. 6302. (a) PURPOSE.—The purpose of this section is to improve educational and employment opportunities for Indian adults who lack the level of literacy skills, quantitative skills, and knowledge that they need to enjoy more fully the benefits and responsibilities of effective citizenship and productive employment by supporting projects that—

"(1) provide them sufficient high-quality education to enable them to benefit from job training and retraining programs and to obtain and retain productive employment; and

"(2) enable Indian adults who so desire to continue their education through the high school level and beyond.

"(b) ELIGIBLE APPLICANTS.—Indian tribes, Indian organizations, Indian institutions of higher education, and other public and nonprofit private agencies and organizations may apply for grants under this section.

"(c) PROGRAM REQUIREMENTS.—Each recipient of a grant under this section shall—

"(1) provide adult education, as defined in section 6601(2), to Indian adults in a manner that supplements State funds expended for adult education for Indian adults;

"(2) coordinate its project with other adult education programs, if any, in the same geographic area, including programs funded under the Adult Education Act and programs operated or funded by the Bureau of Indian Affairs; and

"(3) collect, evaluate, and report on data concerning such matters as the Secretary may require, including the number of participants, the effect of the project on the subsequent work experience of participants, the progress of participants in achieving literacy, and the number of participants who pass high school equivalency examinations.

"PART D—NATIONAL ACTIVITIES AND GRANT TO STATES

"NATIONAL ACTIVITIES

"SEC. 6401. (a) AUTHORIZED ACTIVITIES.—From funds appropriated for any fiscal year to carry out this section, the Secretary may—

"(1) conduct research related to effective approaches to the education of Indian children and adults;

"(2) evaluate federally assisted education programs from which Indian children and adults may benefit;

"(3) collect and analyze data on the educational status and needs of Indians; and

"(4) carry out other activities consistent with the purpose of this Act.

"(b) ELIGIBILITY.—The Secretary may carry out any of the activities described in subsection (a) directly or through grants to, or contracts or cooperative agreements with, Indian tribes, Indian organizations, State educational agencies, local educational agencies, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions.

"GRANTS TO STATES

"SEC. 6402. (a) PURPOSE.—The purpose of this section is to assist States in implementing comprehensive, Statewide strategies for providing Indian children and adults with greater opportunities to meet challenging State standards.

"(b) ELIGIBILITY.—Each State is eligible for a grant under this section if it has a State plan for education reform in the State that—

"(1) in the Secretary's judgment, effectively provides for the education of Indian children and adults; and

"(2)(A) is integrated with the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that State plan; or

"(B) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under this Act.

"(c) GRANT AMOUNTS.—(1) From funds appropriated to carry out this section, the Secretary shall make a grant to each State educational agency in an eligible State whose application for assistance under this section has been approved.

"(2)(A) The Secretary is authorized to determine the amount of each such grant on the basis of—

"(i) the number of Indian individuals in the State, as determined on the basis of the most recent available data satisfactory to the Secretary;

"(ii) the comprehensiveness and quality of the State's plan;

"(iii) the State's commitment to high-quality education programs for Indian children and adults; and

"(iv) other factors that the Secretary finds appropriate.

"(B) Notwithstanding subparagraph (A), no grant under this section shall be in an amount less than the greater of—

"(i) $50,000; or

"(ii) five percent of the total amount paid to local educational agencies in the State for that fiscal year under part A of this title.

"(d) AUTHORIZED ACTIVITIES.—Each State that receives a grant under this section shall use the grant funds for activities to meet the purpose of this section, including—

"(1) reviewing local educational agency applications under part A of this title;

"(2) collecting data;

"(3) providing technical assistance to local educational agencies;

"(4) measuring the achievement of Indian students against the standards set out in the State's plan described in subsection (b); and

"(5) carrying out other activities and providing other services designed to build the capacity of the State to serve the educational needs of Indian children and adults.

"(e) APPLICATIONS.—Each State that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require, including an assurance that the State will submit to the Secretary, every two years, a report on its activities under this section containing such data and other information as the Secretary may require.

"PART E—FEDERAL ADMINISTRATION

"OFFICE OF INDIAN EDUCATION

"SEC. 6501. (a) OFFICE OF INDIAN EDUCATION.—There shall be an Office of Indian Education (hereafter in this section referred to as "the Office") in the Department of Education.

"(b) DIRECTOR.—(1) The Office shall be under the direction of the Director, who shall be appointed by the Secretary and who shall report directly to the Assistant Secretary for Elementary and Secondary Education.

"(2) The Director shall—

"(A) be responsible for administering this title;

"(B) be involved in, and be primarily responsible for, the development of all policies affecting Indian children and adults under programs administered by the Office of Elementary and Secondary Education; and

"(C) coordinate the development of policy and practice for all programs in the Department relating to Indian persons.

"(3) The Director of the Office shall be a member of the career Senior Executive Service.

"(c) INDIAN PREFERENCE IN EMPLOYMENT.—(1) The Secretary shall give a preference to Indian persons in all personnel actions in the Office.

"(2) Such preference shall be implemented in the same fashion as the preference given to any veteran under section 2609 of the Revised Statutes, section 45 of title 25, United States Code.

"NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

"SEC. 6502. (a) MEMBERSHIP.—There shall be a National Advisory Council on Indian Education (hereafter in this section referred to as "the Council"), which shall—

"(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations; and

"(2) represent different geographic areas of the country.

"(b) DUTIES.—The Council shall—

"(1) advise the Secretary on the funding and administration, including the development of regulations and of administrative policies and practices, of any program, including programs under this title, for which the Secretary is responsible and in which Indian children or adults participate or from which they can benefit;

"(2) make recommendations to the Secretary for filling the Director's position whenever a vacancy occurs in that position; and

"(3) submit to the Congress, by June 30 of each year, a report on the activities, which shall include—

"(A) any recommendations it finds appropriate for the improvement of Federal education programs in which Indian children or adults participate, or from which they can benefit; and

"(B) its recommendations with respect to the funding of any such programs.

"PEER REVIEW

"SEC. 6503. In reviewing applications under parts B, C, and D of this title, the Secretary may use a peer review process.

"PREFERENCE FOR INDIAN APPLICANTS

"SEC. 6504. In making grants under parts B and C of this title, the Secretary shall give a preference to Indian tribes, Indian organizations, and Indian institutions of higher education under any program for which they are eligible to apply.

"MINIMUM GRANT CRITERIA

"SEC. 6505. In making grants under parts B and C of this title, the Secretary shall approve only projects that are—

"(1) of sufficient size, scope, and quality to achieve the purpose of the section under which assistance is sought; and

"(2) based on relevant research findings.

"PART F—DEFINITIONS; AUTHORIZATIONS OF APPROPRIATIONS

"DEFINITIONS

"SEC. 6601. The following definitions apply to terms as used in this title:

"(1) The term 'adult' means an individual who is either—

"(A) at least 16 years old; or

"(B) beyond the age of compulsory school attendance under State law.

"(2) The term 'adult education' has the meaning given that term in section 312(2) of the Adult Education Act.

"(3) The term 'free public education' means education that is—

"(A) provided at public expense, under public supervision and direction, and without tuition charge; and

"(B) provided as elementary or secondary education in the applicable State or to preschool children.

"(4) The term 'Indian' means an individual who is—

"(A) a member of an Indian tribe or band, as membership is defined by the tribe or bank, including—

"(i) tribes and bands terminated since 1940; and

"(ii) tribes and banks recognized by the State in which they reside;

"(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);

"(C) considered by the Secretary of the Interior to be an Indian for any purpose; or

"(D) an Eskimo, Aleut, or other Alaska Native.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 6602. (a) PART A.—For the purpose of carrying out part A of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(b) PARTS B THROUGH D.—For the purpose of carrying out parts, B, C, and D of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(c) PART E.—For the purpose of carrying out part E of this title, including section 6502, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"TITLE VII—BILINGUAL EDUCATION PROGRAMS

"FINDINGS

"SEC. 7001. The Congress finds that—

"(1) there are large and growing numbers of children and youth of limited English proficiency, many of whom have a cultural heritage that differs from that of their English proficient peers;

"(2) limited English proficient children and youth face a number of challenges in receiving an education that will enable them to participate fully in American society, including segregated education programs; disproportionate and improper placement in special education and other special programs due to the use of inappropriate evaluation procedures; the limited English proficiency of their own parents, which hinders the parents' ability to fully participate in the education of their children; a shortage of teachers and educational personnel who are professionally trained and qualified to serve them;

"(3) the Federal government, as exemplified by title VI of the Civil Rights Act of 1964 and section 204(f) of the Equal Education Opportunities Act of 1974, has a special and continuing obligation to ensure that States and local school districts take appropriate action to provide equal educational opportunities to children and youth of limited English proficiency;

"(4) The Federal government also, as exemplified by its efforts under this title, has a special and continuing obligation to assist States and local school districts in developing the capacity to provide programs of instruction that offer limited English proficient children and youth an equal educational opportunity;

"(5) in carrying out its responsibilities with respect to ensuring equal educational opportunity for children and youth of limited English proficiency, the Federal government has learned that—

"(A) large numbers of these children and youth have needs that must be met by a program of instruction designed specifically for them;

"(B) a primary purpose of such programs must be developing the English language skills of such children and youth;

"(C) the use of a child or youth's native language and culture in classroom instruction can promote self-esteem and contribute to academic achievement and learning English by limited English proficient children and youth; benefit English proficient children and youth who also participate in such programs; and develop our national language resources, thus promoting the nation's competitiveness in the global economy;

"(D) parent and community participation in bilingual education programs contributes to programs effectiveness; and

"(E) research, evaluation, and data-collection capabilities in the field or bilingual education need to be strengthened so that educators can better identify and promote those programs, program implementation strategies, and instructional practices that result in effective education; and

"(6) providing the educational services that prepare newly immigrated children and youth for full participation in American society and to achieve challenging State performance standards is a significant problem for a number of local educational agencies. Supplementary Federal assistance can help such agencies meet their responsibilities.

"POLICY; AUTHORIZATION OF APPROPRIATIONS

"SEC. 7002. (a) POLICY.—The Congress declares it to be the policy of the United States, in order to ensure equal educational opportunity for all children and youth and to promote educational excellence, to assist State and local educational agencies to build their capacity to establish, implement, and sustain programs of instruction for children and youth of limited English proficiency that—

"(1) develop their English and, to the extent possible, their native language skills;

"(2) educate such children and youth to meet the same rigorous standards for academic performance expected of all children and youth, including meeting challenging State performance standards in academic areas; and

"(3) develop bilingual skills and multi-cultural understanding.

"(b) AUTHORIZATION OF APPROPRIATIONS.—(1) For the purpose of carrying out this title, except for part D, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(2) For the purpose of carrying out part D of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"DEFINITIONS

"SEC. 7003. (a) DEFINITIONS.—For the purpose of this title:

"(1)(A) The term 'bilingual education program'—

"(i) means a program of instruction designed specifically for children and youth of limited English proficiency at any grade level, including the preschool, elementary, or secondary school levels, that is intended to help them develop proficiency in the English and, to the extent possible, the native language and achieve to high academic standards in all courses of study; and

"(ii) may include activities to assist the parents of such children and youth enrolled in bilingual education programs to participate in the education of their children.

"(B)(i) A bilingual education program may be conducted in English, the native language, or both languages, except that all bilingual education programs must develop proficiency in the English language. The native language may be used in the instructional program to facilitate the acquisition of English; to develop overall linguistic competence; and to develop competence in the academic curriculum.

"(ii) A bilingual education program must, to the extent possible, incorporate the cultural heritage of the children or youth of limited English proficiency served by the program, as well as the cultural heritage of other children in American society.

"(C) Children and youth proficient in English may participate in a bilingual education program so long as the primary purpose of the program is to benefit children and youth of limited English proficiency.

"(2) The term 'children and youth' means individuals aged three through twenty-one.

"(3) The term 'Director' means the Director of the Office of Bilingual Education and Minority Languages Affairs established under section 210 of the Department of Education Organization Act.

"(4) The term 'immigrant children and youth' means individuals who—

"(A) are aged three through twenty-one;

"(B) were not born in any State; and

"(C) have not been attending one or more schools in any one or more States for more than 12 months.

"(5) The terms 'limited English proficiency' and 'limited English proficient', when used with reference to an individual, mean an individual—

"(A) who—

"(i) was not born in the United States or whose native language is a language other than English;

"(ii) comes from an environment where a language other than English is dominant; or

"(iii) is an American Indian or Alaska Native and comes from an environment where a language other than English has had a significant impact on his or her level of English language proficiency; and

"(B) who, by reason thereof, has sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society.

"(6) The term 'native language', when used with reference to an individual of limited English proficiency, means the language normally used by such individual, or in the case of a child or youth, the language normally used by the parents of the child or youth.

"(7) The term 'other programs for persons of limited English proficiency' means any programs administered by the Secretary that directly involve bilingual education activities serving persons of limited English proficiency.

"INDIAN CHILDREN IN SCHOOL

"SEC. 7004. (a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this title for individuals served by elementary and secondary schools operated predominately for Indian or Alaska Native children and youth, an Indian tribe, a tribally sanctioned educational authority, or an elementary or secondary school that is operated or funded by the Bureau of Indian Affairs shall be considered to be a local educational agency as such term is used in this title, subject to the following qualifications:

"(1) The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*), that is recognized for the special programs and services provided by the United States to Indians because of their status as Indians.

"(2) The term 'tribally sanctioned educational authority' means—

"(A) any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe; and

"(B) any nonprofit institution or organization that is—

"(i) chartered by the governing body of an Indian tribe to operate any such school or otherwise to oversee the delivery of educational services to members of that tribe; and

"(ii) approved by the Secretary for the purpose of this section.

"PART A—FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION

"FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION

"SEC. 7101. (a) PURPOSE.—The purpose of this part is to assist local educational agencies, through the grants authorized by subsections (b), (c), and (d), to—

"(1) develop and enhance their capacity to provide high-quality instruction to children and youth of limited English proficiency; and

"(2) to help such children and youth—

"(A) develop proficiency in English, and to the extent possible, their native language; and

"(B) meet the same challenging State performance standards expected for all children and youth as required by section 1111(b) of this Act.

"(b) ENHANCEMENT GRANTS.—(1) The Secretary is authorized to make grants to local educational agencies to—

"(A) develop new bilingual education programs;

"(B) enhance or expand existing bilingual education programs to meet new conditions, such as the need to serve additional language groups or different age or grade levels; and

"(C) meet the short-term needs of local educational agencies without bilingual education programs to serve children and youth of limited English proficiency.

"(2) Grants awarded under this subsection shall be for a period of up to two years.

"(c) COMPREHENSIVE SCHOOL GRANTS.—(1) The Secretary is authorized to make grants to local educational agencies for the purpose of implementing school-wide bilingual education programs that serve children and youth of limited English proficiency in schools with significant concentrations of such children and youth.

"(2) Grants awarded under this subsection shall be for a period of up to five years.

"(d) COMPREHENSIVE DISTRICT GRANTS.—(1) The Secretary is authorized to make grants to local educational agencies for the purpose of implementing district-wide bilingual education programs that serve children and youth of limited English proficiency in districts with significant concentrations of such children and youth.

"(2) Grants awarded under this subsection shall be for a period of up to five years.

"(e) USE OF FUNDS.—(1) Recipients may use funds for programs authorized by subsections (b), (c), and (d) for—

"(A) identification and acquisition of curricular materials, educational software, and technologies to advance the education of children and youth of limited English proficiency;

"(B) parent outreach and training activities designed to assist parents to become active participants in the education of their children;

"(C) salaries of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to children and youth of limited English proficiency;

"(D) tutorials and academic or career counseling for children and youth of limited English proficiency; and

"(E) such other activities, related to the purposes of this part, as the Secretary may approve.

"(2) Recipients of awards under subsections (c) and (d) may—

"(A) use such funds for pre-service and in-service professional development of staff participating, or preparing to participate, in the program, including those who will not directly participate in the bilingual instructional program, if such activities are directly related to serving children and youth of limited English proficiency and will help accomplish the purposes of this title; and

"(B) during the first 12 months of such a grant, engage exclusively in activities preparatory to the delivery of services, which may include program design, the development of materials and procedures, and activities to involve parents in the educational program and to enable parents and family members to assist in the education of children and youth of limited English proficiency.

"(f) GEOGRAPHIC DISTRIBUTION OF FUNDS.—To the extent possible, the Secretary shall award funds under this section throughout the nation in a manner that reflects the geographic distribution of children and youth of limited English proficiency.

"(g) APPLICATIONS.—(1) Any local educational agency desiring to receive a grant under this section shall submit, through its State educational agency, an application to the Secretary, in such form, at such time, and containing such information and assurances as the Secretary may require.

"(2) Each application shall—

"(A) describe—

"(i) the need for the proposed program, including data on the number of the children and youth of limited English proficiency in the school or district to be served and their characteristics, such as language spoken, dropout rates, proficiency in English and the native language, academic standing in relation to their English proficient peers, and, where applicable, the recency of immigration; and

"(ii) the program to be implemented and how its design—

"(I) relates to the linguistic and academic needs of the children and youth of limited English proficiency to be served; and

"(II) is consistent with, and promotes the goals in, its plan under title III of the Goals 2000: Educate America Act, if such plan exists, and its plan under section 1112 of this Act, particularly as those plans relate to the education of children and youth of limited English proficiency; and

"(B) provide an assurance that the applicant will not reduce the level of State and local funds that it expends for bilingual education programs if it receives an award under this part.

"(3) Each application for a grant under subsections (c) or (d) shall also—

"(A) describe—

"(i) current services the applicant provides to children and youth of limited English proficiency;

"(ii) what services children and youth of limited English proficiency would receive under the grant that they would not otherwise receive;

"(iii) how funds received under this part will be integrated with all other Federal, State, local, and private resources that may be used to service children and youth of limited English proficiency; and

"(iv) specific achievement and school retention goals for the children and youth to be served by the proposed program and how progress toward achieving such goals will be measured; and

"(B) provide assurances that—

"(i) the program funded will—

"(I) serve all (or virtually all) of the children and youth of limited English proficiency in a school participating in a program under subsection (c); or

"(II) serve a significant number of the children and youth of limited English proficiency in the district participating in a program under subsection (d);

"(ii) the program funded will be integrated with the overall educational program; and

"(iii) the application has been developed in consultation with an advisory council, the majority of whose members are parents and other representatives of the children and youth to be served in such programs.

"(h) LIMITATION ON FUNDING.—(1) No more than 25 percent of the total amount of funds that the Secretary awards under subsection (b) for any fiscal year shall be used to fund bilingual education programs that do not use the native language.

"(2) No more than 25 percent of the total amount of funds that the Secretary awards under subsection (c) for any fiscal year shall be used to fund bilingual education programs that do not use the native language.

"(i) STATE REVIEW OF APPLICATIONS UNDER PARTS A.—In order for an eligible applicant to apply for funds under this part, its State educational agency shall review such application for funds and provide the Secretary with timely comments on the need within the State for the proposed program and whether the proposed program is consistent with the State's plan, either approved or being developed, under title III of Goals 2000: Educate America Act, or, if the State does not have an approved plan under title III of Goals 2000: Educate America Act and is not developing such a plan, with the State plan under section 1111 of this Act.

"(j) CAPACITY BUILDING.—(1) Each recipient of a grant under this section shall use its grant in ways that will build its capacity to continue to offer high quality bilingual education programs and services to children and youth of limited English proficiency once Federal assistance is reduced or eliminated.

"(2) In making awards under this part for any fiscal year, the Secretary shall, consistent with the quality of applications and the funds available under this part, increase the amount of funds used to support grants under subsections (c) and (d) over the amount allotted to subsections (c) and (d) in the previous fiscal year.

"(k) CONSORTIA.—A local educational agency that receives a grant under this part may collaborate or form a consortium with one or more local education agencies, institutions of higher education, and non-profit organizations to carry out the approved program.

"(l) SUBGRANTS.—A local educational agency that receives a grant under this part may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a non-profit organization, or a consortium of such entities to carry out an approved program, including a program to serve out-of-school youth.

"(m) PARENTAL NOTIFICATION.—(1) Parents of a child or youth of limited English proficiency identified for enrollment in bilingual education programs shall be informed of the—

"(A) benefits and nature of the bilingual educational program and of the instructional alternatives; and

"(B) reasons for the selection of their child as being in need of bilingual education.

"(2)(A) Parents shall also be informed that they have the option of declining enrollment of their children in such programs and shall be given an opportunity to do so if they so choose.

"(B) Local educational agencies are not relieved of any of their obligations under title VI of the Civil Rights Act of 1964 because parents choose not to enroll their children in bilingual education programs.

"(3) Parents must receive, in a manner and form understandable to them, including, if necessary and to the extent feasible, in their native language, the information required by this subsection. At a minimum, parents must receive—

"(A) timely information about projects funded under this part; and

"(B) if the parents of participating children so desire, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from such parents.

"(n) PROGRAMS IN PUERTO RICO.—Programs authorized under this section in the Commonwealth of Puerto Rico may, notwithstanding any other provision of this title, include programs of instruction, teacher training, curriculum development, evaluation, and testing designed for children and youth of limited Spanish proficiency.

"PART B—RESEARCH AND EVALUATION

"USE OF FUNDS

"SEC. 7201. The Secretary is authorized to conduct data collection, dissemination, research, and evaluation activities for the purpose of improving bilingual education programs for children and youth of limited English proficiency.

"RESEARCH

"SEC. 7202. (a) AWARDS.—The Secretary may make grants and award contracts and cooperative agreements for research and evaluation activities related to improving and maintaining high quality bilingual educational programs for persons of limited English proficiency.

"(b) CONSULTATION.—The Secretary shall consult with agencies and organizations that are engaged in bilingual education research and practice, or related research, and bilingual education researchers and practitioners to identify areas of study and activities to be funded under this section.

"ACADEMIC EXCELLENCE AWARDS

"SEC. 7203. (a) AWARDS.—The Secretary may make grants to, and enter into contracts and cooperative agreements with, State and local educational agencies, nonprofit organizations, and institutions of higher education to promote the adoption and implementation of bilingual education programs that demonstrate great promise of assisting children and youth of limited English proficiency to meet challenging State standards.

"(b) APPLICATIONS.—(1) An entity desiring to receive an award under this section shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

"(2) The Secretary shall use a peer review process, using effectiveness criteria that the Secretary shall establish, to review applications under this section.

"(c) USE OF FUNDS.—Funds under this section shall be used to enhance the capacity of States and local education agencies to provide high quality academic programs for children and youth of limited English proficiency, which may include—

"(1) completing the development of such programs;

"(2) professional development of staff participating in bilingual education programs;

"(3) sharing strategies and materials; and

"(4) supporting professional networks.

"(d) COORDINATION.—Recipients of funds under this section shall coordinate their activities with those carried out by comprehensive regional centers under section 2205 of this Act.

"STATE GRANT PROGRAM

"SEC. 7204. (a) STATE GRANT PROGRAM.—The Secretary is authorized to make an award to a State educational agency that demonstrates, to the satisfaction of the Secretary, that its approved plan under title III of Goals 2000: Educate America Act (by amendment, if necessary), if such plan exists, or, if such plan does not exist, its plan under section 1111 of this Act, effectively provides for the education of children and youth of limited English proficiency within the State.

"(b) PAYMENTS.—The amount paid to a State educational agency under subsection (a) shall not exceed 10 percent of the total amount awarded to local educational agencies within the State under part A of this title for the previous fiscal year.

"(c) USE OF FUNDS.—(1) A State educational agency may use funds for programs authorized by this section to—

"(A) assist local educational agencies in the State with program design, capacity building, assessment of student performance, and program evaluation;

"(B) operate a bilingual education advisory panel under subsection (d); and

"(C) collect data concerning children and youth of limited English proficiency.

"(2) Recipients of awards under this section shall not restrict the provision of services under this section to federally-funded programs.

"(d) STATE BILINGUAL EDUCATION ADVISORY PANEL.—Each State educational agency that receives funds under this section shall appoint a broad-based bilingual education advisory panel, with substantial representation from persons knowledgeable about the education of limited English proficient students, to develop and recommend to the State educational agency guidelines for reviewing, and providing the Secretary with comments regarding, applications for funds under parts A and C of this title that come from within the State.

"(e) APPLICATIONS.—A State educational agency desiring to receive an award under this section shall submit an application to the Secretary in such form, at such time, containing such information and assurances as the Secretary may require.

"NATIONAL CLEARINGHOUSE FOR BILINGUAL EDUCATION

"SEC. 7205. (a) ESTABLISHMENT.—The Secretary shall establish and support the operation of a National Clearinghouse for Bilingual Education, which shall collect, analyze, synthesize, and disseminate information about bilingual education and related programs.

"(b) FUNCTIONS.—The National Clearinghouse for Bilingual Education shall—

"(1) coordinate its activities with Federal data and information clearinghouses and dissemination networks and systems; and

"(2) develop a data base management and monitoring system for improving the operation and effectiveness of funded programs.

"EVALUATIONS

"SEC. 7206. (a) PROGRAM EVALUATIONS UNDER PART A.—(1) Each recipient of funds under part A of this title shall provide the Secretary with an evaluation, in the form prescribed by the Secretary, of its program every two years.

"(2) Such evaluation shall be used by a grantee—

"(A) for program improvement;

"(B) to further define the local program's goals and objectives; and

"(C) to determine program effectiveness.

"(3) Evaluations shall include—

"(A) student outcome indicators that measure progress toward the performance standards set out in the State's plan, either approved or being developed, under title III of Goals 2000: Educate America Act, or, if the State does not have an approved plan under title III of Goals 2000: Educate America Act and is not developing such a plan, with the State plan approved or being developed under section 1111 of this Act, including data comparing children and youth of limited English proficiency with non-limited English proficient children and youth with regard to school retention, academic achievement, and gains in English (and, where applicable, native language) proficiency;

"(B) program implementation indicators that provide information for informing and improving program management and effectiveness, including data on appropriateness of curriculum in relationship to grade and course requirements, appropriateness of program management, appropriateness of the program's staff professional development, and appropriateness of the language of instruction;

"(C) program context indicators that describe the relationship of the activities funded under the grant to the overall school program and other Federal, State, or local programs serving children and youth of limited English proficiency; and

"(D) such other information as the Secretary may require.

"(b) PROGRAM EVALUATIONS UNDER PART C.—(1) Each recipient of funds under part C of this title shall provide the Secretary with an evaluation of its program every two years.

"(2) Such evaluation shall include data on—

"(A) post-program placement of persons trained;

"(B) how the training relates to the employment of persons served by the program;

"(C) program completion; and

"(D) such other information as the Secretary may require.

"PART C—PROFESSIONAL DEVELOPMENT

"PURPOSE

"SEC. 7301. The purpose of this part is to improve the quality of instruction for children and youth of limited English proficiency—

"(1) through professional development programs designed—

"(A) for persons preparing to provide services for children and youth of limited English proficiency;

"(B) to improve the skills of persons currently providing services to children and youth of limited English proficiency; and

"(C) for other staff in schools serving children and youth of limited English proficiency; and

"(2) by disseminating information on appropriate instructional practices and activities for children and youth of limited English proficiency to other school personnel, including teachers not currently serving such children and youth.

"PROFESSIONAL DEVELOPMENT GRANTS

"SEC. 7302. (a) GRANTS TO INSTRUCTIONS OF HIGHER EDUCATION.—(1) The Secretary is authorized to make grants to institutions of higher education for—

"(A) pre-service and in-service professional development for individuals who are either involved in, or preparing to be involved in, the provision of educational services for children and youth of limited English proficiency; and

"(B) national professional development institutes that assist schools or departments of education in institutions of higher education to improve the quality of professional development programs for personnel serving, preparing to serve, or who may serve, children and youth of limited English proficiency.

"(b) GRANTS TO STATE AND LOCAL EDUCATIONAL AGENCIES.—The Secretary may make grants to State and local educational agencies for in-service professional development programs that prepare current school personnel to provide effective services to limited English proficient students.

"(c) USE OF FUNDS FOR SECOND LANGUAGE COMPETENCE.—Awards under this section may be used to develop a program participant's competence in a second language.

"(d) APPLICATIONS.—(1) An institution of higher education, or a state or local educational agency desiring to receive an award under this section shall submit, through its State educational agency, an application to the Secretary, in such form, at such time, and containing such information and assurances as the Secretary may require.

"(2) Each application shall contain a description of how the applicant has consulted with, and assessed the needs of, public and private schools serving children and youth of limited English proficiency to determine their need for and the design of the program for which funds are sought.

"(3)(A) An application for a grant under subsection (a) from an applicant who proposes to conduct a masters or doctoral-level program with funds received under this section shall provide an assurance that such program will include, as a part of the program, a training practicum in a local school program serving children and youth of limited English proficiency.

"(B) A recipient of a grant under subsection (a) may waive the requirement of a training practicum for a degree candidate with significant experience in a local school program serving children and youth of limited English proficiency.

"(4) In order for an institution of higher education or a local educational agency to apply for funds under this section, its State educational agency shall review such application for funds and provide the Secretary with timely comments on the need within the State for the proposed program and whether the proposed program is consistent with the State's plan, either approved or being developed, under title III of Goals 2000: Educate America Act, or, if the State does not have an approved plan under title III of Goals 2000: Educate America Act and is not developing such a plan, with the State plan under section 1111 of this Act and section 2125 of this Act.

"FELLOWSHIPS

"SEC. 7303. (a) ACADEMIC FELLOWSHIPS.—The Secretary may award fellowships for masters, doctoral, and post-doctoral study related to instruction of children and youth of limited English proficiency in such areas as teacher training, program administration, research and evaluation, and curriculum development, and for the support of dissertation research related to such study.

"(b) REPAYMENT.—(a) Any person receiving a fellowship under this section shall agree to—

"(A) work in an activity related to the program or in an activity such as those authorized under the program for a period of time equivalent to the period of time during which such person receives assistance under this title; or

"(B) repay such assistance.

"(2) The Secretary shall establish in regulations such terms and conditions for such agreement as he or she deems reasonable and necessary and may waive the requirement of paragraph (1) in extraordinary circumstances.

"STIPENDS

"SEC. 7304. The Secretary shall provide for the payment of such stipends (including allowances for subsistence and other expenses for such persons and their dependents), as the Secretary determines to be appropriate, to persons participating in training programs under this part.

"PART D—EMERGENCY IMMIGRANT EDUCATION PROGRAM

"PURPOSE

"SEC. 7401. The purpose of this part is to assist eligible State and local educational agencies that experience unexpectedly large increases in their student population due to immigration to—

"(1) provide high-quality instruction to immigrant children and youth; and

"(2) help such children and youth—

"(A) with their transition into American society; and

"(B) meet the same challenging State performance standards expected of all children and youth.

"EMERGENCY IMMIGRANT EDUCATION GRANTS

"SEC. 7402. (a) GRANTS AUTHORIZED.—(1) The Secretary is authorized to make grants to eligible local educational agencies to—

"(A) develop new instructional programs for immigrant children and youth;

"(B) enhance or expand existing instructional programs for immigrant children and youth; and

"(C) meet the short-term needs of local educational agencies without instructional programs for immigrant children and youth.

"(2) Grants awarded under this part shall be for a period of up to two years.

"(b) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—For the purpose of this part, an eligible local educational agency is a local educational agency that has enrolled, in the aggregate, over the current school year and the preceding school year—

"(1) at least 1,000 immigrant children and youth; or

"(2) immigrant children and youth in numbers that represent at least 10 percent of the local educational agency's total enrollment.

"(c) APPLICATIONS.—(1) Any eligible local educational agency desiring to receive a grant under this part shall submit to the Secretary an application in such form, at such time, and containing such information and assurances as the Secretary may require.

"(2) Each application shall—

"(A) describe—

"(i) the need for the proposed program, including data on the number of the immigrant children and youth in the districts to be served and their characteristics, such as language spoken, dropout rates, proficiency in English and the native language, and academic standing in relation to their English proficient peers; and

"(ii) the program to be implemented and how its design—

"(I) relates to the linguistic and academic needs of the immigrant children and youth to be served; and

"(II) is consistent with, and promotes the goals in, its plan under title III of the Goals 2000: Educate America Act, if such plan exists, and its plan under section 1112 of this Act, particularly as those plans relate to the education of immigrant children and youth; and

"(B) provide an assurance that the applicant will not reduce the level of State and local funds that it expends for instructional programs for immigrant children and youth if it receives an award under this part.

"(d) USE OF FUNDS.—Funds awarded under this part shall be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include—

"(A) parent outreach and training activities designed to assist parents to become active participants in the education of their children;

"(B) salaries of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

"(C) tutorials and academic or career counseling for immigrant children and youth;

"(D) identification and acquisition of curricular materials, educational software, and technologies to be used in the program; and

"(E) such other activities, related to the purposes of this part, as the Secretary may authorize.

"(e) CONSORTIA.—A local educational agency that receives a grant under this part may collaborate or form a consortium with one or more local education agencies, institutions of higher education, and non-profit organizations to carry out the approved program.

"(f) SUBGRANTS.—A local educational agency that receives a grant under this part may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a non-profit organization, or a consortium of such entities to carry out an approved program, including a program to serve out-of-school youth.

"PART E—ADMINISTRATION

"COORDINATION WITH RELATED PROGRAMS

"SEC. 7501. In order to maximize the effectiveness of Federal efforts aimed at serving the educational needs of children and youth of limited English proficiency, the Secretary shall coordinate and ensure close cooperation with other programs administered by the Department of Education, including programs in such areas as teacher training, program content, research, and curriculum.

"REPORT ON BILINGUAL EDUCATION

"SEC. 7502. The Secretary shall, within three years from the date of enactment of the Improving America's Schools Act of 1993, and every third year thereafter, submit to the Congress a report on the condition of bilingual education. The report shall include—

"(1) information on—

"(A) the grants, contracts, and cooperative agreements made pursuant to this title in the preceding three fiscal years;

"(B) the number of individuals benefiting from the programs assisted under this title;

"(C) the evaluation of activities carried out under this title during the preceding three fiscal years and the extent to which each of such activities achieves the policy set forth in section 7002(a);

"(D) an estimate of the number of teachers and other school personnel for bilingual education that will be necessary for the three succeeding fiscal years; and

"(E) the research activities carried out under this title during the preceding three fiscal years and the major findings of research studies; and

"(2) an analysis and synthesis of such data.

"STATE EDUCATIONAL AGENCY RECOMMENDATIONS; PEER REVIEW

"SEC. 7503. (a) STATE EDUCATIONAL AGENCY RECOMMENDATIONS.—In making awards under parts A and C of this title, the Secretary shall take State educational agency recommendations into account.

"(b) PEER REVIEW.—(1) In making awards under parts A, C and D of this title and in making funding decisions for continuation grants under parts A and C of this title, the Secretary may solicit recommendations from peer review panels composed of individuals experienced in aspects of the education of limited English proficient students.

"(2) The Secretary may use up to .2 percent of the total amount of funds appropriated for each fiscal year for programs authorized under this title for peer review.

"PART F—SPECIAL RULE

"SPECIAL RULE

"SEC. 7601. Notwithstanding any other provision of this title, no recipient of a grant under title VII of this Act as in effect prior to the enactment of the Improving America's Schools Act of 1993 shall be eligible for fourth- and fifth-year renewals authorized by section 7021(d)(1)(C) of this title as in effect prior to such enactment.

"TITLE VIII—IMPACT AID

"FINDINGS

"SEC. 8001. The Congress finds that—

"(1) certain activities of the Federal Government place a financial burden on the local educational agencies serving areas where such activities are carried out; and

"(2) it is the shared responsibility of the Federal Government, the States, and local educational agencies to provide for the education of children connected to those activities.

"PURPOSE

"SEC. 8002. In order to fulfill the Federal responsibility to assist with the provision of educational services to federally connected children, and to help them meet challenging State standards, it is the purpose of this title to provide financial assistance to local educational agencies that—

"(1) educate children who reside on Federal property and whose parents are employed on Federal property;

"(2) experience sudden and substantial increases in enrollments because of military realignments; or

"(3) need special assistance with capital expenditures for construction activities because of the enrollments of substantial numbers of children who reside on Indian lands.

"PAYMENTS FOR ELIGIBLE CHILDREN

"SEC. 8003. (a) ELIGIBLE CHILDREN.—For the purpose of computing the amount that a local educational agency is eligible to receive under subsection (b) or (c) of this section for any fiscal year, the Secretary shall determine the number of children who were in average daily attendance in the schools of such agency, and for whom such agency provided free public education, during the preceding school year and who, while in attendance at such schools—

"(1) resided on Federal property with a parent employed on Federal property located, in whole or in part, within the boundaries of the school district of such agency;

"(2) resided on Federal property and had a parent on active duty in the uniformed services (as defined in section 101 of title 37, United States Code); or

"(3) resided on Indian lands, as defined in section 8012(6) of this title.

"(b) BASIC SUPPORT PAYMENTS.—(1) From the amount appropriated under section 8013(a) for any fiscal year, the Secretary is authorized to make payments to local educational agencies with children described in subsection (a).

"(2) The maximum amount that a local educational agency is eligible to receive under this subsection for any fiscal year is—

"(A) the total number of children determined under subsection (a)(1) and (2), plus 1.25 times the number of children determined under subsection (a)(3), for such agency; multiplied by

"(B) the average per-pupil expenditure of local educational agencies in such agency's State for the third preceding fiscal year, as determined by the Secretary; multiplied by

"(C) the local contribution percentage for the third preceding fiscal year, as determined by the Secretary.

"(3) If the amount appropriated under section 8013(a) for any fiscal year is insufficient to pay to each local educational agency the amount determined under paragraph (2), the Secretary shall ratably reduce each such payment.

"(c) SUPPLEMENTAL PAYMENTS FOR CERTAIN CHILDREN WITH DISABILITIES.—(1) From the amount appropriated under section 8013(b) for any fiscal year, the Secretary shall make supplemental payments to local educational agencies that receive basic support payments under subsection (b).

"(2) The maximum amount that a local educational agency is eligible to receive under this subsection for any fiscal year is—

"(A) the number of children with disabilities, as defined in section 602(a)(1) of the Individuals with Disabilities Education Act, described in paragraphs (2) and (3) of subsection (a), to whom the local educational agency provided a free appropriate public education in accordance with such Act in the preceding school year; multiplied by

"(B) 50 percent of the average per-pupil expenditure determined under subsection (b)(2)(B); multiplied by

"(C) the local contribution percentage determined by the Secretary under subsection (b)(2)(C).

"(3) If the amount appropriated under section 8013(b) for any fiscal year is insufficient to pay to each local educational agency the amount determined under paragraph (2), the Secretary shall ratably reduce each such payment.

"(4) A local educational agency shall use any funds it receives under this subsection to provide a free appropriate public education to children described in paragraph (2), in accordance with part B of the Individuals with Disabilities Education Act.

"(d) HOLD-HARMLESS AMOUNTS.—(1) Notwithstanding any other provision of this section, the total amount that the Secretary shall pay a local educational agency under subsections (b) and (c) of this section—

"(A) for fiscal year 1995, shall not be less than 80 percent of the payment such agency received for fiscal year 1994 under section 3(a) of Public Law 81–874, as in effect for fiscal year 1994;

"(B) for fiscal year 1996, shall not be less than 60 percent of such fiscal year 1994 payment; and

"(C) for fiscal year 1997, shall not be less than 40 percent of such fiscal year 1994 payment.

"(2) If necessary in order to make payments to local educational agencies in accordance with paragraph (1), the Secretary shall reduce payments to other local educational agencies determined under subsection (b).

"POLICIES AND PROCEDURES FOR CHILDREN RESIDING ON INDIAN LANDS

"SEC. 8004. (a) POLICIES AND PROCEDURES REQUIRED.—Any local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8003 of this title shall establish policies and procedures to ensure that—

"(1) such children participate in programs and activities supported by such funds on an equal basis with all other children;

"(2) parents of such children and Indian tribes are afforded an opportunity to present their views on such programs and activities, including an opportunity to make recommendations on the needs of those children and how they may help those children realize the benefits of those programs and activities;

"(3) parents and Indian tribes are consulted and involved in planning and developing such programs and activities;

"(4) relevant applications, evaluations, and program plans are disseminated to the parents and Indian tribes; and

"(5) parents and Indian tribes are afforded an opportunity to present their views on the agency's general educational program.

"(b) RECORDS.—Each such agency shall maintain records demonstrating its compliance with subsection (a).

"(c) WAIVER.—Any such agency is excused from the requirements of subsections (a) and (b) for any year with respect to any Indian tribe from which it has relieved a written statement that the agency need not comply with those subsections because the tribe is satisfied with the agency's provision of educational services to such children.

"(d) TECHNICAL ASSISTANCE AND ENFORCEMENT.—The Secretary shall—

"(1) provide technical assistance to local educational agencies, parents, and Indian tribes to enable them to carry out this section; and

"(2) enforce this section through such actions, which may include the withholding of funds, as the Secretary finds appropriate, after affording the local educational agency, parents, and affected Indian tribes an opportunity to present their views.

"APPLICATIONS FOR PAYMENTS UNDER SECTION 8003

"SEC. 8005. (a) APPLICATIONS REQUIRED.—Any local educational agency wishing to receive a payment under section 8003 of this title shall—

"(1) file an application therefor with the Secretary; and

"(2) provide a copy of its application to the State educational agency.

"(b) APPLICATION CONTENTS.—Each such application shall be submitted in such form and manner, and shall contain such information, as the Secretary may require, including—

"(1) information to determine such agency's eligibility for a payment and the amount of any such payment; and

"(2) where applicable, an assurance that such agency is in compliance with section 8004 of this title, relating to children residing on Indian lands.

"(c) DEADLINE FOR SUBMITTING; APPROVAL.—(1) The Secretary shall establish deadlines for the filing of applications under this section.

"(2) The Secretary shall approve each application submitted under this section that is filed by the deadline established under paragraph (1) and otherwise meets the requirements of this title.

"(3) The Secretary shall approve an application filed up to 60 days after a deadline established under subsection (c) that otherwise

meets the requirements of this title, except that, notwithstanding section 8003(d) or any other provision of this title, the Secretary shall reduce the payment based on such late application by ten percent of the amount that would otherwise be paid.

"(4) The Secretary shall not accept or approve any application filed more than 60 days after a deadline established under paragraph (1).

"SUDDEN AND SUBSTANTIAL INCREASES IN ATTENDANCE OF MILITARY DEPENDENTS

"SEC. 8006. (a) ELIGIBILITY.—A local educational agency is eligible for a payment under this section if—

"(1) the number of children in average daily attendance during the current school year is at least ten percent or 100 more than the number of children in average daily attendance in the preceding school year; and

"(2) the number of children in average daily attendance with a parent on active duty (as defined in section 101(18) of title 37, United States Code) in the Armed Forces who are in attendance at such agency because of the assignment of their parent to a new duty station between July 1 and September 30, inclusive, of the current year, as certified by an appropriate local official of the Department of Defense, is at least ten percent or 100 more than the number of children in average daily attendance in the preceding school year.

"(b) APPLICATION.—Any local educational agency that wishes to receive a payment under this section shall file an application therefor with the Secretary by October 15 of the current school year, in such manner and containing such information as the Secretary may prescribe, including information demonstrating that it is eligible for such a payment.

"(c) CHILDREN TO BE COUNTED.—For each eligible local educational agency that applies for a payment under this section, the Secretary shall determine the lesser of—

"(1) the increase in the number of children in average daily attendance from the preceding year; and

"(2) the number of children described in subsection (a)(2).

"(d) PAYMENTS.—The Secretary shall pay each local educational agency with an approved application an amount, not to exceed $200 per eligible child, equal to—

"(1) the amount available to carry out this section, including any funds carried over from prior years, divided by the number of children determined under subsection (c) for all such local educational agencies; multiplied by

"(2) the number of such children determined for that local educational agency.

"CONSTRUCTION

"SEC. 8007. PAYMENTS AUTHORIZED.—From the amount appropriated for each fiscal year under section 8013(d), the Secretary shall make payments to each local educational agency—

"(1) that receives a basic payment under section 8003(b); and

"(2) in which the number of children determined under section 8003(a) who resided on Indian lands constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the preceding school year.

"(b) AMOUNT OF PAYMENTS.—The amount of a payment to each such agency shall be equal to—

"(1) the amount so appropriated under section 8013(d); divided by

"(2) the number of children determined under section 8003(a) for all such agencies, but not including any children attending a school assisted or provided by the Secretary under section 8008 of this title or section 10 of Public Law 81–815, as in effect prior to the repeal of such statute; multiplied by

"(3) the number of such children determined for such agency.

"(c) USE OF FUNDS.—Any local educational agency that receives funds under this section shall use such funds for construction, as defined in section 8012(3) of this title.

"MINIMUM SCHOOL FACILITIES ASSISTED BY THE SECRETARY

"SEC. 8008. (a) CURRENT FACILITIES.—From the amount appropriated for any fiscal year under section 8013(e), the Secretary may continue to provide assistance for school facilities that were supported by the Secretary under section 10 of Public Law 81–815 as in effect prior to the repeal of such statute.

"(b) TRANSFER OF FACILITIES.—(1) The Secretary shall, as soon as practicable, transfer to the appropriate local educational agency or another appropriate entity all the right, title, and interest of the United States in and to each facility provided under section 10 of Public Law 81–815, or under sections 204 or 310 of Public Law 81–874 as in effect on January 1, 1958.

"(2) Any such transfer shall be without charge to such agency or entity and shall be subject to such terms and conditions as the Secretary finds appropriate.

"STATE CONSIDERATION OF PAYMENTS IN PROVIDING STATE AID

"SEC. 8009. (a) GENERAL PROHIBITION ON STATE CONSIDERATION.—Except as provided in subsection (b), no State shall—

"(1) consider payments under this title or under Public Law 81–874 in determining, for any fiscal year—

"(A) the eligibility of any local educational agency for State aid for free public education; or

"(B) the amount of such aid; or

"(2) make such aid available to local educational agencies in a manner that results in less State aid to any local educational agency that is eligible for such payment than it would receive if it were not so eligible.

"(b) STATE EQUALIZATION PLANS.—(1) Notwithstanding subsection (a), a State may reduce State aid to a local educational agency that receives a payment under section 8003(b) of this title or under Public Law 81–874 (other than a payment under section 2 or an increase in payments described in paragraphs (2)(B), (2)(C), (2)(D), or (3)(B)(ii) of section 3(d)) for any fiscal year if the Secretary determines, and certifies under subsection (c)(3)(A), that the State has in effect a program of State aid that equalizes expenditures for free public education among local educational agencies in the State.

"(2)(A) For purpose of paragraph (1), a program of State aid equalizes expenditures among local educational agencies if, in the second preceding fiscal year, the amount of per-pupil expenditures made by, or per-pupil revenues available to, the local educational agency in the State with the highest such per-pupil expenditures or revenues did not exceed the amount of such per-pupil expenditures made by, or per-pupil revenues available to, the local educational agency in the State with the lowest such expenditures or revenues by more than 25 percent.

"(B) In making a determination under this subsection, the Secretary shall—

"(i) disregard local educational agencies with per-pupil expenditures or revenues above the 95th percentile of such expenditures or revenues in the State; and

"(ii) take into account the extent to which a program of State aid reflects the additional cost of providing free public education in particular types of local educational agencies, such as those that are geographically isolated, or to particular types of students, such as children with disabilities.

"(3) Notwithstanding paragraph (2), if the Secretary determines that the State has substantially revised its program of State aid, the Secretary may certify such program for any fiscal year only if—

"(A) the Secretary determines, on the basis of projected data, that the States' program will meet the 25 percent disparity standard described in paragraph (2) in the fiscal year; and

"(B) the State provides an assurance to the Secretary that, if final data do not demonstrate that the State's program met such standard for that year (or that it met such standard with a greater percentage of disparity than anticipated), the State will pay to each affected local educational agency the amount by which it reduced State aid to the local educational agency on the basis of such certification, or a proportionate share thereof, as the case may be.

"(c) PROCEDURES FOR REVIEW OF STATE EQUALIZATION PLANS.—(1)(A) Any State that wishes to consider payments described in subsection (b)(1) in providing State aid to local educational agencies shall submit to the Secretary, not later than 120 days before the beginning of the State's fiscal year, a written notice of its intention to do so.

"(B) Such notice shall be in the form and contain the information the Secretary requires, including evidence that the State has notified each local educational agency in the State of its intention to consider such payments in providing State aid.

"(2) Before making a determination under subsection (b), the Secretary shall afford the State, and local educational agencies in the State, an opportunity to present their views.

"(3)(A) If the Secretary determines that a program of State aid qualifies under subsection (b), the Secretary shall—

"(i) certify the program and so notify the State; and

"(ii) afford an opportunity for a hearing, in accordance with section 8011(a), to any local educational agency adversely affected by such certification.

"(B) If the Secretary determines that a program of States aid not qualify under subsection (b), the Secretary shall—

"(i) so notify the State; and

"(ii) afford an opportunity for a hearing, in accordance with section 8011(a), to the State, and to any local educational agency adversely affected by such determination.

"(d) REDUCTION OF STATE AID.—(1) A State whose program of State aid has been certified by the Secretary under subsection (c)(3)(A) may reduce the amount of such aid provided to a local educational agency that receives a payment described in subsection (b)(1) by any amount up to—

"(A) the amount of such payment; multiplied by

"(B) 100 percent minus the percentage of disparity determined under subsection (b).

"(2) No State may make such reductions before its program of State aid has been certified by the Secretary under subsection (c)(3)(A).

"(e) REMEDIES OF STATE VIOLATIONS.—(1) the Secretary or any aggrieved local educational agency may, without exhausting administrative remedies, bring an action in United States district court against any State that violates subsection (a) or subsection (d)(2) of this section or fails to carry

out an assurance provided under subsection (b)(3)(B) of this section.

"(2) A State shall not be immune under the eleventh amendment to the Constitution of the United States from such action.

"(3) The court shall grant such relief, other than monetary damages, as it determines is appropriate, which may include attorney's fees to a prevailing local educational agency.

"FEDERAL ADMINISTRATION

"SEC. 8010. (a) PAYMENTS IN WHOLE DOLLAR AMOUNTS.—The Secretary shall round any payments under this title to the nearest whole dollar amount.

"(b) OTHER AGENCIES.—Each Federal agency administering Federal property on which children reside, and each agency principally responsible for an activity that may occasion assistance under this title, shall, to the maximum extent practicable, comply with requests of the Secretary for information the Secretary may need to carry out this title.

"ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW

"SEC. 8011. (a) ADMINISTRATIVE HEARINGS.—Any local educational agency and any State that is adversely affected by any action of the Secretary under this title shall be entitled to a hearing on such action in the same manner as if such agency were a person under chapter 5 of title 5, U.S. Code.

"(b) JUDICIAL REVIEW OF SECRETARIAL ACTION.—(1) Any local educational agency or any State aggrieved by the Secretary's final decision following an agency proceeding under subsection (a) may, within 60 days after receiving notice of such decision, file with the United States court of appeals for the circuit in which such agency or State is located a petition for review of that action. The clerk of the court shall promptly transmit a copy of the petition to the Secretary. The Secretary shall then file in the court the record of the proceedings on which the Secretary's action was based, as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence. The Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The court shall have exclusive jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"DEFINITIONS

"SEC. 8012. As used in this title, the following terms have the following meanings:

"(1) ARMED FORCES.—The term 'Armed Forces' means the Army, Navy, Air Force, and Marine Corps.

"(2) AVERAGE PER-PUPIL EXPENDITURE.—The term 'average per-pupil expenditure' means—

"(A) the aggregate current expenditures of all local educational agencies in the State; divided by

"(B) the total number of children in average daily attendance for whom such agencies provided free public education.

"(3) CONSTRUCTION.—The term 'construction' means—

"(A) the preparation of drawings and specifications for school facilities;

"(B) erecting, building, acquiring, altering, remodeling, repairing, or extending school facilities;

"(C) inspecting and supervising the construction of school facilities; and

"(D) debt service for such activities.

"(4) FEDERAL PROPERTY.—(A) Except as otherwise described in paragraphs (B) through (E) of this paragraph, the term 'Federal property' means real property that is not subject to taxation by any State or any political subdivision of a State due to Federal agreement, law, or policy, and that is—

"(i) owned by the United States or leased by the United States from another entity;

"(ii)(I) held in trust by the United States for individual Indians or Indian tribes;

"(II) held by individual Indians or Indian tribes subject to restrictions on alienation imposed by the United States;

"(III) conveyed at any time under the Alaska Native Claims Settlement Act (Public Law 92-203, 43 U.S.C. 1601 et seq.) to Native individual, Native group, or Village or Regional corporation;

"(IV) public land owned by the United States that is designated for the sole use and benefit of individual Indians or Indian tribes;

"(V) used for low-rent housing, as otherwise described in this paragraph, that is located on land described in clauses (I), (II), (III), or (IV) of this subparagraph or on land that met one of those descriptions immediately before its use for such housing;

"(iii) part of a low-rent housing project assisted under the United States Housing Act of 1937; or

"(iv) owned by a foreign government or by an international organization.

"(B) 'Federal property' includes, so long as not subject to taxation by any State or any political subdivision of a State, and whether or not that tax exemption is due to Federal agreement, law, or policy—

"(i) any school providing flight training to members of the Air Force under contract with the Air Force at an airport owned by a State or political subdivision of a State; and

"(ii) real property that is part of a low-rent housing project assisted under—

"(I) section 516 of the Housing Act of 1949, 42 U.S.C. §1486 (domestic farm labor low-rent housing); or

"(II) part B of title III of the Economic Opportunity Act of 1964, formerly 42 U.S.C. 2861 *et seq.* (migrant and other seasonally employed farmworker low-rent housing).

"(C) 'Federal property' includes, whether or not subject to taxation by a State or a political subdivision of a State—

"(i) any non-Federal easement, lease, license, permit, or other such interest in Federal property as otherwise described in this paragraph, but not including any non-Federal fee-simple interest;

"(ii) any improvement on Federal property as otherwise described in this paragraph; and

"(iii) real property that, immediately before its sale or transfer to a non-Federal party, was owned by the United States and otherwise qualified as Federal property described in this paragraph, but only for one year beyond the end of the fiscal year of such sale or transfer.

"(D) Notwithstanding any other provision of this paragraph, 'federal property' does not include—

"(i) any real property under the jurisdiction of the United States Postal Service that is used primarily for the provision of postal services; or

"(ii) pipelines and utility lines.

"(E) Notwithstanding any other provision of this paragraph, 'Federal property' does not include any property on which children reside that is otherwise described in this paragraph if—

"(i) no tax revenues of the State or of any political subdivision of the State may be expended for the free public education of children who reside on that Federal property; or

"(ii) no tax revenues of the State are allocated or available for the free public education of such children.

"(5) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is provided—

"(A) at public expense, under public supervision and direction, and without tuition charge; and

"(B) as elementary or secondary education, as determined under State law, except that, notwithstanding State law, such term—

"(i) includes preschool education; and

"(ii) does not include any education provided beyond grade 12.

"(6) INDIAN LANDS.—The term 'Indian lands' means any Federal property described in paragraph (4)(A)(ii) of this section.

"(7) LOCAL CONTRIBUTION PERCENTAGE.—(A) The term 'Local contribution percentage' means the percentage of current expenditures in the State derived from local and intermediate sources, as reported to and verified by the National Center for Education Statistics.

"(B) Notwithstanding subparagraph (A), the local contribution percentage for Hawaii and for the District of Columbia shall be the local contribution percentage computed for the Nation as a whole.

"(8) LOCAL EDUCATIONAL AGENCY.—(A) The term 'local educational agency' means a board of education or other legally constituted local school authority having administrative control and direction and free public education in a county, township, independent school district, or other school district.

"(B) 'Local educational agency' includes any State agency that directly operates and maintains facilities for providing free public education.

"(C) 'Local educational agency' does not include any agency or school authority that the Secretary determines, on a case-by-case basis—

"(i) was constituted or reconstituted primarily for the purpose of receiving assistance under this title or under public Law 81-874 or increasing the amount of such assistance; or

"(ii) is not constituted or reconstituted for legitimate educational purposes.

"(9) SCHOOL FACILITIES. The term 'school facilities' includes classrooms and related facilities, and equipment, machinery, and utilities necessary or appropriate for school purposes.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 8013. (a) BASIC PAYMENTS.—For the purpose of making payments under section 8003(b), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(b) SUPPLEMENTAL PAYMENTS FOR CHILDREN WITH DISABILITIES.—For the purpose of making payments under section 8003(c), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(c) PAYMENTS FOR INCREASES IN MILITARY CHILDREN.—For the purpose of making payments under section 8006, there are authorized to be appropriated such sums as may be

necessary for each of the fiscal years 1995 through 1999.

"(d) CONSTRUCTION.—For the purpose of making payments under section 8007, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(e) FACILITIES MAINTENANCE.—For the purpose of carrying out section 8008, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"TITLE IX—GENERAL PROVISIONS

"PART A—DEFINITIONS

"DEFINITIONS

"SEC. 9101. Except as otherwise provided, for the purposes of this Act, the following terms have the following meanings:

"(1)(A) Except as provided otherwise by State law or this paragraph, the term 'average daily attendance' means—

"(i) the aggregate number of days of attendance of all students during a school year; divided by

"(ii) the number of days school is in session during such school year.

"(B) The Secretary shall permit the conversion of average daily membership (or other similar data) to average daily attendance for local educational agencies in States that provide State aid to local educational agencies on the basis of average daily membership or such other data.

"(C) If the local educational agency in which a child resides makes a tuition or other payment for the free public education of the child in a school located in another school district, the Secretary shall, for purposes of this Act—

"(i) consider the child to be in attendance at a school of the agency making such payment; and

"(ii) not consider the child to be in attendance at a school of the agency receiving such payment.

"(D) If a local educational agency makes a tuition payment to a private school or to a public school of another local educational agency for a child with disabilities, as defined in section 602(a)(1) of the Individuals with Disabilities Education Act, the Secretary shall, for the purposes of this Act, consider such child to be in attendance at a school of the agency making such payment.

"(2) The term 'average per-pupil expenditure' means, in the case of a State or of the United States—

"(A) without regard to the source of funds—

"(i) the aggregate current expenditures, during the third preceding fiscal year (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the State or, in the case of the United States for all States (which, for the purpose of this paragraph, means the 50 States and the District of Columbia); plus

"(ii) any direct current expenditures by the State for operation of such agencies; divided by

"(B) the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

"(3) The term 'child' means any person within the age limits for which the applicable State provides free public education.

"(4) The term 'community-based organization' means a private nonprofit organization that—

"(A) is representative of a community or significant segments of a community; and

"(B) provides educational or related services to individuals in the community.

"(5) The term 'consolidated State application' means an application submitted by a State educational agency pursuant to section 9302 of this Act.

"(6) The term 'country' means one of those divisions of a State used by the Secretary of Commerce in compiling and reporting data regarding countries.

"(7) The term 'covered program' means each of the programs authorized by—

"(A) part A of title I of this Act (making high-poverty schools work);

"(B) part C of title I of this Act (education of migratory children);

"(C) part A of title II of this Act (professional development); and

"(D) part A of title IV of this Act (safe and drug-free schools) except section 4104.

"(8) The term 'current expenditures' means expenditures for free public education—

"(A) including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities; but

"(B) not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds received under title I and part A of title II of this Act.

"(9) The term 'Department' means the Department of Education.

"(10) The term 'elementary school' means a day or residential school that provides elementary education, as determined under State law.

"(11) The term 'free public education' means education that is provided—

"(A) at public expense, under public supervision and direction, and without tuition charge; and

"(B) as elementary or secondary school education as determined under applicable State law, except that such term does not include any education provided beyond grade 12.

"(12) The term 'institution of higher education' has the meaning given that term in section 1201(a) of the Higher Education Act of 1965.

"(13)(A) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools.

"(B) The term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"(14) The term 'outlying area' means the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Marina Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau).

"(15) The term 'parent' includes a legal guardian or other person standing in loco parentis.

"(16) The term 'pupil-services personnel' and 'pupil services' means, respectively—

"(A) school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services as part of a comprehensive program to meet student needs; and

"(B) the services provided by such individuals.

"(17) The term 'secondary school' means a day or residential school that provides secondary education, as determined under State law, except that it does not include any education beyond grade 12.

"(18) The term 'Secretary' means the Secretary of Education.

"(19) The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

"(20) The term 'State educational agency' means the agency primarily responsible for the State supervision of public elementary and secondary schools.

"APPLICABILITY OF THIS TITLE

"SEC. 9102. Parts B through F of this title do not apply to title VIII of this Act.

"PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

"CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS

"SEC. 9201. (a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—(1) A State educational agency may consolidate the amounts specifically made available to it for State administration under one or more of the programs specified under paragraph (2).

"(2) This section applies to title I of this Act and the covered programs specified in sections 9101(7) (C) and (D).

"(b) USE OF FUNDS.—(1) A State educational agency shall use the amount available under this section for the administration of the programs included in the consolidation under subsection (a).

"(2) A State educational agency may also use funds available under this section for administrative activities designed to enhance the effective and coordinated use of funds under such programs, such as—

"(A) the coordination of programs specified in subsection (a)(2) with other Federal and non-Federal programs;

"(B) the establishment and operation of peer-review mechanisms under this Act;

"(C) the administration of this title;

"(D) the dissemination of information regarding model programs and practices; and

"(E) technical assistance under programs specified in subsection (a)(2).

"(c) RECORDS.—A State educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual program, to account for costs relating to the administration of programs included in the consolidation under subsection (a).

"(d) REVIEW.—To determine the effectiveness of State administration under this section, the Secretary may periodically review the performance of State educational agencies in using consolidated administrative funds under this section and take such steps as the Secretary finds appropriate to ensure the effectiveness of such administration.

"(e) UNUSED ADMINISTRATIVE FUNDS.—If a State educational agency does not use all of the funds available to it under this section for administration, it may use such funds during the applicable period of availability as funds available under one or more programs included in the consolidation under subsection (a).

"SINGLE LOCAL EDUCATIONAL AGENCY STATES

"SEC. 9202. A State educational agency that also serves as a local educational agency shall, in its applications or State plans under this Act, describe how it will eliminate duplication in the conduct of administrative functions.

"CONSOLIDATION OF FUNDS FOR LOCAL ADMINISTRATION

"SEC. 9203. (a) GENERAL AUTHORITY.—In accordance with regulations of the Secretary, a local educational agency, with the approval of its State educational agency, may consolidate and use for the administration of one or more covered programs for any fiscal year not more than the percentage, determined by its State educational agency, of the total amount available to that local educational agency under those covered programs.

"(b) STATE PROCEDURES.—Within one year from the date of enactment of the Improving America's Schools Act of 1993, a State educational agency shall, in collaboration with local educational agencies in the State, establish procedures for responding to requests from local educational agencies to consolidate administrative funds under subsection (a) and for establishing limitations on the amount of funds under covered programs that may be used for administration on a consolidated basis.

"(c) CONDITIONS.—A local educational agency that consolidates administrative funds under this section for any fiscal year shall not use any other funds under the programs included in the consolidation for administration for that fiscal year.

"(d) USES OF ADMINISTRATIVE FUNDS.—A local educational agency that consolidates administrative funds under this section may use these consolidated funds for the administration of covered programs and for the purposes described in section 9201(b)(2).

"(e) RECORDS.—A local educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual covered program, to account for costs relating to the administration of covered programs included in the consolidation.

"ADMINISTRATIVE FUNDS STUDY

"SEC. 9204. (a) STUDY.—(1) The Secretary may conduct a study of the use of funds under this Act for the administration, by State and local educational agencies, of covered programs, including the percentage of grant funds used for such purpose in covered programs.

"(2) Based on the results of such study, the Secretary may publish regulations or guidelines regarding the use of funds for administration under those programs, including the use of such funds on a consolidated basis and limitations on the amount of such funds that may be used for administration.

"(b) REPORT.—The Secretary shall submit to the President and the appropriate committees of the Congress a report regarding the study, if any, conducted under this section within 30 days of its completion.

"CONSOLIDATED SET-ASIDE FOR DEPARTMENT OF THE INTERIOR FUNDS

"SEC. 9205. (a) GENERAL AUTHORITY.—(1) The Secretary shall transfer to the Department of the Interior, as a consolidated amount for covered programs, the Indian education programs under part A of title VI of this Act, and the education for homeless children and youth program under subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act, the amounts allotted to the Department of the Interior under those programs.

"(2)(A) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of the programs specified in paragraph (1), for the distribution and use of those funds under terms that the Secretary determines best meet the purposes of those programs.

"(B) The agreement shall—

"(i) set forth the plans of the Secretary of the Interior for the use of the amount transferred, the steps to be taken to achieve the National Education Goals, and performance measures to assess program effectiveness, including measurable goals and objectives; and

"(ii) be developed in consultation with Indian tribes.

"(b) ADMINISTRATION.—The Department of the Interior may use up to 1.5 percent of the funds consolidated under this section for its costs related to the administration of the funds transfered under this section.

"SCHOOLWIDE PROGRAMS

"SEC. 9206. In accordance with section 1114 of this Act, a school may use funds received under any noncompetitive, formula-grant program administered by the Secretary, except a program under the Individuals with Disabilities Education Act, and any discretionary program contained on a list (updated as necessary) issued by the Secretary, to support a schoolwide program, notwithstanding any provision of the statute or regulations governing any such program.

"AVAILABILITY OF UNNEEDED PROGRAM FUNDS

"SEC. 9207. WIth the approval of its State educational agency, a local educational agency that determines for any fiscal year that funds under a covered program other than part A of title I of this Act are not needed for the purpose of that covered program may use such funds, not to exceed 5 percent of the total amount of its funds under that covered program, for the purpose of another covered program.

"PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL APPLICATIONS

"PURPOSE

"SEC. 9301. It is the purpose of this part to improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery under this Act and enhanced integration of programs under this Act with educational activities carried out with State and local funds.

"OPTIONAL CONSOLIDATED STATE APPLICATION

"SEC. 9302. (a) GENERAL AUTHORITY.—(1) In order to simplify application requirements and reduce burden for State educational agencies under this Act, the Secretary shall, in accordance with subsection (b), establish procedures and criteria under which a State educational agency may submit a consolidated State application meeting the requirements of this section for each of the covered programs in which the State participates.

"(2) A State educational agency may also include in its consolidated application—

"(A) the Even Start program under part B of title I of this Act;

"(B) the education of neglected and deliquent youth program under part D of title I of this Act;

"(C) part A of title II of the Carl D. Perkins Vocational and Applied Technology Education Act; and

"(D) such other programs as the Secretary may designate.

"(3) A State educational agency that submits a consolidated State application under this section shall not be required to submit separate State plans or applications under any of the programs to which its consolidated application under this section applies.

"(b) COLLABORATION.—(1) In establishing criteria and procedures under this section, the Secretary shall collaborate with State educational agencies and, as appropriate, with other State agencies, local educational agencies, public and private nonprofit agencies, organizations, and institutions, private schools, and representatives of parents, students, and teachers.

"(2) Through the collaboration process described in subsection (b), the Secretary shall establish, for each program under the Act to which this section applies, the descriptions information, assurances, and other material required to be included in a consolidated State application.

"GENERAL APPLICABILITY OF STATE EDUCATIONAL AGENCY ASSURANCES

"SEC. 9303. (a) ASSURANCES.—A State educational agency that submits a State plan or application under this Act, whether separately or under section 9302, shall have on file with the Secretary single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—

"(1) each such program shall be administered in accordance with all applicable statutes, regulation, program plans, and applications;

"(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, in a nonprofit private agency, institution, or organization, or in a Indian tribe if the statute authorizing the program provides for assistance to such entities; and

"(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing statutes;

"(3) The State will adopt and use proper methods of administering each such program, including—

"(A) the enforcement of any obligations imposed by law on agencies, institution, organizations and other recipients responsible for carrying out each program; and

"(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation; and

"(C) the adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of such programs;

"(4) the State will cooperate in carrying out any evaluation of each such program conducted by or for the Secretary or other Federal officials;

"(5) the State will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each such program;

"(6) the State will—

"(A) make reports to the Secretary as may be necessary to enable the Secretary to perform the Secretary's duties under each such programs; and

"(B) maintain such records, provide such information to the Secretary, and afford access to the records as the Secretary may find necessary to carry out the Secretary's duties; and

"(7) before the application was submitted to the Secretary, the State has afforded a reasonable opportunity for public comment on the application and has considered such comment.

"(b) GEPA PROVISION.—Section 435 of the General Education Provisions Act does not apply to programs under this Act.

"CONSOLIDATED LOCAL APPLICATIONS

"SEC. 9304. (a) GENERAL AUTHORITY.—A local educational agency receiving funds under more than one covered program may submit applications to the State educational agency under such programs on a consolidated basis.

"(b) REQUIRED CONSOLIDATED APPLICATION.—A State educational agency that has submitted and had approved a consolidated State application under section 9302 may require local educational agencies in the State receiving funds under more than one program included in the consolidated State application to submit consolidated local applications under such programs.

"(c) COLLABORATION.—A State educational agency shall collaborate with local educational agencies in the State in establishing procedures for the submission of the consolidated applications under this section.

"OTHER GENERAL ASSURANCES

"SEC. 9305. (a) ASSURANCES.—Any applicant other than a State educational agency that submits an application under this Act, whether separately or pursuant to section 9304, shall have on file with the State educational agency a single set of assurances, applicable to each program for which an application is submitted, that provides that—

"(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

"(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in a nonprofit private agency, institution, organization, or Indian tribe, if the statute authorizing the program provides for assistance to such entities; and

"(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing statutes;

"(3) the applicant will adopt and use proper methods of administering each such program, including—

"(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and

"(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;

"(4) the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency or the Secretary or other Federal officials;

"(5) the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to such applicant under each such program;

"(6) the applicant will—

"(A) make reports to the State educational agency and the Secretary as may be necessary to enable such agency and the Secretary to perform their duties under each such program; and

"(B) maintain such records, provide such information, and afford access to the records as the State educational agency or the Secretary may find necessary to carry out the State educational agency's or the Secretary's duties; and

"(7) before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and has considered such comment.

"(b) GEPA PROVISION.—Section 436 of the General Education Provisions Act does not apply to programs under this Act.

"PART D—WAIVERS

"WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS

"SEC. 9401. (a) GENERAL.—(1) Except as provided in subsection (c), the Secretary may waive any requirement of this Act or of the General Education Provisions Act, or of the regulations issued under such Acts, for a State educational agency, Indian tribe, or other agency, organization, or institution that receives funds under a program authorized by this Act from the Department and that requests such a waiver if—

"(A) the Secretary determines that such requirement impedes the ability of the State educational agency or other recipient to achieve more effectively the purposes of this Act; and

"(B) in the case of a waiver proposal submitted by a State educational agency, the State educational agency—

"(i) provides all interested local educational agencies in the State with notice and an opportunity to comment on the proposal; and

"(ii) submits the comments to the Secretary; and

"(C) in the case of a waiver proposal submitted by a local educational agency or other agency, institution, or organization that receives funds under this Act from the State educational agency, such request has been reviewed by the State educational agency and is accompanied by the comments, if any, of such agency.

"(b) WAIVER PERIOD.—(1) A waiver under this section shall be for a period not to exceed three years.

"(2) The Secretary may extend such period if the Secretary determines that—

"(A) the waiver has been effective in enabling the State or affected recipients to carry out the activities for which it was requested and has contributed to improved performance; and

"(B) such extension is in the public interest.

"(c) WAIVERS NOT AUTHORIZED.—The Secretary may not waive, under this section, any statutory or regulatory requirement relating to—

"(1) comparability of services;

"(2) maintenance of effort;

"(3) the equitable participation of students attending private schools;

"(4) parental participation and involvement;

"(5) the distribution of funds to States or to local educational agencies or other recipients of funds under this Act;

"(6) maintenance of records;

"(7) applicable civil rights requirements; or

"(8) the requirements of sections 438 and 439 of the General Education Provisions Act.

"(d) TERMINATION OF WAIVERS.—The Secretary shall terminate a waiver under this section if the Secretary determines that the performance of the State or other recipient affected by the waiver has been inadequate to justify a continuation of the waiver or if it is no longer necessary to achieve its original purposes.

"PART E—UNIFORM PROVISIONS

"MAINTENANCE OF EFFORT

"SEC. 9501. (a) GENERAL.—A local educational agency may receive funds under a covered program for any fiscal year only if the State educational agency funds that either the 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 that agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

"(b) REDUCTION IN CASE OF FAILURE TO MEET.—(1) The State educational agency shall reduce the amount of the allocation of funds under a covered program in any fiscal year in the exact proportion to which a local educational agency fails to meet the requirement of subsection (a) by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to such local agency).

"(2) No such lesser amount shall be used for computing the effort required under subsection (a) for subsequent years.

"(c) WAIVER.—The Secretary may waive the requirements of this section if the Secretary determines that such a waiver would be equitable due to—

"(1) exceptional or uncontrollable circumstances such as a natural disaster; or

"(2) a precipitous decline in the financial resources of the local educational agency.

"PROHIBITION REGARDING STATE AID

"SEC. 9502. No State shall take into consideration payments under this Act in determining the eligibility of any local educational agency in that State for State aid, or the amount of State aid, with respect to free public education of children.

"PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS

"SEC. 9503. (a) GENERAL REQUIREMENT.—(1) Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in a State educational agency, local educational agency, or intermediate educational agency or consortium receiving financial assistance under a program specified in subsection (b), who are enrolled in private elementary and secondary schools in such agency or consortium, such agency or consortium shall, after timely and meaningful consultation with appropriate private school officials, provide such children and their teachers or other educational personnel, on an equitable basis, special educational services or other benefits under such program.

"(2) Educational services or other benefits, including materials and equipment, provided under this section, must be secular, neutral, and nonideological.

"(3) Educational services and other benefits provided under this section for such private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in such program.

"(4) Expenditures for educational services and other benefits provided under this section to eligible private school children, their teachers, and other educational personnel serving them shall be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children.

"(5) Such agency or consortium may provide such services directly or through contracts with public and private agencies, organizations, and institutions.

"(b) APPLICABILITY.—(1) This section applies to—

"(A) each covered program;

"(B) programs under title VII of this Act; and

"(C) any other program under this Act specified by the Secretary, subject to such conditions as the Secretary may prescribe.

"(2) For the purposes of this section, the term 'eligible children' mean children eligible for services under a program described in paragraph (1).

"(c) CONSULTATION.—(1) To ensure timely and meaningful consultation, such agency or consortium shall consult with appropriate private school officials during the design and development of the programs under this Act, on issues such as—

"(A) how the children's needs will be identified;

"(B) what services will be offered;

"(C) how and where the services will be provided; and

"(D) how the services will be assessed.

"(2) Such consultation shall occur before the agency or consortium makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this Act.

"(3) Such consultation shall include a discussion of the full range of service delivery mechanisms that an agency or consortium could use to provide equitable services to eligible private school children, teachers, and other educational personnel, including, but not limited to—

"(A) instruction provided at public school sites, at neutral sites, or in mobile vans;

"(B) computer-assisted instruction;

"(C) extended-day services;

"(D) home tutoring; and

"(E) take-home computers.

"(d) PUBLIC CONTROL OF FUNDS.—(1) The control of funds used to provide services under this section, and title to materials, equipment, and property purchased with these funds, shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer such funds and property.

"(2)(A) The provision of services under this section shall be provided—

"(i) by employees of a public agency; or

"(ii) through contract by such public agency with an individual, association, agency, or organization.

"(B) In the provision of such services, such employee, person, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.

"(C) Funds used to provide services under this section shall not be commingled with non-Federal funds.

"STANDARDS FOR BY-PASS

"SEC. 9504. If, by reason of any provision of law, a State, local, or intermediate educational agency or consortium is prohibited from providing for the participation in programs of children enrolled in, or teachers or other educational personnel from, private elementary and secondary schools, on an equitable basis, or if the Secretary determines that such agency or consortium has substantially failed or is unwilling to provide for such participation, as required by section 9503, the Secretary shall—

"(1) waive the requirements of that section for such agency or consortium; and

"(2) arrange for the provision of equitable services to such children, teachers, or other educational personnel through arrangements that shall be subject to the requirements of this section and of sections 9503, 9505, and 9506.

"COMPLIANT PROCESS FOR PARTICIPATION OF PRIVATE SCHOOL CHILDREN

"SEC. 9505. (a) PROCEDURES FOR COMPLAINTS.—The Secretary shall develop and implement written procedures for receiving, investigating, and resolving complaints from parents, teachers, or other individuals and organizations concerning violations by an agency or consortium of section 9503 of this Act. Such individual or organization shall submit such complaint to the State educational agency for a written resolution by such agency within a reasonable period of time.

"(b) APPEALS TO THE SECRETARY.—Such resolution may be appealed by an interested party to the Secretary within 30 days after the State educational agency resolves the complaint or fails to resolve the complaint within a reasonable period of time. Such appeal shall be accompanied by a copy of the State educational agency's resolution, and a complete statement of the reasons supporting the appeal. The Secretary shall investigate and resolve each such appeal within 120 days after receipt of the appeal.

"BY-PASS DETERMINATION PROCESS

"SEC. 9506. (a) REVIEW.—(1)(A) The Secretary shall not take any final action under section 9504 until the agency or consortium affected by such action has had an opportunity, for at least 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary to show cause why that action should not be taken.

"(B) Pending final resolution of any investigation or complaint that could result in a determination under this section, the Secretary may withhold from the allocation of the affected State or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of those services.

"(2)(A) If such affected agency or consortium is dissatisfied with the Secretary's final action after a proceeding under paragraph (1), it may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action.

"(B) A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary.

"(C) The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based this action, as provided in section 2112 of title 28, United States Code.

"(3)(A) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings.

"(B) Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(4)(A) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part.

"(B) The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(b) DETERMINATION.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines, in consultation with such agency or consortium and representatives of the affected private school children, teachers, or other educational personnel that there will no longer be any failure or inability on the part of such agency or consortium to meet the applicable requirements of section 9503 or any other provision of this Act.

"(c) PAYMENT FROM STATE ALLOTMENT.—When the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of such services, including the administrative costs of arranging for those services, from the appropriate allocation or allocations under this Act.

"(d) PRIOR DETERMINATION.—Any by-pass determination by the Secretary under this Act as in effect on the day before enactment of the Improving America's Schools Act of 1933 shall remain in effect to the extent the Secretary determines that it is consistent with the purpose of this section.

"PROHIBITION AGAINST FUNDS FOR RELIGIOUS WORSHIP OR INSTRUCTION

"SEC. 9507. Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for religious worship or instruction.

"PART F—OTHER PROVISIONS

"STATE RECOGNITION OF EXEMPLARY PERFORMANCE

"SEC. 9601. (a) GENERAL AUTHORITY.—(1) A State educational agency may implement a program of State recognition awards under one or more covered programs (other than part A of title I of this Act) and part B of title I of this Act.

"(2) Such recognition awards shall be made by the State educational agency to recipients of assistance under this Act in the State that the State educational agency determines have carried out grant-related activities in an exemplary fashion and have demonstrated outstanding performance measured in accordance with this section.

"(3) A State desiring to make monetary awards under this section may reserve a portion of the total amount available for grants within the State under such program for any fiscal year, not to exceed one percent, for the purpose of making recognition awards to qualifying recipients under such programs. In implementing this section, a State may reduce the amount of funds it would otherwise allocate to recipients in accordance with the applicable statute governing such allocation to the extent necessary.

"(b) CONDITIONS.—A State educational agency may make recognition awards under this section if—

"(1) in selecting awardees, it takes into account improvements in performance (rather than comparisons with other schools and school districts), and successful cooperative efforts among teachers, administrators, and other school personnel in achieving educational reform;

"(2) it employs peer review procedures in identifying recipients eligible for awards, the identity of the awardees, and the amount of the awards;

"(3) it determines that the awardee is in compliance with applicable civil rights requirements; and

"(4) it submits to the Secretary a description of the criteria used in making such awards.

"INTERNATIONAL EDUCATION ACTIVITIES

"SEC. 9602. (a) GENERAL AUTHORITY.—In order to enhance education in the United States and to encourage cooperative efforts with foreign governments and international organizations, the Secretary is authorized directly or through grants, contracts, or cooperative agreements to carry out the activities in subsection (b).

"(b) AUTHORIZED ACTIVITIES.—Funds under this section may be used for—

"(1) activities to improve international understanding through the exchange of technical assistance, information, and training opportunities;

"(2) activities to improve our understanding of how educational systems in other countries work in order to better carry out reform efforts;

"(3) joint conferences with foreign countries to focus on specific content areas; and

"(4) other joint efforts designed to foster international collaboration and cooperation in education.

"(c) AUTHORIZATION.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.".

TITLE II—AMENDMENTS TO THE GENERAL EDUCATION PROVISIONS ACT

PART A—APPLICABILITY OF THE GENERAL EDUCATION PROVISIONS ACT

TITLE; APPLICABILITY; DEFINITIONS

SEC. 211. Section 400 of the General Education Provisions Act (20 U.S.C. 1221 *et seq.*; hereafter in this title referred to as "the Act") is amended to read as follows:

"TITLE; APPLICABILITY; DEFINITIONS

"SEC. 400. (a) This title may be cited as the 'General Education Provisions Act'.

"(b)(1) Except as otherwise provided, this title applies to each applicable program of the Department of Education.

"(2) Except as otherwise provided, this title does not apply to any contract made by the Department of Education.

"(c) As used in this title, the following terms have the following meanings:

"(1) The term 'applicable program' means any program for which the Secretary of the Department has administrative responsibility as provided by law or by delegation of authority pursuant to law. The term includes such program for which the Secretary of the Department has administrative responsibility under the Department of Education Organization Act or under statutes effective after the effective date of that Act.

"(2) The term 'applicable statute' means—

"(A) the Act or the title, part, section, or any other subdivision of an Act, as the case may be, that authorizes the appropriation for an applicable program;

"(B) this title; and

"(C) any other statute that by its terms expressly controls the administration of an applicable program.

"(3) The term 'Department' means the Department of Education.

"(4) The term 'Secretary' means the Secretary of Education.

"(d) Nothing in this title shall be construed to affect the applicability of title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program.".

REPEAL

SEC. 212. Section 400A of the Act is repealed.

PART B—THE DEPARTMENT OF EDUCATION

NEW HEADING FOR PART A

SEC. 221. The heading for Part A of the Act is amended to read as follows: "PART A—FUNCTIONS OF THE DEPARTMENT OF EDUCATION".

GENERAL AUTHORITY OF THE SECRETARY

SEC. 222. Section 408 of the Act is amended to read as follows:

"GENERAL AUTHORITY OF THE SECRETARY

"SEC. 408. The Secretary, in order to carry out functions otherwise vested in him by law or by delegation of authority pursuant to law, and subject to limitations as may be otherwise imposed by law, is authorized to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of operation of, and governing the applicable programs administered by, the Department.".

OFFICE OF PRIVATE EDUCATION

SEC. 223. Section 409 of the Act is repealed and a new section 409 is inserted in lieu thereof to read as follows:

"OFFICE OF PRIVATE EDUCATION

"SEC. 409. Subject to section 413 of the Department of Education Organization Act, there is established in the Department an Office of Private Education to ensure the maximum participation of nonpublic school students in all applicable programs for which such children are eligible.".

REPEALS

SEC. 224. Sections 401, 402, 403, 406A, 406B, 406C, and 407 of the Act are repealed.

PART C—APPROPRIATIONS AND EVALUATIONS

AVAILABILITY OF APPROPRIATIONS

SEC. 231. (a) The heading for section 412 of the Act is amended to read as follows: "AVAILABILITY OF APPROPRIATIONS ON ACADEMIC OR SCHOOL-YEAR BASIS; ADDITIONAL PERIOD FOR OBLIGATION OF FUNDS".

(b) Section 412 of the Act is further amended—

(1) in subsection (a)—

(A) by striking out "to educational agencies or institutions"; and

(B) by striking out "expenditure" and inserting in lieu thereof "obligations"; and

(C) by striking out "by the agency or institution concerned" and inserting in lieu thereof "by the recipient";

(2) by amending subsection (b)(1) to read as follows:

"(b)(1)(A) Notwithstanding any other provision of law, unless enacted in express limitation of this subsection, any funds from appropriations to carry out any applicable State formula grant program that are not obligated by a recipient by the end of the fiscal year for which such funds were appropriated shall remain available for obligation by such recipient during the succeeding fiscal year.

"(B) As used in this subsection, the term 'applicable State formula grant program' means an applicable program whose authorizing statute or implementing regulations provide a formula for allocating program funds among eligible States.";

(3) in subsection (b)(2)—

(A) by striking out "applicable program" and inserting in lieu thereof "applicable State formula grant program";

(B) by striking out "and expenditure" and "and expended"; and

(C) in subparagraph (B), by striking out "educational agencies or institutions" and inserting in lieu thereof "recipients"; and

(4) by striking out subsection (c).

CONTINGENT EXTENSION OF PROGRAMS

SEC. 232. Section 414 of the Act is amended to read as follows:

"CONTINGENT EXTENSION OF PROGRAMS

SEC. 414. (a) The authorization of appropriations for, or duration of, an applicable program shall be automatically extended for one additional fiscal year unless Congress, in the regular session that ends prior to the terminal fiscal year of such authorization or duration—

"(1) has passed legislation that becomes law and extends, or has formally rejected legislation that would have extended, the authorization or duration of such program; or

"(2) approves a resolution, by action of either the House of Representatives or the Senate, stating that this section shall not apply to such program.

"(b) The amount authorized to be appropriated for the period of automatic extension of an applicable program under subsection (a) shall be the amount that was authorized to be appropriated for that program during its terminal fiscal year.

"(c) If the Secretary is required, in the terminal fiscal year of an applicable program, to carry out certain acts or make certain determinations that are necessary for the continuation of such program, such acts or determinations shall be required to be carried out or made during the period of automatic extension under subsection (a).".

BIENNIAL EVALUATION REPORT

SEC. 233. Section 417 of the Act is amended to read as follows:

"BIENNIAL EVALUATION REPORT

"SEC. 417. Not later than March 31 of each second year beginning with 1995, the Secretary shall transmit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate an evaluation report on the effectiveness of applicable programs during the two preceding fiscal years in achieving their legislated purposes. Such report shall—

"(1) contain program profiles that include legislative citations, multi-year funding histories, and legislated purposes;

"(2) contain recent evaluation information on the progress being made toward the achievement of program objectives, including listings of program performance indicators, data from performance measurement based on the indicators, and evaluation information on the costs and benefits of the applicable programs being evaluated;

"(3) contain selected significant program activities, such as initiatives for program improvement, regulations, and program monitoring and evaluation;

"(4) list the principal analyses and studies supporting the major conclusions in the report; and

"(5) include available data to indicate the effectiveness of the programs and projects by the race, sex, disability and age of their beneficiaries.".

TECHNICAL AMENDMENTS

SEC. 234. (a) Section 415 of the Act is amended by striking out "Commissioner" and inserting in lieu thereof "Secretary".

(b) Section 420 of the Act is amended—

(1) by striking out "title I of" and all that follows through "Congress)" and inserting in lieu thereof "title VIII of the Elementary and Secondary Education Act of 1965"; and

(2) by striking out "subparagraph (C) of section 3(d)(2) or section 403(1)(C)" and inserting in lieu thereof "sections 8003(c) or residing on property described in section 8012(7)(B)(ii)".

REPEALS

SEC. 235. Sections 411, 413, 416, and 419 of the Act are repealed.

PART D—ADMINISTRATION OF EDUCATION PROGRAMS

JOINT FUNDING OF PROGRAMS

SEC. 241. (a) Section 421A or the Act is amended to read as follows:

"JOINT FUNDING OF PROGRAMS

"SEC. 421A. (a)(1) The Secretary is authorized to enter into arrangements with other

Federal agencies to jointly carry out projects of common interest, to transfer to such agencies funds appropriated under any applicable program, and to receive and use funds from such agencies, for projects of common interest.

"(2) Funds so transferred or received shall be used only in accordance with the statutes authorizing the appropriation of such funds and the statutes appropriating such funds, and shall be made available only to parties eligible to receive such funds under such statutes.

"(3) If the Secretary enters into an agreement under this subsection for the administration of a project, the agency administering the project shall use its procedures to select awardees and to administer the awards, unless the parties to the agreement specify the use of procedures of another agency that is a party to the agreement.

"(4) If the Secretary has entered into an agreement authorized under subsection (a) of this section and the Secretary and the heads of the other agencies participating in the agreement determine that joint funding is necessary to address a special need consistent with the purposes and authorized activities of each program that provides funding, the Secretary and the heads of the other participating agencies may develop a single set of criteria for jointly funded projects and require each applicant for those projects to submit a single application for review by the participating agencies.

"(b) The Secretary may develop the criteria for, and require the submission of, joint applications under two or more applicable programs under which awards are made on a competitive basis, and may jointly review and approve such applications separately from other applications under such programs, when the Secretary determines that such joint awards are necessary to address a special need consistent with the purposes and authorized activities of each such program. Any applicant for such a joint award must meet the eligibility requirements of each such program.".

COLLECTION AND DISSEMINATION OF INFORMATION

SEC. 242. Section 422 of the Act is amended to read as follows:

"COLLECTION AND DISSEMINATION OF INFORMATION

"SEC. 422. The Secretary shall—

"(1) prepare and disseminate to State and local educational agencies and institutions information concerning applicable programs and cooperate with other Federal officials who administer programs affecting education in disseminating information concerning such programs;

"(2) inform the public on federally supported education programs; and

"(3) collect data and information on applicable programs for the purpose of obtaining objective measurements of the effectiveness of such programs in achieving their purposes.".

REVIEW OF APPLICATIONS

SEC. 243. Section 425 of the Act is amended—

(1) in subsection (a)—

(A) by striking out "Commissioner" and inserting in lieu thereof "Secretary";

(B) by striking out "and in the case of the programs provided for in title I of the Elementary and Secondary Education Act of 1965,";

(C) in the third sentence thereof, by inserting a comma after "the hearing"; and

(D) in the fourth sentence thereof—

(i) by striking out the comma after "guidelines"; and

(ii) by inserting a comma after "program";

(2) in subsection (b), by striking out "commissioner" each place it appears and inserting in lieu thereof "Secretary"; and

(3) in subsection (d), by striking out "Commissioner" each time it appears and inserting in lieu thereof "Secretary" and by inserting before the period "or issue such other orders as the Secretary may deem appropriate to achieve such compliance".

USE OF FUNDS WITHHELD

"SEC. 428. (a) At any time that the Secretary makes an allotment or reallotment to any State under any applicable program, the Secretary shall reduce allotment or reallotment by such amount as the Secretary determines it would have been reduced, had the data on which the allotment or reallotment is based excluded all data relating to local educational agencies of the State that, on the date of the Secretary's action, are ineligible to receive the Federal financial assistance involved because of failure to comply with 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, or the Age Discrimination Act of 1975.

"(b) The Secretary may use any funds withheld under subsection (a)—

"(1) to increase the allotments of other local educational agencies within the State, or the allotments of all States, in accordance with the statutes governing the program; or

"(2) for grants to local educational agencies of that State in accordance with section 405 of the Civil Rights Act of 1964, or for any other program administered by the Department that is designed to enhance equity in education or redress discrimination on the basis of race, color, national origin, sex, age, or disability.".

APPLICATIONS

SEC. 245. Section 430 of the Act is amended by striking out "for three fiscal years" and inserting in lieu thereof "for more than one fiscal year".

REGULATIONS

SEC. 246. Section 431 of the Act is repealed.

RECORDS; REDUCTION IN RETENTION REQUIREMENTS

SEC. 247. Section 437 of the Act is amended—

(1) in subsection (a)—

(A) by striking out "grant, subgrant, contract, subcontract, loan, or other arrangement (other than procurement contracts awarded by an administrative head of an educational agency)" and inserting in lieu thereof "grant, subgrant, cooperative agreement, loan or other arrangement";

(B) by inserting "financial or programmatic" immediately before "audit."; and

(C) by striking out the last sentence thereof; and

(2) in subsection (b), by striking out "to any records of a recipient which may be related, or pertinent to, the grants, subgrants, contracts, subcontracts, loans, or other arrangements" and inserting in lieu thereof "to any records currently maintained by a recipient that may be related, or pertinent to, grants, subgrants, cooperative agreements, loans, or other arrangements".

TECHNICAL AMENDMENTS

SEC. 248. (a) The heading for Part C of the Act is amended by striking out "COMMISSIONER OF EDUCATION" and inserting in lieu thereof "SECRETARY".

(b) Section 427 of the Act is amended—

(1) by striking out "Commissioner" and inserting in lieu thereof "Secretary"; and

(2) in the second sentence thereof, by inserting "is made" after "such determination".

(c) Section 430 of the Act is amended by striking out "Commissioner" each place it appears and inserting in lieu thereof "Secretary".

(d) Section 433 of the Act is amended by striking out "Except for emergency relief" and inserting in lieu thereof "All laborers".

(e)(1) The heading of section 434 of the Act is amended by striking out "EDUCATIONAL".

(2) Section 434 of the Act is amended—

(A) by striking out "Commissioner" each place it appears and inserting in lieu thereof "Secretary" and

(B) by inserting "(c)" before the last sentence and by deleting "paragraph (3)" in such sentence and inserting in lieu thereof "subsection (b)(3)".

(f) Section 435 of the Act is amended—

(1) by striking out "Commissioner" each place it appears and inserting in lieu thereof "Secretary"; and

(2) in subsection (a)—

(A) by striking out the comma after "submits a plan"; and

(B) by striking out "(subject, in the case of programs under chapter 1 and chapter 2 of title I of the Elementary and Secondary Education Act of 1965".

(g) Section 436 of the Act is amended—

(1) in subsection (a), by striking out "that local education agency" and inserting in lieu thereof "that local educational agency"; and

(2) in subsection (b)—

(A) in paragraph (2), by inserting a comma after "program";

(B) in paragraph (4), by striking out "Commissioner" each place it appears and inserting in lieu thereof "Secretary"; and

(C) in paragraph (7), by striking out "handicapped individuals" and inserting in lieu thereof "individuals with disabilities".

(h) Section 438 of the Act is amended—

(1) in subsection (a)(4)(B)(ii), by striking out the period at the end thereof and inserting in lieu thereof a semicolon:

(2) in subsection (b)—

(A) in paragraph (1)(C), by striking out "(iii) an administrative head of an education agency (as defined in section 408(c)), or (iv)" and inserting in lieu thereof "or (iii)";

(B) in paragraph (1)(H), by striking out "1954" and inserting in lieu thereof "1986"; and

(C) in paragraph (3)—

(i) by striking out "(C) an administrative head of an education agency or (D)" and inserting in lieu thereof "or (C)"; and

(ii) by striking out "education program" and inserting in lieu thereof "education programs";

(3) in subsection (d) by inserting a comma after "education";

(4) in subsection (f)—

(A) by striking out "The Secretary, or an administrative head of an education agency," and inserting in lieu thereof "The Secretary";

(B) by striking out "provisions of" after "enforce";

(C) by striking out "according to the provisions of" and inserting in lieu thereof "in accordance with"; and

(D) by striking out "the provisions of" after "with"; and

(5) in subsection (g)—

(A) by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Education"; and

(B) by striking out "the provisions of".

REPEALS

SEC. 249. (a) Sections 421, 423, 424, 426, 426A, and 429 of the Act are repealed.

EQUITY FOR STUDENTS, TEACHERS, AND OTHER PROGRAM BENEFICIARIES

SEC. 250. The Act is further amended by inserting after section 425 a new section 426 to read as follows:

"EQUITY FOR STUDENTS, TEACHERS, AND OTHER PROGRAM BENEFICIARIES

"SEC. 426. (a) The purpose of this section is to assist the Department in implementing its mission to ensure equal access to education and to promote educational excellence throughout the Nation, by ensuring equal opportunities to participate for all eligible students, teachers and other program beneficiaries in any project or activity carry out under an applicable program and promoting their ability to meet high standards.

"(b) The Secretary shall require each applicant for assistance under an applicable program (other than an individual) to develop and describe in its application the steps it proposes to take to ensure equitable access to, and equitable participation in, the project or activity to be conducted with such assistance, by addressing the special needs of students, teachers, and other program beneficiaries in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability, and age.

"(c) The Secretary may establish criteria and provide technical assistance for meeting the requirements of this section.

"(d) Nothing in this section is intended to alter in any way the rights or responsibilities established under the statutes cited in section 400(d) of this Act.".

PART E—ADVISORY COMMITTEES

REPEAL

SEC. 251. Part D of the Act is repealed.

PART F—ENFORCEMENT

REPEAL OF GRANTBACK PROVISION

SEC. 261. Section 459 of the Act is repealed.

PART G—RELATED AMENDMENTS TO OTHER ACTS

DEPARTMENT OF EDUCATION ORGANIZATION ACT

SEC. 271. The Department of Education Organization Act is amended—

(1) in section 414, by striking out "(a)" and subsection (b).

(2) in section 417, by adding a new subsection (d) to read as follows:

"(d) The Secretary is authorized, with funds expressly appropriated for such purpose, to construct such facilities as may be necessary to carry out functions of the Secretary or the Department and to acquire and dispose of such property.";

(3) in section 421, by inserting "and to accept donations of services" after "personal"; and

(4) by striking out section 427.

HIGHER EDUCATION ACT OF 1965

SEC. 272. Sections 432(d) and 482(c) of the Higher Education Act of 1965 are repealed.

PART H—CONFORMING AMENDMENTS

CONFORMING AMENDMENTS TO OTHER ACTS

SEC. 281. (a) The Rehabilitation Act of 1973 is amended—

(1) by repealing section 9; and

(2) in section 100, by striking out subsection (d).

(b) Section 491(b) of the Higher Education Act of 1965 (20 U.S.C. 1001 *et seq.*) is amended by striking out the last sentence thereof.

TITLE III—AMENDMENT TO OTHER ACTS

PART A—AMENDMENTS TO THE INDIVIDUAL WITH DISABILITIES EDUCATION ACT

ALLOCATIONS UNDER SECTION 611 OF THE IDEA

SEC. 311. (a) Section 611(a) of the Individuals with Disabilities Education Act (hereafter in this title referred to as the "IDEA") is amended—

(1) by amending paragraph (1) to read as follows:

"(1) Except as provided in paragraph (5), the maximum amount of the grant for which a State is eligible under this section for any fiscal year is—

"(A) the sum of—

"(i) the number of children with disabilities in the State, aged 6 through 21, who are receiving special education and related services, as determined under paragraph (3); and

"(ii) the number of such children in the State, aged 3 through five, if the State is eligible for a grant under section 619; multiplied by

"(B) 40 percent of the average per-pupil expenditure in public elementary and secondary schools in the United States.";

(2) by amending paragraph (2) to read as follows:

"(2) For the purpose of this section, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico."; and

(3) in paragraph (5)(A)—

(A) in clause (i), by striking out "and the State" and inserting in lieu thereof "or the combined percentage of such children counted by the Secretary for the purpose of making fiscal year 1994 allocations under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, whichever is greater, if the State";

(B) in clause (ii)—

(i) by striking out "and the State" and inserting in lieu thereof "or the combined percentage of such children counted by the Secretary for the purpose of making fiscal year 1994 allocations under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, whichever is greater, if the State"; and

(ii) by striking out the semicolon and "and" at the end thereof and inserting in lieu thereof a period; and

(C) by striking out clause (iii).

(b) Section 611(B) of the IDEA is amended to read as follows:

"(b)(1) Notwithstanding subsections (a) and (g) of this section, no State shall receive an amount under this section for any of the fiscal years 1995 through 1999 that is less than the combined amount it received for fiscal year 1994 under—

"(A) this section; and

"(B) subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for children with disabilities aged three through 21.

"(2) If, for the fiscal year 1998 or 1999, the number of children determined under subsection (a)(3) for any State is less than the total number of children with disabilities, aged three through 21, counted for that State's fiscal year 1994 grants under section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, the amount determined under paragraph (1) for that State shall be reduced by the same percentage by which the number of those children so declined.".

(c) Section 611(c) of the IDEA is amended—

(1) by amending paragraph (1) to read as follows:

"(1) Of the funds received under subsection (a) by any State for any fiscal year—

"(A) the State may use up to 25 percent in accordance with paragraph (2); and

"(B) except as provided in paragraph (4), the State shall distribute at least 75 percent to local educational agencies and intermediate educational units, in accordance with subsection (d), for use in accordance with priorities established under section 612(3).";

(2) in paragraph (2), by amending subparagraph (A) to read as follows:

"(A) From the funds that any State may use under paragraph (1)(A) for any fiscal year, the State—

"(i) may use five percent of the funds received under this section or $450,000, whichever is greater, for administrative costs related to carrying out sections 612 and 613; and

"(ii) shall use the remainder—

"(I) to provide support services and direct services, subject to subparagraph (B), in accordance with priorities established under section 612(3); and

"(II) for the administrative costs of monitoring and complaint investigation, but only to the extent that such costs exceed the costs of administration incurred during fiscal year 1985.".

(d) Section 611(d) of the IDEA is amended to read as follows:

"(d)(1) From the total amount of funds available for any fiscal year under subsection (c)(1)(B), the State shall provide to each local educational agency or intermediate educational unit an amount that bears the same ratio to such total amount as the number of children, aged 3 through 21, determined under subsection (a)(3) for such agency or unit bears to the total number of such children determined for all such agencies and units that apply for such funds.

"(2)(A) To the extent necessary, the State—

"(i) shall use funds available under subsection (c)(2)(A)(ii) to ensure that each State agency that received fiscal year 1994 funds under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 receives, from the combination of such funds and funds provided under paragraph (1), an amount equal to—

"(I) the number of children, aged 6 through 21, determined under subsection (a)(3) for such agency; multiplied by

"(II) the per-child amount provided under such subpart for fiscal year 1994; and

"(ii) may use such funds to ensure that each local educational agency that received fiscal year 1994 funds under such subpart for children who had transferred from a State-operated or State-supported school or program assisted under such subpart receives, from the combination of such funds and funds provided under paragraph (1), an amount for each such child, aged 3 through 21, determined under subsection (a)(3) for such agency, equal to the per-child amount the agency received under such subpart for fiscal year 1994.

"(B) For the purpose of subparagraph (A), the number of children determined under subsection (a)(3) for any State agency or local educational agency shall not exceed the number of children aged 3 through 21 for whom such agency received funds under such subpart for such fiscal year.".

(e) Section 611(e)(1) of the IDEA is amended to read as follows:

"(1) The jurisdictions to which this subsection applies are Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until

the effective date of the Compact of Free Association with the Government of Palau).".

(f) Section 611(g) of the IDEA is amended to read as follows:

"(g)(1)(A) If the sums appropriated under subsection (h) for any fiscal year are not sufficient to pay in full the total of the amounts that all States are eligible to receive under subsection (a), each such amount shall be ratably reduced.

"(B) If additional funds become available for making such payments for any fiscal year, such reduced amounts shall be increased on the same basis as they were reduced.

"(C) Any State that receives any such additional funds shall distribute them in accordance with this section, except that any State that has used funds available under subsection (c)(2)(A)(ii) for the purpose described in subsection (d)(2) may—

"(i) deduct, from the amount that it would otherwise be required to make available to local educational agencies and intermediate educational units, the same amounts of such additional funds as it is so used; and

"(ii) use such funds in accordance with subsection (c)(2)(A)(ii).

"(2)(A) In any fiscal year for which payments have been reduced and additional funds have not been made available under paragraph (1) to pay in full the amounts for which all States are eligible under this section, each State educational agency shall fix dates by which each local educational agency or intermediate educational unit shall report to the State agency the amount of funds available to it under this section that it estimates it will expend.

"(B) The State educational agency shall, in accordance with this section, reallocate any funds that it determines will not be used during the period of availability by such local educational agencies and intermediate educational units, and by any such agency or unit to which such funds would be available if it applied for them under this part, to those local educational agencies and intermediate educational units that the State educational agency determines will need, and be able to use, additional funds to carry out approved programs.".

TREATMENT OF CHAPTER 1 STATE AGENCIES

SEC. 312. Part B of the IDEA is further amended by inserting after section 614 the following new section:

"TREATMENT OF CHAPTER 1 STATE AGENCIES

"SEC. 614A. (a) For the purpose of making payments under sections 611 and 619 of this Act, any State agency that received funds for fiscal year 1994 under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 shall be treated as if it were a local educational agency.

"(b) The State educational agency shall ensure that each State agency that operates or supports a program or school for children with disabilities with funds under this part—

"(1) provides each child with a disability in that school or program a free appropriate public education in accordance with this part, including the due process protections of section 615, as if it were a local educational agency; and

"(2) has on file with the State educational agency an application that meets those requirements of section 614 that the Secretary finds appropriate."

"(c) Section 611(c)(4) shall not apply with respect to a State agency that is eligible for a payment under this part by virtue of this section.".

INFANTS AND TODDLERS WITH DISABILITIES

SEC. 313. (a) Section 684(c) of the IDEA is amended—

(1) by redesignating paragraph (2) as paragraph (5); and

(2) by striking out paragraph (1) and inserting in lieu thereof paragraphs (1) through (4) to read as follows:

"(1) Except as provided in paragraphs (3) and (4), from the funds remaining for each fiscal year after the reservation and payments under subsections (a) and (b), the Secretary shall first allot to each State an amount that bears the same ratio to the amount of such remainder as the number of infants and toddlers in the State bears to the number of infants and toddlers in all States.

"(2) For fiscal year 1995 only, the Secretary shall allot $34,000,000 of the remaining funds described in paragraph (1) among the States in proportion to their relative numbers of infants and toddlers with disabilities who—

"(A) are counted on December 1, 1994; and

"(B) would have been eligible to be counted under section 1221(c)(1) of the Elementary and Secondary Education Act of 1965 as in effect before the enactment of the Improving America's Schools Act of 1993.

"(3) Except as provided in paragraph (4), no State shall receive an amount under this section for any fiscal year that is less than the greater of—

"(A) one-half of one percent of the remaining amount described in paragraph (1), not including any amounts allotted under paragraph (2); or

"(B) $500,000.

"(4)(A) No State shall receive an amount under this section for any of the fiscal years 1995 through 1999 that is less than the combined amount it received for fiscal year 1994 under—

"(i) this part; and

"(ii) subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for children with disabilities from birth through age two.

"(B) If, for fiscal year 1998 or 1999, the number of infants and toddlers in any State, as determined under paragraph (1), is less than the number of infants and toddlers so determined for fiscal year 1994, the amount determined under subparagraph (A) for that State shall be reduced by the same percentage by which the number of those infants and toddlers so declined.".

(b) The amendments made by subsection (a) shall take effect beginning with fiscal year 1995.

PART B—AMENDMENTS TO THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT

STATE LITERACY INITIATIVES

SEC. 321. Section 702 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 *et seq.;* hereinafter in this title referred to as "the Act") is amended to read as follows:

"STATE LITERACY INITIATIVES

"SEC. 702. (a) GENERAL AUTHORITY.—(1) The Secretary of Education is authorized to make grants to State educational agencies to enable each such agency to implement, either directly or through contracts and grants, a program of literacy training and academic remediation for adult homeless individuals within the State, which program shall—

"(A) include outreach activities; and

"(B) be coordinated with other agencies or organizations, such as community-based organizations, nonprofit literacy-action organizations, and funding recipients under the Adult Education Act, title II of the Job Training Partnership Act, the Youth Fair Chance program under title IV of the Job Training Partnership Act, the Volunteers in Service to America program under the Domestic Volunteers Service Act, part C of this title, or the Job Opportunity and Basic Skills program under the Social Security Act.

"(2) The Secretary of Education shall, in awarding grants under this section, give special consideration to the estimates submitted in the application submitted under subsection (b) and make such awards in whatever amounts he or she determines would best serve the purposes of this section.

"(b) APPLICATION.—Each State educational agency desiring to receive a grant under this section shall submit to the Secretary of Education an application at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall include an estimate of the number of homeless individuals in the State and the number of such individuals expected to be served.

"(c) AUTHORIZATION OF APPROPRIATIONS.—(1) For the purpose of carrying out the adult literacy and academic remediation programs authorized by this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(d) DEFINITION.—As used in this section, the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau).".

EDUCATION FOR HOMELESS CHILDREN AND YOUTH

SEC. 322. Subtitle B of title VII of the Act is amended to read as follows:

"SUBTITLE B—EDUCATION FOR HOMELESS CHILDREN AND YOUTH

"STATEMENT OF POLICY

"SEC. 721. It is the policy of the Congress that—

"(1) each State educational agency shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youth;

"(2) in any State that has a compulsory residency requirement as a component of its compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youth, the State will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youth are afforded the same free, appropriate public education as provided to other children and youth;

"(3) homelessness alone should not be sufficient reason to separate students from the mainstream school environment; and

"(4) homeless children and youth should have access to the education and other services that they need to ensure that they have an opportunity to meet the same challenging State performance standards to which all students are held.

"GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH

"SEC. 722. (a) GENERAL AUTHORITY.—(1) The Secretary is, in accordance with the provisions of this section, authorized to make

grants to States to carry out the activities described in subsections (d), (e), (f), and (g).

"(b) APPLICATION.—No State may receive a grant under this section unless the State educational agency submits 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) Subject to paragraph (2) and section 724(c), from the amounts appropriated for each fiscal year pursuant to section 726, the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated in each such year as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 to the State in that year bears to the total amount allocated to all States, except that no State shall receive less than $100,000.

"(2)(A) The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year pursuant to section 726 to be allocated by the Secretary among the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau), according to their respective need, as determined by the Secretary.

"(B)(i) The Secretary is authorized to transfer one percent of the amount appropriated for each fiscal year under section 726 to the Department of the Interior for programs for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act, that are consistent with the purposes of this Act.

"(ii) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this part, for the distribution and use of these funds under terms that the Secretary determines best meet the purposes of the covered programs. Such agreement shall set forth the plans of the Secretary of the Interior for the use of the amounts transferred, including appropriate goals, objectives and milestones.

"(3) As used in this subsection, the term 'State' shall not include the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or Palau.

"(d) MANDATED ACTIVITIES.—Grants under this section shall be used—

"(1) to carry out the policies set forth in section 721 in the State;

to provide activities for, and services to, homeless children, including preschool-aged children, and homeless youth that enable such children and youth to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs;

"(3) to establish or designate an Office of Coordinator of Education of Homeless Children and Youth in the State educational agency in accordance with subsection (f);

"(4) to prepare and carry out the State plan described in subsection (g); and

"(5) to develop and implement professional development programs for school personnel to heighten their awareness of, and capacity to respond to, specific problems in the education of homeless children and youth.

"(e) STATE AND LOCAL GRANTS.—(1)(A) Subject to subparagraph (B), if the amount allotted to the State educational agency for any fiscal year under this subtitle exceeds the amount such agency received for fiscal year 1990 under this subtitle, such agency shall provide grants to local educational agencies for purposes of section 723.

"(B) The State educational agency may reserve not more than the greater of five percent of the amount it receives under this subtitle for any fiscal year, or the amount such agency received under this subtitle for fiscal year 1990, to conduct activities under subsection (f) directly or through grants or contracts.

"(2) If the amount allotted to a State educational agency for any fiscal year under this subtitle is less than the amount such agency received for fiscal year 1990 under this subtitle, such agency, at its discretion, may provide such grants or may conduct activities under subsection (f) directly or through grants or contracts.

"(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator of Education of Homeless Children and Youth established in each State shall—

"(1) estimate the number of homeless children and youth in the State and the number of such children and youth served with assistance provided under the grants under this subtitle;

"(2) gather, to the extent possible, reliable, valid, and comprehensive information on the nature and extent of the problems homeless children and youth have in gaining access to public preschool programs and to public elementary and secondary schools, the difficulties in identifying the special needs of such children and youth, any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties, and the success of the program under this subtitle in allowing homeless children and youth to enroll in, attend, and succeed in school;

"(3) develop and carry out the State plan described in subsection (g);

"(4) prepare and submit to the Secretary not later than October 1, 1997, and on October 1 of every third year thereafter, a report on the information gathered pursuant to paragraphs (1) and (2) and such additional information as the Secretary may require to carry out his or her responsibilities under this subtitle;

"(5) facilitate coordination between the State educational agency, the State social services agency, and other agencies providing services to homeless children and youth and their families; and

"(6) develop relationships and coordinate with other relevant education, child development, or preschool programs and providers of services to homeless children, homeless families, and runaway and homeless youth (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youth), to improve the provision of comprehensive services to homeless children and youth and their families.

"(g) STATE PLAN.—(1) Each State shall submit to the Secretary a plan to provide for the education of homeless children and youth within the State, which plan shall describe how such children and youth are or will be given the opportunity to meet the same challenging State performance standards all students are expected to meet, shall describe the procedures the State educational agency will use to identify such children and youth in the State and to assess their special needs, and shall—

"(A) describe procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth;

"(B) describe programs for school personnel (including principals, attendance officers, teachers and enrollment personnel), to heighten the awareness of such personnel of the specific needs of runaway and homeless youth;

"(C) describe procedures that ensure that homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs;

"(D) describe procedures that ensure that—

"(i) homeless children have equal access to the same public preschool programs as provided to other children; and

"(ii) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care programs;

"(E) address problems set forth in the report provided to the Secretary under subsection (f)(4);

"(F) address other problems with respect to the education of homeless children and youth, including problems caused by—

"(i) transportation issues; and

"(ii) enrollment delays that are caused by—

"(I) immunization requirements;

"(II) residency requirements;

"(III) lack of birth certificates, school records, or other documentation; or

"(IV) guardianship issues;

"(G) demonstrate that the State educational agency and local educational agencies in the State have developed, and will review and revise, policies to remove barriers to the enrollment and retention of homeless children and youth in schools in the State; and

"(H) contain an assurance that 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 isolated or stigmatized.

"(2) Each plan adopted under this subsection shall also show how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (9)

"(3)(A) The local educational agency of each homeless child and youth shall, according to the child's or youth's best interest, either—

"(i) continue the child's or youth's education in the school of origin—

"(I) for the remainder of the academic year; or

"(II) in any case in which a family becomes homeless between academic years, for the following academic year; or

"(ii) enroll the child or youth in any school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

"(B) In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall comply with the request made by a parent or guardian regarding school selection unless the local educational agency has a compelling reason for not complying with the request.

"(C) For purposes of 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.

"(D) The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere by the parents.

"(4) Each homeless child or youth shall be provided services comparable to services offered to other students in the school selected according to the provisions of paragraph (3), including—

"(A) transportation services, except as required by paragraph (9);

"(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 or similar State or local programs, educational programs for children with disabilities, and educational programs for students with limited English proficiency;

"(C) programs in vocational education;

"(D) programs for gifted and talented students;

"(E) school meals programs.

"(5) Any record ordinarily kept by the school, including immunization records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, of each homeless child or youth shall be maintained—

"(A) so that the records are available, in timely fashion, when a child or youth enters a new school district; and

"(B) in a manner consistent with section 438 of the General Education Provisions Act.

"(6) Each local educational agency serving homeless children and youth that receives assistance under this subtitle shall coordinate with local social services agencies and other agencies or programs providing services to such children or youth and their families.

"(7)(A) Each local educational agency in which homeless children or youth live or attend school in a State that receives a grant under this subtitle shall designate a homelessness liaison to ensure that—

"(i) homeless children and youth enroll and succeed in the schools of that agency; and

"(ii) homeless families, children, and youth receive educational services for which they are eligible, including preschool programs, and referrals to health care services, dental services, mental health services, and other appropriate services.

"(B) State coordinators and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families of the duties of the liaisons.

"(8) Each State educational agency and local educational agency shall review and revise any policies that may act as barriers to the enrollment of homeless children and youth in schools selected in accordance with paragraph (3). In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records, and other documentation, and guardianship. Special attention shall be given to ensuring the enrollment and attendance of homeless children and youth who are not currently attending school.

"(9) Each plan adopted under this subsection shall—

"(A) demonstrate that transportation, to the extent possible, will be provided at no cost to homeless children and youth attending the school in which they are enrolled; and

"(B) contain procedures for resolving disputes between local educational agencies or within a local educational agency concerning transportation costs for such children and youth.

"LOCAL EDUCATIONAL AGENCY GRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH

"SEC. 723. (a) GENERAL AUTHORITY.—(1) The State educational agency shall, in accordance with section 722(e) and with amounts made available to such agency under section 726, make grants to local educational agencies for the purpose of facilitating the enrollment, attendance, and success in school homeless children and youth.

"(2) Unless otherwise specified, services under paragraph (1) may be provided through programs on school grounds or at other facilities. Where services are provided through programs on school grounds, such as services may also be made available to children and youth who are determined by the local educational agency to be at risk of failing in, or dropping out of, schools, except that priority for such services shall be given to homeless children and youth. To the maximum extent practicable, services shall be provided through existing programs and mechanisms that integrate homeless individuals with nonhomeless individuals.

"(3) Services provided under this section shall be designed to expand upon or improve services provided as part of the school's regular academic program.

"(b) APPLICATION.—A local educational agency that desires to receive a grant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State educational agency may reasonably require according to guidelines issued by the Secretary. Each such application shall include—

"(1) a description of the services and programs for which assistance is sought and the problems to be addressed through the provision of such services and programs;

"(2) 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 that agency for the preceding fiscal year was not less than 90 percent of such combed fiscal effort or aggregate expenditures for the second preceding fiscal year;

"(3) an assurance that the applicant complies with, or will use requested funds to come into compliance with, paragraphs (3) through (9) of section 722(g); and

"(4) 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.

"(c) AWARDS.—(1) The State educational agency shall, in accordance with section 722(g) and with amounts made available to such agency under section 726, award grants under this section to local educational agencies submitting an application under subsection (b) on the basis of the need of such agencies.

"(2) In determining need under paragraph (1), the State educational agency may consider the number of homeless children and youth enrolled in preschool, elementary, and secondary schools within the area served by the agency, and shall consider the needs of such children and youth and the ability of the agency to meet such needs. Such agency may also consider—

"(A) the extent to which the proposed use of funds would facilitate the enrollment, retention, and educational success of homeless children and youth;

"(B) the extent to which the application reflects coordination with other local and State agencies that serve homeless children and youth, as well as the State plan required by section 722(g);

"(C) the extent to which the applicant exhibits in the application and in current practice a commitment to education for all homeless children and youth; and

"(D) such other criteria as the agency determines appropriate.

"(3) Grants awarded under this section shall be for terms not to exceed three years.

"(d) AUTHORIZED ACTIVITIES.—(1) A local educational agency may use funds awarded under this section for activities to carry out the purpose of this subtitle, including—

"(A) the provision of tutoring and supplementary educational services that are linked to the achievement of the same challenging standards the State establishes for other children or youth;

"(B) the provision of expedited evaluations of the strengths and needs of homeless children and youth, including needs and eligibility for programs and services (such as educational programs for gifted and talented students, children with disabilities, and students with limited English proficiency, services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, programs in vocational education, and school meals programs);

"(C) professional development and other activities for educators and other school personnel that is designed to heighten the understanding and sensitivity of such personnel to the needs of homeless children and youth, the rights of such children and youth under this Act, and the specific educational needs of runaway and homeless youth;

"(D) the provision of referral services to homeless children and youth for medical, dental, mental, and other health services;

"(E) the provision of assistance to defray the excess cost of transportation for students pursuant to sections 722(g)(4) or 722(g)(9), not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 722(g)(3);

"(F) the provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding, for preschool-aged children;

"(G) the provision of before- and after-school and summer programs for homeless children and youth in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities;

"(H) where necessary, the payment of fees other costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and youth in school, including birth certificates, immunization records, academic records, guardianship records, and evaluations for special programs or services;

"(I) the provision of education and training to the parents of homeless children and youth about the rights of, and resources available to, such children and youth;

"(J) the development of coordination between schools and agencies providing services to homeless children and youth;

"(K) the provision of counseling (including violence prevention counseling), social work, and psychological services, and referrals for such services;

"(L) activities to address the particular needs of homeless children and youth that may arise from domestic violence;

"(M) the adaptation of space and purchase of supplies for nonschool facilities made available under subsection (a)(2) to provide services under this subsection;

"(N) the provision of school supplies to be distributed at shelters or temporary housing facilities; and

"(O) the provision of other extraordinary or emergency assistance needed to enable homeless children and youth to attend school.

"SECRETARIAL RESPONSIBILITIES

"SEC. 724. (a) REVIEW OF PLANS.—In reviewing the State plans submitted by the State educational agencies under section 722(g), the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plans adequately address the problems of homeless children and youth relating to access to education and placement as described in such plans.

"(b) TECHNICAL ASSISTANCE.—The Secretary shall provide support and technical assistance to the State educational agencies to assist such agencies to carry out their responsibilities under this subtitle.

"(c) EVALUATION AND DISSEMINATION.—The Secretary shall conduct evaluation and dissemination activities of programs designed to meet the educational needs of homeless elementary and secondary school students, and may use funds appropriated under section 726 to conduct such activities.

"(d) REPORTS.—The Secretary shall prepare and submit a report to Congress on the programs and activities authorized by this subtitle by December 31, 1997, and every third year thereafter.

"DEFINITIONS

"SEC. 725. For the purpose of this subtitle, the following terms have the following meanings.

"(1) The term 'Secretary' means the Secretary of Education.

"(2) The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 726. For the purpose of carrying out this subtitle, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.".

PART C—REPEAL OF IMPACT AID STATUTES

REPEAL OF IMPACT AID STATUTES

SEC. 331. Public Laws 81-815 and 81-874 are repealed.

SECTION-BY-SECTION ANALYSIS—THE IMPROVING AMERICA'S SCHOOLS ACT OF 1993

Section 2. Organization of the bill. Section 2 of the bill would summarize the bill's organization into three titles: Title I, Amendments to the Elementary and Secondary Education Act of 1965 (ESEA); Title II, Amendments to the General Education Provisions Act; and Title III, Amendment to Other Acts.

Section 3. Effective dates; transition. Section 3 of the bill would provide effective dates for each title of the Act and also provide for a flexible transition to the various programs amended by the Act.

Subsection (a)(1) would establish an effective date of July 1, 1995 for all non-competitive, formula-driven programs under the amended ESEA (such as Part of Title I), other than the Impact Aid program under Title VIII, and provide that the provisions of the amended ESEA applicable to Impact Aid and to discretionary programs (i.e., those conducted on a competitive basis) would be effective with respect to the use of fiscal year 1995 appropriations.

Subsection (a)(2) would provide that the amendments to the General Education Provisions Act (GEPA) contained in Title II of the Act would take effect upon enactment, with the exception of the new section 426 of GEPA ("Equity for Students, Teachers, and Other Program Beneficiaries"), which would take effect on July 1, 1995 for non-competitive programs and with respect to fiscal year 1995 appropriations for programs carried out on a competitive basis.

Subsection (a)(3) would provide that the amendments in Title III of the Act to the Individuals with Disabilities Education Act and the Stewart B. McKinney Homeless Assistance would take effect July 1, 1995, and that the repeal of the Impact Aid statutes by section 331 of the bill would take effect on October 1, 1994.

Subsection (b) would provide that notwithstanding any other provision of law, a recipient of funds under the ESEA, as in effect prior to amendment by the bill, may use funds available to it under that predecessor authority to carry out necessary and reasonable planning and transition activities in order to ensure a smooth implementation of programs authorized by the bill.

TITLE I—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Section 101. Amendments to the Elementary and Secondary Education Act of 1965. Section 101 of the bill would completely restate the Elementary and Secondary Education Act of 1965 (ESEA) as described below.

Section 2. Table of contents. Proposed section 2 of the ESEA would provide a table of contents for the ESEA.

TITLE I—HELPING CHILDREN IN NEED MEET HIGH STANDARDS

The bill would return the program to its original name: Title I.

Section 1001. Declaration of policy and statement of purpose. Proposed section 1001 of the ESEA would set forth the statement of policy, need, and purpose and provide the rationale underlying the proposed changes in the law. It would provide a framework for understanding why and how Title I must change to ensure that the children it serves receive a high quality education that will enable them to meet challenging State standards all children are expected to meet.

Subsection (a) would contain the statement of policy that reflects the values embodied in our Nation and the vital role an equal opportunity for a high-quality education has in safeguarding those values.

Subsections (b) and (c) would recognize the need for changes in Title I. Currently, our Nation is not providing the opportunity for many segments of society to receive a high-quality education. The needs of children in high-poverty schools are particularly acute and, research suggests, are growing. The data also suggest that although Title I contributed to equalizing educational opportunities in support of a national focus on basic skills in the 1970's, it is no longer adequately helping to close the gap between disadvantaged children and others and to help provide disadvantaged students with the education they need to live productive lives in the next century.

Research suggests several reasons why. Chapter 1 programs often emphasize low-level basic skills and remedial drill and practice, rather than necessary problem solving skills and challenging and engaging curriculum content. In 70 percent of all Chapter 1 schools, children continue to be taken out of regular classrooms to attend pull-out programs that add little additional learning time and do not improve the quality of teaching and learning in the regular classroom where children in Chapter 1 still spend the bulk of their day. Moreover, Chapter 1 programs have lacked a framework in which to operate—clearly articulated high standards and a set of assessments to determine how well children are meeting these standards. Without such a framework, children served by Chapter 1 have too often been captive to lower expectations and subjected to low-level assessments that drive their instruction. Finally, Chapter 1 has not done enough to promote other conditions that are key to success in the highest-poverty schools. These include intensive and sustained professional development, active parental involvement, adequate concentration of resources in the highest-poverty schools, and strong coordination with other service providers to ensure that the comprehensive needs of children are addressed.

Subsection (d) would set forth the overall purpose of Title I: to enable schools to provide the opportunity for children served under Title I to acquire the knowledge and skills contained in the rigorous State content standards and to meet the challenging State performance standards developed under the Goals 2000: Educate America Act or, in their absence, under this title.

The specific purposes contained in this subsection to achieve this overall purpose include: (1) ensuring high standards for all children and aligning the efforts of States local educational agencies (LEAs), and schools to help children reach them; (2) providing children an enriched and accelerated educational program through schoolwide programs or through additional services that increase the amount and quality of instructional time that children receive; (3) promoting schoolwide reform and access of all children to effective instructional strategies and challenging academic content; (4) significantly upgrading the quality of the curriculum and instruction by providing staff in participating schools with substantial opportunities for intensive and sustained professional development; (5) coordinating services under all parts of Title I with each other, with other educational services, including preschool services, and, to the extent feasible, with health and social service programs funded from other sources; (6) affording parents meaningful opportunities to participate in the education of their children at home and at school; (7) distributing resources to areas where needs are greatest; (8) improving accountability, as well as teaching and learning, by using State assessment systems designed to measure how well children are achieving high State standards of performance expected of all children; and (9) providing greater decision making authority and flexibility to schools in exchange for greater responsibility for student performance.

Section 1002. Authorization of appropriations. Proposed section 1002 of the ESEA would authorize appropriations for the following programs under Title I: the program operated by LEAs under Part A; the Even Start program under Part B; the migrant education program under Part C; the program for neglected or delinquent children under Part D; capital expenses under section 1017(d) of Part A; school improvement under section 1018(b) and (d) of Part A, and Federal activities under sections 1501 and 1502 of Part E. These programs would be authorized for a period of ten years to ensure sufficient time to develop the high standards and assessments Title I requires and to implement an effective system of accountability and improvement.

Part A—Making high-poverty schools work

Subpart 1—Basic Program Requirements

Subpart 2 of the current law would become Subpart 1 and would be fundamentally reorganized. The subpart would begin with the State plan because the new standards and assessments established by the State would be

the starting point for the program. The section on schoolwide programs would be moved up to reflect the likely expansion in the number of schoolwide program schools and the primacy of schoolwide reform under the new Part A. Separate sections on the uses of funds and on eligible children would no longer be necessary. Such sections apply only to schools that are not schoolwide programs—now called targeted assistance schools—and would be put in that section. Finally, in place of three separate, conflicting sections in current law on evaluation, State program improvement plans, and local program improvement, the new Subpart 1 would have one section on review and improvement that would be driven by a single set of State assessments.

Section 1111. State plans. Proposed section 1111 of the ESEA would require a State desiring to receive Part A funds to submit a State plan to the Secretary. The plan would describe the high standards and assessments the State would establish or use for all children, as well as how the State would fulfill its additional responsibilities to enable children served by Part A to meet these standards. These roles would be tied to the State's systemic reform efforts, if any, under the Goals 2000: Educate America Act to ensure that the performance expected of children in title I schools is the same as that expected for all children and that Title I becomes a vehicle for systemic reform.

Subsection (b) would contain the specific requirements for standards and assessment. Paragraph (1) provides that, first and foremost, the State plan would contain a description of coherent and challenging content and performance standards for allchildren. Content standards would clearly articulate what all children should know and be expected to do. Performance standards would provide a way for determining whether students are actually learning the challenging content of the content standards. They would be markers to determine how well the students "know" the material in the content standards. The performance standards would include two high levels of performance—proficient and advanced—and a third benchmark below proficient. This formulation would help reconcile the tension between: (1) needing information on the performance of the lowest-achieving students in a school; and (2) not establishing an additional performance level below proficient that could become the de facto expectation for disadvantaged children. This paragraph would allow a State's initial plan to include only standards for mathematics and reading/language arts, if the State has not developed others, and to supplement these with other standards as the State adopts them.

Paragraph (2) would require that the State define what constitutes adequate yearly progress of schools and districts toward meeting the State's "proficient" and "advanced" performance standards. The term "adequate yearly progress" would apply to individual schools and districts rather than to individual students. Students would be assessed to determine whether a school is making such progress toward enabling all children to meet the State's performance standards. To ensure that this definition is not driven by the need to aggregate school level data to the district level, adequate progress would not have to be defined in the same way for schools and districts (although it could be). Any definition, however, would have to conform to the overall goal of continuous and substantial yearly improvement by every school and district toward enabling all children to meet the State's performance standards.

Paragraph (3) would replace all the current testing requirements in Chapter 1 which, evidence suggests, have held back efforts to enrich the curriculum with more challenging material. In their place would be a State-level set of high-quality, yearly student assessments. These assessments would be aligned with the State's content and performance standards, comprised of multiple, up-to-date measures of student performance, and be used as the primary means of determining whether LEAs and schools are, in fact, making adequate yearly progress.

Although the State assessments would be given yearly in each school, they would not need to be given in every grade or every subject; in fact, the expectation is that they would not be. Within the grades that are tested, however, all children would be assessed, rather than a sample, and scores would be provided for individual students so that they care about the assessment and try to demonstrate their actual proficiency. Assessment resultsalso would be disaggregated for those categories of children that are educationally meaningful, such as limited English proficiency, but only when results for those categories would be reliable. These assessments would be the only assessments required under Part A and would provide information both for accountability and to improve teaching and learning. There would no longer be specific Federal reporting requirements.

Paragraph (4) would require a State that has developed standards and assessments under a Goals 2000 plan to use those standards and assessments for Title I, modified, where necessary, to conform to the provisions of this part dealing with performance standards, adequate progress, and assessments.

Paragraph (5) would allow the State to use an interim assessment system while it is developing standards and assessments. This provision recognizes that developing high-quality standards and assessments will take time. The State's interim assessments, however, must still assess performance of complex skills and challenging subject matter; low-level tests of basic skills would no longer suffice. The interim period could, at most, last for three years. If a State still does not have standards and assessments that meet the requirements of this subsection at the end of the interim period granted, it would have to adopt a set of standards and aligned assessments that are satisfactory to the Secretary, such as those contained in other State plans the Secretary has approved.

Subsection (c) would include the State's other responsibilities under Part A, including: (1) establishing a system of school support teams to improve the quality of schoolwide programs; (2) providing technical assistance to LEAs and schools to enable them to carry out their responsibilities under Part A; (3) fulfilling the State's central role in the new accountability scheme for districts and schools; and (4) promoting schoolwide programs and schoolwide reform. These responsibilities emphasize the State's role in supporting the efforts of districts and schools to improve teaching and learning.

Subsection (d) would establish a peer review process at the Federal level to assist in the review and revision of State plans. The process, which would be ongoing, would serve as a source of professional development for those involved, as well as provide input to States to improve their plans.

Subsection (e) would allow a State plan to remain in effect for the duration of the State's participation in Part A. The State, however, would be required to periodically review and revise its plan, as necessary, to reflect programmatic or strategic changes. Significant changes in the State plan, including the adoption of new content and performance standards,new assessments, or a new definition of adequate progress, would have to be submitted to the Secretary for approval.

Section 1112. Local educational agency plans. Proposed section 112 would require each LEA that desires to receive Part A funds to submit a local plan to the State for approval. The requirements for this local plan have been extensively revised from current law.

Subsection (a) would parallel the plan requirements at the State level. It would promote coherent policies and plans at the district level as well as the alignment of Title I with the State and district's systemic reform efforts, if any, under Goals 2000.

Subsection (b) would allow LEAs to supplement State standards and assessments with additional ones, if they wish to do so, while maintaining the State's challenging standards and assessments as the driving force for the system.

Subsection (c) would set out the central responsibilities of the LEA to improve teaching and learning. Three major roles are envisioned, which are contained in paragraphs (1) through (3). First, the LEA must develop a coherent strategy for intensive and sustained professional development that uses Part A resources, as well as other resources, including those received under Title II of the Act; second. The LEA must consult with schools while they develop their plans, provide schools with the technical assistance and support they need to effectively implement their plans, and establish an effective improvement process for schools that are failing. Third, the LEA must work to better address the multiple needs of students in high-poverty schools by coordinating Title I services with other educational services—including those educational services a child may receive before entering school and upon leaving it, and services for disabled, limited English proficient, migrant, immigrant, or homeless children—as well as with health and social services, to the extent feasible. Paragraphs (1) through (3) would effectively recast the role of the LEA in Title I from one that is compliance oriented to quality oriented, from "command and control" to "support and suggest."

Subsection (c)(3)(C) would add another new requirement that would help correct a serious problem: currently, approximately 20 to 35 percent of disadvantaged elementary school children do not receive routine preventive health screenings, resulting in greater health problems that reduce children's capacity to learn effectively. LEAs would be required to establish a procedure for ensuring that all students in schools with a poverty level of 50 percent or greater receive two health screenings during the elementary school years. The LEA would have complete flexibility in meeting this requirement. Screenings need not be done on school premises, during the school day, or by school personnel. Part A funds, however, could be used for the screenings only when no other sources of funds are reasonably available. Moreover, nothing in this provision could be construed to permit the State to reduce medical or other assistance available or to alter eligibility under the Social Security Act within the State. This screening provision

would complement, not duplicate, other public and private efforts in this area. It is the Secretary's intent that to ensure compatibility with other screening programs, the screening provided would, at a minimum, have to contain the elements of the Medicaid EPSDT screening, including vision and hearing screening, provided by the State under the Social Security Act (excluding dental screening). Moreover, to the extent practicable, the screening would be provided by the student's regular health care provider.

Paragraph (4) would spell out additional elements the local plan must contain. These include a description of the multiple criteria that would be used by targeted assistance schools to identify eligible children and a general description of the programs in these schools and in schoolwide programs. There would no longer be a requirement for a district-level needs assessment. Although the district would still play an important role in establishing general guidelines and multiple criteria for identifying children to be served, the school would have the ultimate responsibility for selecting children to be served. In addition, only a general description of the Title I programs could be required because each school would be determining the nature of its own program and thus, such programs would vary from school to school. The LEA plan would also include a description of how timely and meaningful consultation between the LEA and private school officials would occur.

Subsection (d) would establish requirements for the plan's development and duration. As under the current law, the plan must be developed with teachers and parents. It would not, however, have to be resubmitted to the State on a three-year cycle, as the current law requires. To promote a different kind of planning, this subsection would instead require the plan be periodically reviewed and revised as necessary. The local plan would be envisioned as a continually evolving document supporting and reflecting the efforts of the LEA to improve its Title I schools and promote systemic reform, rather than a static plan updated under the demand of a deadline.

Subsection (e) would reflect a new standard by which to judge an LEA plan—its promise to make a difference for the children it intends to serve. Compliance with specific requirements would not be enough. A State would only approve a plan that it determines will enable schools served under this part to substantially help all children served to meet the State's challenging performance standards expected of all children.

Subsection (f) would clarify that the LEA and schools would share the responsibility for decisionmaking. Sections 1114 and 1115 would give staff in each school, in consultation with the LEA, the primary responsibility for developing programs under this part so that such programs could better meet the particular needs of the students in the school.

Section 1113. Eligible schools attendance areas. Proposed section 1113 of the ESEA would describe how schools are selected for participation. It contains a number of changes from current law, which over 70 percent of public elementary schools participate in the program, spreading funds too thinly to have significant effect on improving education for children in the highest-poverty schools.

Subsection (a) would require an LEA to use part A funds only in school attendance areas with high concentrations of children from low-income families. It defines an eligible attendance area as one whose percentage of low-income children exceeds the percentage for the LEA as a whole. If there are insufficient funds to serve all eligible school attendance areas, an LEA would be required to rank areas with more than 75 percent poverty without regard to grade span and serve those areas in rank order. Only if sufficient funds remain after serving all areas above 75 percent poverty could the LEA serve areas by grade-span grouping. These new ranking provisions would preclude an LEA from serving lower ranked elementary schools before middle and high schools above 75 percent poor to ensure that the most needy schools are served first.

Subsection (b) would contain three areas of LEA discretion in selecting school attendance areas for participation. First, school attendance areas and schools with at least 50 percent poverty may be served. This poverty percentage has been raised from 25 percent in the current law to 50 percent to reflect two facts: the general poverty rate in the country has increased; and, to determine poverty rates, LEAs generally use free and reduced-price lunch data, a measure that includes children from families earning up to 185 percent of the Federal poverty level. Second, schools in ineligible attendance areas may be served if the percentage of poverty in the school is equal to or greater than the percentage of poverty in a participating school attendance area. Third, an eligible school attendance area or school with a higher percentage of poverty may be skipped if the school is receiving additional State and local funds equal to the Part A funds it would have received, the funds are spent on Title I—like services, and the school meets the comparability requirements contained in section 1119(c).

To better target part A funds on high-poverty schools, this subsection would delete several provisions of current law that permit an LEA to increase the number of schools to be served.These provisions include allowing all schools to be served if the difference in the rate of poverty between the highest and lowest school does not exceed 10 percent; allowing continued service to schools whose poverty rate no longer qualifies them for assistance based on the rank order of all schools; and allowing districts to serve schools on the basis of numbers or percentages of educationally deprived children rather than poverty. All three provisions dilute the effectiveness of Title I in serving the poorest schools.

Subsection (c) would require an LEA to allocate Part A funds to schools based on the number of poor children in each school. The current allocation of Chapter 1 funds to schools on the basis of educational deprivation perversely rewards schools for doing poorly, while penalizing those that succeed. Thirteen percent of principals of Chapter 1 schools reported loss of Chapter 1 funds due to increased achievement of their children. Part A must reward success, not punish it.

This subsection would also require an LEA to allocate a minimum amount per poor child to ensure that the highest-poverty schools receive sufficient funds to meet their needs. The amount per poor child would have to be at least 80 percent of the amount of Part A funds the LEA received for each poor child in the district. This provision would ensure that funds are not spread thinly across all eligible schools. If a State augments Part A funds with State funds, these funds may be counted toward meeting this requirement. Prior to making school allocations, LEAs would reserve funds necessary to provide services to children in neglected or delinquent institutions and eligible homeless children who attend ineligible schools.

Section 1114. Schoolwide programs. Proposed section 1114 would expand the schoolwide program approach and make it easier for schools to operate schoolwide programs. It would do this to place Title I at the center of school reform in high-poverty schools. By allowing schools to integrate their programs, strategies, and resources, Title I would become the catalyst to overhaul and strengthen the entire instructional program children in these schools receive, rather than merely an add-on to the existing program. For children in high poverty schools to meet high standards of performance, their entire instructional program—not just a separate Title I program—must be substantially improved. Schoolwide programs could become the vehicle to do this.

Section 1114, however, would acknowledge that current schoolwide programs are generally not undertaking the kinds of fundamental instructional reforms necessary to improve teaching and learning and would add new provisions to strengthen accountability and improve results. These include requiring a one-year planning period for new schoolwide programs; establishing school support teams; and increasing technical assistance in developing comprehensive school plans.

Subsection (a) would describe which schools could become schoolwide programs and how such schools could use their Title I funds. Like current law, schoolwide programs would not have to target Title I funds on the lowest-achieving children, but could spend their funds to upgrade the entire educational program in the school. Currently schools can become schoolwide programs if their poverty level is 75 percent or greater. This percentage would be lowered to 65 percent in year 1995–96, and 50 percent the subsequent years. This would eventually allow an additional 12,000 schools to become schoolwide programs (for a total of about 20,000 schools). Phasing in the lowering of the schoolwide poverty percentage would enable local districts and schools to build their capacity to develop high-quality programs.

To promote effective, long-term planning, this subsection would allow a school that becomes a schoolwide program to continue to use funds on a schoolwide basis even if it drops below the initial eligibility threshold. This contrasts with current law, which requires a redetermination of schoolwide program status every three years. To increase flexibility and comprehensive reform, the law would allow a schoolwide program to use other Federal funds, as well as State and local funds, to support the schoolwide program.

Subsection (b) would contain the core of the schoolwide program requirements. It includes those components that research suggests are central to any high-functioning school: (1) a comprehensive needs assessment in relation to the State standards; (2) school reform strategies that provide opportunities for all children to meet the State's "proficient" and "advanced" performance standards expected of all children and address the needs of all children in the school, particularly the needs of low-achieving children; (3) instruction by highly qualified professional staff; (4) intensive and sustained professional development; (5) strong parental involvement; (6) counseling, mentoring, and college and career preparation for older students; and (7) a comprehensive plan for using all funds available to the school for schoolwide

reform that would enable all children to meet the State's standards.

These components would preclude a schoolwide program from doing no more than reducing class size. Schoolwide reform would become the centerpiece of a schoolwide program, promoting instructional strategies that increase the quality and amount of learning time for all children and involve an accelerated curriculum, rather than remedial drill and practice. If the school is in a Goals 2000 State or district, these strategies would be designed to implement State or local systemic reform plans that have been already approved.

Subsection (b)(2) would give schools the lead in developing their comprehensive plan and determining how they will use their funds, with the LEA playing a supportive role. To ensure stronger planning and meaningful change, however, all schools other than those that are currently schoolwide programs would be required to take one year to develop their plans. Schools that are currently schoolwide programs could continue operating them but would have to develop a new plan during the first year.

This subsection would also support new kinds of planning based on the needs of a school and its students rather than administrative procedures. There would no longer be a requirement that the schoolwide program plan be submitted to the State educational agency (SEA) every three years, as under current law. Likewise, the school would not be required to submit its plan to the LEA on a set cycle. Instead, the school would review and update its plan, as necessary, and make it available to the LEA, parents, and the public (with its information translated into any language that a significant percentage of the parents speak as their primary language.) Accountability requirements for schoolwide programs would no longer differ from those that apply to other schools.

Subsection (c) would add another major mechanism to improve the design and quality of schoolwide programs—a system of school support teams established by the State. These teams, modeled on those that currently exist in some States, would be established by the State to provide information, support, and assistance to schoolwide programs. The primary role of these teams would be school reform, not compliance. Therefore, teams would continue to work with schoolwide programs as they implement their plans.

Section 1115. Targeted assistance schools. Proposed section 1115 of the ESEA would be designed to emphasize what would be common components in all Title I schools—whether schoolwide programs or targeted assistance schools—and that schools that continue to target Part A funds on their lowest-achieving children could not continue to do business as usual.

Subsection (a) would state the general rule for operating targeted assistance schools: they must use funds for programs that provide services to eligible children identified as having the greatest need for special assistance.

Subsection (b) would define eligible children. Eligible children would be those who are failing, or most at risk of failing, to meet the State's challenging performance standards that all children are expected to meet. The LEA would establish multiple, educationally-related objective criteria, but the school could supplement those criteria and decide which children to serve. These requirements would replace requirements in the current law for the LEA to conduct a district-level assessment of educational need and use educationally related objective criteria to identify the educationally deprived children most in need of additional assistance.

This subsection would clarify that children with disabilities or limited English proficiency would now be selected for services on the same basis as other children. No longer would districts have to document that these students' lack of educational progress stems solely from educational deprivation, not their disability or limited English proficiency, a case that has often proved difficult or impossible to make and has resulted in denying services to these children. In addition, it would add a requirement for the LEA to use funds to serve eligible homeless children who do not attend schools served under this part to ensure that this population of children is served.

Like section 1114, subsection (c) is organized around a set of components to enable children served under Part A to meet the State standards. These components would include: effective instructional strategies that give primary consideration to extended learning time and involve an accelerated curriculum; coordination with the regular program; instruction by highly qualified professional staff; intensive professional development, allowable for teachers who work with participating children in programs funded by Part A or in the regular classroom; strong parental involvement; and counseling, mentoring, and career and college preparation for older students.

Findings about the nature of current targeted Chapter 1 programs necessitate these requirements. Seventy percent of regular teachers report that Chapter 1 participants are pulled out of regular instruction for services. Chapter 1 instruction generally adds only an average of about 10 minutes a day of extra instructional time. Extended learning opportunities through before- and after-school programs or summer school are rare (nine percent and 15 percent of programs, respectively). Chapter 1 currently employs about as many aides as teachers, many of whom provide direct instruction. However, over 80 percent of these aides only have a high-school diploma and most have received little training. Professional development opportunities that do exist are often short term and cursory. These types of Title I programs would no longer meet the requirements of the law.

This subsection emphasizes that a targeted assistance program should be designed to assist the school in meeting its responsibility to provide for all students the opportunity to meet the State's challenging performance standards. No targeted assistance program—even one that meets all of the required components of this section—would release the regular school staff from its responsibility for the education of the children served by the program.

Subsection (b)(2) would also require targeted assistance schools to develop a plan. This plan could not simply address how Part A funds would be used, but how such funds would be used in coordination with other funds to assist the children served to meet the State's standards. Targeted assistance schools, like schoolwide programs, would take the lead in developing their plan, with the district playing a supportive role. Plans would have to be made available to the LEA, the public, and parents, as well as reviewed and revised, as necessary, by the school. These requirements again would reinforce planning as an ongoing process in the school.

Subsection (d) would revise the current section of the law on assignment of personnel to expand the involvement of personnel paid by Title I in the overall planning and functioning of the school and the school life of participating children. In addition to assuming limited duties beyond classroom instruction, as they can do under current law, such personnel could participate in general professional development and school planning activities, as well as collaboratively teach with regular classroom teachers if participating children directly benefit.

Section 1116. Parental involvement. Proposed section 1116 of the ESEA would build on the success of the new parental involvement requirements in the 1988 Hawkins-Stafford Amendments. Those amendments played a key role in promoting the involvement of parents of the State, district, and school levels, and providing a policy and practical framework for that involvement. These efforts, however, need to be strengthened. Schools have reached out to parents, but still have far to go in actively engaging them in their children's education. Research has shown that parents want to be more involved, but often do not know how.

To reflect these findings, section 1116 of the law would be changed in two central ways. First, it would establish the role of the school in involving parents and clarify the relationship between the school's role and that of the LEA. This responds to research on the central role of schools in involving parents and the importance of such school-level parent involvement for children's success. Second, section 1116 would divide the parental involvement provisions into three components: (1) policy involvement; (2) shared responsibility for high performance, as embodied in parent-teacher compacts; and (3) building capacity for involvement. These components would recognize the full range of roles that parents can play in their children's education as well as the need for parents and schools to develop a partnership and ongoing dialogue around children's achievement. They would replace the division of the current law ("Goals of Parent Involvement" and "Mechanisms for Parental Involvement"), which contain overlapping requirements and lack guiding themes.

Subsection (a) would require an LEA parental involvement policy. This policy would set the expectation and provide a framework for parental involvement in the district. If the district has a parental involvement policy for all parents, it would only have to amend it to meet the requirements of this section. This would promote involvement of all parents across specific programs.

Subsection (b) would establish the role of schools in parental involvement by providing for a school-level parental involvement plan for any school receiving title I funds. This parental involvement plan would have to be incorporated into the overall school plan and describe how the school will involve parents according to the remaining requirements of this section.

Subsection (c) would be designed to promote the involvement of parents in Title I decisionmaking at the school level. Its requirements for an annual meeting, involvement in decisionmaking, timely information, opportunities for regular meetings, and timely responses to parent recommendations are drawn from current law, although now applied to the school rather than the LEA. In schoolwide programs, these requirements apply to all parents; in targeted assistance schools, they apply to parents of participating children.

Parents must be involved in the development of the school-level plan because it will be more successful if it has the support and input of parents. To ensure that Title I parental involvement reinforces rather than competes with existing parent involvement, a school that has a process for involving parents in planning—such as a process of school based management—could use that process, so long as there is adequate representation of parents of participating children in that process.

Subsection (d) would be designed to promote shared responsibility between parents and schools for high performance of children—a new emphasis for this section. The centerpiece would be a school-parent compact in each Title I school, which would spell out the shared responsibilities of schools and parents as partners in student success and address the importance of ongoing communication between teacher and parent around the achievement of the individual child. The compact would be envisioned as a subpart of the school's parental involvement plan required under subsection (b), which would include, in addition to the compact, the more general parental involvement activities required by this section.

This subsection would retain the current law's requirements for a parent-teacher conference (in elementary schools), frequent reports to parents on their children's progress, reasonable access to staff, and the ability to observe classroom activities. However, the conferences would not be required at least annually, rather than to the extent practicable.

Recognizing the centrality of training to effective parental involvement, subsection (e) would reinforce the training requirements of the current law. These requirements would apply to both districts and schools and include assistance to parents in understanding the State's content and performance standards, the State assessments, and the requirements under Part A, Title I could also fund literacy training for parents if not otherwise available and if necessary to help parents work with their children at home to improve their children's achievement. The section would also make training for teachers a requirement, not a goal, and would establish the role of community-based organizations and businesses in parental involvement activities.

Finally, subsection (f) would require LEAs and schools to recognize the needs of parents with limited English proficiency and with disabilities, and to provide, to the extent practicable, full opportunities for their participation, including information in a language and form they understand.

Section 1117. Participation of children enrolled in private schools. Proposed subsection 1117(a) of the ESEA would require an LEA to provide equitable services to eligible children who attend private schools. This subsection makes clear that an LEA may provide such services, directly or through contracts with public and private agencies, organizations, and institutions.

Subsection (b) would define what constitutes timely and meaningful consultation with private school officials. This definition has been added to the law to make clear that consultation must occur during all phases of the design and implementation of services and before an LEA makes any decision that affects the opportunities of eligible private school children to participate. It requires an LEA to discuss the full range of service delivery mechanisms available to the LEA for providing equitable services to private school children to ensure that a genuine consideration of all possible options occurs.

Subsection (c) would require a public agency to control funds under this part and materials, equipment, and property purchased with these funds to provide equitable services to private school children.

Subsection (d) would require the Secretary to bypass an LEA that is prohibited by law from providing, or has substantially failed or is unwilling to provide, equitable services to private school children. If the Secretary makes such a determination, the Secretary waives the LEA's responsibility for providing equitable services and makes arrangements with a contractor to provide those services. The specific procedures for institutinga bypass have been moved to Title IX of the Act, because they also apply to other programs under the Act.

Subsection (e) would provide funds for capital expenses incurred by an LEA in providing services to private school children. This subsection has been revised in several respects. First, the Secretary would use the most recent data available on the number of private school children being served to allocate funds to States. Using data from the 1984–85 school year, as the current law requires, is no longer appropriate. Second, this subsection would limit use of capital expense funds to current costs of providing equitable services, and preclude reimbursement of expenses incurred since the 1985–86 school year. Reimbursement of past expenditures has been largely accomplished, and funds should now be used to maintain and increase participation of children enrolled in private schools.

Section 1118. Assessment and school and district improvement. The starting point for proposed section 1118 of the ESEA is that, too often, schools and school districts serving low-income families have been allowed to fail their students without any consequences. Research suggests that the program improvement sections of the current law have not substantially changed this fact. There appear to be several reasons. Small Norm Curve Equivalent (NCE) gains measured by low-level tests have become the *de facto* standard for the program improvement system and have resulted in schools frequently entering and leaving program improvement yearly because of random error; the respective roles of the district and the State have been unclear; there was no mechanism to hold districts accountable for their performance; technical assistance was not adequately provided to schools identified as needing improvement; and nothing has really happened to chronically under-performing schools, and schools know this.

Section 1118 would extensively revise the program improvement requirements of current law to attempt to address these problems and establish a meaningful and effective system of accountability and improvement based on the real performance of schools and school districts in meeting clearly defined outcomes. Guiding this section is the belief that rewards and corrective actions based on the degree of success in achieving clearly defined standards would motivate both students and educators to high levels of performance. They would also ensure that when other methods of school improvement fail, the public could hold the district and State accountable.

Subsection (a) would provide for a local annual review of each school served by Part A, using State assessments, to determine whether the school is meeting or making adequate progress toward meeting the State's definition of adequate progress. The purpose of the review, in addition to accountability, would be to provide information each school needs to continually refine the program of instruction to enable children to meet the State's challenging performance standards.

Under subsection (b), any school that, for three consecutive years, exceeds the State's definition of adequate progress or virtually all of whose students meet the State's "advanced" performance standards could be designated by the State as a Distinguished School. Distinguished Schools would be recognized by the State and could receive monetary rewards from their State's Title I funds, perhaps augmented by other funds. Distinguished Schools could also receive institutional and individual rewards from the district, and serve as models and provide additional assistance to other schools. These provisions would recognize those schools that are providing children high-quality education, reward them, and make them available to help other schools meet the State's performance standards.

Under subsection (c), schools that for two consecutive years fail to meet the State's definition of adequate progress (as well as those schools currently in program improvement for two consecutive years when the bill takes effect) would be designated as schools in need of improvement. They would be required, in consultation with parents, the LEA, and, for schoolwide programs, the school support team, to revise their school plan in order to improve the performance of the children in the school.

The LEA would provide technical assistance as the identified school develops and implements its revised plan. If, after two years in school improvement, the school still fails to make adequate progress, the LEA must take corrective actions—such as instituting alternative governance arrangements and authorizing students to transfer to other schools in the LEA—although it could take such actions any time after a school is identified for school improvement. The role of the State in school improvement would be two-fold: to make available to those schools farthest from meeting the State standards, if requested, assistance from Distinguished Educators; and to take appropriate corrective action against LEAs that fail to carry out their school improvement responsibilities. When an identified school makes adequate progress for two out of three years, it would no longer need to be identified for school improvement.

The time for identification and the length of time in identified status would both be extended to two years in order to improve the quality of the data on which schools are identified and allow time for action taken by the schools to have effect. The requirement for technical assistance would also recognize that in the absence of sufficient help and a clear idea of how to improve, many of the lowest-achieving schools may not know how to improve. However, corrective actions would be required after two years of technical assistance (and allowed, where appropriate,even before two years) to ensure that, in situations where there is continued failure to make adequate progress, more aggressive actions are taken so that children in those schools will be given the opportunity to receive a high-quality education.

Subsection (d) would set up a similar track of improvement and accountability for the LEA, in recognition of its vital role in the performance of schools and children. While the LEA would review the progress of

schools, the State would review the progress of the district. The SEA would annually review the progress of each LEA to determine whether it is making adequate progress toward meeting the State's definition of adequate progress. Any district that for three consecutive years exceeds the State's definition of adequate progress could be rewarded. Any district that has not made adequate progress for two consecutive years would be identified for improvement.

The SEA would provide identified LEAs with technical assistance. If, however, after three years in LEA improvement, the LEA still fails to make adequate progress, the SEA must institute corrective actions, such as appointing a receiver to administer the district or making changes to the district personnel; it could, however, take such actions any time after an LEA is identified for LEA improvement. Corrective action would be required after three years rather than two years (as would be the case in school improvement) to give an LEA sufficient time to turn around those schools needing improvement before being subject to corrective action itself. When an identified LEA makes adequate progress for at least two of three years, it no longer needs to be identified. The rationale underlying these provisions is the same as underlying the school improvement provisions.

To provide assistance to schools and LEAs farthest from meeting the State standards, subsection (e) would require each State to establish a corps of Distinguished Educators, which would include, where possible, educators from Distinguished Schools. To avoid duplication, however, the State would not have to establish a corps of Distinguished Educators if it has an alternative approach to provide similar types of assistance to these schools and districts. The State would use funds provided in section 1002(f) for these activities.

Section 1119. Fiscal requirements. Proposed section 1119 of the ESEA would contain the fiscal requirements that an LEA must meet to receive Part A funds.

Subsection (a) would apply the maintenance-of-effort requirement in proposed Title IX of the Act to Title I. This requirement has been standardized across all programs in the Act to which it applies.

Subsection (b) would require that Part A funds be used to supplement, and not supplant, funds that would, in the absence of Part A funds, be made available from non-Federal sources. In determining compliance with this requirement, an LEA may exclude supplemental State or local funds if they are spent in any eligible school attendance area for programs that meet the requirements of section 1114 or 1115 of Part A. Such funds would have to be spent on projects that meet the requirements of sections 1114 or 1115 to ensure that they include those components that research suggests are essential to enable children to meet the State's standards. Funds would have to be spent in eligible schools to reinforce the Department's efforts to target funds more effectively on schools with the greatest need.

Subsection (c) would require an LEA to use State and local funds to provide services in Title I schools that are at least comparable to services provided in non-Title I schools. A test for comparability has been added to the law that would require Title I schools to be compared to non-Title I schools on the basis of expenditures per pupil. This comparison may be made by using total expenditures per pupil or instructional salaries per pupil. An LEA would no longer be able to measure comparability in other ways, such as by comparing instructional staff per pupil. This latter measure has not been included because it allows teacher aides in Title I schools to be equated with certified teachers in non-Title I schools, thereby achieving a false comparability. Records documenting comparability would only need to be updated biennially.

An LEA may exclude State and local funds expended for bilingual education and the excess costs of providing services to children with disabilities when measuring comparability. The current exclusion of State compensatory education funds has been deleted, since those funds, to qualify for the exclusion, must be spent in Chapter 1 eligible schools, and no longer require exclusion here. Exclusion for State phase-in programs has also been deleted because the provision is no longer needed.

Subpart 2—Allocations

Subpart 2 has been extensively reorganized to make it more understandable. A major portion of the subpart—describing how the Department would allocate dollars directly to LEAs—has been deleted, because the Department has never had the data needed to make such allocations and does not anticipate having it during the period of authorization of this part. The subsections have been reorganized to present information in a more logical order, placing related material in adjacent paragraphs and reducing the need for cross-referencing.

Several changes have been made in this subpart to target more funds on the highest-poverty districts. Currently, virtually all LEAs receive Chapter 1 funds, and over 70 percent of elementary schools participate. Because funds are widely spread, however, 13 percent of very high-poverty schools—those over 75 percent poor—do not receive Chapter 1 funds, while half of the schools with very low poverty rates—under 10 percent—do. Further, about one-third of low-achieving children in very high-poverty schools are unserved because there are insufficient funds in those schools to serve them.

The revisions would place substantially more funds in high-poverty districts. At the current appropriation level, approximately $500 million would be moved from low-poverty to high-poverty counties.

Section 1121. Grants for the outlying areas and the Secretary of the Interior. Proposed section 1121 of the ESEA would require the Secretary to reserve up to .8 percent of Part A funds for grants to the outlying areas and to the Secretary of the Interior to serve Indian children. Because the reservation would come prior to determining allocations to States, it has been placed first in this subpart. The amount to be reserved, which has been reduced from "up to 1 percent" in current law, was selected because the total number of children in schools for whom the funds are reserved make up approximately .8 percent of the total number of formula children. This would, in effect, count all children in these jurisdictions as if they were poor.

Section 1122. Allocations to States. Proposed section 1122(a) of the ESEA would require the Secretary, after reserving funds under section 1121, to allocate 50 percent of the remaining Part A funds for basic grants and 50 percent for concentration grants. This provision would increase the amount of the appropriation to be distributed to counties and districts that qualify for concentration grants from ten percent under current law to 50 percent, thereby providing for a significant redistribution of funds to the poorest areas, while leaving the basic grant program intact, at a lower funding level, so that less needy districts would continue to receive some funds.

Subsection (b) would provide that, if funds are insufficient to pay counties the full amounts to which they are entitled, payments would be ratably reduced.

Subsection (c) would guarantee a county at least 85 percent of its prior year's allocation of both basic and concentration grants. Under current law, the "hold harmless" provision applies only to basic grants. However, because 50 percent of the funds would be distributed for concentration grants, it is necessary that the "hold harmless" also include these funds to protect counties from severe annual fluctuations in appropriations. In addition, the revised provision also protects counties that no longer qualify for concentration grants from a steep decrease in funding.

Subsection (d) would guarantee small States a minimum allocation. It has been greatly simplified and applies to the combined amount (basic and concentration) that a State receives.

Section 1123. Basic grants. Proposed section 1123(a) of the ESEA would revise the county eligibility criteria for a basic grant by increasing the minimum number of poor children needed to qualify to 100 or 18 percent of the total number of children in the county. The current provision, which qualifies any county with more than 10 poor children, results in very small grants to counties that have very few poor children. Eighteen percent is the approximate rate of poverty for children ages 15–17 in the latest decennial census and is also the percentage threshold eligibility for concentration grants.

Subsection (b) would provide that the amount of a grant a county or the District of Columbia is eligible to receive is the product of the number of children counted under subsection (c) and 40 percent of the average State per-pupil expenditure, except that no county's allocation would be more than 48 percent nor less than 32 percent of the national average per-pupil expenditure. This provision simplifies, but does not substantively alter, the current formula. This provision also contains a special provision for calculating the amount to be granted to Puerto Rico, which has also been reworded for clarity, but not substantively changed.

Subsection (c) would describe the children to be counted for the purpose of making allocations. From the number of formula children counted for each county, the Secretary would subtract two percent of the total number of children aged five through 17 in the county. Because low-poverty counties would lose proportionately more of their low-income child count than would high-poverty counties, funds would be shifted to high-poverty counties—in effect, those above the national poverty level would gain, and those below would lose.

Subsection (d) would describe how States make allocations to LEAs. This subsection would make clear that States may select the best available poverty data to allocate funds to LEAs, but must use a uniform measure throughout the State. This subsection also would make clear that States must reduce the number of low-income children on which an LEA's allocation is based by two percent of the total number of children in the LEA before allocating funds to the LEA.

Section 1124. Concentration grants. Proposed section 1124(a) of the ESEA would revise the county eligibility criteria for concentration grants. Under this subsection, a county must contain at least 6,500 children counted under

section 1123(c) or the percentage that such children make up of the total number of children in the county must be greater than 18 percent. The percentage of poverty needed to qualify for a concentration grant has been increased from 15 to 18 percent, which is the approximate national level of poverty for children ages 5–17 in the 1990 census.

Subsection (b) would describe how grants to eligible counties are calculated. For a county that qualifies by having more than 6,500 children counted under section 1123(c), all such children—not just those in excess of 6,500—would be counted for determining allocations. This provision would thus treat a county qualifying under the number criterion in the same manner as one qualifying under the percentage criterion.

Subsection (c) would make clear that LEAs are eligible for concentration grants under the same criteria that apply to counties. In determining which LEAs are eligible for concentration grants, however, a State that uses data other than census data to determine the number of low-income children would be required to equate that number to the number of low-income children under the census. This requirement would ensure that eligibility is not affected by differences in sources of poverty data.

In eligible counties in which no LEAs are eligible, a State may distribute funds to LEAs above the countywide poverty average. Each LEA would receive an amount based on the proportion of children counted under section 1123(c) in the LEA compared to formula children in all LEAs receiving funds. A State that receives a minimum grant may allocate concentration grant funds as do other States or, without regard to county lines, to LEAs above the Statewide poverty average. Finally, a State may reserve up to ten percent of its concentration grant funds for eligible LEAs located in ineligible counties, a situation that occurs when high-poverty LEAs are in counties with low overall poverty rates.

Section 1125. Special allocation procedures. Proposed section 1125 would contain several special allocation procedures applicable to States in making allocations to LEAs under Part A.

Subsection (a) would provide that the combined basic and concentration grant allocation to an LEA may not be less than 85 percent of the amount the LEA received the preceding fiscal year.

Subsection (b) would provide that, if an LEA is unable or unwilling to provide services for local neglected or delinquent (N or D) children for whom it receives a portion of its basic and concentration grant allocation, the State may use that portion of the LEA's allocation to serve the N or D children if it assumes that responsibility, or transfer the funds to an agency that would provide such services.

Subsection (c) would authorize a State to make adjustments in LEAs' allocations when more than one LEA serves the same geographic area or when an LEA serves children who reside in another LEA.

Subsection (d) would allow a State, upon approval of the Secretary, to distribute funds directly to LEAs without regard to county lines. Currently, this practice is allowed only in States in which many LEAs overlap county lines, and those States must use census data in computing LEA allocations. Further, it currently applies only to basic grant funds; concentration grant funds must be distributed to LEAs within the counties to which they are allocated. The revision would allow a State greater flexibility in allocating Part A funds to LEAs to better reflect the distribution of poverty throughout the State.

Section 1126. Carryover and waiver. Proposed section 1126(a) of the ESEA would limit the amount of funds an LEA may carry over from one year to the next to not more than 15 percent of the LEA's allocation of basic and concentration grants.

Subsection (b) would allow a State to waive that restriction once every three years if it is reasonable to do so, or if there has been a supplemental appropriation.

Subsection (c) would exclude an LEA that receives less than $50,000.

Part B—Even Start family literacy programs

Section 1201. Statement of purpose. Proposed section 1201 of the ESEA would set forth the purpose of Part B of Title I. Recognizing the well-documented links between under-educated parents, family poverty, and failure of children in school, Even Start is intended to help break the cycle of poverty and illiteracy by providing family literacy programs to the Nation's low-income families. This purpose would be accomplished by integrating early childhood education, adult literacy or adult basic education, and parenting education into a unified family literacy program that is implemented through cooperative programs that build on existing community resources to create a new range of services. These programs would promote achievement of the National Education Goals and assist children and adults from low-income families to achieve to challenging State standards. This section emphasizes that Even Start integrates the delivery ofservices to the family as a unit, and that the targeted population is low-income families.

Section 1202. Program authorized. Proposed section 1202 of the ESEA would provide the general program authorities for Even Start.

Subsection (a) would require the Secretary, in each fiscal year, to reserve not more than five percent of the amount appropriated under section 1002(b) of Title I, under terms and conditions the Secretary would establish, that are consistent with the purpose of this part, and according to their relative needs, for: (1) children of migratory workers; (2) the outlying areas; and (3) Indian tribes and tribal organizations.

Subsection (b) would authorize the Secretary to reserve not more than three percent of the amount appropriated under section 1002(b), or the amount reserved for such purposes in the fiscal year 1994, whichever is greater, to carry out the evaluation required by section 1209 and to provide, through grants or contracts, technical assistance, program improvement, and replication activities.

Subsection (c) would require the Secretary to allocate the remaining Even Start funds to States, to be used in accordance with section 1203. Funds would be allocated to the States in the same proportion as they are distributed for basic grants and concentration grants under Part A of Title I.

Subsection (d) would define several terms for the purpose of Part B, as follows:

Paragraph (1) would change the definition of "eligible entity". Currently, an LEA or a community-based organization may receive an Even Start grant so long as it applies in collaboration with the other. The bill would revise the definition of "eligible entity" to be a partnership composed of both an LEA and a nonprofit community-based organization, public agency, IHE, or other public or private nonprofit organization of demonstrated quality. This change is intended to improve the linkages between schools and communities by requiring stronger collaboration in the application process and distinguishing that collaboration from the coordination required with other entities during the operation of programs by section 1205(8).

Paragraph (2) would provide that "Indian tribe" and "tribal organization" have the meanings given those terms in section 4 of the Indian Self-Determination and Education Assistance Act.

Paragraph (3) would define "State" to include each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

Section 1203. State programs. Proposed section 1203(a) of the ESEA would authorize each State that receives a grant under section 1202(c)(1) to use not more than 5 percent of the assistance provided under the grant for the costs of administration and of providing, through one or more subgrants or contracts, technical assistance for program improvement and replication to eligible entities that receive subgrants under section 1203(b).

Section 1203(b) would require each State to use the remainder of its grant to make subgrants to eligible entities to carry out Even Start programs. However, no State would be authorized to award a subgrant for an amount less than $75,000.

Section 1204. Uses of funds. Proposed section 1204 of the ESEA would describe the permissible uses of Even Start funds.

Subsection (a) would require a recipient of Even Start funds to use those funds to pay the Federal share of the cost of providing family-centered education programs that involve parents and children in a cooperative effort to help parents become full partners in the education of their chidden and to assist children in reaching their full potential as learners.

Subsection (b) would provide that the Federal share of an Even Start program may not exceed 90 percent of the total cost of the program in the first year that the program receives assistance, 80 percent in the second year, 70 percent in the third year, 60 percent in the fourth year, and 50 percent in any subsequent year. The remaining cost could be provided in cash or in kind, fairly evaluated, and could be obtained from any source other than title I funds. This subsection would also provide, however, that the SEA may waive, in whole or in part, this cost-sharing requirement if an eligible entity demonstrates that it otherwise would not be able to participate in the program and negotiates an agreement with the SEA with respect to the amount of the remaining cost to which the waiver would be applicable. Further, Federal Even Start funds could not be used for the indirect costs of an Even Start program, although the Secretary would be allowed to waive this limitation if a recipient of funds reserved for Indian tribes and tribal organizations under section 1202(a)(3) demonstrates to the Secretary's satisfaction that it otherwise would not be able to participate in the program. Several Indian tribal applicants have withdrawn from prior grant competitions because they would not have been able to operate Even Start programs without being allowed to recoup their indirect costs.

Section 1205. Program elements. Proposed section 1205 of the ESEA would require the following elements for Even Start programs:

Paragraph (1) would improve the targeting of services by requiring each Even Start program to include the identification and recruitment of those families most in need of Even Start services, as indicated by a low level of income, a low level of adult literacy or English language proficiency of the eligible parent or parents, and other need-related indicators.

Paragraph (2) would require each Even Start program to include screening and preparation of parents and children to enable them to participate fully in program activities and services, including testing, referral to necessary counselling, other developmental and support services, and related services.

Paragraph (3) would require each Even Start program to be designed to accommodate the participants' work and other responsibilities, including the provision of support services, when unavailable from other sources, necessary for their participation, such as: (1) scheduling and location of services to allow joint participation by parents and children; (2) child care for the period that parents are involved in the program; and (3) transportation for the purpose of enabling parents and their children to participate in Even Start programs.

Paragraph (4) would require each Even Start program to include high-quality instructional programs that promote adult literacy, training of parents to support the educational growth of their children, developmentally appropriate early childhood educational services, and preparation of children for success in regular school programs.

Paragraph (5) would require each Even Start program to include special training of staff, including child care staff, to develop the skills necessary to work with parents and young children in the full range of instructional services offered through this part.

Paragraph (6) would require each Even Start program to provide and monitor integrated instructional services to participating parents and children through home-based programs.

Paragraph (7) would recognize the need for greater continuity of program services and family retention by requiring that each Even Start program operate on a year-round basis, including the provision of some program services, either instructional or enrichment, or both, during the summer months.

Paragraph (8) would require each Even Start program to be coordinated with programs assisted under other parts of Title I; with any relevant programs under the Adult Education Act, the Individuals with Disabilities Education Act, and the Job Training Partnership Act; and with the Head Start program, volunteer literacy programs, and other relevant programs.

Paragraph (9) would require each Even Start program to provide for an independent evaluation of the program in order to provide accurate data on the effectiveness of the program.

Section 1206. Eligible participants. Proposed section 1206(a) of the ESEA would extend eligibility to teen parents, who are among those most in need of Even Start services but who are not currently eligible to participate. This subsection would provide that, except as provided in subsection (b), eligible participants in an Even Start program would be a parent or parents who are eligible for participation in an adult basic education program under the Adult Education Act or who are within the State's compulsory school attendance age range, so long as the LEA provides (or ensures the availability of) the basic education component required by this part; and the child or children, from birth through age seven, of such a parent or parents.

Subsection (b) would improve the ability of the program to focus on families as units, by allowing the inclusion in appropriate activities of family members such as spouses, siblings, and grandparents who do not themselves meet the program eligibility requirements. Further, it would ensure that families would not be abruptly terminated from the program when one member of the family—parent or child—becomes ineligible, but could continue to participate in the program until all members of the family become ineligible for participation. In the case of a family in which ineligibility was due to the child or children of the family attaining the age of eight, continued participation would be allowed until the parent or parents become ineligible due to educational advancement or for two years, whichever occurred first. In the case of the family in which ineligibility was due to the educational advancement of the parent or parents, participation would be allowed until all children in the family attained age eight.

Section 1207. Applications. Proposed section 1207 of the ESEA would set forth application requirements.

Subsection (a) would provide that, in order to be eligible to receive an Even Start subgrant, an eligible entity would have to submit an application to the SEA in such form and containing or accompanied by such information as the SEA requires.

Subsection (b) would require each application to include documentation, satisfactory to the SEA, that the eligible entity has the qualified personnel needed to develop, administer, and implement an Even Start program and to provide the special training necessary to prepare staff for the program.

Subsection (c) would require that the application also be consistent with, and promote the goals of, the State and localplans, either approved or being developed, under Title III of the Goals 2000: Educate America Act or, if those plans are not approved or being developed, with the State and local plans under Part A of Title I and include a plan of operation for the program that includes: (1) a description of the program goals; (2) a description of the activities and services that will be provided under the program, including a description of how the program will incorporate the program elements required by section 1205; (3) a description of the population to be served and an estimate of the number of participants; (4) as appropriate, a description of the applicant's collaborative efforts with institutions of higher education, community-based organizations, the SEA, private elementary schools, or other appropriate nonprofit organizations in carrying out the program for which assistance is sought; and (5) a statement of the methods that will be used to ensure that the program will serve those families most in need of Even Start activities and services; to provide those services to individuals with special needs, such as individuals with limited English proficiency and individuals with disabilities; and to encourage participants to remain in the program for a time sufficient to meet the program's purpose.

Section 1208. Award of Subgrants. Proposed section 1208 would describe the process for the award of subgrants.

Subsection (a) would require the SEA to establish a review panel that will approve applications that meet the requirements of this section. It would strengthen the requirement that the area to be served has a high percentage of children or families most in need of Even Start services by providing that the area must have a high percentage of children who reside in a school attendance area designated for participation in programs under Part A. It would establish a new requirement that programs provide services for children for at least a three-year age range, in order to increase continuity of program services and improve retention of families in the program.

Subsection (a) would also require that applications approved by SEAs by those that are most likely to succeed in meeting the Even Start program purpose and in effectively implementing the program elements described in section 1205; demonstrate the greatest possible cooperation and coordination between a variety of relevant service providers in all phases of the program; include cost-effective budgets, given the scope of the application; demonstrate the applicant's ability to provide the additional funding required by section 1204(b); are representative of urban and rural regions of the State; and show the greatest promise for providing models that may be adopted by other LEAs. Subsection (a) would also improve targeting on low-income families and high-poverty areas by requiring the SEA to give priority to proposals that either target services primarily to families whose children reside in attendance areas of schools eligible for schoolwide programs under Part A of Title I or are located in areas designated as empowerment zones or enterprise communities.

Subsection (b) would increase flexibility in the composition of review panels by providing that each review panel is to consist of at least three members, including one early childhood professional, one adult education professional, and one of the following individuals: (1) a representative of a parent-child education organization; (2) a representative of a community-based literacy organization; (3) a member of a local board of education; (4) a representative of business and industry with a commitment to education; or (5) an individual who has been involved in the implementation of Title I programs in the State.

Subsection (c) would provide that subgrants may be awarded for a period of not more than four years. Recognizing that Even Start programs may need a planning and recruitment period, an SEA would be authorized to provide a subgrantee, at the subgrantee's request, a 3- to 6-month start-up period during the first year of the four-year period, which may include staff recruitment and training, and the coordination of services, before requiring full implementation of the program. In reviewing any application for a subgrant to continue a program for the second, third, or fourth year, the SEA would be required to review the progress being made toward meeting the objectives of the program after the conclusion of the start-up period, if any. The SEA would be authorized to refuse to award a subgrant if it finds that sufficient progress has not been made toward meeting these objectives, but only after affording the applicant notice and an opportunity for a hearing. Finally, subsection (c) would clarify that an eligible entity that has previously received an Even Start subgrant may reapply for a second project period. During the second project period, the Federal share of the subgrant shall not exceed 50 percent in any year.

Section 1209. Evaluation. Proposed section 1209 of the ESEA would require the Secretary to provide for an independent evaluation of Even Start programs to determine their performance and effectiveness and to identify effective Even Start programs that can be replicated and used in providing technical assistance to national, State, and local programs.

Part C—Education of migratory children

Part C of Title I of the ESEA would reauthorize the program for migratory children

currently authorized under Subpart 1 of Part D of Chapter 1 of Title I of the Act, as follows:

Section 1301. Program purpose. Proposed section 1301 of the ESEA would state that it is the purpose of Part C to assist States to: (1) support high-quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves; (2) ensure that migratory children are provided with appropriate educational services (including supportive services) that address their special needs in a coordinated and efficient manner; (3) ensure that migratory children have the opportunity to achieve to the same challenging State performance standards that all children are expected to meet; (4) design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit their ability to do well in school, and to prepare these children to make a successful transition to postsecondary education or employment; and (5) ensure that migratory children benefit from State and local systemic reforms. This new section would provide a more explicit and detailed statement of program purpose than exists in the current law, which states only that program funds are to be used to meet the "special educational needs of migratory children."

Section 1302. Program authorized. In order to carry out the purpose of Pact C, proposed section 1302 of the ESEA would direct the Secretary to make grants to SEAs, or combinations of such agencies, to establish or improve, directly or through local operating agencies, programs of education for migratory children. This section would restate, more clearly, the current authority to make grants under this program.

Section 1303. State allocations. Proposed section 1303 of the ESEA would describe how program funds are allocated to States and Puerto Rico. Subsections (a) and (b) would restate, in a clearer and less cumbersome manner, the State funding formula from the current law.

Subsection (a) would make each State (other than Puerto Rico) eligible to receive, for each fiscal year, an amount equal to the product of: (1) the sum of the estimated number of migratory children aged three through 21 who reside in the State full time, plus the full-time equivalent of the estimated number of those children who reside in the State part time, as determined in accordance with subsection (e); and (2) 40 percent of the average per-pupil expenditure (APPE) in the State, but not less than 32 percent, or more than 48 percent, of the APPE in the United States.

Subsection (b) would make Puerto Rico eligible for a yearly grant in an amount equal to the number of migratory children in Puerto Rico, multiplied by the product of: (1) the percentage that Puerto Rico's APPE is of the lowest APPE of any other 50 States; and (2) 32 percent of the APPE in the United States.

Subsection (c)(1) would direct the Secretary to reduce each State's allocation if, after the Secretary reserves funds for certain activities under section 1308, the amount appropriated to carry out Part C for any fiscal year is insufficient to pay in full the amounts for which the States are eligible. If additional funds became available, the Secretary would allocate them to States in amounts that the Secretary finds would best carry out the program's purpose. This new paragraph would eliminate the current statutory authority for "off-the-top" funding of the program, which has typically been overridden by appropriations language in recent years, and would, more realistically, authorize ratable reductions when the actual appropriation in a given fiscal year does not equal the amount required by the statutory funding formula.

Subsection (c)(2) would direct the Secretary to further reduce the amount of any grant to a State if the Secretary determines, based on available information on the numbers and needs of migratory children in the State and the program proposed by the State to address those needs, that such amount is not needed by the State. The Secretary would reallocate those excess funds, in amounts the Secretary determines are appropriate, to other States whose grants would otherwise be insufficient to provide an appropriate level of services to migratory children. This paragraph would restate and clarify the current statutory authority to reallocate "excess" funds.

Subsection (d)(1) would require the Secretary, in the case of any State whose grant is $500,000 or less, to consult with the SEA to determine if consortium arrangements with another State or other appropriate entity would result in delivery of services in a more effective and efficient manner. Subsection (d)(2) would allow any State, irrespective of the amount of its allocation, to propose a consortium arrangement. Subsection (d)(3) would require the Secretary to approve a consortium arrangement under paragraph (1) or (2) if the proposal demonstrates that the arrangement will both reduce administrative costs or program function costs for State programs and make more funds available for direct services to add substantially to the welfare or educational attainment of the children to be served. While inter-State consortia are permitted under the current statute, this new subsection would encourage the formation of broader types of voluntary consortia (including consortia with "appropriate entities" other than States) in order to enable State programs to operate more efficiently.

Subsection (e) would direct the Secretary, in order to determine the estimated number of migratory children residing in each State, to use whatever information the Secretary finds most accurately reflects the actual number of migratory children. The Secretary would adjust the full-time equivalent number of migratory children who reside in each State to take account ofthe special needs of those children participating in special programs that operate during the summer or other intersession periods, and the additional costs of operating those programs. This subsection would revise the current statutory language by replacing the explicit reference to a "migrant student record transfer system or such other system" with broader language allowing the use of other types of "information" that accurately reflect the number of migratory children. The subsection would revise and clarify the existing statutory language directing the Secretary to establish a summer adjustment to the funding formula, and adds an explicit requirement to include, in this funding formula adjustment, those "other intersession periods" that take place in year-round schools.

Section 1304. State applications; services. Proposed section 1304 of the ESEA would extensively rewrite the current application requirements to: (1) decrease administrative burden by clarifying what program information must be submitted as detailed descriptions, and what can be submitted as simple assurances; (2) establish a new and explicit priority in subsection (d) for services to children whose needs are greatest and whose education has been interrupted in the regular school year; (3) eliminate the current statutory language that gives priority to "currently" over "formerly" migratory children and allows such "formerly" migratory children to be served for up to five years; and (4) eliminate the statutory requirement to continue to use the existing, underlying regulatory definitions of what constitutes an eligible participant.

Subsection (a) would require any State wishing to receive a grant to submit an application to the Secretary at such time and in such manner as the Secretary may require.

Subsection (b) would require that each application include: (1) a description of how, in planning, implementing, and evaluating assisted programs and projects, the State and its operating agencies will ensure that the special educational needs of migratory children are identified and addressed through a comprehensive plan for needs assessment and service delivery that meets the requirements of section 1306; (2) a description of the steps the State is taking to provide all migratory students with the opportunity to meet the same challenging State performance standards that all children are expected to meet; (3) a description of how the State will use its funds to promote interstate and intrastate coordination of services for migratory children, including how, consistent with procedures the Secretary may require, it will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when children move from one school to another, whether or not during the regular school year; (4) a description of the State's priorities for the use of program funds, and how they relate to the State's assessment of the need for services in the State; (5) a description of how the State will determine the amount of any subgrants it will award to local operating agencies and the amount of funds that these agencies will provide to individual schools, taking into account the requirements of paragraph (1); and (6) such budgetary and other information as the Secretary may require.

This new subsection would define those particular items of information that must be submitted in the State application as detailed descriptions, rather than as assurances. In particular, the subsection would require a description of the explicit linkage between the State application and the comprehensive service delivery and needs assessment plan required under section 1306, and the State's plan for Goals 2000. The subsection would also continue the States' responsibility for the timely transfer of school records on migratory children. This language on records transfer responsibility is important, because other proposed changes would eliminate the explicit statutory authority for a migrant student record transfer system.

Subsection (c) would require that each application also include assurances, satisfactory to the Secretary, that: (1) program funds will be used only for programs and projects, including the acquisition of equipment, in accordance with the requirements of section 1306(b)(1) relating to the use of funds, and to coordinate those programs and projects with similar programs and projects within the State and in other States, as well

as with other Federal programs that can benefit migratory children and their families; (2) those programs and projects will be carried out in a manner consistent with the objectives of certain basic Title I requirements; (3) in the planning and operation of programs and projects at both the State and local operating agency level, there is appropriate consultation with parent advisory councils for programs lasting a school year, and that all programs and projects are carried out in a manner consistent with the Title I parent involvement requirements; (4) in planning and carrying out those programs and projects, there has been, and will be, adequate provision for addressing the unmet education needs of preschool migratory children; (5) the effectiveness of those programs and projects will be determined, where feasible, using the same approaches and standards that will be used to assess the performance of students, schools, and LEAs under Part A of Title I; and (6) the State will assist the Secretary in determining the number of migratory children under section 1303(e), through such procedures as the Secretary may require.

This new subsection would describe specific assurance that must be submitted in the State's program application, including virtually all the items that are addressed in the current statute. Only the maintenance-of-effort requirement would be eliminated because it has no practical effect in this program inwhich States will continue to have full discretion to determine the size of subgrants. The requirement in the current statute for coordination with several specific programs has been broadened and made into an assurance because coordination responsibilities are more explicitly discussed in section 1306.

Subsection (d) would require each recipient of program funds, in providing services with those funds, to give priority to migratory children who are failing, or most at risk of failing, to meet the State's challenging performance standards and whose education has been interrupted during the regular school year. This new subsection would refocus the program from its current emphasis, which allows services be given to both "currently" and "formerly" migratory children, to one that has a priority on serving those children in greatest need who suffer from educational interruption during the regular school year.

Subsection (e) would provide that, notwithstanding any other provision of Part C, a child who ceases to be a migratory child during a school term remains eligible for services until the end of that term; and that a child who is no longer a migratory child may continue to receive services for one additional school year, but only if comparable services are not available through other programs. This new subsection would provide procedures to permit the continuation of services, for short periods, to children with identified needs even after their program eligibility ends.

Section 1305. Secretarial review. Proposed section 1305(a) of the ESEA would require the Secretary to approve each State application that meets the requirements of Part C.

Subsection (b) would permit the Secretary to review any application with the assistance and advice of State officials and other individuals with relevant expertise. This new subsection is intended to provide the Department with a broader perspective in assessing applications and to enhance inter-State cooperation by giving reviewers information on what different States are doing and on how to improve their applications and programs.

Section 1306. Comprehensive needs assessment and service-delivery plan; authorized activities. Proposed section 1306(a) of the ESEA would require each State that receives a grant under Part C to ensure that the State and its local operating agencies identify and address the special educational needs of migratory children in accordance with a comprehensive State plan that: (1) is integrated with the State's plan, either approved or being developed, under Title III of the Goals 2000: Educate America Act, and satisfies the requirements of subsection (b) that are not already addressed by that State plan or, if the State does not have an approved plan under Title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under the ESEA and satisfies the requirements of this subsection; (2) provides that migratory children will have an opportunity to meet the same challenging State performance standards, set out in those plans, that all children are expected to meet; (3) specifies measurable program goals and outcomes; (4) encompasses the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs; (5) is the product of joint planning among such local, State, and Federal programs, including those under Part A of Title I, early childhood programs, and bilingual education programs under Title VII of the Act; (6) provides for the integration of services available under Part B with services provided by such other programs; and (7) to the extent feasible, provides for advocacy and outreach activities for migratory children and their families, including informing them of, or helping them again access to, other education, health, nutrition, and social services; professional development programs, including mentoring, for teachers and other program personnel; family literacy programs, including those that use models developed under the Even Start program; the integration of information technology into educational and related programs; and programs to facilitate the transition of high school students to postsecondary education or employment.

Subsection (b)(1) would provide that, in implementing the comprehensive plan described in subsection (a), each local operating agency would have the flexibility to determine the activities to be provided with program funds, provided that: (1) before program funds are used to provide compensatory education services authorized under Part A of Title I, those funds must be used to meet the identified needs of migratory children that result from the effects of their migratory lifestyle, or are needed to permit migratory children to participate effectively in school, and are not addressed by services provided under other programs, including Part A of Title I; and (2) all migratory children who are eligible to receive services under Part A must receive those services with funds provided under Part C or under Part A. Section 1306(b) is intended to better focus the program on meeting the unique needs of its population by requiring that program funds first be used to meet the unique needs of migratory children that are not addressed by other programs. At the same time, this provision would provide needed flexibility by allowing program funds that remain unspent after the unique migratory needs have been addressed to be used by the local and State agencies in a coordinated manner with Part A funds.

Subsection (b)(2) would provide that subsection (b) does not apply to program funds that are used for schoolwide programs under section 1114 of Title I. This paragraph would clarify that the requirement to first use program funds to meet unique migratory needs is not applicable when program funds are used in a schoolwide program.

Section 1307. Bypass. Proposed section 1307 of the ESEA would authorize the Secretary to use all or part of any State's allocation to make arrangements with any public or nonprofit agency to carry out the purpose of Part C in the State if the Secretary determines that: (1) the State is unable or unwilling to conduct educational programs for migratory children; (2) those arrangements would result in more efficient and economic administration of those programs; or (3) those arrangements would add substantially to the welfare or educational attainment of those children. This section simply restates, more clearly, the current statutory authority allowing the Secretary to bypass a State government in order to better provide services to migratory children in the State.

Section 1308. Coordination of migrant education activities. Proposed section 1308(a) of the ESEA would permit the Secretary, in consultation with the States, to make grants to, or enter into contracts with, SEAs, LEAs, institutions of higher education, and other public and private entities to improve the interstate and intrastate coordination among SEAs and LEAs of their educational programs, including the establishment or improvement of programs for credit accrual and exchange, available to migratory students. The current statute inhibits the best use of funds for coordination projects since it limits the pool of eligible offerors, and requires funding of a particular project for credit exchange and accrual. In addition, the current statute includes a requirement for State approval that has proved difficult to implement and has created a conflict-of-interest problem, since only SEAs are now eligible to apply for coordination projects. This new subsection eliminates these problems by: (1) allowing coordination projects to be carried out by qualified entities in addition to the SEAs that are currently the only eligible offerors; (2) deleting the current requirement for State approval while continuing to require the Department to consult with States regarding the focus of the coordination projects; and (3) including an authority for, but not requiring, a credit exchange and accrual project. The new subsection also establishes a five-year limit on the length of coordination project awards.

Subsection (b) would require the Secretary to submit a report to the Congress, by October 1, 1995, regarding the effectiveness of methods used by States to transfer migratory students' educational and health records. This new subsection would replace the existing statutory authority for the migrant student record transfer system with a more general requirement that the Department report on States' progress in implementing procedures for the timely transfer of migratory student's records.

Subsection (c) would direct the Secretary to reserve up to five percent of each fiscal year's appropriation for this program to carry out section 1308. While eliminating the reference to a specific dollar amount, this subsection retains the five percent limit on coordination project funding that is in the current statute.

Section 1309. Definitions. Proposed section 1309 of the ESEA would define the terms "local operating agency" and "migratory child", for purposes of Part C.

Paragraph (1) would codify the current regulatory definition of "local operating agency".

Paragraph (2) would define the term "migratory child" to mean a child who is, or whose parent or spouse is, a migratory agricultural worker (including a migratory dairy worker) or a migratory fisher, and who, in the preceding 24 months, in order to obtain, or accompany that parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work: (1) has moved from one school district to another; or (2) in a State that is comprised of a single school district, has moved from one administrative area to another within such district. This new section would redefine program eligibility to better focus services on children who are still migrating or have only recently stopped migrating. In particular, it opens program services to those migratory youth who do not now qualify under the current definition, which restricts services to the migratory children of migratory parents. It also opens program services to those migratory youths who are spouses of migratory workers, since such spouses, even if not themselves migratory workers, will experience the same programs and educational disruptions that are associated with the migratory lifestyle. Finally, by not including as eligible those who migrate within a school district of more than 18,000 square miles, it eliminates a provision that now serves to only benefit a single State.

Part D—Education for neglected and delinquent youth

Part D of Title I of the ESEA would reauthorize the program for neglected and delinquent children currently authorized by Subpart 3 of Part D of Chapter 1 of Title I of the Act.

Section 1401. Purpose; program authorized. Proposed section 1401(a) of the ESEA would state that the purpose of Part D is to: (1) improve educational services to children in institutions for neglected or delinquent children so that they have the opportunity to meet the same challenging State performance standards that all children in the State will be expected to meet; and (2) provide those children the services they need to make a successful transition from institutionalization to further schooling or employment.

Section 1401(b) would direct the Secretary, in order to carry out the purpose set forth in subsection (a), to make grants to SEAs, which would make subgrants to State agencies to establish or improve programs of education for neglected or delinquent children.

Section 1402. Eligibility. Proposed section 1402 of the ESEA would make a State agency eligible for assistance under Part D if it is responsible for providing free public education for children: (1) in institutions for neglected or delinquent children; (2) attending community-day programs for neglected or delinquent children; or (3) in adult correctional institutions.

Section 1403. Allocation of funds. Proposed section 1403 of the ESEA would describe how program funds are to be allocated. Under subsection (a), each State agency described in section 1402 (other than an agency in Puerto Rico) would be eligible to receive under Part D, for any fiscal year, an amount equal to the product of: (1) the number of neglected or delinquent children in institutions or attending programs described in section 1402, who are enrolled for at least 20 hours per week in education programs operated or supported by the eligible agency, which would be determined by the agency as of a date or dates set by the Secretary and be adjusted, as the Secretary determines is appropriate, to reflect the relative length of such agency's annual programs; and (2) 40 percent of the average per-pupil expenditure (APPE) in the State, except that the per-pupil amount could not be less than 32 percent, or more than 48 percent, of the APPE in the United States. The 20 hours per week figure is twice the number of hours currently used for the program's child count and would be a significant step towards ensuring that these children receive an amount of instruction equivalent to that provided by LEAs. In addition, the deletion of the current requirement for institutions to maintain average daily attendance records of classes attended by children would reduce the paperwork burden on those institutions and the arithmetical errors made by them in applying for funds.

Subsection (b) would provide that, for each fiscal year, the amount of the grant for which a State agency in Puerto Rico is eligible is equal to the number of children counted under subsection (a)(1) for Puerto Rico, multiplied by the product of: (1) the percentage that the APPE in Puerto Rico is of the lowest APPE of any of the 50 States; and (2) 32 percent of the APPE in the United States.

Subsection (c) would provide that if the amount appropriated for any fiscal year for subgrants under subsections (a) and (b) is insufficient to pay the full amount for which all agencies are eligible, the Secretary shall ratably reduce each of those amounts.

Subsection (d) would direct the Secretary to pay to each SEA the total amount needed to make subgrants to State agencies in that State. In accordance with proposed section 1601(c) of Title I, the SEA could retain up to one percent of this total amount for State administrative costs.

Section 1404. State reallocation of funds. Proposed section 1404 of the ESEA would provide that if an SEA determines that a State agency does not need the full amount of the subgrant for which it is eligible for any fiscal year, the SEA may reallocate the amount that will not be needed to other State agencies that need additional funds to carry out the purpose of this part, in amounts the SEA shall determine. Currently, there is no reallocation authority for this program. As a consequence, any funds that are not obligated by a State agency must be returned to the Government, even though they are needed by other State agencies serving neglected or delinquent children.

Section 1405. State plan and State agency applications. Proposed section 1405(a) of the ESEA would require each SEA that desires to receive payments under Part D to submit, for approval by the Secretary, a plan for meeting the needs of neglected and delinquent children, which shall be revised and updated as needed, that is integrated with the State's plan, either approved or being developed, under Title III of the Goals 2000: Educate America Act, and satisfies the requirements of the section that are not already addressed by that State plan; or if the State does not have an approved plan under Title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under the ESEA and satisfies the requirements of section 1405. Subsection (a) would also require that the State plan for neglected or delinquent youth: (1) describe the State-established program goals, objectives, and performance measures that will be used to assess the effectiveness of the program in improving academic an vocational skills of children in the program; (2) provide that, to the extend feasible, neglected and delinquent children will have the same opportunities to learn as they would have if they were in the schools of LEAs in the State; and (3) contain certain assurances.

Subsection (b) would direct the Secretary to approve each State plan that meets the requirements of Part D and would authorize the Secretary to review these plans with the assistance and advice of individuals with relevant expertise.

Subsection (c) would require any State agency that desires to receive funds to carry out a program under Part D to submit an application to the SEA that: (1) describes the procedures to be used, consistent with the State's plan under Part A, to assess the educational needs of the children to be served; (2) describes the program, including a budget for the first year of the program, with annual updates to be provided; (3) describes how the program will meet the goals and objectives of the State's plan under this part; (4) describes how the State agency will consult with experts and provide the necessary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 1407 are of high quality; (5) describes how the agency will carry out the evaluation requirements of section 1409 and how the results of the most recent evaluation were used to plan and improve the program; (6) includes data showing that the agency has maintained fiscal effort as if it were an LEA in accordance with section 9501 of the Act; (7) describes how the programs will be coordinated with other State and Federal programs administered by the State agency; (8) describes how appropriate professional development will be provided to teachers and other instructional and administrative personnel; and (9) designates an individual in each affected institution to be responsible for issues relating to the transition of children from the State-operated institution to locally operated programs.

Section 1406. Use of funds. Proposed section 1406(a) of the ESEA would allow a State agency to use Part D funds only for programs and projects that are consistent with the State plan referred to in section 1405(a) and concentrate on providing participants with the knowledge and skills needed to make a successful transition to further education or employment. Authorized programs and projects could include the acquisition of equipment; would have to be designed to support educational services that, except for institution-wide projects under section 1407, are provided to children identified by the State agency as failing, or most at risk of failing, to meet the State's challenging performance standards, supplement and improve the quality of educational services provided to neglected or delinquent children by the State agency and afford those children an opportunity to learn to those challenging State standards; would have to be carried out in a manner consistent with the Part A supplement, not supplant provision and the Part F provisions relating to State administration of Title I; and could include the costs of meeting the evaluation requirements of section 1409.

Subsection (b) would provide that a program that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the Title I "supplement, not supplant" requirement without regard to the subject areas in which instruction is given during those hours.

Section 1407. Institution-wide projects. Proposed section 1407(a) of the ESEA would permit a State agency that provides free public education for children in an institution for

neglected or delinquent children (other than an adult correctional institution) or attending a community-day program for such children to use Part D funds to serve all children in, and upgrade the entire educational effort of, that institution or program if the State agency has developed, and the SEA has approved, a comprehensive plan for that institution or program. Such a plan would: (1) provide for a comprehensive assessment of the educational needs of all individuals under the age of 21 in the institution or program; (2) describe the steps the State agency has taken, or will take, to provide all children under 21 with the opportunity to meet challenging State academic and vocational standards in order to improve the likelihood that they will complete high school and find employment after leaving the institution; (3) describe the instructional program, pupil services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for secondary school students; (4) specifically describe how the funds will be used; (5) describe the measures and procedures that will be used to assess student progress; (6) describe how the agency has planned, and will implement and evaluate, the institution-wide or program-wide project in consultation with personnel providing direct instructional services and support services in institutions or community-day programs for neglected or delinquent children and personnel from the SEA; and (7) include an assurance that the State agency has provided for appropriate training to teachers and other instructional and administrative personnel to enable them to carry out the project effectively.

Section 1407(b) would require that, beginning with school year 1996–1997, State agencies use Part D funds only for institution-wide projects (subject to the exception in section 1410, which allows those agencies to use ten percent of their funds for transition services). The institution-wide approach will permit the development and implementation of challenging content for children in these institutions, which would cut across the entire day's educational program. Many programs to this point have merely supplemented the basic educational program, often with one or two hours of drills per day, and have not adequately focused on improving the education of these children in a comprehensive, integrated fashion.

Section 1408. Three-year projects. Proposed section 1408 of the ESEA would permit an SEA to approve a State agency's application for a period of up to three years if the State agency operates a program in which individual children are likely to participate for more than one year.

Section 1409. Program evaluations. Proposed section 1409(a) of the ESEA would require each State agency that conducts a program under Part D to evaluate the program at least once every three years to determine its impact on the ability of participants to: (1) maintain and improve educational achievement; (2) accrue school credits that meet State requirements for grade promotion and high school graduation; (3) make the transition to a regular program or other educationprogram operated by an LEA; and (4) complete high school and obtain employment after they leave the institution. The reference to employment, which is new, is important because many incarcerated youth seek employment, rather than further education, upon their release from the institution.

Subsection (b) would require a State agency, in conducting each evaluation with respect to the educational achievement component described in subsection (a)(1), to use multiple and appropriate measures of student progress. This requirement will improve the quality of assessment since agencies currently assess student performance through a score on a single norm-referenced test.

Subsection (c) would require each State agency to submit the evaluation results to the SEA and to use those results to plan and improve subsequent programs for participating children.

Section 1410. Transition services. Proposed section 1410(a) of the ESEA would permit each State agency to reserve up to ten percent of the amount it receives under Part D for any fiscal year to support projects that facilitate the transition of children from State-operated institutions for neglected and delinquent children into locally operated programs. Among other benefits, this provision would enhance the agency's ability to assess the impact of projects on children who have subsequently left the institution.

Subsection (b) would provide that a project supported under section 1410 could be conducted directly by the State agency, or through a contract or other arrangement with one of more LEAs, other public agencies, or private nonprofit organizations.

Subsection (c) would provide that any funds reserved under subsection (a) could be used only to provide special educational services, which may include counseling and mentoring, to neglected and delinquent children in schools other than State-operated institutions.

Section 1411. Definitions. Proposed section 1411 of the ESEA would define the terms "adult correctional institution", "community-day program", "institution for delinquent children", and "institution for neglected children", as used in Part D.

Part E—Federal evaluations and demonstrations

Section 1501. Evaluations. Proposed section 1501 of the ESEA would authorize a variety of evaluations and studies to determine how well Title I is meeting its purpose and provide information to improve program operation.

Subsection (a) would provide for a national assessment of the Title I program, specifying certain areas to be included and containing dates for completion of the reports to the President and Congress. The areas that would be included are those that are new to, or newly emphasized in, Title I.

Subsection (b) would authorize data collection and studies at State, local and school levels, transferring to the Department responsibilities formerly placed on States and LEAs. Federal data collection would allow sampling procedures to be more easily employed, thereby reducing burden and cost, providing for more uniform data collection and evaluation, and greatly reducing burden on school, district, and State authorities, the must now aggregate data from the school level up to the State level. It would also separate national evaluation from State assessments, freeing States to use their own assessment systems without being bound by national aggregation requirements.

Subsection (c) would require the secretary to continue the current national longitudinal study and provide for a final report.

Subsection (d) would provide for a design study to produce reliable estimates, between decennial censuses, of the number of children in poverty in a State. If successful, this effort could provided more current data on which to make allocations.

Section 1502. Demonstrations of innovative practices. Proposed section 1502 of the ESEA would provide authority for the Secretary to support demonstrations to improve Title I programs.

Subsection (a) would describe a national demonstration program. The new Title I, focusing on high standards, high-quality professional development, schoolwide reform, extended time, and integration of services needs to test new approaches, subjected to rigorous evaluation, and to provide State and local agencies with models that have been proven to be effective. Without these models, it would be difficult to institute major changes that are needed in local programs. The authority would also provide for demonstration of programs for children most difficult to serve—such as migratory children, children in institutions, homeless children, and children with limited English proficiency—for whom models are especially necessary.

Subsection (b) would provide authority for the Secretary, through grants or contracts, to work in partnership with organizations and agencies to disseminate and use information and knowledge about effective Title I practices.

Part F—General provisions

Most of the provisions in Parts E and F of the current law have been deleted. Some provisions, such as the requirement in current section 1439 for a National Migrant Commission and study of the migrant records transfer system, are no longer needed. Other provisions, such as the withholding provision and judicial review in current sections 1433 and 1434, are adequately covered by authority in the General Education Provisions Act and need not be repeated in Title I. Still other provisions, such as procedures for Federal regulation development and the requirement to develop a policy manual, unnecessarily restrict the Secretary's authority to administer Title I programs. Finally, other provisions, such as the list of definitions, would be transferred to Title IX (current Title VIII) of the ESEA because they apply to more programs than just Title I.

Section 1601. State administration. Proposed section 1601, regarding State administration of Title I programs, would provide for State rulemaking, require each State to establish a Committee of Practitioners, and provide payment to States for administration of those programs.

Subsection (a) would permit State rulemaking related to Title I, although it makes clear that regulations should be kept to a minimum. The restrictions in current law, particularly those that restrict State authority in content areas, could conflict with State efforts to develop the content and performance standards required under the State plan and therefore have been deleted. For instance, a State may choose first to develop content and performance standards in science, mathematics, and language arts; in that case, requiring Title I to focus on those areas would be appropriate. This subsection also makes clear that State rulemaking should support systemic reform at the LEA and school level.

Subsection (b) would require each State to establish a committee of practitioners, a majority of whose members must be representatives of LEAs. Rather than focusing on regulations, as is currently required, however, this committee would provide advice to the State in carrying out its responsibilities under Title I, whether regulatory or not.

Subsection (c) would authorize a State to reserve up to one percent of the funds it receives for Title I programs (excluding Even Start) for State administration, with minimum amounts established for small States.

ESEA, TITLE II—IMPROVING TEACHING AND LEARNING

Part A—Eisenhower Professional Development Program

Title II of the ESEA would be amended to include a new Part A relating to professional development for educators. This new part would be comprised of three subparts relating to Federal activities, State and local activities, and general provisions for the part.

Section 2101. Findings. Proposed section 2101(a) of the ESEA would state the congressional findings that: (1) reaching National Education Goal Three (all students will demonstrate mastery of challenging subject matter in the core academic subjects) and National Education Goal Four (U.S. students will become first in the world in mathematics and science achievement) requires a comprehensive educational reform strategy that involves parents, schools, government, communities, and other public and private organizations at all levels; (2) a crucial component of the strategy for achieving these two goals is ensuring, through sustained and intensive high-quality professional development, that all teachers can provide challenging learning experiences in the core academic subjects for their students; (3) the potential positive impact of high-quality professional development is underscored by recent research findings that professional development must be focused on teaching and learning in order to change the opportunities of all students to achieve higher standards; in order to be effective, focuses on discipline-based knowledge and effective subject-specific pedagogical skills, works with teams of teachers and administrators in a school and through professional networks of teachers and administrators, is interactive and collaborative, motivates by its intrinsic content and relationship to practice, builds on experience and learning-by-doing, and becomes incorporated into the everyday life of the school; and professional development can dramatically improve classroom instruction and learning when teachers and administrators are partners in its development and implementation; (4) special attention must also be given in professional development activities to ensuring that education professionals are knowledgeable of, and make of, strategies for serving populations that historically have lacked access to equal opportunities for advanced learning and career advancement; (5) professional development is often victim of budget reductions in fiscally difficult times; (6) there are few incentives or sanctions operating to encourage teachers and administrators to work to prepare themselves to be more effective or to participate in challenging and effective professional development activities; and (7) the Federal Government has a vital role in helping to make sustained and intensive high-quality professional development in the core academic subjects become an integral part of the elementary and secondary education system.

Section 2102. Purposes. Proposed section 2102 of the ESEA would list the purposes of proposed new Part A, which would be to help ensure that teachers, other staff, and administrators have access to high-quality professional development that: (1) is tied to challenging State student content and performance standards; (2) reflects recent research on teaching and learning; (3) includes strong academic content and pedagogical components; (4) is of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom; and (5) is part of the everyday life of the school and creates an orientation toward continuous improvement throughout the school.

Section 2103. Authorization of appropriations; allocation between subparts. Proposed section 2103 of the ESEA would authorize to be appropriated such sums as may be necessary to carry out proposed Part A for fiscal years 1995 through 1999, and would allocate the funds appropriated to carry out Part A for any fiscal year so that six percent of the funds are used to carry out Subpart 1, Federal Activities, and 94 percent of the funds are used to carry out Subpart 2, State and Local Activities.

Subpart 1—Federal Activities.

Section 2111. Program authorized. Proposed section 2111(a) of the ESEA would authorize the Secretary to make grants to, and enter into contracts and cooperative agreements with, LEAs, SEAs, State agencies for higher education, institutions of higher education, and other public and private agencies, organizations, and institutions to: (1) support activities of national significance that will contribute to the development and implementation of high-quality professional development activities in the core academic subject areas; and (2) evaluate activities carried out under subparts 1 and 2.

Subsection (b) would require the Secretary, in carrying out this program, to consult and coordinate with the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, and other appropriate Federal agencies and entities.

Section 2112. Authorized activities. Proposed section 2112 of the ESEA would list a number of examples of activities authorized under Subpart 1, including: (1) providing seed money to eligible entities to develop their capacity to offer sustained and intensive high-quality professional development; (2) professional development institutes that provide teams of teachers, or teachers and administrators, from individual schools, with professional development that contains strong and integrated disciplinary and pedagogical components; (3) encouraging the development of local and national professional networks that provide a forum for interaction among teachers of the core academic subjects and that allow the exchange of information on advances in content and pedagogy; (4) supporting the National Board of Professional Teaching Standards; (5) the development and dissemination of teaching standards in the core academic subjects; (6) the development of exemplary methods of assessing teachers, other staff, and administrators for licensure and certification; (7) activities that promote the transferability of licensure and certification of teachers and administrators among State and local jurisdictions; (8) the development and testing of incentive strategies for motivating teachers and administrators to help increase their effectiveness through professional development focused on teaching and learning and giving all students the opportunity to learn to challenging State standards; (9) the dissemination of information about voluntary national content and performance standards and related models of high-quality professional development; (10) the development and maintenance of a national clearinghouse for science, mathematics, and technology education materials and of such other clearing houses for core academic subjects as the Secretary determines are needed; (11) joint activities with other Federal agencies and entities engaged in our supporting similar professional development efforts; (12) support for consortia of education agencies and organizations to disseminate information and provide assistance regarding teaching methods and assessment tools that support national or State content standards in mathematics and science; and (13) the evaluation of programs under this subpart and under Subpart 2.

Subpart 2—State and Local Activities

Section 2121. Program authorized. Proposed section 2121 of the ESEA would authorize the Secretary to make grants to SEAs for the support of sustained and intensive high-quality professional development activities in the core academic subjects at the State and local levels.

Section 2122. Allocation of funds. Proposed section 2122 of the ESEA would describe the allocation formula to be used for funds appropriated for proposed subpart 2 for any fiscal year. First, the Secretary would reserve one half of one percent for the outlying areas, to be distributed among them on the basis of their relative need, as determined by the Secretary in light of the purposes of this part, and would reserve one quarter of one percent for the Secretary of the Interior for programs under this subpart for professional development activities for teachers, other staff, and administrators in schools operated or funded by the Bureau of Indian Affairs (BIA).

Next, the Secretary would allocate the remaining amount to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico. Half of the remaining amount would be allocated based on each jurisdiction's relative population of individuals aged five through 17 (as determined by the Secretary on the basis of the most recent satisfactory data), and the other half would be allocated according to each jurisdiction's relative funding received under Part A of Title I of the ESEA for the preceding fiscal year. However, no State would receive less than one-half of one percent of the amount remaining after the Secretary reserves the amounts described above for the outlying areas and the BIA. If any jurisdiction does not apply for its allotment under for any fiscal year, the Secretary would reallocate that amount to the remaining jurisdictions according to this formula.

Section 2123. Within-State allocations. Proposed section 2123 of the ESEA would describe the allocation of funds received by any State under Subpart 1 for any fiscal year. A maximum of six percent would be used for the administrative costs of programs carried out by the SEA and the State agency for higher education, and a maximum of 7.5 percent could be used for State-level activities, as described in section 2126. Of the remaining amount, 85 percent would be distributed to LEAs, to be used in accordance with section 2129, and 15 percent would be used for competitive grants to institutions of higher education as described in section 2130. One half of the amount distributed to LEAs would be distributed based on each LEA's relative population of individuals aged five through 17, and the other half would be distributed according to each LEA's relative funding received under Part A of Title I of the ESEA for the preceding fiscal year.

Section 2124. Priority for professional development in mathematics and science. Proposed section 2124 of the ESEA would establish a funding priority for professional development in mathematics and science that would vary, depending on the amount appropriated for Part A in any fiscal year. In any fiscal year for which the amount appropriated for this part of is $250,000,000 or less, each State

would be required to ensure that all funds distributed within the State, as described above, to LEAs and to institutions of higher education, are used for professional development in mathematics and science. In any fiscal year for which the amount appropriated is at least $250,000,000, but not more than $500,000,000, each State shall ensure that the amount of funds so distributed that is used for professional development in mathematics and science is not less than the amount that bears the same ratio to the total amount of funds so distributed as the sum of $250,000,000 plus 25 percent of the amount of the total appropriation for this Part in excess of $250,000,000 bears to the total amount appropriated for this Part.

Section 2125. State applications. Proposed section 2125 of the ESEA would require each SEA that wishes to receive its allotment under this subpart for any fiscal year to submit an application to the Secretary at such time and in such form as the Secretary may require.

Subsection (b) would require each SEA applying under section 2125 to include in its application a State plan for professional development that is integrated with the State's plan, either approved or being developed, under Title III of the Goals 2000: Educate America Act, and satisfies the requirements of section 2125 that are not already addressed by that State plan; or, if the State does not have an approved plan under Title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with State plans under the ESEA and satisfies the requirements of this section. A State's professional development plan could, if necessary, be submitted as an amendment to the State's plan under Title III of the Goals 2000: Educate America Act.

The State's professional development plan would also have to: (1) be developed in conjunction with the State agency for higher education, institutions of higher education, schools of education, and with the extensive participation of local teachers and administrators and show the role of each in implementation; (2) be designed to give teachers and administrators in the State the knowledge and skills to provide all students the opportunity to meet challenging State standards; (3) include an assessment of State and local needs for professional development specifically related to the requirement set out in item (2), above; (4) describe a strategy for addressing the need for teacher development beginning with recruitment, pre-service, and induction, and continuing throughout the professional teaching career; (5) describe specific steps for the reform of certification, recertification, and licensure programs; (6) describe how the State will work with teachers, administrators, LEAs, schools, and institutions of higher education to ensure that they develop the capacity to support sustained and intensive, high-quality professional development programs in the core academic subject areas; (7) describe how the State will use technology, including the emerging national information infrastructure, to enhance the professional development of teachers and administrators; (8) describe how the State will ensure a strong focus on professional development in mathematics and science; (9) describe how the State will provide incentives to teachers and administrators to focus their professional development on preparing themselves to provide instruction consistent with challenging State standards; and (10) set specific outcome performance indicators for professional development.

Subsection (c) would require that each SEA also include in its application a description of: (1) how the activities funded under this subpart will be coordinated, as appropriate, with other activities conducted with Federal funds, especially those supported under Part A of Title I of the ESEA; State and local funds; resources from business and industry; and funds from other Federal agencies, such as the National Science Foundation, the Department of Energy, the Department of Health and Human Services, the Department of Commerce, the National Endowment for the Arts, and the National Endowment for the Humanities; and (2) the activities to be sponsored under the State-level activities and the higher education components of its program under Subpart 2.

Subsection (d) would require the Secretary to approve the application of an SEA if it meets the requirements of section 2125 and holds reasonable promise of achieving the purposes of Part A. In reviewing these applications, the Secretary would be required to obtain the advice of non-Federal experts on education in the core academic subjects and on teacher education, including teachers and administrators.

Section 2126. State-level activities. Proposed section 2126 of the ESEA would provide that each State may use funds it reserved for State-level activities under section 2123(2) to carry out activities referred to in section 2125(b), such as: (1) reviewing and reforming State requirements for teacher and administrator licensure, including certification and recertification, to align these requirements with the State's content standards and ensure that teachers and administrators have the knowledge and skills to help students meet challenging State performance standards; (2) developing performance assessments and peer review procedures, as well as other methods, for licensing teachers and administrators; (3) providing technical assistance to schools and LEAs to help them provide effective professional development in the core academic subjects; (4) developing or supporting professional development networks, either within a State or in a regional consortium of States, that provide a forum for interaction among teachers and that allow exchange of information on advances in content and pedagogy; (5) professional development in the effective use of educational technology as an instructional tool for increasing student understanding of the core academic subject areas; (6) providing financial or other incentives for teachers to become certified by the National Board for Professional Teaching Standards; (7) designing systems that enable teachers to meet pay ladder professional development requirements by demonstrating content knowledge and pedagogical competence tied by challenging State content and performance standards, rather than by merely completing course credits; (8) providing incentives for teachers to be involved in assessment, curriculum development, and technical assistance processes for teachers and students; (9) professional development to enable teachers and other school staff to ensure that girls and young women, minorities, limited English proficient students, individuals with disabilities, and the economically disadvantaged have full opportunity to achieve to challenging State performance standards in the core academic subjects by, for example, encouraging girls and young women and minorities to pursue advanced courses in mathematics and science; and (10) professional development activities designed to increase the numbers of members of minority and other underrepresented groups in the teaching force in the core subjects.

Section 2127. Local educational agency applications. Proposed section 2127 of the ESEA would require each LEA that wishes to receive a subgrant under this subpart for any fiscal year to submit an application to the Secretary at such time and in such form as the SEA may require, but not less frequently than every third year. However, if the LEA has an application approved by the State under Title III of the Goals 2000: Educate America Act, the application required by this proposed new section would be a component of (or, if necessary, an addendum to) the Goals 2000 application.

Subsection (b) would require each LEA applying under section 2127 to include in its application: (1) the LEA's plan for professional development that has been developed with the extensive participation of teachers and administrators and that is aligned with the State's content and performance standards, includes an assessment of local needs for professional development as identified by the LEA and school staff, describes a strategy, tied to State standards, for addressing those needs, includes strong academic content and pedagogical components, is of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom, and sets specific outcome performance indicators; (2) an assurance that the activities conducted with the funds the LEA receives under this program will be assessed at least every three years using the outcome performance indicators to determine the effectiveness of those activities; (3) a description of how the programs funded under this subpart will be coordinated, as appropriate, with services of institutions of higher education, State and local funds, resources provided under Part A of Title I and other parts of the ESEA, resources from business and industry, and funds from other Federal agencies, such as the National Science Foundation, the Department of Energy, the Department of Health and Human Services, the National Endowment for the Arts, and the National Endowment for the Humanities; and (4) an identification of the sources of funding that will provide the LEA's contribution under section 2128.

Section 2128. Local cost-sharing. Proposed section 2128 of the ESEA would require each LEA to bear at least 33 percent ofthe cost of any program carried out under Subpart 2, excluding the cost of services provided to private school teachers. An LEA could meet this requirement with one or more of the following resources: (1) cash expenditures from non-Federal sources directed toward professional development activities; (2) released time for teachers participating in professional development funded under this subpart; and (3) so long as the funds are used for professional development activities consistent with this subpart and the statutes under which those funds were received, and are used to benefit students and teachers in schools that would otherwise have been served with those funds, funds received under Part A of Title I of the ESEA, under the Safe and Drug-Free Schools program under Title IV of the ESEA, under the bilingual education program under Title VII of the ESEA, under Title III of the Goals 2000: Educate America Act, and under programs that are related to the purposes of the ESEA that are administered by other agencies, including the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, and the Department of Energy.

Section 2129. Local allocation of funds and allowable activities. Proposed section 2129 of the ESEA would describe the local allocation of funds, and activities allowable under this subpart. Each LEA that receives those funds for any fiscal year would be required to use at least 80 percent of such funds for professional development of teachers and other staff of individual schools in manner that is determined by those teachers and staff and is consistent with the LEAs' application under section 2127, and school plan under Part A of Title I of the ESEA, and any other plan for professional development carried out with Federal, State, or local funds. The LEA could use not more than 20 percent of such funds for district-level professional development activities, which may include the participation of administrators and policymakers.

Subsection (b) would require each LEA that receives funds under Subpart 2 also use those funds for activities that contribute to the implementation of the LEA's professional development plan, described in section 2127(b)(1), such as: (1) professional development for teams of teachers, administrators, or other staff from individual schools to support teaching consistent with State or voluntary national content standards and to create a school environment conducive to high achievement in the core subjects; (2) support and time for teachers and other school staff to participate in professional development in the core subjects offered through professional associations, universities, and other providers; (3) support and time for teachers and other school staff to participate in professional development that goes beyond training and encourages a variety of forms of learning that are related to an educator's regular work, such as group study and consultation with peers and supervisors; (4) peer training and mentoring programs, . including cross-generational mentoring, in the core academic subjects; (5) establishment and maintenance of local professional networks that provide a forum for interaction among teachers and that allow exchange of information on advances in content and pedagogy; (6) activities that provide follow-up for teachers who have participated in professional development activities that are designed to ensure that the knowledge and skills learned by the teacher are implemented in the classroom; (7) preparing teachers to work with parents and families on fostering student achievement in the core academic subjects; (8) preparing teachers in the effective use of educational technology as an instructional tool for increasing student understanding of the core academic subject areas; (9) establishing policies to permit teachers to meet pay ladder requirements by demonstrating content and pedagogical competence rather than by only meeting course requirements; (10) professional development to enable teachers and other school staff to ensure that girls and young women, minorities, limited English proficient students, individuals with disabilities, and the economically disadvantaged have full opportunity to achieve to challenging State performance standards in the core academic subjects; (11) professional development activities designed to increase the numbers of minorities, individuals with disabilities, and other underrepresented groups in the teaching force and to increase the numbers of women and members of other underrepresented groups who are science and mathematics teachers, for example, through career ladder programs that assist educational paraprofessionals to obtain teaching credentials; (12) developing incentive strategies for rewarding teachers and administrators collectively in schools that sustain high performance or consistent growth in the number of their students who meet the challenging State standards; and (13) developing incentive strategies for rewarding schools where a substantial portion of the teachers achieve certification by the National Board for Professional Teaching Standards.

Section 2130. Higher education activities. Proposed section 2130(a) of the ESEA would require the State agency for higher education (working in conjunction with the SEA, if it is a separate agency) to make grants to, or enter into contracts or cooperative agreements with, institutions of higher education working in conjunction with LEAs, for professional development activities in the core academic subject areas that contribute to the State plan for professional development. These grants, contracts, or cooperative agreements would be made on a competitive basis, and each project funded under this new section would involve a joint effort of the recipient's school or department of education and the schools or departments in the specific disciplines in which such professional development will be provided.

Subsection (b) would require a recipient of funds under this section to use those funds for sustained and intensive high-quality professional development for teams of teachers, or teachers and administrators from individual schools or districts, as well as other professional development activities related to achievement of the State plan for professional development.

Subpart 3—General Provisions

Section 2131. Reporting and accountability. Proposed section 2131(a) of the ESEA would require each State that receives funds under Part A to submit a report to the Secretary every three years on the State's progress toward the outcome performance indicators identified in its State plan, as well as on the effectiveness of State and local activities under this part.

Subsection (b) would, in turn, require each LEA that receives Part A funds to submit a report to the State every three years on its progress toward outcome performance indicators identified in its local plan, as well as on the effectiveness of its activities under this part.

Subsection (c) would require the Secretary to report to the President and the Congress on the effectiveness of programs and activities funded under this part.

Section 2132. Definitions. Proposed section 2132 would define "core academic subjects," "sustained and intensive high-quality professional development," and "outcome performance indicators," as these terms are used in Part A.

Part B—Support and assistance for ESEA programs

Part B of Title II of the ESEA would establish a new authority to provide comprehensive technical assistance in order to support programs under the ESEA and to provide a coherent strategy for improving teaching and learning at the State and local levels.

Section 2201. Findings. Proposed section 2201 of the ESEA would set forth the following congressional findings: (1) high-quality technical assistance can enhance the improvements in teaching and learning achieved through implementation of programs under the ESEA; (2) comprehensive technical assistance is an essential ingredient of the overall strategy of the 1994 reauthorization of the ESEA to improve programs and to provide all children opportunities to meet challenging State performance standards; (3) States, LEAs, and schools serving students with special needs, such as students with limited English proficiency, have great need for comprehensive technical assistance in order to use ESEA funds to provide these students with opportunities to learn to challenging State standards; (4) current technical assistance efforts are fragmented and categorical in nature, and thus fail to address adequately the needs of States and LEAs for help in integrating into a coherent strategy for improving teaching and learning the various ESEA programs with State and local programs and other education reform efforts; (5) too little creative use is made of technology as a means of providing information and assistance in a cost-effective way; (6) comprehensive technical assistance can help schools and school systems focus on improving opportunities for all children to reach challenging State performance standards, as they implement ESEA programs; (7) comprehensive technical assistance would provide "one-stop shopping" to help States, LEAs, participating colleges and universities, and schools integrate Federal, State, and local education programs in ways that contribute to improving schools and entire school systems; and (8) technical assistance in support of ESEA programs should be coordinated with the Department's regional offices, the regional educational laboratories, and other technical assistance efforts supported by the Department.

Section 2202. Purpose. Proposed section 2202 of the ESEA would provide that the purpose of this Part would be to make available to States, LEAs, schools, and other recipients of ESEA funds technical assistance in administering and implementing ESEA programs in a manner that is consistent with State and local plans under the Goals 2000: Educate America Act, and in coordinating these programs with other Federal, State, and local education activities, so that all students are provided opportunities to meet challenging State performance standards.

Section 2203. Program authorized. Proposed section 2203 of the ESEA would set forth the program authorities for this Part.

Subsection (a) would authorize the Secretary to establish one center in each of the Department's ten regions to provide comprehensive technical assistance to States, LEAs, schools, and other recipients of funds under the ESEA in their administration and implementation of ESEA programs.

Subsection (b) would authorize the Secretary to establish a technology-based technical assistance service that would support the administration and implementation of ESEA programs by providing information, including legal and regulatory information, and technical guidance and information about best practices. This network would be accessible to all States, LEAs, schools, and others who are recipients of ESEA funds.

Section 2204. Eligible entities. Proposed section 2204 of the ESEA would authorize the Secretary to carry out this Part directly or through grants to, or contracts or cooperativeagreements with, public or private agencies or organizations or consortia of those agencies and organizations.

Section 2205. Comprehensive regional centers. Proposed section 2205 of the ESEA would set forth the required activities of each comprehensive regional center established under proposed section 2203(a), as follows:

Paragraph (1) would require each center to maintain staff expertise in at least: (1) instruction, curriculum improvement, school

reform and other aspects of Title I of the ESEA; (2) meeting the needs of children served under the ESEA, including children in high-poverty areas, migratory children, children with limited English proficiency, neglected or delinquent children, homeless children and youth, Indian children, and children with disabilities; (3) professional development for teachers, other school staff, and administrators to help students meet challenging State performance standards; (4) bilingual education, including programs that emphasize English and native language proficiency, and promote multicultural understanding; (5) safe and drug-free schools; (6) educational applications of technology; (7) parent involvement and participation; (8) the reform of schools and school systems; and (9) program evaluation.

Paragraph (2) would require each center to ensure that technical assistance staff have sufficient training, knowledge, and expertise in how to integrate and coordinate programs under the Act with each other, as well as with other Federal, State, and local programs and reforms.

Paragraph (3) would require each center to work collaboratively with the Department's regional offices.

Paragraph (4) would require each center to provide technical assistance using the highest quality and most cost-effective strategies possible.

Paragraph (5) would require each center to provide information and assistance regarding exemplary and promising practices.

Paragraph (6) would require each center to work collaboratively, and coordinate the services it provides, with the general reform assistance provided by the regional educational laboratories supported by the Office of Educational Research and Improvement.

Paragraph (7) would require each center to consult with representatives of SEAs, LEAs, and populations served under the ESEA.

Section 2206. Information and collection.—Proposed section 2206 of the ESEA would require the Secretary to evaluate activities under this Part to determine their effectiveness in advancing the purposes of this Part, and to report to the President and Congress on the effectiveness of these activities.

Section 2207. Transition.—Proposed section 2207 of the ESEA would set forth provisions concerning transitional activities under this Part.

Subsection (a) would authorize the Secretary to use funds appropriated for this Part for fiscal year 1995 in such manner as the Secretary finds necessary in order to ensure a smooth implementation of this Part.

Subsection (b) would allow the Secretary, in accordance with subsection (a), and notwithstanding any other provisions of law, to use these funds for existing contracts and to extend the award of any categorical technical assistance center under the Act that was in operation on the day before enactment of the Improving America's Schools Act of 1993.

Section 2208. Authorization of appropriations.—Proposed section 2208 of the ESEA would authorize the appropriation of such sums as may be needed for each of the fiscal years 1995 through 1999 to carry out this part.

ESEA, TITLE III—EXPANDING OPPORTUNITIES FOR LEARNING

Part A—Putting technology to work for all students

Subpart 1—Research, Development, and Demonstration of Educational Technology

Proposed Subpart 1 of Part A of Title III of the ESEA would establish a new authority within the ESEA that would focus on the uses of educational technology to expand opportunities for learning.

Section 3111. Findings and purposes. Proposed section 3111(a) of the ESEA would set forth congressional findings as follows: (1) technology has the potential to assist and support the improvement of teaching and learning in schools and other settings; (2) technology can provide students, parents, teachers, and other education professionals with increased access to information, instruction, and educational services in schools and other settings; (3) technology can produce far greater opportunities for all students to learn to high standards and to promote efficiency and effectiveness in education; and (4) the rapidly changing nature of technology requires coordination and flexibility in Federal leadership.

Section 3111(b) would state the purposes of this Subpart as promoting achievement of the National Education Goals and increasing the opportunity for all students to achieve to challenging State standards by: (1) promoting awareness of the potential of technology for improving teaching and learning; (2) supporting State and local efforts to increase the effective use of technology for education; (3) demonstrating ways in which technology can be used to improve teaching and learning, and to help ensure that all students have an equal opportunity to meet challenging State education standards; (4) ensuring the availability of knowledge drawn from research and experience that can form the basis for sound State and local decisions about investment in, and effective uses of, educational technology; (5) promoting high-quality professional development opportunities for teachers and administrators on the integration of technology into instruction and administration; (6) ensuring that Federal technology-related policies and programs facilitate the use of technology in education; and (7) ensuring that, as technological advances are made, the educational uses of these advances are considered and their applications are developed.

Section 3112. Office of Educational Technology. Proposed section 3112 of the ESEA would establish within the Department an Office of Educational Technology, which would be administered by a Director of Educational Technology appointed by the Secretary. The Office, in consultation with other appropriate agencies, would provide national leadership in the use of technology to promote achievement of the National Education Goals and to increase opportunities for all students to achieve to challenging State standards, and would perform such additional functions as the Secretary requires.

Section 3113. National long-range plan. Proposed section 3113 of the ESEA would set forth provisions regarding a national long-range plan.

Subsection (a) would require the Secretary to develop and publish by September 30, 1995, and update when appropriate, a national long-range plan to carry out the purposes of this Subpart. The Secretary would be required to develop the plan in consultation with other Federal agencies and a wide variety of practitioners, policy-makers, and experts in field of technology and its educational applications, transmit the plan to the President and Congress, and publish the plan in a format that is readily accessible to the public.

Subsection (b) would require that the national long-range plan describe the Secretary's activities to promote the purposes of this Subpart, including: (1) how the Secretary will encourage the effective use of technology to provide all students the opportunity to achieve challenging State standards, especially through programs administered by the Department; (2) joint activities with other Federal agencies to promote the use of technology in education and in training and lifelong learning, including plans for the educational uses of a national information infrastructure, and to ensure that these agencies facilitate the use of technology for educational purposes to the extent feasible; (3) how the Secretary will work with educators, SEAs and LEAs, and appropriate private sector representatives to facilitate the effective use of technology in education; (4) how the Secretary will promote increased access to the benefits of technology for teaching and learning for schools with high concentrations of children from low-income families, the use of technology to assist in the implementation of State systemic reform strategies, the application of technological advances to use in education, and increased opportunities for the professional development of teachers in the use of new technologies; (5) how the Secretary will determine, in consultation with appropriate individuals, organizations, and agencies, the feasibility and desirability of establishing guidelines and protocols to facilitate effective use of technology in education; and (6) the Secretary's long-range measurable goals and objectives relating to the purposes of this Subpart.

Section 3114. Federal leadership. Proposed section 3114 of the ESEA would set forth other leadership responsibilities of the Secretary in promoting the use of technology in education.

Subsection (a) would authorize the Secretary, in consultation with the National Science Foundation, the Department of Commerce, and other appropriate Federal agencies, to carry out activities designed to achieve the purposes of this Subpart directly or by awarding grants (pursuant to a peer review process) to, or entering into contracts with SEAs, LEAs, IHEs, or other public and private agencies and organizations. For this purpose, the Secretary would also be authorized to accept funds from, and transfer funds to, other Federal agencies.

Subsection (b) would allow the Secretary to use funds appropriated under this Subpart for activities designed to carry out the purpose of this Subpart, and to meet the goals and objectives of the national long-range plan. These activities would include: (1) planning grants to States and LEAs, to enable them to examine and develop strategies for the effective use of technology to help achieve the objectives of the Goals 2000: Educate America Act and the School-to-Work Opportunities Act of 1993; (2) development grants to technical assistance providers, to enable them to improve substantially the services they offer to educators on the educational uses of technology, including professional development; (3) consultation with representatives of industry, elementary and secondary education, higher education, and appropriate experts in technology and its educational applications in carrying out activities under this Subpart; (4) research on, and the development of, guidelines and protocols to facilitate efficient and effective use of technology in education; (5) research on, and the development of, educational applications of the most advanced and newly emerging technologies; (6) development, demonstration, and evaluation of applications of existing technology in preschool education,

elementary and secondary education, training and lifelong learning, and professional development of educational personnel: (7) development and evaluation of software and other products, including television programming, that incorporate advances in technology and help achieve the National Education Goals and challenging State standards; (8) development, demonstration, and evaluation of model strategies for preparing teachers and other personnel to use technology effectively to improve teaching and learning; (9) development of model programs to demonstrate the educational effectiveness of technology in urban and rural areas and economically-distressed communities; (10) research on, and the evaluation of, the effectiveness and benefits of technology in education; (11) conferences on, and dissemination of information about, the uses of technology in education; (12) development of model strategies to promote gender equity concerning access to, and the use of, technology in the classroom; and (13) other activities that the Secretary determines would meet the purposes of this Subpart.

Subsection (c) would authorize the Secretary to require any recipient of a grant or contract under this Subpart to share in the cost of its project, which share would be announced through a notice in the *Federal Register* and could be in the form of cash or in-kind contributions, fairly valued. The Secretary would be authorized to increase the non-Federal share required of the recipient after the first year of the recipient's project, except that such share could not exceed 50 percent at any time during the recipient's project.

Section 3115. Authorization of appropriations. Proposed section 3115 of the ESEA would authorize the appropriation of such sums as may be necessary for each of the fiscal years 1995 through 1999 to carry out the purposes of this Subpart.

Subpart 2—Star Schools Program

Subpart 2 of Part A of Title III of the ESEA would reauthorize the Star Schools program, while moving it to the ESEA from Title IX of the Education for Economic Security Act. Changes in the Stars Schools program would broaden the purpose of the program to promote the use of distance learning strategies to help improve both teaching and learning. Priority would be given to supporting high-quality efforts to use distance learning to assist in achieving the National Education Goals, provide instruction consistent with challenging State content standards, and support State and local reform efforts. The current focus on providing instruction in mathematics, science, and foreign languages would be expanded to include English, history, geography, and the arts.

Whereas the current program supports only partnerships that offer multistate distance learning programs, Subpart 2 would authorize support for projects to serve single school districts, multidistrict regions, and single States. The benefits of distance learning strategies have already been demonstrated on a multistate basis. These changes would allow for experimentation with different models within large urban school districts, substate regions, and single States.

Changes are also proposed in dissemination and evaluation activities under the Star Schools program to allow the Department to provide more leadership in promoting and advancing distance learning.

Section 3121. Findings. Proposed section 3121 of the ESEA would state congressional findings that: (1) the Star Schools program has helped to encourage the use of distance learningstrategies to serve multi-State regions primarily by means of satellite and broadcast television; (2) in general, distance learning programs have been used effectively to provide students in small, rural, and isolated schools with courses and instruction, such as science and foreign language instruction, that the LEA would not otherwise have been able to provide; and (3) distance learning programs could also be used to provide students in all types of schools and LEAs with greater access to high-quality instruction in the full range of core academic subjects that would enable them to meet challenging, internationally competitive, educational standards; expand professional development opportunities for teachers; contribute to achievement of the National Education Goals; and expand learning opportunities for everyone.

Section 3122. Statement of purpose. Proposed section 3122 of the ESEA would provide that it is the purpose of the Star Schools program to encourage the expansion and use of distance learning programs and technologies to help: (1) improve teaching and learning; (2) achieve the National Education Goals; (3) all students learn to challenging State content standards; and (4) increase participation in State and local educational reform.

Section 3123. Program authorized. Proposed section 3123(a) of the ESEA would authorize the Secretary to make grants to eligible entities for the Federal share of the cost of providing distance learning programs, including: (1) developing, constructing, and acquiring telecommunications facilities and equipment; (2) developing and acquiring instructional programming; and (3) providing technical assistance regarding the use of such facilities and instructional programming.

Subsection (b) would authorize the appropriation of such sums as may be necessary for each of the fiscal years 1995 through 1999 to carry out the Star Schools program.

Subsection (c)(1) would limit each grant to maximums of five years in duration and $10,000,000 in any one fiscal year. Subsection (c)92) would require that not less than 25 percent of the funds available to the Secretary for any fiscal year under the Star Schools program be used for the cost of instructional programming. Subsection (c)(3) would require that not less than 50 percent of the funds available to the Secretary for any fiscal year be used for the cost of facilities, equipment, teacher training or retraining, technical assistance, or programming, for LEAs that are eligible to receive assistance under Part A of Title I of the Act.

Subsection (d)(1) would set the maximum Federal share of the cost of Star Schools projects at 75 percent for the first and second years of the award, 60 percent for the third and fourth years, and 50 percent for the fifth year. Subsection (d)(2) would allow the Secretary to reduce or waive the requirement of a non-Federal share upon a showing of financial hardship.

Subsection (e) would permit the secretary to accept funds from other agencies to carry out the Star Schools program, including funds for the purchase of equipment.

Section 31234. Eligible entities. Proposed section 3124(a) of the ESEA would authorize the Secretary to make a grant under section 3123 to any eligible entity, provided that at least one LEA is participating in the proposed project. An eligible entity could include a public agency or corporation established for the purpose of developing and operating telecommunications networks to enhance educational opportunities provided by educational institutions, teacher training centers, and other entities, except that any such agency or corporation would be required to represent the interests of elementary and secondary schools that are eligible to participate in the program under part A of title I of this Act. An eligible entity could also be any two or more of the following, which will provide a telecommunications network: (1) an LEA that has a significant number of elementary and secondary schools that are eligible for assistance under Part A of Title I of the Act, or elementary and secondary schools operated or funded for Indian children by the Department of the Interior eligible under section 1121(b)(1) of the ESEA; (2) an SEA; (3) an IHE or a State higher education agency; (4) a teacher training center or academy that provides teacher pre-service and in-service training, and receives Federal financial assistance or has been approved by a State agency; (5) a public or private entity with experience and expertise in the planning and operation of a telecommunications network (including entities involved in telecommunications through satellite, cable, telephone, or computer), or a public broadcasting entity with such experience; or (6) a public or private elementary or secondary school.

Section 3125. Applications. Proposed section 3125(a) of the ESEA would require each eligible entity that desires to receive a Star Schools grant to submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

Subsection (b) would require that each application describe: (1) how the proposed project will assist in achieving the National Education Goals set out in Title I of the Goals 2000: Educate America Act, how it will assist all students to have an opportunity to learn to challenging State standards, and how it will assist State and local educational reform efforts; (2) the telecommunications facilities and equipment and technical assistance for which assistance is sought; (3) the types of programming that will be developed to enhance instruction and training, including an assurance that such programming will be designed in consultation with professionals who are experts in the applicable subject matter and grade level; (4) how the eligible entity has engaged in sufficient survey and analysis of the area to be served to ensure that the services offered by the eligible entity will increase the availability of courses of instruction in English, mathematics, science, foreign languages, arts, history, geography, or other disciplines; (5) the professional development policies for teachers and other school personnel to be implemented to ensure the effective use of the telecommunications facilities and equipment for which assistance is sought; (6) the manner in which historically underserved students (such as students from low-income families, limited English proficient students, disabled students, or students who have low literacy skills) and their families will participate in the benefits of the telecommunications facilities, equipment, technical assistance, and programming assisted under the program; (7) how existing telecommunications equipment, facilities, and resources where available, will be used; (8) the activities or services for which assistance is sought; and (9) how the proposed project as a whole will be financed and how arrangements for future financing will be developed before the project expires.

Subsection (b)(2) would require each application to include an assurance that a significant portion of any facilities, equipment,

technical assistance, and programming for which assistance is sought for elementary and secondary schools will be made available to schools in LEAs that have a high percentage of children counted for the purpose of Part A of Title I of the ESEA. Subsection (b)(3) would require each application to include an assurance that the applicant will provide such information and cooperate in any evaluation that the Secretary may conduct under this Subpart.

Subsection (c) would direct the Secretary, in approving applications under section 3123, to give priority to applications that propose high-quality plans to assist in achieving one or more of the National Education Goals as set out in Title I of the Goals 2000: Educate America Act; provide instruction consistent with State content standards; or otherwise provide significant and specific assistance to States and LEAs undertaking systemic education reform under Title III of the Goals 2000: Educate America Act and will serve schools with significant numbers of children counted for the purposes of Part A of Title I of the ESEA.

Subsection (d) would require the Secretary, in approving applications for Star Schools awards, to ensure an equitable geographic distribution of services to the extent feasible.

Section 3126. Leadership and evaluation activities. Proposed section 3126(a) of the ESEA would permit the Secretary to reserve up to 10 percent of each year's program appropriation for national leadership, evaluation, and peer review activities.

Subsection (b) would authorize the Secretary to fund the activities described in subsection (a) directly or through grants, contracts, and cooperative agreements.

Subsection (c)(1) would provide that funds reserved for leadership activities may be used to disseminate information, including lists and descriptions of services available from recipients, and for other activities designed to enhance the quality of distance learning activities nationwide. Subsection (c)(2) would provide that funds reserved for evaluation activities shall be used to conduct independent evaluations of the Star Schools program and of distance learning in general, including analyses of distance learning efforts, including both Star Schools projects and efforts not funded by this program, and comparisons of the effects, including student outcomes, of different technologies in distance learning efforts. Subsection (c)(3) would provide that funds reserved for peer review activities may be used for peer review of both proposals and funded projects.

Section 3127. Definitions. Proposed section 3127 of the ESEA would define the terms "educational institution", "instructional programming", and "public broadcasting entity", for purposes of this program.

Part B—Fund for the improvement of education

Section 3201. Fund for the Improvement of Education. Proposed section 3201 of the ESEA would authorize the Secretary to support nationally significant programs and projects to improve the quality of education, assist all students to meet challenging standards, and contribute to achievement of the National Education Goals. This section would consolidate in one broad and flexible authority, focused on the National Education Goals, activities that have been supported in the past under a number of separate authorities and would permit the Secretary to fund a variety of activities that would inform or otherwise support efforts throughout the Nation to achieve the Goals. The Secretary would be authorized under section 3201(a) to carry out these programs and projects directly or through grants to, or contracts with, SEAs, LEAs, IHEs, and other public and private agencies, organizations, and institutions.

Section 3201(b) would set forth the purposes for which funds could be used. These purposes include: (1) activities that will promote systemic education reform at the State and local levels, such as research and development related to content and performance standards and the development and evaluation of model strategies for assessment of student learning, professional development for teachers and administrators, parent and community involvement, and other aspects of systemic reform; (2) demonstrations at the State and local levels that are designed to yield nationally significant results, including approaches to public school choice and school-based decision-making; (3) joint activities with other agencies to assist the effort to achieve the National Education Goals, including activities related to improving the transition from preschool to school and from school to work, as well as activities related to the integration of education and health and social services; (4) activities to promote and evaluate counseling and mentoring for students, including intergenerational mentoring; (5) activities to promote comprehensive health education; (6) activities to promote environmental education; (7) activities to assist students to demonstrate competence in foreign languages; (8) studies and evaluations of various education reform strategies and innovation being pursued by the Federal Government, States, and local educational agencies; (9) the identification and recognition of exemplary schools and programs, such as Blue Ribbon Schools; and (10) other programs and projects that meet the purposes of this section. The Secretary would also be authorized to use funds to complete the project periods for direct grants and contracts awarded under provisions of the Elementary and Secondary Education Act of 1965, Part B of Title III of the Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988 (Fund for the Improvement and Reform of Schools and Teaching), or Title III of the Education for Economic Security Act (Partnerships in Education for Mathematics, Science, and Engineering), as in effect prior to enactment of the Improving America's Schools Act of 1993.

Section 3201(c) would authorize the Secretary to support proposals submitted in response to competitions he had announced and to support meritorious unsolicited proposals. The Secretary would be required to ensure that all projects and activities supported under this section are designed so that their effectiveness is readily ascertainable. The Secretary would also be required to use a peer review process for all awards, and would be permitted to use program funds for this purpose.

Section 3201(d) would authorize such sums as may be necessary for each of the fiscal years 1995 through 1999 to carry out this section.

Part C—Jacob K. Javits Gifted and Talented Education Program

The "Jacob K. Javits Gifted and Talented Students Education Act of 1988" (currently Part B of Title IV of the ESEA) has focused on developing the capability of elementary and secondary schools to identify and meet the special educational needs of gifted and talented students. The proposed program would build on the accomplishments under the current Javits program to demonstrate how they can be adapted and expanded into schoolwide strategies for helping all students develop their talents and meet challenging State performance standards.

Section 3301. Findings and purpose. Proposed section 3301 of the ESEA would set forth the findings and purpose of this Part.

Subsection (a) would provide congressional findings as follows: (1) all students can learn to high standards; (2) all students must develop their talents, realize their potential, and learn to high standards if the United States is to prosper; (3) too often, schools fail to challenge students to do their best work, and students who are not challenged will not fully develop their talents, realize their potential, and learn to high standards (4) schools must provide all students with important and challenging subject matter to study and encourage the habits of hard work; (5) during the past 20 years, programs for gifted and talented students have served as laboratories for innovative and experimental approaches to teaching and learning; (6) many programs developed for gifted and talented students, when used with disadvantaged students, have shown promise in achieving better results than remedial programs; (7) the experience and knowledge gained in developing and implementing programs for gifted and talented students can and should be used to develop a rich and challenging curriculum for all students; (8) the Federal Government should encourage the adaptation of strategies used in programs for gifted and talented students to help all students develop their talents, realize their potential, and learn to high standards, while also continuing to challenge gifted and talented students; and (9) examples of programs and strategies in which students can and have learned to the highest standards will help to demonstrate how all students can learn to high standards.

Subsection (b) would provide that the purpose of this Part would be to demonstrate how strategies and programs designed for the education of gifted and talented students can be adapted and used to improve teaching and learning for all students in a school and to help all students in a school develop their talents, realize their potential, and meet challenging performance standards, while not diminishing the curriculum and instruction for students traditionally identified as gifted and talented. These strategies and programs would be required to, at a minimum, contain important and challenging academic content, elicit complex thinking and understanding in students, engage students in learning and allow them to progress as their own pace, and use performance measures that assess whether students have developed a thorough understanding of the important and challenging subject matter contained in the school curriculum.

Section 3302. Authorized programs. Proposed section 3302 of the ESEA would require the Secretary, from the sums appropriated under section 3305(a) for any fiscal year that are remaining after the reservation of funds under section 3305(b), to make grants to, or enter into contracts with, SEAs, LEAs, IHEs, or other public agencies or private agencies and organizations (including Indian tribes and organizations, as defined by the Indian Self-Determination and Education Assistance Act, and Native Hawaiian organizations) to assist these agencies, schools, institutions, and organizations to carry out the purpose of this Part.

Subsection (b) would provide that any eligible applicant that wishes to receive funds under this Part would be required to submit

an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

Subsection (c) would require a recipient of funds under this Part to use those funds for activities that are designed to meet the purpose of this Part. These activities could include: (1) developing, implementing, and expanding new programs that adapt strategies or programs designed for gifted and talented students to serve all students (including gifted and talented students) in a school or in several schools; (2) adapting and expanding existing programs for gifted and talented students to serve all students (including gifted and talented students) in a school or in several schools; (3) implementing innovative strategies, such as cooperative learning and peer tutoring, for expanding programs that serve gifted and talented students into programs that serve all students (including gifted and talented students) in a school; (4) establishing and operating cooperative programs involving business, industry, and education; (5) establishing and operating summer programs; and (6) strengthening the capability of SEAs and IHEs to provide leadership and assistance to LEAs and nonprofit private schools in adapting strategies and programs for educating gifted and talented students to improve education for all students (including gifted and talented students).

In addition, subsection (c) would require that each project providing services to students that is assisted under this Part must serve all of the students in a school by the end of the period for which assistance is sought, but in no case later than the end of the third year of assistance under this Part. This would provide a transition period to shift the focus from programs dedicated under current law to gifted and talented students to programs involving the entire school.

Subsection (d) would authorize the Secretary to require any recipient of a grant or contract under this Part to share in the cost of its project, which share would be announced through a notice in the FEDERAL REGISTER and could be in the form of cash or in-kind contributions, fairly valued. The Secretary would also be allowed to increase the non-Federal share required of a recipient after the first year of the recipient's project, except that the share could not exceed 50 percent at any time during the recipient's project.

Section 3303. Program priorities. Proposed section 3303 of the ESEA would require the Secretary, in making awards under this Part, to ensure that for each fiscal year at least one-half of the awards made contain a component designed to serve schools in which at least 50 percent of the students in the school are children counted under section 1123(c)(1)(A) of the ESEA, which describes children from low-income families.

Section 3304. National responsibilities. Proposed section 3304 of the ESEA would set forth responsibilities at the national level.

Subsection (a) would require the Secretary to ensure that the programs under this Part would be administered within the Department of Education by a person who has recognized professional qualifications and experience in the field of the education of gifted and talented students and who would serve as a focal point of national leadership and information on mechanisms to carry out the purpose of this Part.

Subsection (b) would require the Secretary to: (1) use a peer review process in reviewing applications under this Part; (2) ensure that information on the activities and results of projects funded under this Part is disseminated to appropriate State and local agencies and other appropriate organizations, including nonprofit private organizations; and (3) evaluate the effectiveness of programs under this Part, both in terms of the impact on students traditionally served in gifted and talented programs and on other students, and submit the results of the evaluation to Congress by January 1, 1999.

Subsection (c) would authorize the Secretary to conduct, in coordination with other offices of the Department, applied research and development on theories, strategies, and models that further the purpose of this Part. These proposed research, development, and evaluation authorities would maintain activities similar to the National Research and Development Center, mandated under section 4104(c) of current law, which would be discontinued.

Subsection (d) would allow the Secretary to carry out the activities under subsections (a), (b), and (c) directly or through grants or contracts.

Section 3305. Authorization of appropriations. Proposed section 3305 of the ESEA would authorize to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999, to carry out the purpose of this Part. This section would also allow the Secretary may reserve not more than 15 percent of the Part's appropriation each fiscal year for national responsibilities provided under section 3304(b).

Section 3306. Definitions. Proposed section 3306 of the ESEA would define "Native Hawaiian," and "Native Hawaiian organization," as these terms would be used in this Part.

Part D—Charter Schools

Proposed Part D of Title III of the ESEA would authorize a new program to provide assistance for the design and initial operation of charter schools, as follows:

Section 3401. Findings and purpose. Proposed section 3401 of the ESEA would set out the findings and purpose for Part D.

Subsection (a) would state the congressional findings that: (1) enhancement of parent and student choices among public schools can assist in promoting comprehensive educational reform and give more students the opportunity to learn to challenging State academic standards, if sufficiently diverse and high-quality choices, and genuine opportunities to take advantage of them, are available to all students; (2) useful examples of such choices can come from States and communities that experiment with methods of offering teachers and other educators, parents, and other members of the public the opportunity to design and implement new public schools; (3) the new schools developed through this process should be free to test a variety of educational approaches and should, therefore, be exempted from restrictive rules and regulations if their leadership commits to attaining specific and ambitious educational results for students consistent with challenging State content and performance standards for all students; (4) charter schools, as they have been implemented in a few States, can embody the necessary mixture of enhanced choice, exemption from restrictive regulations, and a focus on learning gains; and (5) the Federal Government should test, evaluate, and disseminate information on a variety of charter school models in order to help demonstrate the benefits of this promising educational reform.

Subsection (b) would provide that it is the purpose of Part D to increase national understanding of the charter schools model by: (1) providing financial assistance for the design and initial implementation of charter schools; and (2) evaluating the effects of those schools, including their effects on students, staff, and parents.

Section 3402. Program authorized. Proposed section 3402 of the ESEA would provide the general authority for the charter schools program.

Subsection (a) would authorize the Secretary to make grants to eligible applicants for the design and initial operation of charter schools.

Subsection (b) would establish a maximum grant period of three years, of which the grantee could use no more than 18 months for planning and program design, and no more than two years for the initial implementation of the charter school.

Subsection (c) would prohibit the Secretary from making more than one grant to support a particular charter school.

Section 3403. Applications. Proposed section 3403 of the ESEA would govern the submission of applications for grants under Part D.

Subsection (a) would require any eligible applicant that desires to receive a grant to submit an application to the Secretary at such time and in such manner as the Secretary may require.

Subsection (b) would permit each application to request assistance for a single charter school or for a cluster of schools, which may include a high school and its feeder elementary and middle schools, within a community.

Subsection (c) would require each application to include, for each charter school for which assistance is sought: (1) a description of the educational program to be implemented by the proposed charter school, including how the program will enable all students to meet challenging State performance standards, the grade levels or ages of children to be served, and the curriculum and instructional practices to be used; (2) a description of how the school will be managed; (3) a description of the objectives of the school and the methods by which the school will determine its progress toward achieving those objectives; (4) a description of the administrative relationship between the charter school and the LEA or SEA that will authorize or approve the school's charter and act as the grantee; (5) a description of how parents and other members of the community will be involved in the design and implementation of the charter school; (6) a description of how the SEA or LEA, as the case may be, will provide for continued operation of the school once the Federal grant has expired, if the SEA or LEA determines that the school is successful; (7) a request and justification for waivers of any Federal statutory or regulatory provisions that the applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school; (8) a description of how the grant funds would be used; (9) a description of how grant funds would be used in conjunction with other Federal programs administered by the Secretary; (10) a description of how students in the community will be informed about the school and given an equal opportunity to attend it; (11) an assurance that the applicant will annually provide the Secretary such information as the Secretary may require to determine if the charter school is making satisfactory progress toward achieving its objectives described

under paragraph (3); (12) an assurance that the applicant will cooperate with the Secretary in evaluating the Part D program; and (13) such other information and assurances as the Secretary may require.

Subsection (d)(1) would require an LEA that desires to receive a grant under this part to obtain the SEA's approval of its application before submitting it to the Secretary. Subsection (d)(2) would require an SEA that approves an application of an LEA to provide the LEA, and would require the LEA to include in its application to the Secretary, a statement that the State has granted, or will grant, the waivers and exemptions from State requirements described in the LEA's application.

Section 3404. Selection of grantees; waivers. Proposed section 3404 of the ESEA would govern the selection of grantees and the granting of waivers.

Subsection (a) would require the Secretary to select projects to be funded on the basis of the quality of the applications, taking into consideration such factors as: (1) the quality of the proposed curriculum and instructional practices; (2) the degree of flexibility afforded by the State and, if applicable, the LEA to the school; (3) the extent of community support for the application; (4) the ambitiousness of the objectives for the school; (5) the quality of the plan for assessing achievement of those objectives; and (6) the likelihood that the school will meet those objectives and improve educational results for students.

Subsection (b) would require the Secretary to use a peer review process to review applications for grants under this section.

Subsection (c) would permit the Secretary to approve projects in a manner that ensures, to the extent possible, that they are distributed throughout different areas of the Nation, including in urban and rural areas, and represent a variety of educational approaches.

Subsection (d) would allow the Secretary to waive any statutory or regulatory requirement that the Secretary is responsible for enforcing, except for any requirement relating to the elements of a charter school described in section 3407(1), if the waiver is requested in an approved application or by a grantee and the Secretary determines that granting such a waiver would promote the purpose of the program.

Section 3405. Uses of funds. Proposed section 3405 of the ESEA would authorize a recipient of a grant under Part D to use the grant funds only for post-award planning and design of the educational program and initial implementation of the charter school. Planning and design could include: (1) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and (2) professional development of teachers and other staff who will work in the charter school. Initial implementation of the charter school could include: (1) informing the community about the school; (2) acquiring necessary equipment; (3) acquiring or developing curriculum materials; and (4) other operational costs that cannot be met from State or local sources.

Section 3406. National activities. Proposed section 3406 of the ESEA would permit the Secretary to reserve up to ten percent of the funds appropriated for Part D for any fiscal year for: (1) peer review of applications under section 3404(b); (2) an evaluation of charter schools, including those assisted under Part D; and (3) other activities designed to enhance the success of the Part D program, such as bringing grantees together to share ideas and information.

Section 3407. Definitions. Proposed section 3407 would define certain terms used in Part D, as follows:

Paragraph (1) would define the term "charter school" to mean a school that: (1) in accordance with an enabling State statute, is exempted 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 definition of "charter school"; (2) is created by a developer (a term defined below) as a public school, or is adapted by a developer from an existing public school; (3) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the SEA or LEA applying for a grant on behalf of the school; (4) provides a program of elementary or secondary education, or both; (5) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution; (6) does not charge tuition; (7) complies with the Age Discrimination Act, 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, and Part B of theIndividuals with Disabilities Education Act; (8) admits students on the basis of a lottery, if more students apply for admission than can be accommodated; (9) agrees to comply with the same Federal and State audit requirements as do other schools in the State, unless such requirements are specifically waived for the purpose of this program; and (10) meets all applicable Federal, State, and local health and safety requirements.

Paragraph (2) would define the term "developer" to mean an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

Paragraph (3) would define the term "eligible applicant" to mean an SEA or LEA, in partnership with a developer.

Section 3408. Authorization of appropriations. Proposed section 3408 of the ESEA would authorize the appropriation of such sums as may be necessary for each of the fiscal years 1995 through 1999 to carry out Part D.

Part E—Arts in education

A new Part E, supporting arts in education, would be added to proposed Title III of the ESEA, and such sums as may be necessary for each of the fiscal years 1995 through 1999 would be authorized to be appropriated in order to carry out the purposes of this proposed new Part.

Section 3501. Support for Arts Education. Proposed section 3501(a) of the ESEA would state the congressional finds that: (1) the arts are forms of understanding and ways of knowing that are fundamentally important to education; the arts are important to excellent education and to effective school reform; the most significant contribution of the arts to education reform is the transformation of teaching and learning; this transformation is best realized in the context of comprehensive, systemic education reform; demonstrated competency in the arts for American students is among the National Education Goals; and arts education should be an integral part of the elementary and secondary school curriculum.

Section 3501(b) would list the purposes of the new Part E as being: (1) to support systemic education reform by strengthening arts education as an integral part of the elementary and secondary school curriculum; (2) to help ensure that all students have the opportunity to learn to challenging standards in the arts; and (3) to support the national effort to enable all students to demonstrate competence in the arts in accordance with the National Education Goals.

SEAs, LEAs, IHEs, and other public and private agencies, institutions, and organizations would be eligible to receive grants from, or enter into contracts or cooperative agreements with, the Secretary under Part E. Eligible recipients could use funds under this Part for: (1) research on arts education; (2) the development of, and dissemination of information about, model arts education programs; (3) the development of model arts education assessments based on high standards; (4) the development and implementation of curriculum frameworks for arts education; (5) the development of model preservice and inservice professional development programs for arts educators and other instructional staff; (6) supporting collaborative activities with other Federal agencies or institutions involved in arts education, such as the National Endowment for the Arts, the Institute of Museum Services, the John F. Kennedy Center for the Performing Arts, and the National Gallery of Art; (7) supporting model projects and programs in the performing arts for children and youth through arrangements made with the John F. Kennedy Center for the Performing Arts; (8) supporting model projects and programs in the arts for individuals with disabilities through arrangements with the organization, Very Special Arts; (9) supporting model projects and programs to integrate arts education into the regular elementary and secondary school curriculum; and (10) other activities that further the purposes of Part E.

Recipients would be required, to the extent possible, to coordinate their projects with appropriate activities of public and private cultural agencies, institutions, and organization, including museums, arts education associations, libraries, and theaters. The Secretary would also be required to coordinate his activities in carrying out this Part with the National Endowment for the Arts, the Institute of Museum Services, the John F. Kennedy Center for the Performing Arts, and the National Gallery of Art.

Part F—Inexpensive Book Distribution Program

Section 3601. Inexpensive book distribution program for reading motivation. Section 3601 of the ESEA would reauthority the Inexpensive Book Distribution Program currently authorized by section 1563 of the Act.

Subsection (a) would authorize the Secretary to enter into a contract with Reading is Fundamental (RIF) (the contractor) to support and promote programs, which include the distribution of inexpensive books to students, that motivate children to read.

Subsection (b) would prescribe certain provision that would have to be in any contract under subsection (a), as follows:

Paragraph (1) would require the contract to provide that the contractor will enter into subcontracts with local private nonprofit groups or organizations or with public agencies under which each subcontractor will agree to establish, operate, and provide the non-Federal share of the cost of reading motivation programs that include the distribution of books, by gift or loan, to preschool, elementary, and secondary school children.

Paragraph (2) would require the contract to provide that funds made available by the Secretary will be used by the contractor

only to pay the Federal share of the cost of such programs.

Paragraph (3) would require the contract to provide that in selecting subcontractors for initial funding, the contractor will give priority to programs that will serve a substantial number or percentage of children with special needs, such as low-income children, particularly in high-poverty areas; children at risk of school failure; children with disabilities, including children with serious emotional disturbance; foster children; homeless children; migrant children; children without access to libraries; institutionalized or incarcerated children; and children whose parents are institutionalized or incarcerated.

Paragraph (4) would require the contract to provide that the contractor will not provide Federal assistance under this section to any subcontractor for more than five years after the date of enactment of the bill or the beginning of the subcontractor's program under this section (or current section 1563 of the Act) whichever comes later, except that the contractor may continue to provide such assistance beyond that date if the program qualifies for priority treatment under paragraph (3) and the contractor determines that, because of severe economic hardship facing the subcontractor and the local area it serves, the local program will be unable to continue without additional assistance under this section.

Paragraph (5) would require the contract to provide that, not later than three years after the bill's enactment, the contractor will cease providing Federal assistance under this section to any subcontractor whose program received assistance under current section 1563 of the Act and does not qualify for priority treatment under paragraph (3).

Paraagraph (6) would require the contract to provide that the contractor will provide such technical assistance to subcontractors as may be necessary to carry out the purpose of this section.

Paragraph (7) would require the contract to provide that the contractor will annually report to the Secretary the number of, and describe, programs funded under paragraph (3).

Paragraph (8) would require the contract to include such other terms and conditions as the Secretary determines to be appropriate to ensure the effectiveness of assisted programs.

Subsection (c) would prohibit the Secretary from paying the Federal share of the cost of acquiring and distributing books under any contract under this section unless the Secretary determines that the contractor or subcontractor, as the case may be, has made arrangements with book publishers or distributors to obtain books at discounts at least as favorable as discounts that are customarily given by those publishers or distributors for book purchases made under similar circumstances in the absence of Federal assistance.

Subsection (d) would define the term "Federal share", for the purpose of this section, as the portion of the cost to a subcontractor of purchasing books to be paid with funds made available under this section. The Federal share would be established by the Secretary, but could not exceed 75 percent, except for books to be distributed to children of migrant or seasonal farmworkers.

Subsection (e) would authorize the appropriation of such sums as may be needed for each of the fiscal years 1995 through 1999 to carry out section 3601.

ESEA, TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

Proposed Title IV of the ESEA would reauthorize, simplify, and expand the Drug-Free Schools and Communities Act of 1986, which is Title V of the current ESEA. Current law focuses exclusively on the prevention of illegal drug use, while proposed Title IV would widen the scope of the program to include the prevention of violence and the establishment in our schools of a disciplined environment that is conducive to learning, in support of National Education Goal Six.

Section 4001. Findings. Proposed section 4001 of the ESEA would set forth congressional findings as follows: (1) National Education Goal Six provides that by the year 2000, all schools in America will be free of drugs and violence and offer a disciplined environment that is conducive to learning; (2) the widespread use of alcohol and other drugs among the Nation's secondary school students, and increasingly by elementary students as well, constitutes a grave threat to their physical and mental well-being, and significantly impedes the learning process; (3) our Nation's schools and communities are increasingly plagued with crime; (4) the tragic consequences of violence and the illegal use of alcohol and other drugs by students are felt not only by students and their families, but by their communities and the Nation; (5) alcohol and tobacco (nicotine) are the most widely used drugs among young people today, and both of these drugs can, and do, have adverse consequences for users, their families, communities, schools, and colleges; (6) drug and violence prevention programs are essential components of a comprehensive strategy to promote school safety and to reduce the demand for and use of drugs throughout the Nation; and (7) students must take greater responsibility for their own well-being, health, and safety if schools and communities are to achieve their goals of providing a safe, disciplined, and drug-free learning environment.

Section 4002. Purpose. Proposed section 4002 of the ESEA would set forth the purpose of Title IV as supporting programs to meet National Education Goal Six by preventing violence in and around schools and by strengthening programs that prevent the illegal use of alcohol and other drugs, involve parents, and are coordinated with related Federal, State, and community efforts and resources.

Section 4003. Authorization of appropriations. Proposed section 4003 of the ESEA would authorize such sums as may be necessary for each of the fiscal years 1995 through 1999 for Part A (State grants), Part B (postsecondary programs), and Part C (National programs), respectively.

Part A—State grants for drug and violence prevention programs

Section 4101. Reservations and allotments. Proposed section 4101(a) of the ESEA would provide for the reservation of funds for drug and violence prevention programs under Part A for the Insular Areas (no more than one-half of one percent of the amount appropriated) and for such programs for Indian youth (no more than one percent of the amount appropriated and carried out by the Secretary of the Interior). The reservation of funds for Native Hawaiians in current law would be eliminated because this population is served through the State and local formula grant program. Section 4101(a) would also authorize the Secretary to reserve each fiscal year no more than $1 million from the amount appropriated for Part A to conduct the national impact evaluation required by section 4108(a).

Section 4101(b) of the Act would provide for much simplified State allotments of funds appropriated for State programs under Part A. From one half of the remainder of each year's appropriation for Part A—the amount remaining after the various reservations of funds under subsection (a)—the Secretary would allocate to each State an amount based on the ratio between that State's school-aged population and the school-aged population in all the States, and from the remaining one-half of each year's appropriation for Part A, the Secretary would allocate to each State an amount based on the ratio between the amount that State received under section 1122 of the ESEA for the preceding fiscal year and the sum of such amounts received by all the States (or, for fiscal year 1995, sections 1005 and 1006 of the Act prior to its amendment by the Improving America's Schools Act of 1993.) However, no State could be allotted an amount for Part A that is less than one-half of one percent of the total amount allotted to all the States for that fiscal year. In addition, the Secretary would be authorized to reallot any amount of a State's allotment that he or she determines that State will be unable to use within two years, and such reallotments would be based on whatever basis the Secretary determines best serves the purposes of Title IV.

Section 4102. State drug and violence prevention coordinating council. Proposed section 4102 of the ESEA would require the chief executive officer of each State that receives an allotment under Part A to establish a State Drug and Violence Prevention Coordinating Council (or designate an existing body to perform the functions of such a council), to advise him or her and the chief State school officer on the development and implementation of the State's application under section 4103. Current law does not require a State-level drug and violence prevention coordinating council. This provision has been added to promote the development of comprehensive drug and violence programs that draw on the resources and expertise of a variety of individuals engaged in related efforts. The membership of the Council would have to include the chief executive officer, the chief State school officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, and the head of the State criminal justice planning agency, or their respective designees. The chief executive officer would also be required to appoint representatives of other appropriate State agencies or offices as members of the Council.

The functions of the Council would be to: (1) review and comment on the development of the State's application under section 4103; (2) disseminate information about drug and violence prevention programs funded under Part A; (3) advise the chief executive officer and the SEA on how to coordinate their respective programs under Part A with other available resources; and (4) advise the chief executive officer and the SEA on the planning and implementation of evaluation activities as well as make recommendations on how to improve the State's program.

Section 4103. State applications. Proposed section 4103 of the ESEA contains the requirements for State applications for Part A funds.

Section 4103(a) would provide that in order to receive its allotment for any fiscal year, the State must submit to the Secretary (at such time as the Secretary may require) an application that is integrated into the

State's plan, either approved or being developed, under Title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that plan, and is submitted, if necessary, as an amendment to the State's plan, or, if the State does not have an approved plan under Title III of that Act and is not developing one, is integrated with other State plans under this Act and satisfies the requirements of this section. The application would also be required to: (1) contain the results of the State's needs assessment for drug and violence prevention programs; (2) contain a list of the members, and their representational interests, on the State Drug and Violence Prevention Coordinating Council; (3) describe the procedures the SEA will use to review local applications under section 4106; (4) contain an assurance that the State will cooperate with, and assist, the Secretary in conducting the national impact evaluation; and (5) contain such other information as the Secretary may require.

Section 4103(b) would contain State application requirements specifically applicable to programs administered by the chief executive officer. With respect to funds reserved under section 4104(a) of the Act for use by the chief executive officer, the State application must contain: (1) a statement of that officer's measurable goals and objectives for drug and violence prevention and a description of the procedures to be used for assessing and publicly reporting progress toward those goals and objectives; (2) a description of how that officer will coordinate his or her activities with the SEA and the efforts of other State agencies and organizations; (3) a description of how that officer's funds will not be used so as to duplicate the efforts of the SEA and local educational agencies, and how those funds will be used to serve populations not normally served by the SEA, such as school dropouts and youth in detention centers; (4) a description of how the chief executive officer will award funds and monitor, and provide technical assistance with respect to, their use; and (5) describe how funds will be used to support community-wide comprehensive drug and violence prevention planning.

Section 4103(c) would contain State application requirements specifically applicable to programs administered by the SEA. With respect to funds reserved under section 4105(a) of the Act for use by the SEA, the State application must contain: (1) a statement of the SEA's measurable goals and objectives for drug and violence prevention and a description of the procedures to be used for assessing and publicly reporting progress toward those goals and objectives; (2) a plan for monitoring the drug and violence prevention programs conducted by LEAs under this Part and for providing technical assistance to them; (3) a description of how the SEA will use funds reserved for its own use under section 4105(b); (4) a description of how the SEA will coordinate its activities under Part A with programs of the chief executive officer under the same Part as well as the prevention efforts of other State agencies; (5) an explanation of the criteria the SEA will use to identify which LEAs receive supplemental funding under proposed section 4105(d)(2)(A)(ii) and how the supplemental funds will be allocated among those LEAs.

Section 4103(d) would require the Secretary to use a peer review process in reviewing State applications. Section 4104(e) would authorize States, for fiscal year 1995 only, to submit a one-year interim application and plan. The purpose of such an interim application and plan would be to afford the State the opportunity to fully develop and review its application, particularly with respect to violence prevention programs. The interim application and plan would contain information specified by the Secretary in regulations.

Section 4104. Governor's programs. Proposed section 4104 of the ESEA would authorize the chief executive officer of the State to carry out drug and violence prevention programs. Current law requires chief executive officers to reserve funds for specific populations, programs, and activities, such as high-risk youth, DARE programs, and replication activities. These reservations have been deleted in order to give chief executive officers the flexibility they need to address the needs of their particular State.

Section 4104(a) would provide that 20 percent of the State's grant under Part A for each year shall be used by the chief executive officer for such programs and that of that amount no more than five percent may be used for the administrative costs of that officer, including the cost of the State Drug and Violence Prevention Coordinating Council.

Section 4104(b) would authorize the chief executive officer to use his or her funds for grants to, or contracts with, parent groups, community action and job training agencies, community-based organizations, and other public entities and private non-profit organizations. Such awards would be used for programs and activities for children and youth who are not normally served by State or LEAs, for populations that need special services or additional resources, or both.

Section 4104(c) would list the programs and activities that chief executive officers may support. These include: (1) disseminating information about drug and violence prevention; (2) training parents, law enforcement officials, judicial officials, social and health service providers and community leaders about drug and violence prevention, education, early intervention, counseling, or rehabilitation referral; (3) comprehensive community-based drug and violence prevention programs that link community resources with schools and integrate services; (4) drug and violence prevention activities that coordinate the efforts of State agencies with those of the SEA and its LEAs; (5) activities to protect students traveling to and from school; (6) strategies to prevent illegal gang activity; (7) community-wide violence and safety assessments survey; and (8) evaluating programs and activities under this section.

Section 4105. State and local educational agency programs. Proposed section 4105 of the Act would authorize drug and violence prevention programs carried out by the SEA and its LEAs with Part A funds. Section 4105(a) would provide that 80 percent of the State's Part A grant for any fiscal year shall be used by the SEA for drug and violence prevention programs.

Section 4105(b) would provide that of the funds reserved under section 4105(a), no more than five percent may be used for State-level programs such as: (1) training and technical assistance for local and intermediate educational agencies, including teachers, administrators, coaches and athletic directors, parents, students, community leaders, health service providers, local law enforcement officials, and judicial officials; (2) the development, identification, dissemination and evaluation of curriculum materials for consideration by LEAs; (3) demonstration projects in drug and violence prevention; (4) financial assistance to enhance resources available for drug and violence prevention in areas serving large numbers of economically disadvantaged children or sparsely populated areas, or to meet other special needs; and (5) evaluation activities. An SEA would be authorized to carry out its activities directly, or through grants and contracts.

Section 4105(c) would require an SEA to use no more than five percent of the amount reserved under section 4105(a) for the administrative costs of the SEA under this Part.

Section 4105(d) would require States to distribute not less than 90 percent of the amount reserved under section 4105(a) for each fiscal year to LEAs. Seventy percent of the amount distributed would be allocated among LEAs based on their relative enrollments in public and private non-profit schools within their boundaries and 30 percent would be distributed only to those LEAs the SEA determines have the greatest need for additional funds, not to exceed ten percent of the LEAs in the State, or five such agencies, whichever is greater. In determining which LEAs have the greatest need for additional funds, the SEA must consider factors such as: (1) high rates of alcohol or other drug use among youth; (2) high rates of victimization of youth by violence and crime; (3) high rates of arrests and convictions of youth for violent or drug- or alcohol-related crime; (4) the extent of illegal gang activity; (5) high rates of referrals of youths to drug and alcohol abuse treatment and rehabilitation programs; (6) high rates of referrals of youths to juvenile court; and (7) high rates of expulsions and suspensions of students from schools. Current law does not require States to target funds to LEAs with the greatest needs. This bill recognizes that some LEAs have greater drug and violence problems than others.

Section 4105(e) would provide that if an LEA does not apply for the amount allotted to it under section 4105(d), or if its application under section 4106 is disapproved by the State educational agency, the SEA shall reallocate that amount to one or more other LEAs that the SEA determines have the greatest need for additional funds..

Section 4106. Local applications. Proposed section 4106 of the ESEA would set forth application requirements for LEAs; such applications would be submitted to the SEA for approval, at such time as that agency requires, and would be amended, as necessary, to reflect changes in the LEA's program. An LEA would develop its application in consultation with a local or substate regional advisory council that represents a broad spectrum of persons and groups with expertise in drug and violence prevention. In addition to assisting the LEA to develop its application, the advisory council would also, on an on-going basis, (1) disseminate information about drug and violence prevention programs within the boundaries of the LEA; (2) advise the LEA on how best to coordinate its activities under this Part with related programs; and (3) review program evaluations and otherrelevant materials and make recommendations to the LEA on how to improve its drug and violence prevention programs.

Local applications under this section would be required to contain: (1) a needs assessment of the current alcohol, tobacco, and other drug problems as well as the violence, safety, and discipline problems among students who attend the schools of the applicant (including private school students who participate in the applicant's program) that is based on on-going local assessment or evaluation activities; (2) a detailed explanation of the LEA's comprehensive plan for

drug and violence prevention; and (3) such other information and assurances as the SEA may reasonably require. As part of the explanation of its comprehensive plan, the LEA would be required to explain: (1) how that plan is consistent with, and promotes the goals of, the State application under section 4103 and the LEA's plan under Title III of the Goals 2000: Educate America Act, and if the LEA does not have such a plan, with its application under section 1112; (2) the LEA's measurable goals for drug and violence prevention (never required before) and a description of how it will assess and publicly report its progress; (3) and an explanation of how that agency is already meeting the requirements of a basic drug and violence prevention program, under section 4107(b) of the Act, if it intends to use funds under this Part to implement an expanded drug and violence prevention program under section 4107(c); (4) how the LEA will use its regular allocation under section 4105(d)(2)(A)(i) and its supplemental allocation, if any, under section 4105(d)(2)(a)(ii); (5) how the LEA will coordinate its programs and projects with community-wide efforts to achieve its goals for drug and violence prevention; and (6) how the LEA will coordinate its programs and projects with other Federal, State and local programs for drug-abuse prevention, including health programs.

Section 4106(c) would require an SEA to use a peer review process in reviewing local applications and, in determining whether to evaluate such an application, to consider the quality of the LEA's comprehensive plan under section 4106(b)(2) and the extent to which that plan in consistent with, and supports the State's application under this Part and the State's improvement plan under the Goals 2000: Educate America Act (and if the State does not have such a plan, its plan under section 1111 of the Act). An SEA could not permit an LEA to use funds under this Part to implement an expanded drug and violence program under section 4107(c) unless it determines that the LEA is already meeting (regardless of the source of funds) the requirements of a basic drug and violence prevention program under section 4107(b). Finally, an SEA would be authorized to disapprove an LEA's application in whole or in part and to withhold, limit, or place restrictions on its use of funds in a manner the SEA determines will best promote the purposes of this Part or the State's plan under the Goals 2000: Educate America Act, and, if the State does not have such a plan, its plan under section 1111 of the ESEA.

Section 4107. Local drug and violence prevention programs. Proposed section 4107 of the Act would govern the use of funds under Part A by LEAs. These agencies would be required to use funds under this Part to adopt and implement a basic drug and violence prevention program unless the SEA permits it to use such funds to carry out are expanded drug and violence program under section 4107(c). LEAs, as well as SEAs, would no longer be required, as under current law, to certify that they have adopted and implemented prevention programs for students and employees. The certification requirement has been deleted because it has served its purpose.

Section 4107(b) would include the requirements of a basic drug and violence program. Such programs would be designed, for all students and employees, to: (1) prevent the illegal use, possession, and distribution of alcohol, tobacco, and other drugs; (2) prevent violence and promote school safety; and (3) create a disciplined environment conducive to learning. Basic programs would include mandatory standards of conduct for students and employees that describe the sanctions for violations of the standards and that are distributed to all students, parents, and employees. Basic programs would also include, with respect to drug prevention: (1) age-appropriate, developmentally based education programs for all students; (2) professional development programs for school personnel who provide such programs; (3) activities to promote the involvement of parents and coordination with community groups and agencies; and (4) the distribution of information to all students and employees about resources for drug and alcohol counseling, rehabilitation, and re-entry programs. With respect to violence prevention, basic programs would also include: (1) age-appropriate, developmentally based education and prevention programs for all students; (2) professional development programs for school personnel who provide such programs; (3) activities to promote the involvement of parents and coordination with community groups and agencies; and (4) the distribution of information to all students and employees about resources for counseling, re-entry, and conflict resolution. In implementing its basic drug and violence prevention program or its expanded program under subsection (c), an LEA would be permitted to use no more than 33 percent of the funds it receives under this Part for any fiscal year for minor remodeling to promote security and reduce the risk of violence and acquiring and installing metal detectors and hiring security personnel.

Section 4107(c) would authorize an LEA that demonstrates to the satisfaction of its SEA that it has adopted and implemented a basic drug and violence program that satisfies the requirements of subsection (b) to use its funds under this Part to supplementits basic program, to carry out one or more elements of an expanded drug and violence prevention program, or both. Authorized elements of an expanded program would include, with respect to drug prevention, programs of drug prevention, health education, early intervention, counseling, mentoring, or rehabilitation referral, which emphasize students' sense of individual responsibility and may include: (1) the dissemination of information; (2) the training of school personnel, parents, law enforcement and judicial officials, and health service providers and community leaders; and (3) the implementation of strategies to combat illegal alcohol and other drug use, including the integration of services from a variety of providers, family counseling, early intervention activities, and activities (such as community service projects) that are designed to increase students' sense of community. With respect to violence prevention for school-aged youth, section 4107(c) would authorize programs that emphasize students' sense of community including: (1) the dissemination of information; (2) the training of school personnel, parents, law enforcement and judicial officials, and community leaders; (3) the implementation of strategies, such as conflict resolution and peer mediation and mentoring programs, to combat school violence and other forms of disruptive behavior, such as sexual harassment; and (4) comprehensive community-wide strategies to prevent illegal gang activity. Expanded programs could also include the promotion of before- and after-school recreational, institutional, cultural, and artistic programs in supervised community settings and the evaluation of activities authorized by section 4107(c).

Section 4108. Evaluation and reporting. Proposed section 4108 of the ESEA would require the Secretary, in consultation with the Secretary of Health and Human Services, the Director of National Drug Control Policy, and the Attorney General, to conduct an independent biennial evaluation of the national impact of programs under Part A and submit a report of the findings to the President and Congress. Section 4108 would also require the chief executive officer of a State (in cooperation with an SEA) to submit a report to the Secretary, by October 1, 1997, and every third year thereafter, on the implementation and outcomes of State and local programs under this Part, along with an assessment of their effectiveness, as well as the State's progress towards attaining, its goals for drug and violence prevention. The report would have to be in the form specified by the Secretary and based on the State's on-going evaluation activities; the report would also include data on the prevalence of drug use and violence by youth and would be made readily available to the public. Finally, section 4108 of the Act would also require LEAs receiving funds under Part A to submit to the SEA whatever information, and at whatever intervals, the State requires to complete the State report, including information on the prevalence of drug use and violence by youth in the schools and community.

Part B—Postsecondary drug and violence prevention programs

Section 4201. Postsecondary drug and violence prevention programs. Proposed section 4201 of the ESEA would authorize the Secretary to make grants to, or enter into contracts with, IHEs, or consortia of such institutions, for drug and violence prevention programs under this section. Such awards would be used for the development, implementation, validation, and dissemination of model programs and strategies to promote the safety of students attending institutions of higher education by preventing violent behavior and illegal use of alcohol and other drugs. In making awards under this section, the Secretary would be required to make every reasonable effort to ensure the equitable participation of public and private institutions of higher education (including community and junior colleges), institutions of limited enrollment, and institutions in different geographic regions.

Section 4202. National center. Proposed section 4202 of the ESA would authorize the Secretary to support, through a grant to, or a contract with, an IHE, a public or private non-profit organization, or a for-profit organization, a national center to provide training and technical assistance to postsecondary institutions in developing, implementing, evaluating, replicating, and dissemination model programs to prevent violence and the use of illegal drugs by students at such institutions. Current law does not provide for such a center.

Part C—National programs

Section 4301. Federal activities. Proposed secton 4301 of the Act would authorize the Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, to carry out programs to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students of all educational levels, prekindergarten through postsecondary. The Secretary would be authorized to carry out such programs directly, or through grants, contracts, or cooperative agreements with public and private non-profit organizations and individuals, or through

agreements with other Federal agencies. Such programs could include: (1) the development and demonstration of, innovative strategies for training school personnel, parents, and members of the community; (2) demonstrations and rigorous evaluations of innovative approaches to drug and violence prevention; (3) research that is coordinated with other Federal agencies and that is directed to improving programs under this Title; (4) program evaluations that address issues not addressed under section 4108(a); (5) direct services to schools and school systems affected with especially severe drug and violence problems; (7) developing and disseminating drug and violence prevention materials; including model curricula; and (8) other activities that meet national needs related to drug and violence prevention. The Secretary would use a peer review process in reviewing applications under this section.

Current law does not provide the Secretary with the flexibility needed to address the most pressing needs in the field of drug and violence prevention. For example, current law does not authorize research and demonstration activities related to school-based prevention programs.

Part D—General provisions

Section 4401. Definitions. Proposed section 4401 of the ESEA would define certain terms used in this Title. "Drug and violence prevention" would mean: (1) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of alcohol and tobacco (nicotine) and the use of controlled, illegal, addictive, or harmful substances, including inhalants and anabolic steroids; and (2) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others. The term "school personnel" would include teachers, administrators, guidance counselors, social workers, psychologists, nurses, librarians, and other support staff who perform services for the school on a contractual basis.

Section 4402. Materials. Proposed section 4402 of the ESEA would require that drug prevention programs under this Title must convey a clear and consistent message that the illegal use of alcohol and other drugs is wrong and harmful. Section 4402 would also prohibit the Secretary from prescribing the use of specific curricula for programs under this Title, but would permit him or her to evaluate the effectiveness of curricula and other strategies.

Section 4403. Prohibited use of funds. Proposed section 4403 of the ESEA would prohibit the use of funds under this Title for: (1) construction; (2) drug treatment or rehabilitation; and (3) psychiatric, psychological, or other medical treatment or rehabilitation, other than school-based counseling for students or school personnel who are victims or witnesses of school-related crime.

ESEA, TITLE V—PROMOTING EQUITY

Part A—Magnet schools assistance

Part A of Title V of the ESEA would reauthorize and revise the program for Magnet Schools Assistance currently authorized by Title III, Part A of the Act. The proposed changes would strengthen the program's purpose as a desegregation technique and encourage the use of the program's innovations and improvements in education quality as models for broader education reform efforts.

Section 5101. Findings. Proposed section 5101 of the ESEA would set forth the findings for the magnet schools program. Findings have been included to summarize the accomplishments and improvement needs of the program and to highlight the objectives of the proposed changes to the program.

Section 5102. Statement of purpose. Proposed section 5102 of the ESEA would revise the current purposes to make explicit that the purpose of magnet schools is to assist desegregation of school districts. Section 5102 would also link program objectives to systemic education reform and to developing and designing new, improved educational methods and practices.

Section 5102 would state that the purpose of this program is to assist in the desegregation of school districts by providing financial assistance to eligible local educational agencies for: (1) the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial portions of minority students; (2) the development and implementation of magnet school projects that will assist LEAs in achieving systemic reforms and providing all students the opportunity to meet challenging State performance standards; (3) the development and design of innovative educational methods and practices; and (4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational skills of students attending such schools.

Section 5103. Program authorized. Proposed section 5103 of the ESEA would provide that the Secretary is authorized to make grants to eligible LEAs for use in magnet schools that are part of an approved desegregation plan and that are designed to bring students from different social, economic, ethnic, and racial backgrounds together.

Section 5104. Definition. Proposed section 5104 of the ESEA, retaining current law, would define the term "magnet school" to mean a school or education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

Section 5105. Eligibility. Proposed section 5105 of the ESEA, retaining current law, would make an LEA eligible for assistance under this program if it: (1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and that requires the desegregation of minority group segregated children or faculty in the elementary and secondary schools of such agency; or (2) without having been required to do so, has adopted and is implementing, or will if assistance is made available to it under this part, adopt and implement a plan that has been approved by the Secretary as adequate under Title IV of the Civil Rights Act of 1964 for the desegregation of minority group segregated children or faculty in such schools.

Section 5106. Applications and requirements. Proposed section 5106 of the ESEA, while retaining important current requirements, would also try to ensure that the program furthers systemic education reform, improves the access of minority and less high-achieving students to the programs, and results in desegregated learning environments for students.

Section 5106(a) would require that an eligible LEA desiring assistance submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

Section 5106(b) would require that an application include a description of how assistance made available will be used to promote desegregation, including: (1) how the proposed magnet school project will increase interaction among students of different social, economic, ethnic, and racial backgrounds; (2) the manner and extent to which the magnet school will increase student achievement in the instructional area or areas offered by the school; (3) the manner in which an applicant will continue the magnet school project after assistance under this Part is no longer available, including, if applicable, an explanation of whether successful magnet schools established or supported by the applicant with funds under this Part have been continued without the use of funds under this Part; (4) how funds will be used to implement services and activities that are consistent with the State's systemic reform plan, if any, under Title III of the Goals 2000: Educate America Act and the LEA's systemic reform plan, if any, under that Title; and (5) the criteria to be used in selecting students to attend the proposed magnet school projects. The application would also include certain assurances, including that the applicant will give students residing in the local attendance area of the proposed magnet school projects equitable consideration for places in those projects.

Section 5106(c) would provide that no application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the anti-discrimination assurances contained in the application will be met.

Section 5107. Priority. Proposed section 5107 of the ESEA would eliminate several current priorities that do not help determine the quality and likely success of projects proposed for funding and would add additional priorities that promote educational innovation, equitable access for students, and consistency with systemic education reform.

Section 5107 would require the Secretary to give priority in approving applications to applicants that: (1) have the greatest need for assistance, based on the expense or difficulty of effectively carrying out an approved desegregation plan and the projects for which assistance is sought; (2) propose to carry out new magnet school projects or significantly revise existing magnet school projects; (3) propose to implement innovative educational approaches that are consistent with the State's and the LEA's approved systemic reform plans, if any, under Title III of the Goals 2000: Educate America Act; (4) propose to select students to attend magnet school projects by lottery, rather than through academic examination; and (5) propose to draw on comprehensive community plans for educational improvements, school and residential desegregation, and community renewal.

Section 5108. Use of funds. Proposed section 5108 of the ESEA, while retaining important current uses of funds, would allow funds to be used for instructional activities designed to make available the magnet project's special curriculum to students who are not in the program but enrolled in the school.

Section 5108(a) would authorize funds to be used for: (1) planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools; (2) the acquisition of books, materials, and equipment, including computers and the maintenance and operation

thereof, necessary for the conduct of programs in magnet schools; (3) the payment of or subsidization of the compensation of elementary and secondary schools teachers who are certified or licensed by the State and who are necessary for the conduct of programs in magnet schools; and (4) with respect to a magnet school program offered to less than the entire student population of a school, instructional activities that are designed to make available the special curriculum that is offered by the magnet school project to students who are enrolled in the school but who are not enrolled in the magnet school program.

Section 5108(b) would provide that funds may be used by eligible LEAs for the acquisition of books, materials, and equipment or the payment of teachers only if those activities are directly related to improving students' reading skills or their knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational skills.

Section 5109. Prohibitions. Proposed section 5109 of the ESEA would state that grants under this Part may not be used for transportation or for any activity that does not augment academic improvement. This revision of current law would not prohibit the use of funds for consultants. Thus, LEAs could hire consultants for the design and development of new programs and other appropriate activities, such as evaluation, that are necessary for implementation of the project.

Section 5110. Limitation on Payments. Proposed section 5110 of the ESEA would describe the limitations on payments, including a new provision on cost sharing. This section would eliminate several unneeded limitations on the Secretary's grant making authority that are contained in current law.

Section 5110(a) would state that awards made under this Part shall not exceed four years.

Section 5110(b) would provide that an LEA may expend for planning up to 50 percent of the funds received under this part for the first year of the project, 25 percent for the second year of the project, and 10 percent for the third year of the project. An LEA is prohibited from expending funds under this Part for planning thereafter.

Section 5110(c) would state that the Federal share of the cost of any project under this Part shall not exceed 100 percent for the first and second years of the project, 90 percent for the third year, and 70 percent for the fourth year.

Section 5110(d) would state that no local educational agency shall receive more than $4,000,000 under this part in any one grant cycle.

Section 5110(e) would state that to the extent practicable, for any fiscal year, the Secretary shall award grants to LEAs under this Part no later than June 30 of the applicable fiscal year.

Section 5111. Authorizations of appropriations; reservations. Proposed section 5111(a) of the ESEA would authorize appropriations of such sums as may be necessary for each of the fiscal years 1995 through 1999 to carry out this Part.

Subsection (b) would provide that in any fiscal year for which the amount appropriated exceeds $75,000,000, the Secretary shall, with respect to such excess amount, give priority to grants to LEAs that did not receive a grant under this Part in the last fiscal year of funding cycle prior to the fiscal year for which the determination is made.

Subsection (c) would authorize the Secretary to reserve no more than two percent of the funds appropriated under subsection (a) for any fiscal year to carry out evaluations of projects under this Part.

Part B—Equalization assistance

Part B of Title V of the ESEA would provide for equalization assistance.

Section 5201. Technical and other assistance regarding school finance equity. Proposed section 5201 of the ESEA would authorize the Secretary to provide technical and other assistance regarding school finance equity. Section 5201(a)(1) would authorize the Secretary to make grants to, and enter into contracts and cooperative agreements with, SEAs and other public and private agencies, institutions, and organizations to provide technical assistance to SEAs and LEAs agencies to assist them in achieving a greater degree of equity in the distribution of financial resources for education among LEAs in the State.

Section 5201(a)(2) would provide that a grant or contract under this section may support technical assistance activities, such as the establishment and operation of a center or centers for the provision of technical assistance to SEAs and LEAs; the convening of conferences on equalization of resources within LEAs, within States, and among States; and obtaining advice from experts in the field of school finance equalization.

Section 5201(b) would authorize the Secretary to carry out applied research and analysis designed to further knowledge and understanding of methods to achieve greater equity in the distribution of financial resources among LEAs.

Section 5201(b) would also authorize the Secretary to carry out such research directly or through grants to, or contracts or cooperative agreements with, any public or private organization. In carrying out this section, the Secretary would be authorized to support research on the equity of existing State school funding systems; train individuals in such research; promote the coordination of such research; collect and analyze data related to school finance equity in the United States and other nations; and report periodically on the progress of States in achieving school finance equity. The Secretary would be required tocoordinate activities under this subsection with activities carried out by the Office of Educational Research and Improvement. An SEA or LEA receiving assistance under the ESEA would be required to provide such data and information on school finance as the Secretary may require to carry out the purposes of section 5201.

Section 5201(c) would authorize the Secretary, directly or through grants, contracts, or cooperative agreements, to develop and disseminate models and materials useful to States in planning and implementing revisions of their school finance systems.

Section 5201(d) would authorize the appropriation of such sums as may be necessary for each of the fiscal years 1995 through 1999.

Part C—Women's educational equity

The Women's Educational Equity Act program (WEEA) has helped educators research, create, and obtain materials on gender-equitable teaching practices. In general, WEEA funds have been focused more on producing and disseminating such materials than on providing the training and support needed to establish these practices at the local level. In the current proposal, the scope of the Women's Educational Equity Program would be expanded to allow the Secretary to support demonstration programs as well as local implementation projects. Broadening the Secretary's discretion to fund many types of programs and projects will maximize the effect of the program.

Section 5301. Findings. Proposed section 5301 of the ESEA would set forth the findings for the Women's Educational Equity program. Additional findings have been added to identify continuing barriers to educational equity for women and girls.

Section 5302. Statement of purposes. Proposed section 5302 of the ESEA would set forth as the purposes of the Women's Educational Equity program: (1) promoting educational equity for women and girls in the United States and the provision of financial assistance to enable educational agencies and institutions to meet the requirements of Title IX of the Education Amendments of 1972; (2) promoting educational equity for women and girls who suffer multiple discrimination, bias, or stereotyping based on gender and on race, ethnic origin, disability, or age; and (3) helping to ensure that all women and girls have equal opportunity to achieve to high educational standards.

Section 5303. Program authorized. Proposed section 5303 of the ESEA has been modified in response to the Department's assessment, based on a review of funded projects and feedback from WEEA grantees, interest groups, and the WEEA publishing center, that in addition to the continued development of model curricula and teacher training programs supported under the present program, program funds should be authorized to help schools and local communities implement and institutionalize gender equitable practices.

Section 5303 would authorize the Secretary to make grants to, and enter into contracts and cooperative agreements with, public agencies, private nonprofit agencies, organizations, and institutions and individuals to provide support and technical assistance for the implementation of effective gender-equity policies and practices at all educational levels and for research and development designed to advance gender equity nationwide and to help make policies and practices in educational agencies and institutions and local communities gender-equitable. The implementation of effective gender-equity policies and practices at all educational levels would include: (1) assisting educational agencies and institutions to implement policies and practices to comply with Title IX of the Education Amendments of 1972, including preventing the sexual harassment of students and employees; (2) training for teachers, counselors, administrators, and other school personnel, especially preschool and elementary school personnel, to ensure that gender equity pervades their teaching and learning practices; (3) leadership training to allow women and girls to develop professional and marketable skills to compete in the global marketplace, improve self-esteem, and benefit from exposure to positive role models; (4) school-to-work transition programs and other programs to increase opportunities for women and girls to enter a technologically demanding workplace and, in particular, to enter highly skilled, high paying careers in which they have been underrepresented; (5) enhancing educational and career opportunities for women and girls who suffer multiple forms of discrimination, based on sex and on race, ethnic origin, limited English proficiency, disability, or age; and (6) assisting pregnant students and students rearing children to remain in high school, graduate, and prepare their preschool children to start school. Authorized research and development activities would include: (1) research and development designed to advance gender equity, including the development of innovative strategies to improve

teaching and learning practices; (2) the development of high quality and challenging assessment instruments that are free of gender bias; (3) the evaluation of curricula, textbooks, and other educational materials to ensure the absence of gender stereotyping and bias; (4) the development of instruments and procedures that employ new and innovative strategies to assess whether diverse educational settings are gender equitable; (5) the development of new dissemination and replication strategies; and (6) updating high quality educational materials previously developed through awards made under this Part.

Section 5304. Applications. Proposed section 5304(a) of the ESEA has been modified to ensure that every project supported under this Part is subject to a comprehensive evaluation of the materials, practices, and policies used by the applicant and of the potential for continued significance of the work of the program following completion of the award period. In addition, the section has been modified to ensure that program funds will be used to support other important initiatives such as implementation of State and local plans for systemic reform, school-to-work, and parental involvement initiatives.

Section 5304(a) would require that awards be made and entered into only upon application to the Secretary. Each application would be required to: (1) set forth policies and procedures that ensure a comprehensive evaluation of the activities carried out under the project; (2) demonstrate how funds received under this part will be used to promote the attainment of one or more of the National Education Goals and support the implementation of State and local plans for systemic reform, if any, approved under Title III of the Goals 2000: Educate America Act; (3) demonstrate how the applicant will address perceptions of gender roles based on cultural and linguistic differences or stereotypes; (4) describe how funds under this part will be used in a manner that is consistent with and promotes the implementation of State and local programs under the School-To-Work Opportunities Act of 1993; and (5) for applications for projects that would provide support and technical assistance for the implementation of effective gender-equity policies and practices at all educational levels, demonstrate how the applicant will foster partnerships and share resources with SEAs, LEAs, institutions of higher education, and other recipients of Federal educational funding, and demonstrate how parental involvement in the project will be encouraged.

Section 5304(b) has been modified to ensure that special consideration is given to projects that support collaborative approaches to gender equity and learning practices. The current requirement that special consideration be given to projects based on geographic distribution has been deleted so that a significant amount of program funds support those projects that best demonstrate promise of achieving the programs goals regardless of location.

Section 5304(b) would require the Secretary, in approving applications under this part, to give special consideration to applications: (1) submitted by applicants that have not received assistance under this part or under Part C of Title IX of this Act as in effect prior to October 1, 1988; (2) for projects that would contribute significantly to directly improving teaching and learning practices in the local community; and (3) for projects that would provide for a comprehensive approach to enhancing gender equity in educational institutions and agencies, and drawon a variety of resources, including LEAs, community-based organizations, IHEs, and private organizations.

Section 5304(c) would require that nothing in this Part be construed as prohibiting men and boys from participating in any programs or activities assisted under this Part.

Section 5305. Criteria and priorities. Proposed section 5305 of the ESEA would require the Secretary to establish separate criteria and priorities for awards made under section 5303 to ensure that available funds are used for programs that most effectively will achieve the purposes of this part. The Secretary intends to consult with the Assistant Secretary for Civil Rights in performing this function in order that the criteria and priorities reflect emerging issues of gender equity.

Section 5306. Report. Proposed section 5306 of the ESEA would require the Secretary to submit, by January 1, 1999, to the President and the Congress a report on the status of educational equity for girls and women in the Nation.

Section 5307. Evaluation and dissemination. Proposed section 5307 of the ESEA would: (1) require the Secretary to evaluate and disseminate materials and programs developed under this part; and (2) authorize the Secretary to use funds appropriated under section 5308 to gather and disseminate information about emerging issues concerning gender equity and, if necessary, to convene meetings for this purpose.

Section 5308. Authorization of appropriations. Proposed section 5308 of the ESEA would authorize such sums as may be necessary for each of the fiscal years 1995 through 1999 to be appropriated to carry out this Part.

ESEA, TITLE VI—INDIAN EDUCATION

Section 6001. Findings. Proposed section 6001 of the ESEA would state congressional findings for Title VI that: (1) the Federal Government has a special responsibility to ensure that educational programs for all American Indian and Alaska Native children and adults are based on high-quality, internationally competitive content and student performance standards and build on Indian culture and the Indian community; assist LEAs, Indian tribes, and others in providing Indian students the opportunity to learn to those standards; (2) since enactment of the original Indian Education Act in 1972, Indian parents have become significantly more involved in the planning, development, and implementation of educational programs that affect them and their children, and schools should continue to foster this involvement; (3) although the numbers of Indian teachers, administrators, and university professors have increased since 1972, teacher training programs are not recruiting, training, or retraining sufficient numbers of Indian persons as educators to meet the needs of a growing Indian student population in elementary, secondary, vocational, adult, and higher education; (4) the dropout rate for Indian students is unacceptably high; for example, nine percent of Indian students who were 8th graders in 1988 had already dropped out of school by 1990; (5) from 1980 to 1990, the percentage of Indian persons living in poverty increased from 24 percent to 31 percent, and the readiness of Indian children to learn is hampered by the high incidence of poverty, unemployment, and health problems among Indian children and families; and (6) research related specifically to the education of Indian children and adults is very limited, and much of it is poor in quality or focused on limited local or regional issues.

Section 6002. Purpose. Proposed section 6002 of the ESEA would provide that the purpose of Title VI is to support the efforts of LEAs, Indian tribes and organizations, SEAs postsecondary institutions, and other entities to meet the unique educational needs of American Indians and Alaska Natives, so that they can achieve to the same challenging State performance standards expected of all students. Title VI would carry out this purpose by authorizing programs of direct assistance for the education of Indian children and adults; the training of Indian persons as educators and counselors, and in other professions serving Indian people; and research, evaluation, data collection, and technical assistance.

Part A—Formula grants to local educational agencies

Section 6101. Purpose. Proposed section 6101 of the ESEA would provide that the purpose of Part A of Title VI is to support LEAs in their efforts to reform elementary and secondaryschool programs that serve Indian students, in order to ensure that those programs are based on challenging State content and student performance standards that are used for all students; and are designed to assist Indian students meet those standards and assist the Nation in reaching the National Education Goals.

Section 6102. Grants to local educational agencies. Proposed section 6102 of the ESEA would provide that an LEA is eligible for a grant under Part A for any fiscal year if the number of Indian children who were enrolled in the schools of the LEA, and to whom the LEA provided free public education, during the preceding fiscal year was at least 20 or constituted at least 25 percent of the LEA's total enrollment. Current law provides that an LEA must have at least ten Indian students or that Indian students constitute at least half its enrollment in order for the LEA to be eligible. Raising the minimum number of students to establish an LEA's eligibility will result in a more effective program.

Section 6103. Amount of grants. Proposed section 6103 of the ESEA would describe how Part A grant amounts are determined. Under subsection (a)(1), the Secretary would be authorized to allocate to each LEA whose application has been approved an amount equal to the product of: (1) the number of Indian children described in section 6102; and (2) the greater of the average per-pupil expenditure of the State in which the agency is located or 80 percent of the average per-pupil expenditure (APPE) in the United States. Subsection (a)(2) would direct the Secretary to reduce the amount of each allocation determined under paragraph (1) in accordance with subsection (e), which would provide for the ratable reduction of allocation in the case of insufficient appropriations.

Subsection (b) would direct the Secretary not to make any grant to an LEA if the amount it would receive is less than $4,000. The Secretary could, however, make a grant to a consortium of LEAs, one or more of which does not qualify for the minimum award, if the total amount that they would receive is at least $4,000; in the aggregate, they meet the eligibility requirement of either section 6102(1) or 6102(2); and the Secretary determines that a grant to the consortium would be effectively used to carry out the purpose of this part. Current law does not establish a minimum amount that an LEA must qualify for. This amendment will help ensure that sufficient funds are provided to each project to make it effective, while allowing for consortium arrangements

between and among LEAs that do not individually qualify for a grant.

Subsection (c) would describe how a State's average per-pupil expenditure is determined for the purpose of this section

Subsection (d) would provide for Part A payments in support of school operated or supported by the Bureau of Indian Affairs (BIA). In addition to the grants to LEAs described above, the Secretary would allocate to the Secretary of the Interior an amount determined by multiplying the total number of Indian children enrolled in schools that are operated or supported (under certain statutes) by the BIA by the greater of the APPE of the State in which the school is located or 80 percent of the APPE in the United States, the same formulation used to compute grants to LEAs.

Subsection (d)(2) would direct the Secretary to transfer the amount so determined, ratably reduced as necessary in light of available funds, to the Secretary of the Interior in accordance with, and subject to, section 9204 of the Act. Section 9204 would provide for the consolidated transfer to, and use of funds by, the Secretary of the Interior under certain programs administered by the Department of Education.

Subsection (e) would provide that if the sums appropriated for any fiscal year under section 6602(a) are insufficient to pay in full the amounts determined for LEAs under subsection (a)(1) and for the Secretary of the Interior under subsection (d), each of those amounts are to be ratably reduced.

Section 6104. Applications. Proposed section 6104(a) of the ESEA would require any LEA that desires to receive a Part A grant to submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

Subsection (b) would require each application to include a comprehensive plan for meeting the needs of Indian children in the LEA, including their language and cultural needs, that: (1) is consistent with, and promotes the goals in, the State and local plans, either approved or being developed, under Title III of the Goals 2000: Educate America Act or, if those plans are not approved or being developed, with the State and local plans under Part A of Title I of the ESEA; and includes academic content and student performance goals for those children, and benchmarks for attaining them, that are based on the challenging State or local standards adopted under Title III of the Goals 2000: Educate America Act or under Title I of the ESEA for all children; (2) explains how Federal, State, and local programs, especially under Title I of the ESEA, will meet the needs of those students; (3) demonstrates how Part A funds will be used for activities authorized by section 6106; (4) describes the professional development to be provided, as needed, to ensure that teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and that all teachers who will be involved in the project have been properly trained to carry it out; and (5) describes how the agency will periodically assess the progress of all Indian children in its schools, including those not participating in Part A programs, in meeting the goals described in paragraph (1); will provide the results of that assessment to the parent committee described in subsection (c)(8) and to the community served by the agency; and is responding to findings of any previous such assessments. These application requirements, which are more comprehensive than those in current law, will provide more guidance to applicants and will promote comprehensive planning by LEAs to meet the needs of Indian children.

Subsection (c) would require each application also to include assurances that: (1) the LEA will use Part A funds only to supplement the level of funds that, in the absence of those Federal funds, the LEA would make available for the education of Indian children, and not to supplant those non-Federal funds; (2) the LEA will submit reports to the Secretary, in the form and containing the information, the Secretary may require to carry out the Secretary's Part A functions and to determine the extent to which Part A funds have been effective in improving the educational achievement of Indian students in the LEA; (3) the program for which assistance is sought will use the best available talents and resources, including persons from the Indian community; (4) the LEA has developed the program in open consultation with parents of Indian children, teachers, and, where appropriate, secondary school Indian students, including holding public hearings at which these persons have had a full opportunity to understand the program and to offer recommendations on it; (5) the LEA has developed the program with the participation and written approval of a committee that is composed of, and selected by, parents of Indian children in the LEA's schools, teachers, and, where appropriate, secondary school Indian students, and of which at least half the members are parents; and (6) the parent committee will adopt and abide by reasonable bylaws for the conduct of its activities.

Subsection (d) would require the LEA to obtain the SEA's comments on its application before submitting its application to the Secretary, and to send the SEA's comments to the Secretary with its application.

Section 6105. Authorized services and activities. Proposed section 6105(a) of the ESEA would require each LEA that receives a Part A grant to use the grant funds for services and activities, consistent with the purpose of Part A, that: (1) are designed to carry out its comprehensive plan for Indian students, described in its application; (2) are designed with special regard for the language and cultural needs of those students; and (3) supplement the regular school program.

Subsection (b) would provide that permissible services and activities include, but are not limited to: (1) early childhood and family programs that emphasize school readiness; (2) enrichment programs that focus on problem-solving and cognitive skills development and that directly support that attainment of challenging State content and student performance standards; (3) integrated educational services in combination with other programs meeting similar needs; (4) school-to-work transition activities to enable Indian students to participate in programs such as those supported by the School-to-Work Opportunities Act of 1993 and the Carl D. Perkins Vocational and Applied Technology Education Act, including tech-prep programs; (5) prevention of, and education about, substance abuse; and (6) acquisition of equipment, but only if it is essential to meet the purpose of Part A.

Subsection (c) would provide that, notwithstanding any other Part A provision, an LEA may use Part A funds to support a schoolwide program under section 1114 of Title I of the Act, in accordance with that section, if the Secretary determines that the LEA has made adequate provision for the participation of Indian children, and the involvement of Indian parents, in the schoolwide program. Current law does not provide this flexibility, which other provisions of the bill would extend to other programs under the ESEA.

Section 6106. Student eligibility forms. Proposed section 6106 of the ESEA would require each LEA that applies for a Part A grant to maintain in its files a form, prescribed by the Secretary, for each Indian child described in section 6102. The form must contain at least the child's name, the name of the Indian tribe or bank of Indians in which membership is claimed, and the parent's signature.

Section 6107. Payments. Proposed section 6107(a) of the ESEA would direct the Secretary to pay each LEA with an approved application the amount determined under section 6103, subject to subsections (b) and (c) of this section.

Subsection (b) would bar the Secretary from making a grant to any LEA in a State that has taken into consideration payments under this part (or under subpart 1 of the Indian Education Act of 1988) in determining the eligibility of the LEA for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

Subsection (c)(1) would bar the Secretary from paying any LEA the full amount determined under section 6103 for any fiscal year unless the SEA notifies the Secretary, and the Secretary determines, that the combined fiscal effort of the LEA and the State with respect to the provision of free public education by the LEA for the preceding fiscal year, computed on either a per-student or aggregate expenditure basis, was at least 90 percentof the combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

Subsection (c)(2) would provide that if the Secretary determines for any fiscal year that an LEA failed to maintain its fiscal effort at the 90 percent level required by paragraph (1), the Secretary shall reduce the amount of the grant that would otherwise be made to the LEA in the exact proportion of that agency's failure to maintain its fiscal effort at that level; and not use the reduced amount of the LEA's expenditures for the preceding year to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1).

Subsection (3) would allow the Secretary to waive the requirement of paragraph (1), for not more than one year at a time, if the Secretary determines that the failure to comply with that requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the LEA's financial resources. The Secretary could not use the reduced amount of the LEA's expenditures for the fiscal year preceding the fiscal year for which a waiver is granted to determine compliance with paragraph (1) for any succeeding fiscal year, but would use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of the waiver.

Subsection (d) would permit the Secretary to reallocate, in the manner the Secretary determines will best carry out the purpose of Part A, any amounts that, based on estimates by LEAs or other information, will not be needed by those LEAs to carry out their approved Part A projects or that otherwise become available for reallocation.

Part B—Discretionary programs to improve educational achievement of Indian children

Section 6201. Grants to Indian-controlled schools. Proposed section 6201(a) of the ESEA

would state that the purpose of section 6201 is to support Indian-controlled schools by providing assistance to: (1) help Indian-controlled schools get started and established; and (2) pay for supplemental services that will enable Indian students to meet the same challenging State performance standards that all students will be expected to meet and assist the Nation in reaching the National Education Goals.

Subsection (b) would permit Indian tribes and Indian organizations to apply under this section for grants for schools for Indian children.

Subsection (c) would direct the Secretary, in making grants under section 6201, to give priority to applicants that are starting new schools with the approval of the Bureau of Indian Affairs or are in the process of gaining control over a school operated by the BIA. To qualify for this priority, an applicant would have to demonstrate to the Secretary's satisfaction that the school for which assistance is sought will receive funds under the Indian school equalization program established under the Education Amendments of 1978 within three years of the beginning of its proposed project, and have been under the control of the applicant for less than three years as of the beginning of its proposed project.

Subsection (d) would require recipients of grants under this section to use grant funds to carry out projects and activities that meet the purpose of this section, such as student assessments, curriculum development, staff development, and community orientation.

Section 6202. Demonstration grants. Proposed section 6202(a)(1) of the ESEA would state that the purpose of this section is to support projects that are designed to develop, test, and demonstrate the effectiveness of services and programs to improve educational achievement of Indian children. Current law authorizes several types of discretionary grants, but, in practice, there is very little difference among them. Section 6202(a) streamlines the current system by combining these various categories into one authority, and emphasizes the demonstration nature of authorized projects.

Subsection (a)(2) would require the Secretary to ensure that demonstration projects under section 6202 are coordinated with related projects under other ESEA provisions.

Subsection (b) would permit SEAs, LEAs, Indian tribes, Indian organizations, and institutions of higher education, including Indian institutions of higher education, to apply for grants under this section.

Subsection (c) would require recipients of grants under this section to use the grant funds to carry out projects and activities that meet the purpose of this section, such as: (1) instruction to raise the achievement of Indian children in one or more of the core curriculum areas of English, mathematics, science, foreign languages, arts, history, and geography; (2) programs designed to reduce the incidence of students dropping out of school and to increase the rate of high school graduation; (3) partnership projects between LEAs and institutions of higher education that allow high school students to enroll in courses at the postsecondary level to aid them in the transition from high school to postsecondary education; (4) partnership projects between schools and local businesses forschool-to-work transition programs designed to provide Indian youth with the knowledge and skills they need to make an effective transition from school to a first job in a high-skill, high-wage career; (5) family-based preschool programs that emphasize school readiness and parenting skills; (6) programs designed to encourage and assist Indian students to work toward, and gain entrance into, institutions of higher education; and (7) programs to meet the needs of gifted and talented Indian students.

Subsection (d) would require an eligible entity that desires to receive a grant under this section to submit an application to the Secretary at such time and in such manner as the Secretary may require. The application would have to contain a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the project for which assistance is sought; an assurance that the applicant will participate, at the request of the Secretary, in any national evaluation of projects under this section; and such other assurances and information as the Secretary may require.

Part C—Professional development and adult education programs

Section 6301. Professional development. Proposed section 6301(a) of the ESEA would state that the propose of this section is to increase the number of qualified Indian persons in professions serving Indian people.

Subsection (b) would authorize applications from institutions of higher education, including Indian institutions of higher education; SEAs and LEAs, in consortium with institutions of higher education; and Indian tribes and Indian organizations, in consortium with institutions of higher education.

Subsection (c) would require each recipient of a grant under this section to use the grant funds to provide training to Indian persons, consistent with the purpose of this section. For teachers, counselors, and other education professionals, this training must consist of pre-service or in-service professional development. For those being trained in other fields, this training must be in programs that result in graduate degrees.

Subsection (d) would direct the Secretary to ensure that at least 50 percent of the funds appropriated to carry out this section for any fiscal year are used for training of educational personnel

Subsection (e) would authorize project periods under this section of up to five years.

Subsection (f) would permit the Secretary, by regulation, to require that individuals who receive training under this section perform related work following that training or repay all or part of the cost of the training.

Under the current fellowship program, individuals apply directly to the Secretary for awards. Under section 6301, the Secretary would, instead, support the professional development of individuals through grants to institutions, tribes, and Indian organizations that would select fellowship recipients.

Section 6302. Adult education. Proposed section 6302(a) would state that the purpose of this section is to improve educational and employment opportunities for Indian adults who lack the level of literacy skills, quantitative skills, and knowledge that they need to enjoy more fully the benefits and responsibilities of effective citizenship and productive employment by supporting projects that provide them sufficient high-quality education to enable them to benefit from job training and retraining programs and to obtain and retain productive employment; and to enable Indian adults who so desire to continue their education through the high school level and beyond.

Subsection (b) would permit Indian tribes, Indian organizations, Indian institutions of higher education, and other public and non-profit private agencies and organizations to apply for grants under this section.

Subsection (c) would require each recipient of a grant under this section to provide adult education, as defined in section 6601(2), to Indian adults in a manner that supplements State funds expended for adult education for Indian adults; coordinate its project with other adult education programs, if any, in the same geographic area, including programs funded under the Adult Education Act and programs operated or funded by the Bureau of Indian Affairs; and collect, evaluate, and report on data concerning such matters as the Secretary may require, including the number of participants, the effect of the project on the subsequent work experience of participants, the progress of participants in achieving literacy, and the number of participants who pass high school equivalency examinations.

Part D—National Activities and Grants to States

Section 6401. National activities. Proposed section 6401(a) would authorize the Secretary to: (1) conduct research related to effective approaches to the education of Indian children and adults; (2) evaluate federally assisted education programs from which Indian children and adults may benefit; (3) collect and analyze data on the educational status and needs of Indians; and (4) carry out other activities consistent with the purpose of Title VI.

Subsection (b) would authorize the Secretary to carry out any of the activities described in subsection (a) directly or through grants to, or contracts or cooperative agreements with, Indian tribes, Indian organizations, SEAs, LEAs, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions.

Section 6402. Grants to States. Proposed section 6402(a) of the ESEA would state that the purpose of this section is to assist States in implementing comprehensive, Statewide strategies for providing Indian children and adults with greater opportunities to meet challenging State standards.

Subsection (b) would make a State eligible for a grant under this section if it has a State plan for systemic education reform in the State that, in the Secretary's judgment: (1) effectively provides for the education of Indian children and adults; and (2) is integrated with the State's plan, either approved or being developed, under Title III of the Goals 2000: Educate America Act, and satisfies the requirements of section 6402 that are not already addressed by that State plan; or if the State does not have an approved plan under Title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under the ESEA.

Subsection (c) would direct the Secretary to make a grant to each SEA in an eligible State whose application for assistance has been approved. The Secretary would be authorized to determine the amount of each State's grant on the basis of the number of Indian individuals in the State, as determined on the basis of the most recent available data satisfactory to the Secretary; the comprehensiveness and quality of the State's plan; the State's commitment to high-quality education programs for Indian children and adults; and other factors that the Secretary finds appropriate. Each State would receive at least $50,000 or five percent of the total amount paid to LEAs in the State for that fiscal year under Part A, whichever amount is greater.

Subsection (d) would require each State that receives a grant under this section to use the grant funds for activities to meet the purpose of this section, including: (1) reviewing LEA applications under Part A; (2) collecting data; (3) providing technical assistance to LEAs; (4) measuring the achievement of Indian students against the standards set out in the State's plan described in subsection (b); and (5) carrying out other activities and providing other services designed to build the capacity of the State to serve the educational needs of Indian children and adults.

Subsection (e) would require a State that desires to receive a grant under this section to submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require, including an assurance that the State will submit to the Secretary, every two years, a report on its activities under this section containing such data and other information as the Secretary may require.

Current law does not provide for any State involvement in the Indian education program to be reauthorized as Title VI of the ESEA. Section 6402 would strengthen the role and responsibility of States in providing high-quality education for Indian students by requiring SEAs to review LEA applications for formula grants under Part A, and by providing funding under this section for various State-level activities directly related to the education of Indian children and adults.

Part E—Federal administration

Section 6501. Office of Indian Education. Proposed section 6501(a) of the ESEA would require that there be an Office of Indian Education (the Office) in the Department of Education.

Subsection (b) would provide that the Office shall be under the direction of a Director, who shall be appointed by the Secretary and who shall report directly to the Assistant Secretary for Elementary and Secondary Education. The Director would be responsible for administering the Indian Education Act; be involved in, and be primarily responsible for, the development of all policies affecting Indian children and adults under programs administered by the Office of Elementary and Secondary Education; and coordinate the development of policy and practice for all programs in the Department relating to Indian persons. The Director of the Office would also have to be a member of the career Senior Executive Service.

Subsection (c) would require the Secretary to give a preference to Indian persons in all personnel actions in the Office. This preference would be implemented in the same fashion as section 2609 of the Revised Statutes in section 45 of Title 25 of the U.S. Code.

Section 6502. National Advisory Council on Indian Education. Proposed section 6502(a) of the ESEA would continue the requirement that there be a National Advisory Council on Indian Education (the Council), consisting of 15 Indian members appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations, and representing different geographic areas of the country.

Subsection (b) would direct the Council to: (1) advise the Secretary on the funding and administration, including the development of regulations and of administrative policies and practices, of any program, including programs under the Indian Education Act, for which the Secretary is responsible and in which Indian children or adults participate or from which they can benefit; (2) make recommendations to the Secretary for filling the Director's position whenever a vacancy occurs in that position; and (3) submit to the Congress, by June 30 of each year, a report on its activities, including any recommendations it finds appropriate for the improvement of Federal education programs in which Indian children or adults participate, of from which they can benefit, and its recommendations on the funding of any of those programs.

Section 6503. Peer review. Proposed section 6503 of the ESEA would permit the Secretary to use a peer review process to review applications under Parts B, C, and D of Title VI.

Section 6504. Preference for Indian applicants Proposed section 6506 of the ESEA would require the Secretary to give a preference to Indian tribes, Indian organizations, and Indian institutions of higher education under any program under Parts B and C for which they are eligible to apply.

Section 6505. Minimum grant criteria. Proposed section 6505 of the ESEA would require that the Secretary, in making grants under Parts B and C, approve only projects that are of sufficient size, scope, and quality to achieve the purpose of the section under which assistance is sought, and are based on relevant research findings.

Part F—Definitions; authorizations of appropriations

Section 6601. Definitions. Proposed section 6601 of the ESEA would define "adult", "adult education", "free public education", and "Indian", as used in Title VI.

Section 6602. Authorizations of appropriations. Proposed section 6602(a) of the ESEA would authorize the appropriation of such sums as may be necessary to carry out the various parts of Title VI for each of the fiscal years 1995 through 1999.

ESEA, TITLE VII—BILINGUAL EDUCATION PROGRAMS

Title VII of the ESEA would reauthorize the bilingual education programs currently authorized in Title VII of the ESEA. While a number of the current requirements of the program have been retained, the proposed new Title VII would make significant changes, including: (1) providing a new comprehensive definition of "bilingual education program" to replace the six separate program definitions in the current law; (2) correspondingly, revising the often confusing structure and funding arrangements for those separate programs, in order to be more equitable and efficient; (3) emphasizing the goal of helping limited English proficient students to develop proficiency both in English and, to the extent possible, their native language; (4) requiring program coordination and consistency with State plans under Goals 2000: Educate America Act or with other appropriate State plans; (5) emphasizing the need for limited English proficient students to achieve the same challenging State standards as those required for all students; (6) revising the SEA grant program to encourage SEAs to take a more substantive role in building LEAs' capacity to operate bilingual education programs; and (7) revising the emergency immigrant education program to provide more help at the local level and greater coordination with bilingual education.

Section 7001. Proposed section 7001 of the ESEA would set forth the finds of the bilingual and emergency immigrant education programs. The findings under the current law have been revised to summarize the accomplishments and improvement needs of the programs, and to highlight the proposed changes to the programs.

Section 7002. Policy; authorization of appropriations. Proposed section 7002(a) of the ESEA would state that it is the policy of the United States to assist SEAs and LEAs to: (1) build their capacity to provide programs of instruction for limited English proficient children and youth that develop their English and, to the extent possible, their native language skills; (2) educate them to meet the same rigorous standards for academic performance expected of all children and youth, including meeting challenging State performance standards in academic areas; and (3) develop bilingual and multi-cultural understanding.

Section 7002(b) would authorize, for the purpose of carrying out this Title except for Part D, such sums as may be necessary for each of the fiscal years 1995 through 1999. It would also authorize, for the purpose of carrying out Part D, such sums as may be necessary for each of the fiscal years 1995 through 1999.

Section 7003. Definitions. Section 7003 would provide definitions for the following terms:

A "bilingual education program" would be defined to mean a program of instruction designed specifically for limited English proficient children and youth that helps them develop proficiency in English and, to the extent possible, the native language, and achieve to high academic standards. Such a program may be conducted in English, or both languages, except that all bilingual education programs must develop proficiency in the English language. Native language use in such a program can be for the purpose of facilitating the acquisition of English, and developing overall linguistic competence, as well as competence in the academic curriculum. Such a program may also include activities designed to help the parents of limited English proficient children and youth participate in the education of their children. Finally, English proficient children and youth may participate so long as the program's primary purpose is to benefit limited English proficient children and youth.

"Children and youth" would be defined to mean individuals age three through twenty.

"Director" would be defined to mean the Director of the Office of Bilingual Education and Minority Language Affairs.

"Immigrant children and youth" would be defined to mean individuals who are age three through twenty-one, were not born in any State, and have not been attending one or more schools in any one or more States for more than 12 months.

"Limited English proficiency" and "limited English proficient" would be defined to mean an individual who: (1) was not born in the United States or whose native language is other than English; (2) comes from an environment where a language other than English is dominant; or (3) is an American Indian or Alaska Native and comes from an environment where a language other than English has had a significant impact on his or her level of English language proficiency, and by reason thereof, has sufficient difficulty reading, writing, or understanding the English language to deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English.

"Native language" would be defined to mean the language normally used by a limited English proficient individual or, in the case of a child or youth, the language normally used by the parents of the child or youth.

"Other programs for persons of limited English proficiency" would be defined to mean any programs administered by the Secretary of Education that directly involve bilingual education activities serving limited English proficient persons.

Section 7004. Indian children in school. Proposed section 7004 of the ESEA would state that elementary and secondary schools operated predominantly for Indian or Alaska native children or youth, an Indian tribe, a tribally sanctioned education authority, or an elementary and secondary school operated or funded by the Bureau of Indian Affairs would be considered to be an LEA for the purpose of this title. This section would also define the terms "Indian tribe" and "tribally sanctioned authority".

Part A—Financial Assistance for Bilingual Education.

Section 7101. Financial assistance for bilingual education. Proposed section 7101 of the ESEA would set out the types of grant awards available to LEAs to support programs of bilingual education and other related requirements, as described below.

Section 7101(a) would state that the purpose of Part A is to authorize grants to assist LEAs to develop and enhance their capacity to provide high-quality instruction to limited English proficient children and youth and to help such children and youth develop proficiency in English, and to the extent possible, their native language, and to meet the same challenging State performance standards expected for all children and youth as required by section 1111(b) of the ESEA.

Section 7101(b) would authorize the Secretary to award Enhancement Grants, for a period of up to two years, to LEAs for the following purposes: (1) developing new bilingual education programs; (2) enhancing or expanding existing programs to meet new conditions, such as the need to serve additional language groups or different age or grade levels; and (3) meeting the short term need of LEAs without bilingual education programs to serve the needs of limited English proficient children and youth.

Section 7101(c) would authorize the Secretary to make Comprehensive School Grants, for a period of up to five years, to LEAs for the purpose of implementing school-wide bilingual education programs that would serve limited English proficient children and youth in schools with significant concentrations of such children and youth.

Section 7101(d) would authorize the Secretary to make Comprehensive District Grants, for a period of up to five years, to LEAs for the purpose of implementing district-wide bilingual education programs that serve limited English proficient children and youth in districts with significant concentrations of such children and youth.

Section 7101(e)(1) would authorize recipients to use funds awarded under subsections (b), (c), and (d) for:

(1) identification and acquisition of curricular materials, educational software, and technologies to advance the education of limited English proficient children and youth; (2) parent outreach and training activities; (3) salaries of personnel, including teacher aides; (4) tutorials and academic or career counseling; and (5) other activities approved by the Secretary.

Section 7101(e)(2) would authorize recipients under subsections (c) and (d), in addition to the allowable activities described in subsection (e)(1), to use funds for: (1) preservice and in-service professional development of staff participating, or preparing to participate in the program, including those not directly participating in the bilingual instruction program, if such activities will help accomplish the purpose of this title; and (2) during the first 12 months of such a grant, engage exclusively in activities preparatory to the delivery of services, including program design, materials and procedures development, and activities to involve parents in the education program and to enable them and other family members to assist in the education of limited English proficient children and youth.

Section 7101(f) would require the Secretary, to the extent feasible, to make awards under section 7101 in a manner that reflects the geographic distribution of limited English proficient children and youth throughout the Nation.

Section 7101(g) would require an LEA desiring to receive a grant under this section to submit, through its SEA, an application to the Secretary. Subsection (g)(2) would require all applications under this section to describe: (1) the need for the proposed program, including data on the number of limited English proficient children and youth in the school or district to be served and their characteristics; and (2) the program to be implemented and how its design relates to the linguistic and academic needs of the limited English proficient children and youth to be served, and is consistent with and promotes the goals in its plan under Title III of the Goals 2000: Educate America Act, if such plan exists, and its plan under section 1112 of the ESEA, particularly as those plans relate to the education of limited English proficient children and youth. Subsection (g)(2) would also require that an applicant provide an assurance that the level of State and local funds expended on bilingual education will not be reduced if it receives an award.

Section 7101(g)(3) would require an applicant for a grant under subsections (c) and (d), in addition to meeting the requirements noted above, to also describe: (1) the current services it provides to limited English proficient children and youth; (2) the services that limited English proficient children and youth would receive under the grant that they are not now receiving; (3) how funds received under subsections (c) and (d) would be integrated with all other Federal, State, local, and private resources; and (4) specific achievement and school retention goals for the children and youth to be served by the proposed program and how progress toward achieving those goals will be measured. Subsection (g)(3) would also require an applicant for grants under subsections (c) and (d), in addition to providing the assurances noted above, to assure that: (1) the program funded under a Comprehensive School Grant will serve all (or virtually all) of the limited English proficient children and youth in the participating school, or, that the program funded under a Comprehensive District Grant will serve a significant number of the limited English proficient children and youth in the participating district; (2) the program funded will be integrated with the overall education program; and (3) the application has been developed in consultation with an advisory council, the majority of whose members are parents and other representatives of the children and youth to be served by this program.

Section 7101(h) would prohibit more than 25 percent of the total amount of funds that the Secretary awards under subsection (b) for any fiscal year to be used to fund bilingual education programs that do not use the negative language, and would more than 25 percent of the total amount of funds that the Secretary awards under subsection (c) for any fiscal year from being used to fund bilingual education programs that do not use the native language.

Section 7101(i) would require, in order for an eligible applicant to apply for funds under this part, its SEA to review such application for funds and provide the Secretary with timely comments on the need within the State for the proposed program and whether the proposed program is consistent with the State's plan, either approved or being developed, under Title III of the Goals 2000: Educate America Act, or, if the State does not have an approved plan under Title III of the Goals 2000: Educate America Act and is not developing such a plan, with the State plan under section 1111 of the ESEA.

Section 7101(j) would require each recipient of a grant under section 7101 to use its grant in ways that will build its capacity to continue to offer high quality bilingual education programs and services to limited English proficient children and youth once Federal assistance is reduced or eliminated. Section 7101(j) would require the Secretary, in making awards under this part for any fiscal year and consistent with the quality of applications and the amount of funds available under this part, to increase the amount of funds used to support grants under subsections (c) and (d) over the amount allotted to subsections (c) and (d) and in previous fiscal year.

Section 7101(k) would authorize an LEA that receives a grant under this section to collaborate or form a consortium with one or more LEAs, IHEs, and non-profit organizations to carry out the approved program.

Section 7101(l) would authorize an LEA that receives a grant under this section, with the approval of the Secretary, to make a subgrant to, or enter into a contract with, an institution of higher education, a non-profit organization, or a consortium of such entities to carry out an approved program, including a program to serve out-of-school youth.

Section 7101(m) would require that parents of limited English proficient children and youth identified for enrollment in bilingual education programs shall be informed by their school district of the benefits and nature of bilingual education and of instructional alternatives and the reasons for the selection of their child as being in need of bilingual education. This subsection also provides that parents must be informed that they have the option of declining enrollment of their child in bilingual education. A decision by a parent to decline enrollment in bilingual education would not, however, relieve an LEA of its obligations under Title VI of the Civil Rights Act of 1964. Parents would have to receive, in a manner and form understandable to them, including, if necessary and to the extent feasible, in their native language, the information required by this subsection. At a minimum, parents would have to receive: (1) timely information about projects funded under this Part; and (2) if the parents of participating children so desire, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from such parents.

Section 7101(n) would provide that programs authorized under section 7101 in the Commonwealth of Puerto Rico may include programs of instruction, teacher training, curriculum development, evaluation, and testing designed for children and youth of limited Spanish proficiency.

Part B—Research and Evaluation

Section 7201. Use of funds. Proposed section 7201 of the ESEA would state that the Secretary is authorized to conduct data collection, dissemination, research, and evaluation activities for the purpose of improving bilingual education programs for limited English proficient children and youth.

Section 7202. Research. Proposed section 7202(a) of the ESEA would authorize the Secretary to make grants and award contracts and cooperative agreements for research and evaluation activities related to improving and maintaining high quality of bilingual education programs. Section 7202(b) would require the Secretary to consult with agencies and organizations engaged in bilingual education research and practice, or related research, to identify areas of study to be funded under this section.

Section 7203. Academic excellence awards. Proposed Section 7203(a) of the ESEA would authorize the Secretary to make grants to, and enter into contracts and cooperative agreements with, LEAs, non-profit organizations, and IHEs to promote the adoption and implementation of bilingual education programs that demonstrate great promise of assisting children and youth of limited English proficiency to meet challenging State standards.

Section 7203(b) would require an entity desiring an award under this section to submit an application to the Secretary. The Secretary, in reviewing these applications, would be required to use a peer review process that applies effectiveness criteria prescribed by the Secretary.

Section 7203(c) would require funds under this section to be used to enhance the capacity of States and local education agencies to provide high quality academic programs for children and youth of limited English proficiency, which may include completing the development of such programs, professional development of staff participating in bilingual education programs, sharing strategies and materials, and supporting professional networks.

Section 7203(d) would require recipients of funds under this section to coordinate their activities with those carried out by the comprehensive regional centers under section 2205 of the ESEA.

Section 7204. State grant program. Proposed section 7204(a) of the ESEA would authorize the Secretary to make an award to an SEA that demonstrates, to the satisfaction of the Secretary, that its approved plan under Title III of Goals 2000: Educate America Act (by amendment, if necessary), if such plan exists, or, if such plan does not exist, its plan under section 1111 of the ESEA, effectively provides for the education of children and youth of limited English proficiency within the State.

Section 7204(b) would limit the amount paid to an SEA under subsection (a) to an amount not to exceed 10 percent of the total amount awarded to LEAs in the State under Part A of this Title for the previous fiscal year, if the State submits to the Secretary a plan that: (1) is integrated with the State's plan, either approved or being developed, under Title III of Goals 2000: Educate America Act, and satisfies (by amendment, if necessary) the requirements of this section that are not already addressed by that State plan; or (2) if the State does not have an approved plan under Title III of Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under the ESEA.

Section 7204(c) would authorize an SEA to use program funds to: (1) assist LEAs in the State with program design, capacity building, assessment of student performance, and program evaluation; (2) operate a bilingual education advisory panel; and (3) collect data concerning limited English proficient children and youth. This subsection would also prohibit recipients of awards under this section from restricting the provision of services under this section to Federally-funded programs.

Section 7204(d) would require each SEA receiving funds under this section to appoint a broad-based bilingual education advisory panel to develop and recommend to the SEA guidelines for reviewing, and providing the Secretary with comments regarding, applications from within the State for funds under Parts A and C of this Title.

Section 7204(e) would require an SEA desiring to receive an award under this section to submit an application to the Secretary.

Section 7205. National Clearinghouse for Bilingual Education. Proposed section 7205 of the ESEA would require the Secretary to establish and support the operation of a National Clearinghouse for Bilingual Education, which shall collect, analyze, synthesize, and disseminate information about bilingual education. The National Clearinghouse for Bilingual Education would be required to: (1) coordinate its activities with other Federal data and information clearing houses and dissemination networks and systems; and (2) develop a data base management and monitoring system for improving the operation and effectiveness of funded programs.

Section 7206. Evaluations. Proposed section 7206(a) of the ESEA would require each recipient of funds under Part A to provide the Secretary, every two years, with an evaluation, in the form prescribed by Secretary, of its program. Such evaluation would have to be used by the grantee for program improvement, to further define the local program's goals and objectives, and to determine program effectiveness. Section 7206(a) would also require such evaluations to include: (1) student outcome indicators that measure progress toward the performance standards set out in the State's plan, either approved or being developed, under Title III of Goals 2000: Educate America Act, or, if the State does not have an approved plan under Title III of Goals 2000: Educate America Act and is not developing such a plan, with the State plan approved or being developed under section 1111 of the ESEA; (2) program implementation indicators that provide information for informing and improving program management and effectiveness; (3) program context indicators that describe the relationship of the activities funded under the grant to the overall school program and other Federal, State, or local programs serving limited English proficient children and youth; and (4) other information required by the Secretary.

Section 7206(b) would require each recipient of funds under Part C to provide the Secretary with an evaluation of its program, every two years, that includes data on post-placement of persons trained, how the training relates to the employment of persons served by the program, program completion, and other information required by the Secretary.

Part C—Professional development

Section 7301. Purpose. Proposed section 7301 of the ESEA would state that the purpose of Part C is to improve the quality of instruction for limited English proficient children and youth in two ways. First, through professional development programs designed: (1) for persons preparing to serve limited English proficient children and youth; (2) to improve the skills of persons currently serving limited English proficient children and youth; and (3) for other staff in schools serving limited English proficient children and youth. Second, by disseminating information on appropriate instructional practices and activities for limited English proficient children and youth to other school personnel, including teachers not currently serving such children and youth.

Section 7302. Professional development grants. Proposed section 7302(a) of the ESEA would authorize the Secretary to make grants to IHEs for: (1) pre-service and in-service professional development for individuals who either are involved in, or preparing to be involved in, the education of limited English proficient children and youth; and (2) national professional development institutes that assist schools or departments of education in institutions of higher education to improve the quality of professional development programs for personnel serving, preparing to serve, or who may serve, limited English proficient children and youth.

Section 7302(b) would authorize the Secretary to make grants to SEAs and LEAs for in-service professional development programs that prepare current school personnel to provide effective services to limited English proficient students.

Section 7302(c) would authorize awards under section 7302 to be used to develop a program participant's competence in a second language.

Section 7302(d) would require an IHE, LEA, or SEA desiring an award under this section to submit, through its SEA, an application. Each application would have to contain a description of how the applicant has consulted with, and assessed the needs of, public and private schools serving limited English proficient children and youth to determine their need for and the design of the program for which the funds are sought. Each application for a grant under this section from an applicant who proposes to conduct a masters or doctoral level program with funds received under this section would be required to provide an assurance that such a program will include, as a part of the program, a training practicum in a local school program serving limited English proficient children and youth. The practicum requirement could be waived by a grantee if the degree candidate has significant experience in a local school program serving limited English proficient children and youth. Also, section 7302(d)(4) would require, in order for an eligible applicant to apply for funds under this part, its SEA to review such application for funds and provide the Secretary with timely comments on the need within the State for the proposed program and whether the proposed program is consistent with the State's plan, either approved or being developed, under Title III of the Goals 2000: Educate America Act, or, if the State does not have an approved plan under Title III of the Goals 2000: Educate America Act and is not developing such a plan, with the State plan under section 1111 of the ESEA and section 2125 of this Act.

Section 7303. Fellowships. Proposed section 7303(a) of the ESEA would authorize the Secretary to award fellowships for masters, doctoral, and post-doctoral study related to instruction of limited English proficient children and youth in such areas as teacher training, program administration, research, evaluation, and curriculum development, and for the support of related dissertation research.

Section 7303(b) would require any person receiving a fellowship under this section to agree to work in an activity related to the program, or in an activity such as those authorized under the program, for a period of time equivalent to the period of time during which such person received assistance under this section, or to repay that assistance. Section 7303(b) would also require the Secretary to establish, in regulations, the terms and conditions for granting a waiver of this requirement in extraordinary circumstances.

Section 7304. Stipends. Proposed section 7304 of the ESEA would require the Secretary to provide for the payment of stipends, that the Secretary considers appropriate, to persons participating in training programs under this Part.

Part D—Emergency Immigrant Education Program

Section 7401. Purpose. Proposed section 7401 of the ESEA would state that the purpose of Part D is to assist eligible State and local educational agencies that experience unexpectedly large increases in their student population due to immigration to: (1) provide high-quality instruction to immigrant children and youth; and, (2) help such children and youth with their transition into American society, and meet the same challenging State performance standards expected of all children and youth.

Section 7402. Emergency immigrant education grants. Proposed section 7402(a) of the ESEA would authorize the Secretary to make grants, for a period of up to two years, to eligible local educational agencies to: (1) develop new instructional programs for immigrant children and youth; (2) enhance or expand existing instructional programs for immigrant children and youth; and (3) meet the short-term needs of local educational agencies without instructional programs for immigrant children and youth.

Section 7402(b) would state that, for the purpose of this Part, an eligible local educational agency is a local educational agency that has enrolled, in the aggregate, over the current school year and the preceding school year at least 1000 immigrant children and youth, or immigrant children and youth in numbers that represent at least 10 percent of the local educational agency's total enrollment.

Section 7402(c) would require an eligible local educational agency desiring to receive a grant under this Part to submit an application to the Secretary. Each application would be required to describe: (1) the need for the proposed program, including data on the number of the immigrant children and youth in the districts to be served and their characteristics, such as language spoken, dropout rates, proficiency in English and the native language, and academic standing in relation to their English proficient peers; and (2) the program to be implemented and how its design relates to the linguistic and academic needs of the immigrant children and youth to be served, and is consistent with, and promotes the goals in, its plan under Title III of Goals 2000: Educate America Act, if such plan exists, and its plan under section 1112 of the ESEA. Each application would also have to provide an assurance that the applicant will not reduce the level of State and local funds that it expends for instructional programs for immigrant children and youth if it receives an award under this Part.

Section 7402(d) would require funds awarded under this Part to be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include: (1) parent outreach and training activities designed to assist parents to become active participants in the education of their children; (2) salaries of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth; (3) tutorials and academic or career counseling for immigrant children and youth; (4) identification and acquisition of curricular materials, educational software, and technologies to be used in the program; and (5) such other related activities that the Secretary may authorize.

Section 7402(e) would authorize an LEA that receives a grant under this Part to collaborate or form a consortium with one or more LEAs, IHEs, and non-profit organizations to carry out the approved program.

Section 7402(f) would authorize an LEA that receives a grant under this Part, with the approval of the Secretary, to make a subgrant to, or enter into a contract with, an IHE, a non-profit organization, or a consortium of such entities to carry out an approved program, including a program to serve out-of-school youth.

Part E—Administration

Section 7501. Coordination with related programs. Proposed section 7501 of the ESEA would state that, to maximize the effectiveness of Federal efforts to serve the educational needs of limited English proficient children and youth, the Secretary shall coordinate and ensure close cooperation with other programs administered by the Department of Education.

Section 7502. Report on bilingual education. Proposed section 7502 of the ESEA would require the Secretary, within three years of the date of enactment of the Improving America's Schools Act of 1993, and every third year thereafter, to submit to the Congress a report on the condition of bilingual education, including certain specified information.

Section 7503. State educational agency recommendations; peer review. Proposed section 7503(a) of the ESEA would require the Secretary, in making awards under Parts A and C of this Title, to take SEA recommendations into account.

Section 7503(b) would authorize the Secretary, in making funding decisions under Parts A, C, and D of this Title and continuation grants under Part A and C of this Title, to solicit recommendations from peer review panels composed of individuals experienced in aspects of the education of limited English proficient and immigrant students. Section 7503(b) would also authorize the Secretary to use up to .2 percent of the funds appropriated for each fiscal year for programs authorized under Title VII for peer review.

Part F—Special rule

Section 7601. Special rule. Section 7601 would state that, notwithstanding any other provision of Title VII, no recipient of a grant under Title VII of this Act as in effect prior to the enactment of the Improving America's Schools Act of 1993, shall be eligible for fourth- and fifth-year renewals authorized by section 7021(d)(1)(C) of this Title as in effect prior to such enactment.

ESEA, TITLE VIII—IMPACT AID

Proposed Title VIII of the ESEA would amend and replace, in its entirety, the Act of September 30, 1950 (Public Law 81-874, "the Act"), which authorizes maintenance and operations assistance to LEAs serving federally connected children or affected by various Federal activities. A complete restatement of the Impact Aid statute is appropriate because the current Act is needlessly complex, contains numerous obsolete provisions, and authorizes certain types of financial assistance that are no longer warranted. The bill would substantially simplify the Impact Aid statute, while retaining its basic features and structure.

Other provisions of the bill would repeal P.L. 81-874 and the other Impact Aid statute, P.L. 81-815, which authorizes various construction assistance to LEAs affected by Federal activities. Certain features of that statute would be retained in the new Title VIII of the ESEA.

Finally, Title VIII would not include authority like that in current section 6 of P.L. 81-874, which authorizes the Secretary to make arrangements for the education of children residing on Federal property when State and local funds cannot be spent for this purpose or no LEA is able to provide a suitable free public education. For several years, section 6 has been administered by the Department of Defense (DOD), rather than the Department of Education, and DOD will submit separate legislation to continue its authority in this area.

Section 8001. Findings. Proposed section 8001 of the ESEA would state the congressional findings that: (1) certain activities of the Federal Government place a financial burden on the LEAs serving areas where such activities are carried out; and (2) it is the shared responsibility of the Federal Government, the States, and LEAs to provide for the education of children connected to those activities. These findings clarify and otherwise improve on language in section 1(a) of the current Act.

Section 8002. Purpose. Proposed section 8002 of the ESEA would state that, in order to fulfill the Federal responsibility to assist with the provision of educational services to federally connected children, and to help them meet challenging State standards, it is the purpose of Title VIII to provide financial assistance to LEAs that: (1) educate children who reside on Federal property and whose parents are employed on Federal property; (2) experience sudden and substantial increases in enrollments because of military realignments; or (3) need assistance with capital expenditures for construction activities because of the enrollments of substantial numbers of children who reside on Indian lands.

This statement of purpose replaces language in section 1(a) (1) through (4) of the current Act and reflects such significant features of the bill as the termination of payments under current section 2 (Federal property) and section 3(b) (children who either live on Federal property or whose parents work on Federal property, but not both); new authority to make payments for substantially increased enrollments caused by consolidation of military bases; and the replacement of the school construction program under Public Law 81-815 with a new program for the support of construction activities in Title VIII.

Section 8003. Payments for eligible children. Proposed section 8003(a) of the ESEA would describe the federally connected children on behalf of whom the Secretary would make payments to LEAs. For each fiscal year, the Secretary would determine the number of children who were in average daily attendance (ADA) in the schools of those LEAs, and for whom those LEAs provided free public education, during the preceding school year and who, while in attendance at those schools: (1) resided on Federal property with a parent employed on Federal property located, in whole or in part, within the boundaries of the school district of such agency; (2)

resided on Federal property and had a parent on active duty in the uniformed services (defined in section 101 of Title 37, United States Code, to include each of the Armed Forces, the National Oceanic and Atmospheric Administration, and the Public Health Service); or (3) resided on Indian lands, as defined in section 8012(6) of Title VIII.

The revised Impact Aid statute would not authorize payments to LEAs on behalf of children who either reside on, or whose parents are employed on, Federal property, but not both; or who have a parent on active duty in the military, but do not reside on Federal property. These so-called "b" children are not a significant burden to the districts that educate them. Section 8003(a) (current section 3(a)) would also exclude from eligibility children whose parents cross LEA lines to work on Federal property elsewhere in the same State. The presence of these children has no greater adverse impact on the local tax base than the employment of a child's parent on private property outside the LEA, and does not warrant Federal assistance.

Subsection (a) would base the count of federally connected children, from which an LEA's payment is computed, on the ADA of those children in the year preceding the year for which the Secretary makes the payment. The Act currently bases the child count on the current fiscal year. This change will enhance LEA planning and will enable the Secretary to make full payments to LEAs earlier in the school year than is possible under the current Act. Conforming language would be included in other provisions of Title VIII.

Subsection (b) would establish a formula for determining the amount of Impact Aid funds for which each LEA would be eligible. This simplified formula would be a major improvement over the extremely complex approach, involving special payment provisions for numerous categories of children and LEAs, in the current Act.

Under subsection (b)(2), the amount for which an LEA would be eligible would be determined by multiplying the following three figures: (1) the total number of federally connected children determined under subsection (a) for the LEA, with each child residing on Indian lands counted as 1.25 children; (2) the average per-pupil expenditure (APPE) of LEAs in the State for the third preceding fiscal year; and (3) the local contribution percentage for the third preceding fiscal year. The Secretary would determine the APPE and the local contribution percentage in accordance with the definitions of those terms in sections 8012(2) and 8012(7), respectively. The additional weight attached to children residing on Indian lands, which is comparable to the treatment of these children under the current Act, recognizes the generally high costs incurred by, and the scarce fiscal resources available to, LEAs serving those children.

Section 8003 would not retain the current LEA eligibility threshold of 400 federally connected children or three percent of the LEA's ADA. This will allow any LEA with federally connected children (i.e., "a" children) to receive a payment, and will ensure that the many LEAs that currently rely on a combination of "a" and "b" children to meet that threshold will continue to be compensated for their "a" children.

Subsection (b)(3) would direct the Secretary to ratably reduce the annual payment to each LEA if the amount appropriated for those payments is insufficient to pay each LEA the full amount for which it is eligible. This would be a significant simplification of the current statutory scheme for adjustments to payments in cases of insufficient appropriations.

Subsection (c) would authorize supplemental payments to those LEAs whose federally connected children include children with disabilities who either have a parent on active duty in the uniformed services or reside on Indian lands. In addition to counting these children for the purpose of making basic payments under section 8003(b), paragraphs (1) and (2) of section 8003(c) would direct the Secretary to make supplemental payments to these LEAs using the same formula as used for basic payments, but counting only those children with disabilities, disregarding the extra weighting for children residing on Indian lands, and using a factor of 50, rather than 100, percent of average per-pupil expenditure. Funds for these supplemental payments would be separately appropriated under section 8013(b). Paragraph (3) would direct the Secretary to ratably reduce the annual payment to each LEA if the amount appropriated for those payments is insufficient to pay each LEA the full amount for which it is eligible. Paragraph (4) would require an LEA to use any supplemental funds it receives under this subsection to provide a free appropriate public education to children with disabilities described above, in accordance with Part B of the Individuals with Disabilities Education Act. This requirement is taken from section 5(f) of the current Act.

Subsection (d) would provide for an equitable transition to the new statute for those LEAs that remain eligible for payments, but whose payments would sharply decrease under the new payment provisions. Subsection (d)(1) would afford some protection to such an LEA by guaranteeing it a combined basic and supplemental payment for fiscal year 1995 that is at least 80 percent of the amount it received for "a" children for fiscal year 1994 under Public Law 81-874. This percentage would decrease to 60 percent for fiscal year 1996 and to 40 percent for fiscal year 1997. Subsection (d)(2) would direct the Secretary to reduce basic payments to other LEAs, if necessary in order to pay these "hold-harmless" amounts.

Section 8004. Policies and procedures for children residing on Indian lands. Proposed section 8004(a) of the ESEA would require any LEA that claims children residing on Indian lands for the purpose of receiving funds under section 8003 of the Act to establish policies and procedures to ensure that: (1) those children participate in programs and activities supported by such funds on an equal basis with all other children; (2) parents of those children and Indian tribes are afforded an opportunity to present their views on those programs and activities, including an opportunity to make recommendations on the needs of those children and how they may help those children realize the benefits of those programs and activities; (3) parents and Indian tribes are consulted and involved in planning and developing such programs and activities; (4) relevant applications, evaluations, and program plans are disseminated to the parents and Indian tribes; and (5) parents and Indian tribes are afforded an opportunity to present their views on the agency's general educational program. The requirement to establish these policies and procedures is very similar to the requirements of current section 5(b)(3)(A) and (B) of the Act.

Subsection (b) would require each such agency to maintain records demonstrating its compliance with subsection (a).

Subsection (c) would excuse any such agency from the requirements of subsections (a) and (b) for any year with respect to any Indian tribe from which it has received a written statement that the agency need not comply with those subsections because the tribe is satisfied with the agency's provision of educational services to those children.

Subsection (d)(1) would require the Secretary to provide technical assistance to LEAs, parents, and Indian tribes to enable them to carry out section 8004. Subsection (d)(2) would direct the Secretary to enforce section 8004 through whatever actions, which could include the withholding of funds, the Secretary finds appropriate, after providing the LEA, parents, and affected Indian tribes an opportunity to present their views. This flexible approach would replace the excessively detailed and prescriptive requirements described in section (5)(b)(3)(C) through (E) of the current Act.

Section 8005. Applications for payments under section 8003. Section 8005 of the ESEA would establish requirements for filing and acting on applications for payments under section 8003 that are very similar to the provisions in section 5(a) of the current Act.

Subsection (a) would require any LEA wishing to receive a payment under section 8003 to file an application with the Secretary and provide a copy of its application to the SEA.

Subsection (b) would require that each such application be submitted in such form and manner, and contain such information, as the Secretary may require, including information to determine the LEA's eligibility for a payment and the amount of any such payment; and, where applicable, an assurance that the LEA is in compliance with section 8004 of the Act, relating to children residing on Indian lands.

Subsection (c)(1) would require the Secretary to establish deadlines for the filing of applications under this section. Subsection (c)(2) would require the Secretary to approve each application that is filed by the applicable deadline and that otherwise meets the requirements of the Act. Subsection (c)(3) would require the Secretary to approve an application, filed up to 60 days after a deadline, that otherwise meets the requirements of Title VIII, except that, notwithstanding any other provision of Title VIII (including the "hold harmless" language in section 8003(d)), the Secretary would reduce the payment based on a late application by ten percent of the amount that would otherwise be paid. Finally, subsection (c)(4) would bar the Secretary from accepting or approving any application filed more than 60 days after a deadline established under paragraph (1).

Section 8006. Sudden and substantial increases in attendance of military dependents. Proposed section 8006 of the ESEA would create a new authority to help relieve the burden on LEAs caused by the consolidation of military bases. Funds to carry out this section would be separately authorized by section 8013(c).

Under subsection (a), an LEA would be eligible for a payment under section 8006 if it has experienced both: (1) an increase in average daily attendance (ADA) of at least ten percent or 100 students over the previous year; and (2) an increase of at least ten percent or 100 students in ADA of military dependents resulting from the assignment of their parent to a new duty station between July 1 and September 30 of the current year, as certified by an appropriate local official, such as a base commander, of the Department of Defense.

Subsection (b) would require any LEA that wishes to receive a payment under this section to file an application with the Secretary by October 15 of the current school year, in such manner and containing such information as the Secretary may prescribe, including information demonstrating that the LEA is eligible for such a payment.

Subsection (c) would base each eligible LEA's payment on whichever increase in ADA from the previous to the current year is smaller: the increase for all students, as described in subsection (a)(1), or the increase in military dependents, as described in subsection (a)(2).

Under subsection (d), the Secretary would determine the amount of eligible LEAs' payments under section 8006 by allocating available funds among them in accordance with their respective ADA increases determined under subsection (c). The funds available would include any funds that were available to, but not used by, the Secretary under this section for previous years. The maximum payment for any fiscal year, however, could not be more than $200 for each eligible child included in the ADA increase.

Section 8007. Capital construction. Proposed section 8007 of the ESEA would create a new authority, replacing Public Law 81-815, to help meet the school construction costs of LEAs in which children who reside on Indian lands constitute at least half the student enrollment. Unlike the current system, eligible LEAs would not need to apply for funding for a specific project or compete with other LEAs for assistance. Funds for this purpose would be separately authorized by section 8013(d) of the Act.

Under subsection (a), an LEA would be eligible for construction assistance if it receives a basic payment under section 8003(b) and if children residing on Indian lands (as determined under section 8003(a)) constituted at least 50 percent of the LEA's ADA during the preceding school year.

Under subsection (b), each eligible LEA would receive a proportionate share of the appropriations available for that fiscal year, based solely on its number of federally connected children. In order to avoid duplicate funding, however, the Secretary would disregard any children attending a school that is provided or assisted by the Secretary under current section 10 of Public Law 81-815 or section 8008 of the new Title VIII (discussed below).

Subsection (c) would require an LEA that receives funds under section 8007 to use those funds for construction activities. The term "construction" would be defined by section 8012(3) to mean: (1) the preparation of drawings and specifications for school facilities; (2) erecting, building, acquiring, altering, remodeling, repairing, or extending school facilities; (3) inspecting and supervising the construction of school facilities; and (4) debt service for any of these activities.

Section 8008. Minimum school facilities assisted by the Secretary. Proposed section 8008(a) of the ESEA would authorize the Secretary to continue to provide assistance for school facilities provided by the Secretary under section 10 of Public Law 81-815 as currently in effect. (Section 10 of P.L. 81-815 directs the Secretary to make arrangements for constructing or otherwise providing school facilities for children who reside on Federal property if legal or other reasons prevent the LEA from spending State or local funds on the education of federally connected children.) Funds for this purpose would be separately authorized by section 8013(e).

Subsection (b) would direct the Secretary, as soon as practicable, to transfer to the LEA or another appropriate entity all the right, title, and interest of the United States in and to each facility provided under section 10 of Public Law 81-815, or under sections 204 or 310 of Public Law 81-874 as in effect on January 1, 1958. Any such transfer would be without charge to the LEA or other entity and would be subject to such terms and conditions as the Secretary finds appropriate.

Section 8009. State consideration of payments in providing State aid. Proposed section 8009 of the ESEA would govern the relationship of Impact Aid payments to State programs of aid to education, and would replace current section 5(d) of the Act with a more rational and understandable approach.

Subsection (a)(1) would prohibit a State from considering Impact Aid payments in determining, for any fiscal year, the eligibility of any LEA for State aid for free public education or the amount of that aid. Subsection (a)(2) would prohibit a State from making such aid available to LEAs in a manner that results in less State aid to any LEA that is eligible for such a payment that it would receive if it were not eligible.

Subsection (b) would provide a limited exception to the prohibition in subsection (a). Subsection (b)(1) would allow a State to reduce State aid to an LEA that receives a basic payment under section 8003(b) for any fiscal year if the Secretary determines, and certifies under this section, that the State has in effect a program of State aid that equalizes expenditures for free public education among LEAs in the State.

Subsection (b)(2) would provide that a program of State aid equalizes expenditures among LEAs if, in the second preceding fiscal year, the amount of per-pupil expenditures made by, or per-pupil revenues available to, the LEA in the State with the highest such per-pupil expenditures or revenues did not exceed the amount of such per-pupil expenditures made by, or per-pupil revenues available to, the LEA in the State with the lowest such expenditures or revenues by more than 25 percent. In determining whether a State's program falls within the acceptable 25 percent disparity, the Secretary would disregard LEAs with per-pupil expenditures or revenues above the 95th percentile, and would take into account the extent to which the program of State aid reflects the additional cost of providing free public education in particular types of LEAs, such as those that are geographically isolated, or to particular types of students, such as children with disabilities.

If the Secretary determines that the State has substantially revised its program of State aid, subsection (b)(3) would allow the Secretary to certify the program for any fiscal year only if: (1) the Secretary determines, on the basis of projected data, that the State's program will meet the 25 percent disparity standard described in subsection (c)(2) in that fiscal year; and (2) the State provides an assurance to the Secretary that, if final data do not demonstrate that the State's program met that standard for that year, the State will pay to each affected LEA the amount by which it reduced State aid to the LEA on the basis of that certification.

Subsection (c) would establish the procedures for Secretarial review of State equalization plans. Subsection (c)(1) would require any State that wishes to consider payments under section 8003(b) in providing State aid to LEAs to submit to the Secretary, not later than 120 days before the beginning of the State's fiscal year, a written notice of its intention to do so. This notice would have to be in the form and contain the information the Secretary requires, including evidence that the State has notified each LEA in the State of its intention to consider those payments in providing State aid. Subsection (c)(2) would require the Secretary to afford the State, and LEAs in the State, an opportunity to present their views before determining whether the State's plan meets the 25 percent disparity standard of subsection (b).

If the Secretary determines that a program of State aid qualifies under that standard, subsection (c)(3) would direct the Secretary to certify the program and so notify the State, and afford an opportunity for a hearing to any LEA adversely affected by the certification. If the Secretary determines that the State aid program does not qualify, the Secretary would notify the State and afford an opportunity for a hearing to the State and to any LEA adversely affected by that determination.

Subsection (d)(1) would permit a State whose program of State aid has been certified by the Secretary to reduce the amount of State aid provided to an LEA that receives a payment under section 8003(b). The reduction could be taken in proportion to the degree to which the State aid program is equalized. For example, if the disparity between LEAs in the State, as determined under subsection (b), is 15 percent, the State could reduce the State aid payment to an Impact Aid LEA by 85 percent (100 minus 15) of the Impact Aid payment. In no case, however, could a State make such reductions before its program of State aid has been certified by the Secretary.

Subsection (e)(1) would authorize the Secretary or any aggrieved LEA, without exhausting administrative remedies, to bring an action in United States district court against any State that engages in conduct prohibited by section 8009 or fails to carry out an assurance that it will reimburse LEAs whose State aid payments it reduced in expectation that a substantially revised State aid program would meet section 8009's maximum disparity standard. Subsection (e)(2) would provide that a State would not be immune under the 11th Amendment to the Constitution of the United States from such action. Subsection (e)(3) would direct the court to grant such relief, other than monetary damages, as it determines is appropriate, which could include attorney's fees to a prevailing LEA.

Section 8010. Federal administration. Proposed section 8010(a) of the ESEA would retain the requirement of the first sentence of current section 5(b)(1) of the Act that the Secretary round any Impact Aid payments to the nearest whole dollar amount.

Subsection (b) would retain the requirement of current section 402(b) of the Act that each Federal agency administering Federal property on which children reside, and each agency principally responsible for an activity that may Impact Aid assistance, comply, to the maximum extent practicable, with requests of the Secretary for information the Secretary may need to carry out the Impact Aid program.

Section 8011. Administrative hearings and judicial review. Proposed section 8011 of the ESEA would provide for administrative hearings and judicial review of the Secretary's actions under Title VIII.

Subsection (a), which is similar to section 5(g) of the current Act, would require the Secretary to provide an administrative hearing, in accordance with the Administrative

Procedure Act (APS) to any LEA or State that is adversely affected by any action of the Secretary under Title VIII. This entails a hearing on the record before an administrative law judge.

Subsection (b) would change current law by providing for direct judicial review of the Secretary's final decisions in the U.S. Courts of Appeals, rather than in the district courts, as under current law. This change will make the Impact Aid review procedures consistent with those procedures under other Federal programs of elementary and secondary education and under Part E of the General Education Provisions Act.

Subsection (b)(1) would authorize any LEA or any State aggrieved by the Secretary's final decision following an agency proceeding under subsection (a) to file a petition for review of that action with the United States court of appeals for the circuit in which the agency or State is located, within 60 days after receiving notice of the decision. The clerk of the court would be required promptly to transmit a copy of the petition to the Secretary. The Secretary would be directed to then file in the court the record of the proceedings on which the Secretary's action was based, as provided in section 2112 of Title 28, United States Code.

Under subsection (b)(2), the findings of fact by the Secretary, if supported by substantial evidence, would be conclusive, but the court, for good cause shown, could remand the case to the Secretary to take further evidence. The Secretary could thereupon make new or modified findings of fact and could modify his or her previous action, and would file in the court the record of the further proceedings. Any new or modified findings of fact would likewise be conclusive if supported by substantial evidence.

Subsection (b)(3) would give the court exclusive jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court would be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of Title 28, United States Code.

Section 8012. Definition. Proposed section 8012 of the ESEA would define the following terms as used in the Act: "Armed Forces", "average per-pupil expenditure", "construction", "Federal property", "free public education", "Indian lands", "local contribution percentage", "local educational agency", and "school facilities". In general, these definitions are taken from section 3(d)(3)(D)(ii) and 403 of the current Act and from section 15 of Public Law 81-815.

Section 8013. Authorization of appropriations. Proposed section 8013 of the ESEA would authorize the appropriation of such sums as may be necessary to carry out the various provisions of Title VIII for each of the fiscal years 1995 through 1999.

Subsection (a) would authorize appropriations for basic payments under section 8003(b).

Subsection (b) would authorize appropriations for supplemental payments, under section 8003(c), for children with disabilities.

Subsection (c) would authorize appropriations for payments, under section 8006, for substantial increases in average daily attendance due to the enrollment of children of military personnel.

Subsection (d) would authorize appropriations for payments, under section 8007, for construction.

Subsection (e) would authorize appropriations to assist school facilities under section 8008.

ESEA TITLE IX—GENERAL PROVISIONS

Part A—Definitions

Section 9101. Definitions. Proposed section 9101 of the ESEA would set forth the general definitions of the ESEA. Among the more important terms defined are "average daily attendance", "average per-pupil expenditure", "covered program", and "current expenditures".

Section 9102. Applicability of this Title. Proposed section 9102 of the ESEA would provide that Parts B through F of this title would not apply to Title VIII of the ESEA, concerning impact aid.

Part B—Flexibility in the use of administrative and other funds

Section 9201. Consolidation of State administrative funds for elementary and secondary education programs. Proposed section 9201(a) of the ESEA would authorize an SEA to consolidate the amounts specifically made available to it for State administration under one or more of the programs in Title I of the ESEA and those specified in sections 9101(7)(C) (professional development) and (D) (safe and drug-free schools) of the ESEA. The purpose of this provision is to provide States with greater flexibility in the use of administrative funds, to achieve burden reduction, and to encourage coordinated State administration under the ESEA.

Section 9201(b) would require an SEA to use these consolidated State administration funds for the administration of the programs included in the consolidation. This section would also permit an SEA to use these consolidated State administration funds for administrative activities designed to enhance the effective and coordinated use of funds under such programs, such as: (1) the coordination of programs specified in section 9201(a) with other Federal and non-Federal programs and activities, including State reform efforts; (2) the establishment and operation of peer-review mechanisms under the ESEA; (3) the administration of activities under this title; (4) the dissemination of information regarding model programs and practices; and (5) technical assistance.

Section 9201(c) would relieve SEAs that consolidate administrative funds under this section from keeping separate records, by individual program, to account for costs relating to the administration of these programs.

Section 9201(d) would authorize the Secretary to periodically review the performance of SEAs in using consolidated administrative funds under this section and take such steps as the Secretary finds appropriate to ensure the effectiveness of such administration.

Section 9201(e) would authorize the SEA to use unused consolidated administration funds as program funds under a covered program during the applicable period of availability.

Section 9202. Single local education agency States. Proposed section 9202 of the ESEA would require a State that is a single LEA to describe, in its applications or State plans submitted to the Secretary under the ESEA, how it will eliminate duplication in the conduct of administrative functions.

Section 9203. Consolidation of funds for local administration. Proposed section 9203(a) of the ESEA would authorize an LEA to consolidate and use for the administration of one or more covered programs for any fiscal year not more than the percentage, determined by its SEA, of the total amount available to that LEA under those programs.

Section 9203(b) would require an SEA, within one year of enactment of the Improving America's Schools Act of 1993 and in collaboration with LEAs in the State, to establish procedures for responding to requests from LEAs to consolidate administrative funds under this section and for establishing limitations on the amount of funds under one or more covered programs that may be used for administration on a consolidated basis.

Section 9203(c) would prohibit LEAs that consolidate administrative funds under this section for any fiscal year from using any other funds under the program included in the consolidation for administration for that fiscal year.

Section 9203(d) would allow an LEA that consolidates administrative funds under this section to use these funds for the administration of covered programs and for the purposes described in section 9201(b)(2).

Section 9203(e) would free LEAs that consolidate administrative funds under this section from keeping separate records, by individual program, to account for costs relating to the administration of covered programs included in the consolidation.

This section, as well as section 9204, is designed to provide greater flexibility to local agencies in the use of administrative funds and to reduce recordkeeping burdens, thereby permitting local officials to spend more time on education-related activities. These sections are also designed to direct more funds to instructional services by establishing or encouraging the use of appropriate limitations on local administrative expenses.

Section 9204. Administrative funds study. Proposed section 9204(a) of the ESEA would authorize the Secretary to conduct a study of the use of funds under the Act by SEAs and LEAs for the administration of covered programs, including the percentage of grant funds used for this purpose in covered programs. This section also would allow the Secretary, based on the results of such study, to publish regulations or guidelines regarding the use of funds for local administration under those programs, including the use of such funds on a consolidated basis and limitations on the amount of such funds that may be used for administration.

Section 9204(b) would require the Secretary to submit to the President and the appropriate committees of the Congress a report regarding the study, if any, conducted under the section within 30 days of its completion.

Section 9205. Consolidated set-aside for Department of the Interior funds. Proposed section 9205 of the ESEA would require the Secretary to transfer to the Department of the Interior, as a consolidated amount for covered programs, the Indian education programs under Part A of Title VI of the ESEA, and the education for homeless children and youth program under Subtitle B of Title VII of the Stewart B. McKinney Homeless Assistance Act, the amounts allotted to the Department of the Interior under those programs. This section would require the Secretary and the Secretary of the Interior to enter into an agreement, consistent with the requirements of the programs specified, for the distribution and use of those funds under terms that the Secretary determines best meet the purposes of the covered programs. This agreement, which would be developed in consultation with Indian tribes, would contain the plans of the Secretary of the Interior for the use of the amount transferred, the steps to be taken to achieve the National Education Goals, and performance measures to assess program effectiveness, including measurable goals and objectives.

Section 9205(b) would authorize the Department of the Interior to use up to 1.5 percent

of the funds consolidated under this section for its costs related to the administration of funds transfered under this section.

Section 9206. Schoolwide programs. Proposed section 9206 of the ESEA parallels section 1114 of the ESEA and would allow a school, in accordance with that section, to use funds received under any noncompetitive, formula-grant program administered by the Secretary, except a program under the Individuals with Disabilities Education Act, and any discretionary program contained on a list (updated as necessary) issued by the Secretary, to support a schoolwide program, notwithstanding any provision of the statute or regulations governing any such program.

Section 9207. Availability of unneeded program funds. Proposed section 9207 of the ESEA would allow an LEA, with the approval of its SEA, to use funds under a covered program (other than part A of Title I of the ESEA) that are not needed for the purposes of that program (not to exceed five percent of the total amount of its funds under that covered program) for the purposes of another covered program.

Part C—Coordination of programs; consolidated State and local applications

Section 9301. Purpose. Proposed section 9301 of the ESEA would state that the purpose of this Part is to improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery under the ESEA and enhanced integration of ESEA programs with educational activities carried out with State and local funds.

Section 9302. Optional consolidated State application. Proposed section 9302 of the ESEA would authorize an SEA to submit a consolidated application for covered program funds. The section would require the Secretary to, in accordance with subsection (b), establish procedures and criteria under which an SEA may submit a consolidated State application meeting the requirements of this section for each of the covered programs in which the State participates. An SEA would be authorized to include in its consolidated application the Even Start program under Part B of Title I of the ESEA, the education of neglected and delinquent youth program under Part D of that Title I, programs under Part A of Title II of the Carl D. Perkins Vocational and Applied Technology Education Act, and other programs that the Secretary may designate. This section would relieve an SEA that submits a consolidated State application from having to submit separate State plans or applications under any of the programs to which its consolidated application under this section applies.

Section 9302(b) would require the Secretary, in establishing criteria and procedures under this section, to collaborate with SEAs and, as appropriate, with other State agencies, LEAs, public and private nonprofit agencies, organizations, and institutions, private schools, and representatives of parents, students, and teachers. This section would also require the Secretary to establish, through this collaborative process and for each program to which section applies, the descriptions, information, assurances, and other material required to be included in a consolidated State application.

Section 9303. General applicability of SEA assurances. Proposed section 9303 of the ESEA would provide for uniform assurances to be submitted by SEAs. This section is designed to simplify the assurances that an SEA would be required to submit, to provide for a one-time submission of these assurances, and to provide a consistent set of basis legal obligations that would apply to all SEAs with respect to ESEA assistance.

Under this section, an SEA that submits a State plan or application under the ESEA, whether separately or pursuant to section 9302 (consolidated application), would be required to have on file with the Secretary a single set of assurances, applicable to each program for which the plan or application is submitted. This set of assurances would provide that: (1) the program will be administered in accordance with all applicable statutes, regulations, program plans, and applications; (2) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency (or in a nonprofit private agency, institution, or organization, or Indian tribe, if the statute authorizing the program provides for assistance to these entities) and the public agency (or other entity) will administer these funds and property to the extent required by the authorizing statutes; (3) the State will adopt and use proper methods of administering each program, including the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program, correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation, and adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of the programs; (4) the State will cooperate in carrying out any evaluation of each such program conducted by or for the Secretary or other Federal officials; (5) the State will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each program; (6) the State will make reports to the Secretary as may be necessary to enable the Secretary to perform the Secretary's duties under each program and maintain such records, provide such information to the Secretary, and afford access to the records as the Secretary may find necessary to carry out the Secretary's duties; and (7) before the application was submitted to the Secretary, the State has afforded a reasonable opportunity for public comment on the application and has considered such comment.

Section 9303(b) would provide that section 435 of the General Education Provisions Act (GEPA) does not apply to programs under the ESEA.

Section 9304. Consolidated local applications. Proposed section 9304 of the ESEA would provide for consolidated local applications. Under section 9304(a), and LEA receiving funds under more than one covered program would be authorized to submit applications to the SEA under such programs on a consolidated basis.

Under section 9304(b), an SEA that has submitted and had approved a consolidated State application under section 9302 would be authorized to require LEAs in the State receiving funds under more than one program included in the consolidated State application to submit local applications under such programs on a consolidated basis.

Section 9304(c) would require an SEA to collaborate with LEAs in the State in establishing procedures for the submission of the consolidated applications under this section.

Section 9305. Other general assurances. Under proposed section 9305 of the ESEA, any applicant other than an SEA that submits an application under the ESEA, whether separately or pursuant to section 9304 (consolidated applications), would be required to have on file with the Secretary a single set of assurances, applicable to each program for which the plan or application is submitted. This set of assurances would provide that: (1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications; (2) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency (or in a nonprofit private agency, institution, or organization, or an Indian tribe, if the statute authorizing the program provides for assistance to these entities) and the public agency (or other entity) will administer these funds and property to the extent required by the authorizing statutes; (3) the applicant will adopt and use proper methods of administering each program, including the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program and the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation; (4) the applicant will cooperate in carrying out any evaluation of each program conducted by or for the SEA or Secretary or other Federal officials; (5) the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the applicant under each such program; (6) the applicant will make reports to the SEA and the Secretary as may be necessary to enable the SEA and the Secretary to perform their duties under each such program and maintain such records, provide such information, and afford access to the records as the SEA or the Secretary may find necessary to carry out the Secretary's or the SEA's duties; and (7) before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and has considered such comment.

Section 9305(b) would provide that section 436 of GEPA does not apply to programs under the ESEA.

Part D—Waivers

Section 9401. Waivers of statutory and regulatory requirements. Proposed section 9401(a) of the ESEA would authorize the Secretary, except as provided in subsection (c), to waive any requirement of the ESEA or of GEPA, or of the regulations issued under these Acts, for an SEA, Indian tribe or other agency, organization, or institution that receives funds under an ESEA program and that requests such a waiver. In order to grant a waiver, the Secretary would be required to determine that such requirement impeded the ability of the SEA, or other recipient to achieve more effectively the purposes of the ESEA. In addition, in the case of a waiver proposal submitted by an SEA, the SEA would be required to provide all interested LEAs in the State with notice and an opportunity to comment on the proposal and to submit the comments to the Secretary. In the case of a waiver proposal submitted by an LEA or other agency, institution, or organization that receives ESEA funds from the SEA, the request must be reviewed by the SEA and be accompanied by the SEA's comments, if any.

Section 9401(b) would provide that a waiver under this section would remain in effect for a period not to exceed three years. The Secretary would be authorized to extend the period upon a determination that the waiver had been effective in enabling the State or affected recipients to carry out the activities for which the waiver was requested and had contributed to improved performance, and that the extension was in the public interest.

Under section 9401(c), the Secretary would not be authorized to waive any statutory or

regulatory requirement relating to: (1) comparability of services; (2) maintenance of effort; (3) the equitable participation of students attending private schools; (4) parental participation and involvement; (5) the distribution of funds to States, LEAs, or other recipients of funds under the ESEA; (6) maintenance of records; (7) applicable civil rights requirements; or (8) the requirements of sections 438 and 439 of GEPA.

Under section 9401(d), the Secretary would terminate a waiver if the Secretary determined that the performance of the State or other recipient affected by the waiver had been inadequate to justify a continuation of the waiver or if it was no longer necessary to achieve its original purposes.

Part E—Uniform provisions

Section 9501. Maintenance of effort. Proposed section 9501 of the ESEA would provide a uniform maintenance of effort provision for the Act. Under section 9501(a), an LEA would be authorized to receive funds under a covered program for any fiscal year only if the SEA found that either the 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 that agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

Under section 9501(b), the SEA would be required to reduce the amount of the allocation of funds under a covered program in any fiscal year in the exact proportion to which an LEA failed to meet the requirement of section 9501(a) by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to the local agency). No such lesser amount could be used for computing the effort required under section 9501(a) for subsequent years.

Section 9501(c) would authorize the Secretary to waive the requirements of this section if the Secretary determined that a waiver would be equitable due to: (1) exceptional or uncontrollable circumstances such as a natural disaster; or (2) a precipitous decline in the financial resources of the LEA.

Section 9502. Prohibition regarding State aid. Proposed section 9502 of the ESEA would provide that no State shall take into consideration payments under ESEA in determining the eligibility of any LEA in that State for State aid, or the amount of State aid, with respect to free public education of children.

Section 9503. Participation by private school children and teachers. Proposed section 9503(a) of the ESEA would require an SEA, LEA, or intermediate educational agency (or consortium), except as otherwise provided in the ESEA, to, after timely and meaningful consultation with appropriate private school officials, provide private school children, their teachers or other educational personnel on an equitable basis, special educational services or other benefits of the program. This requirement would be applicable to the extent consistent with the number of eligible children in an SEA, LEA, or intermediate educational agency (or consortium) receiving financial assistance under an ESEA program, who are enrolled in private elementary and secondary schools in such agency or consortium.

In addition, section 9503(a) would require that the educational services or other benefits, including materials and equipment, be secular, neutral, and nonideological. Further, this subsection would require that educational services and other benefits under this section for such private school children, teachers and other educational personnel be equitable in comparison to services and other benefits for public school children and teachers participating in such program. Expenditures for educational services and other benefits to eligible private school children, their teachers and other educational personnel serving them would be required to be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children. Finally, this subsection would authorize the LEA to provide such services directly or through contracts with public and private agencies, organizations, and institutions.

Section 9503(b) would provide that this section applies to each covered program, programs under Title VII of the ESEA, and any other ESEA program as specified by the Secretary, subject to such conditions as the Secretary may prescribe. This subsection would also provide that, for the purposes of this section, the term "eligible children" mean children eligible for services under a program described in this subsection.

Section 9503(c) would require consultation. To ensure timely and meaningful consultation, this subsection would require each agency or consortium to consult with appropriate private school officials during the design and development of ESEA programs, on issues such as how the children's needs will be identified, what services will be offered, how and where the services will be provided, and how the services will be assessed. This subsection would also require that consultation occur before the agency or consortium makes any decision that affects the opportunities of eligible private school children, teachers and other educational personnel to participate in ESEA programs. Further, consultation would be required to include a discussion of the full range of service delivery mechanisms that an agency or consortium could use to provide equitable services to eligible private school children teachers and other educational personnel, including, but not limited to, public school sites, neutral sites, mobile vans, computer-assisted instruction, extended-day services, home tutoring, and take-home computers.

Section 9503(d) would provide for public control of funds. It would require that the control of ESEA funds, and title to materials, equipment, and property purchased with these funds, be in a public agency for the uses and purposes provided in the Act, and a public agency would be required to administer such funds and property. In addition, the provision of services under this section would have to be provided by employees of a public agency or through contract by such public agency with an individual, association, agency, or organization; in the provision of such services, such employee, person, association, agency, or organization must be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency. Funds provided under this section would be prohibited from being commingled with State or local funds.

Section 9504. Standards for by-pass. Proposed section 9504 of the ESEA would provide that if, by reason of any provision of law, an SEA, LEA, or intermediate educational agency or consortium is prohibited from providing for the participation in programs of children enrolled in, or teachers or other educational personnel from, private elementary and secondary schools on an equitable basis, or if the Secretary determines that the agency or consortium has substantially failed or is unwilling to provide for this participation, the Secretary shall waive the requirements of section 9503 for the agency or consortium, and arrange for the provision of equitable services to such children, teachers or other educational personnel through arrangements that shall be subject to the requirements of this section and sections 9503, 9505, and 9506.

Section 9505. Complaint process for participation of private school children. Proposed section 9505 of the ESEA would require the Secretary to develop and implement written procedures for receiving, investigating, and resolving complaint from parents, teachers, or other concerned individuals and organizations concerning violations by an agency or consortium of this section. The individual or organization would be required to submit their complaint to the SEA for a written resolution by such agency within a reasonable period of time. The resolution could be appealed by an interested party to the Secretary within 30 days after the SEA resolves the complaint or fails to resolve to complaint within a reasonable period of time. The appeal would be accompanied by a copy of the SEA's resolution, and a complete statement of why the resolution is not consistent with this Act. The Secretary would be required to investigate and resolve each such appeal within 120 days after receipt of the appeal.

Section 9506. By-pass determination process. Proposed section 9506(a) of the ESEA would provide that the Secretary shall not take any final action under section 9504 until the agency or consortium affected by such action has had an opportunity, for at least 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary to show cause why that action should not be taken. Pending final resolution of any investigation or complaint that could result in a determination under this section, the Secretary would be authorized to withhold from the allocation of the affected SEA or LEA the amount estimated by the Secretary to be necessary to pay the cost of those services. Affected agencies or consortia that are dissatisfied with the Secretary's final action would be authorized to file, within 60 days, a petition for review with the appropriate United States Court of Appeals and would also provide procedural details for the review.

Section 9506(b) would provide that any determination by the Secretary under this section shall continue in effect until the Secretary determines, in consultation with such agency or consortium and representatives of the affected private school children, teachers, or other educational personnel that there will no longer be any failure or inability on the part of the SEA or LEA to meet the applicable requirements of section 9503 or any other provision of the ESEA.

Section 9506(c) would provide that when the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of these services, including the administrative costs of arranging for the services, from the appropriate allocation or allocations under the ESEA.

Finally, section 9506(d) would provide that any bypass determination by the Secretary under the ESEA as in effect prior to enactment of the Improving America's Schools Act of 1993 shall remain in effect to the extent the Secretary determines that it is consistent with the purpose of this section.

Section 9507. Prohibition against funds for religious worship or instruction. Proposed section 9607 of the ESEA would provide that nothing contained in the ESEA shall be construed to authorize the making of any payment under the ESEA for religious worship or instruction.

Part F—Other provisions

Section 9601. State recognition of exemplary performance. Proposed section 9601 of the ESEA would provide for State recognition or exemplary performance. Under section 9601(a), an SEA would be authorized, after consultation with LEAs in the State, to implement a program of State recognition awards under one or more ESEA programs other than Part A of Title I of the Act. The SEA would be required to make these recognition awards only to LEAs and schools in the State participating in such programs that the SEA determined had carried out grant-related activities in an exemplary fashion and had demonstrated outstanding performance measured in accordance with this section. These awards could take the form of monetary or non-monetary awards, as determined by the SEA. A State desiring to make monetary awards would be authorized to reserve a portion of the total amount available for grants within the State under such program for any fiscal year, not to exceed one percent, for the purpose of making recognition awards to qualifying recipients under such programs. In implementing this section, a State would be authorized to reduce the amount of funds it would otherwise allocate to recipients in accordance with the applicable statute governing such allocation to the extent necessary.

Section 9601(b) would provide that an SEA would be authorized to make these awards only if: (1) in selecting awardees, it took into account improvements in performance (rather than comparisons with other schools and school districts) and successful cooperative efforts among teachers, administrators, and other school personnel in achieving educational reform; (2) it employed peer review procedures in identifying schools and LEAs eligible for awards, the identity of the awardees, and the amount of the awards; (3) it determined that the awardee was in compliance with applicable civil rights requirements; and (4) it submitted to the Secretary a description of the criteria used in making such awards.

Section 9602. International education activities. Proposed section 9602 of the ESEA would provide that in order to enhance education in the United States and to encourage cooperative efforts with foreign governments and international organizations, the Secretary is authorized to carry out the activities under this section directly or through grants to, or contracts or cooperative agreements with, SEAs, LEAs, IHEs, and other public and private agencies, institutions, and organizations.

This section would authorize funds to be used for: (1) activities to improve international understanding through the exchange of technical assistance, information, and training opportunities; (2) activities to improve our understanding of how educational systems in other countries work in order to better carry out reform efforts; (3) joint conferences with foreign countries to focus on specific content areas; and (4) other joint efforts designed to foster international collaboration and cooperation in education.

Section 9602(c) would provide that, to carry out the purposes of this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

TITLE II—AMENDMENTS TO THE GENERAL EDUCATION PROVISIONS ACT

Part A—Applicability of the General Education Provisions Act

Section 211. Title; applicability; definitions. Section 211 of the bill would amend section 400 of the General Education Provisions Act (20 U.S.C. 1221 *et seq.*; hereafter referred to as "GEPA" or "the Act"), which describes the Act's applicability, defines certain terms used in the Act, and authorizes appropriations for carrying out the Act. Section 211 of the bill would revise section 400 of the Act in its entirety of take account of the Department of Education Organization Act (20 U.S.C. 3401 *et seq.*; DEOA), and generally to clarify the applicability of GEPA.

Section 400(b)(1) of GEPA would provide that, except as otherwise provided, the Act would apply to each applicable program of the Department of Education. Section 400(b)(2) would provide that except as provided otherwise, the Act does not apply to contracts made by the Department. The general application of GEPA to contracts is unnecessary because the Department's contracts are governed by the comprehensive government-wide provisions of Title 41 of the United States Code and by the Federal Acquisition Regulation in Title 48 of the Code of Federal Regulations. Those provisions of the Act that expressly refer to contracts, such as section 426(c), relating to the development of curricula or instructional materials, would, of course, continue to apply to contracts.

Section 400(c)(1) of GEPA would expand the definition of "applicable program" to include any program for which the Secretary or the Department of Education has administrative responsibility as provided by law or delegation of authority pursuant to law. The Act would apply to programs, such as those under the Rehabilitation Act of 1973, that were not previously subject to the Act but that were transferred to the Department under the DEOA. This amendment would also make it clear that GEPA applies to programs administered by the Department that were authorized by statutes that took effect after the effective date of the DEOA (May 4, 1980). This change is necessary to provide consistent treatment of programs with respect to such administrative and substantive matters as recordkeeping by grantees, the period during which recipients may obligate funds under State formula grant programs, and the confidentiality of student records.

Section 400(c)(2) would retain the definition of "applicable statute" currently set out in section 400(c)(1)(B) of the Act, but it would not retain the exclusion in current section 400(c)(3) of the Act that the term "applicable statute" does not include any appropriations Act. As currently defined,the term "applicable statute" is used only in section 414 of the Act, relating to the contingent extension of programs, and section 421 of the bill would drop the term from the section as unwarranted.

Section 400(c)(3) and (4) would define "Department" and "Secretary", respectively, to mean the Department and Secretary of Education, in conformance with the DEOA.

Section 400(d) of GEPA would provide that nothing in the Act shall be construed to affect the applicability of nondiscrimination statutes to any applicable program. Current section 400(c)(2) of the Act refers only to Title VI of the Civil Rights of 1964. The broader language included in the bill would make it clear that the Act also does not affect the applicability of other nondiscrimination statutes. The applicability of those statutes is governed by their respective terms.

Section 212. Repeal. Section 212 of the bill would repeal section 400A of the Act. Section 400A includes a variety of provisions designed to eliminate unnecessary paperwork and to improve the collection of information relating to Federal education programs. Among other things, section 400A establishes the Federal Education Data Acquisition Council (FEDAC) to advise and assist the Secretary with respect to the improvement, development, and coordination of Federal education information and data acquisition activities. Section 400A is no longer needed because the same purposes are achieved by the Office of Management and Budget under the Paperwork Reduction Act of 1980 and because the FEDAC was abolished in May, 1987, pursuant to notice under section 448(b) of the Act.

Part B—The Department of Education

Section 221. New heading for Part A. Section 221 of the bill would amend the heading of Part A of the Act to conform with the DEOA by referring to the Department of Education.

Section 222. General authority of the Secretary. Section 222 of the bill would amend section 408 of the Act by striking out everything but the rulemaking authority in subsection (a), since those provisions have been superseded by various provisions of the DEOA.

Section 223. Office of Private Education. Section 223 of the bill would, in effect, repeal all of section 403 of the Act except for current section 403(d)(1), which establishes an Office of Nonpublic Education. That language would be moved to amended section 409 for a more logical placement. The other provisions of section 403 have been superseded by section 102 of the DEOA.

The current text of section 409, which requires the publication of an education impact statement to determine whether the information required to be transmitted under any proposed regulation affecting IHEs is already being gathered or is otherwise available, would be repealed because the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), provides sufficient safeguards against the imposition of burdensome requirements.

Section 224. Repeals. Section 224 of the bill would repeal sections 401, 402, 403, 406A, 406B (as redesignated by section 401(a) of Public Law 99-159), 406c (as added by section 401(2) of Public Law 99-159), and 407 of the Act. Sections 401 and 402 relate to the organizational structure of the former Education Division in the Department of Health, Education, and Welfare and are obsolete in light of the DEOA.

Section 406A requires each State to submit, to the Secretary within 90 days of the end of the fiscal year, a report on the uses of federal funds. Section 406A also requires the Secretary to submit an analysis of this report to the House Committee on Education and Labor and the Senate Committee on Labor and Human Resources. This provision has been deleted as burdensome for the States and the reporting requirement has been consolidated into a biennial report as provided in Section 233 of this bill.

Section 406B authorized fiscal year 1981 appropriations for the Pre-College Science Teacher Training Program and the Minority Institutions Science Improvement Program (MISIP). Section 406C authorized fiscal year 1985 and 1986 appropriations for MISIP. The teacher training program was consolidated into the Chapter 2 block grant program by the Education Consolidation and Improvement Act of 1981 (ECIA) (20 U.S.C. 3801, note).

The MISIP program is now authorized by Part B of Title X of the Higher Education Act of 1965 (HEA) (20 U.S.C. 1001 *et seq.*).

Section 407, entitled "Rules for Education Officers", is also largely obsolete because of the DEOA. The Ethics in Government Act of 1978, as amended (5 U.S.C. App. 4), achieves the same purposes as the remainder of section 407 (regarding conflicts of interest), rendering it unnecessary, as well.

Part C—Appropriations and evaluations

Section 231. Availability of appropriations. Section 231 of the bill would amend section 412 of the Act, which permits appropriations under applicable programs to be made available to educational agencies or institutions on an academic or school year basis, and which allows those agencies and institutions to obligate those funds until the end of the fiscal year after the year for which they were appropriated.

Section 231(a) of the bill would amend the heading of section 412 of the Act to reflect the fact that section 412(b) authorizes the additional period for recipients to obligate funds.

Section 231(b)(1) of the bill would amend section 412(a) of the Act, which authorizes funds to be made available on an academic or school year basis, to apply to all recipients, including vocational rehabilitation agencies, rather than to only "educational agencies or institutions".

Sections 231(b) (2) and (3) would revise section 412(b) of the Act to make it clear that the authority to obligate funds for an additional fiscal year applies only to State formula grant programs, defined as programs whose authorizing statutes or implementing regulations provide a formula for allocating program funds among States. This is consistent with the Department's interpretation of section 412 since its enactment in 1970. The period during which funds may be obligated by a recipient of an award under a "discretionary" program is set forth in the award document, in accordance with applicable Comptroller General decisions. Section 231(b)(4) of the bill would strike out section 412(c) as obsolete.

Section 232. Contingent extension of programs. Section 232 of the bill would clarify the one year contingent extension of programs authorized under section 414 of the Act and would repeal the provision authorizing a two-year contingent extension. The substance of the one-year contingent extension provision in section 414 would be unchanged; merely clarifying and structural amendments are proposed. The two-year contingent extension as currently drafted is ambiguous, unnecessary, and has never been used. A one-year "grace period" after a program's statutorily-mandated expiration of authority should provide sufficient leeway in the reauthorization process to avoid any unintended lapses in program authority and to avoid any adverse consequences to program participants. In addition, by dropping a reference to the term "applicable statute" in the provision of section 414 governing the carrying out of certain acts or the making of certain determinations during the terminal year of a program, the bill would make clear that acts or determinations required by appropriations acts, as well as by other statutes, are to be carried out or made during the period of extension. The Act currently excludes appropriations statutes from the definition of "applicable statute" an exclusion that is illogical in the context of section 414.

Section 233. Biennial evaluation report. Section 233 of the bill would clarify and streamline section 417(a) of the Act, which authorizes the Secretary to submit an Annual Evaluation Report (AER) to Congress. The proposed amendments would require this report to be submitted on a biennial basis and clarify or eliminate certain reporting requirements. Experience with the current AER has demonstrated, that little, if any, useful data exist for the current section 417(a)(C) requirement of identifying which sectors of the public bear the cost of a particular program.

Experience with the current AER has also shown that certain types of information required under the current section 417 are not appropriate because of the inherent nature and timing of the AER. The current section 417(a) requirement to include information relating to "compliance with provisions of law requiring the maintenance of non-Federal expenditures for the purposes of such applicable programs" mixes compliance information (the availability of which is limited to a very few programs and the accuracy and comprehensiveness of which cannot be assessed in the course of preparing the AER) with evaluation information, which results in a confusing and inappropriate combination of markedly different types of information. Additionally, the bill would delete all requirements relating to recommendations (e.g., for legislation or corrective action), because the transmittal of the AER occurs at approximately the same time as the annual submission of the President's budget and accompanying legislation. Recommendations in the AER, because they relate to the past year, are thus very confusing when compared to the prospective recommendations contained in the budget submission. In the interest of clarity, recommendations would best be confined to the budget and legislative processes and deleted from the AER.

Section 234. Technical amendments. Section 234(a) of the bill would make a technical amendment to section 415 of the Act by replacing "Commissioner" with "Secretary" to reflect the DEOA. Section 234(b) of the bill would make conforming amendments to section 420 of GEPA consistent with putting impact aid authorities in proposed Title VIII of the ESEA.

Section 235. Repeals. Section 235 of the bill would repeal section 411, relating to advance funding, section 413, relating to the availability of appropriations, section 416, relating to program planning and evaluation, as well as the authorization of appropriations under 400(d), and section 419, relating to evaluation by the Comptroller General.

Section 411 duplicates authority of Congress to provide advance funding under statutes authorizing individual programs. Section 413 duplicates language routinely included in appropriations acts and has caused uncertainty over whether there may be a rescission of funds appropriated under applicable programs. Repeal of section 413 would make it clear that statutes generally governing appropriations and rescissions would apply to applicable programs. Section 416 duplicates the appropriations authority in section 428 of the DEOA. Section 419, which allows the General Accounting Office (GAO) to evaluate, review, and audit the Department, is a duplication of the Comptroller General's general authority to audit, review, and evaluate the education programs of the Department.

Part D—Administration of education programs

Section 241. Joint funding of programs. Section 241 of the bill would amend section 421A of the Act, relating to the delegation of functions, the use of the services and facilities of public or nonprofit agencies or institutions, and the consolidation of programs. Section 241 would repeal section 421A(a) and (b) of the Act, relating to the delegation of functions and the use of outside agencies, respectively, since those provisions have been superseded by sections 412, 415, and 419 of the DEOA. Section 421A(c) is also repealed and a new section 421A is placed in lieu thereof.

The new section 421A would provide express authority for the Secretary to enter into arrangements with other Federal agencies jointly to carry out particular projects of common interest, and to transfer program funds to other Federal agencies, and to receive funds from those agencies, for this purpose. Section 421A(a) would further provide that any funds so transferred or received by the Secretary may be used only for activities authorized by, and made available only to parties eligible under, the statutes authorizing the appropriation of, and appropriating, those funds. New section 421A(a) is needed because provisions on which the Secretary has relied in the past are not as clear as is desirable, or, as in the case of the Joint Funding Simplification Act, have expired.

The bill would authorize the Secretary to require applicants under two or more programs under which awards are made on a competitive basis to submit applications jointly for each program, and to review and approve those joint applications separately from other applications, when the Secretary determines that joint awards are needed to address a special need consistent with the purposes and authorized activities of each affected program. This provision is necessary to provide the Secretary sufficient flexibility to address special problems that encompass the purposes and authorized activities of two or more discretionary programs. Another new provision would similarly allow the Secretary to require applicants to submit applications under discretionary programs that achieve the same purposes but that are administered by other Federal agencies.

Section 242. Collection and dissemination of information. Section 242 of the bill would repeal section 422 of the Act, relating to the annual report (sections 422(a)(4) and (b)), and the related contracting provision in section 422(c), as unnecessary duplication of the annual report provisions in section 426 of the DEOA.

The proposed bill would require the Secretary to prepare and disseminate information to State and local educational agencies and institutions concerning applicable programs; inform the public on federally supported education programs; and collect data and information on applicable programs to ascertain the effectiveness of such programs in achieving their purposes.

Section 243. Review of applications. Section 243 of the bill would amend section 425 of the Act by making technical changes in subsections (a), (b), and (d).

Section 244. Use of funds withheld. Section 244 of the bill would expand the Secretary's authority under section 428 of the Act to withhold Federal funds from a State because of an LEA's failure to comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*) to include failure to comply with Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 *et seq.*), the Age Discrimination Act of 1975 (42 U.S.C. 6101 *et seq.*), and section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794). This amendment would not affect the variety of enforcement mechanisms, including withholding, already available to the Secretary under those statutes. Section 244 of the bill would also broaden the types of programs the withheld funds may be used for, so that grants to the LEAs

of the State from which funds were withheld could be used for any of the Department's programs that redress discrimination on the basis of race, color, national origin, sex, age, or disability. This expansion provides a greater flexibility to channel funds into the types of equity programs most needed by the various LEAs and recognizes the need for a broad spectrum of tools to employ in enforcing the four major civil rights statutes administered by the Department. Section 428 would also be amended to provide that the Secretary could reallot withheld funds to other LEAs in the same State, or to all States, in accordance with the program's governing statute.

Section 245. Applications. Section 245 of the bill would amend section 430 of the Act by allowing applications for assistance to remain in effect for more than one year. This provision allows greater flexibility by requiring applications to be updated as necessary rather than updated by a mandated three year cycle.

Section 246. Regulations. Section 246 of the bill would repeal section 431 of the Act, relating to regulations. By doing so, the Department would be subject to the same rulemaking processes as other federal agencies under 5 U.S.C. 552 and 553.

Section 247. Records; reduction in retention requirements. Section 247 of the bill would amend section 437(a) of the Act, relating to program records maintained by recipients, by removing a provision requiring recipients to retain those records for five years after the completion of the activity for which the Federal program funds were used. This provision of the bill would thus subject recipients to the same record retention period used throughout the Government (currently three years) and would relieve recipients of the burden of retaining records for a longer period except when otherwise required to do so. Programs that are not currently considered "applicable programs" under the Act are now subject to this three-year record retention provision, as set out at 34 CFR 74.21 and 74.22. As set out in these regulatory provisions, the record retention period begins (with some exceptions) with the filing of the grantee's final expenditure report, and if any litigation, claim, negotiation, audit or other action is begun within that three-year period, the records would have to be retained until the completion of that action and resolution of all issues arising from it. Thus, the Department's ability to monitor its programs effectively for waste, fraud, and abuse would not be jeopardized by this amendment—requiring the commencement of an action within three years of the filing of a final expenditure report is not unreasonable—and grantees would be relieved of the burden of needlessly retaining records for an additional two years.

Section 247 of the bill would also amend section 437(b) of the Act so that it does not apply to contracts, and to ensure that the Secretary shall continue to have access to relevant records maintained by a recipient that are no longer subject to a records retention requirement. Provisions governing contracts are set out in Title 41 of the U.S. Code and Title 48 of the Code of Federal Regulations. While this section of the bill would revise the records retention requirements for applicable programs, this amendment to section 437(b) of the Act is intended to make clear that the modification of that requirement is not intended to deny the Secretary access to records that the recipient chooses to maintain beyond the mandatory period.

Section 248. Technical amendments. Section 248 of the bill would make a number of technical and conforming amendments to the heading for Part C of the Act and to sections 427, 430, 433–436, and 438 of the Act that are necessary for conformity within the DEOA and with the repeal of most of the provisions of section 403 of the Act as proposed in section 224 of the bill.

Section 249. Repeals. Section 249 of the bill would repeal sections 421, 423, 424, 426, 426A and 429 of the Act. Section 421, relating to the applicability of Part C of the Act duplicates section 400 of the Act and is confusing and unnecessary. Repealing section 421 would make Part C applicable to the same extent as is the Act generally. Section 423, which authorizes the Catalog of Federal Education Assistance Programs, duplicates the education portion of the Catalog of Federal Domestic Assistance published by the Office of Management and Budget. Section 424, which authorizes the publication of an annual compilation of innovative projects assisted by the Department, is obsolete because all of the programs referred to in the section have been consolidated into block grant programs.

Section 426 authorizes the Secretary to provide various forms of technical assistance and duplicates the Secretary's authority under section 422(a) of the DEOA. A new section 426, relating to educational equity, would be added to GEPA by section 250 of the bill. Section 426A authorized equalization assistance and expired at the end of fiscal year 1984. Section 429 of the ESEA is repealed as a duplication of the Secretary's broad authority to provide information in connection with the Secretary's responsibility for the supervision and direction of the Department under section 201 of the DEOA.

Section 250. Equity for students, teachers, and other program beneficiaries. Section 250 of the bill would add a new section 426 to the Act directing the Secretary to require each applicant for assistance under an applicable program to develop and describe in its application the steps it proposes to take to ensure equitable access to, and equitable participation in, the project or activity to be conducted with Federal assistance, by addressing the special needs of students, teachers, and other program beneficiaries, in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability and age. The Secretary would be authorized to provide technical assistance for meeting this requirement. The section would not alter any of the rights or responsibilities established under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination.

Part E—Advisory committees

Section 251. Repeal. Section 251 of the bill would repeal Part D of the Act relating to advisory committees. Advisory committees are provided for in the Federal Advisory Committee Act and additional legislation in GEPA reduces flexibility in the administration of council activities.

Part F—Enforcement

Section 261. Repeal of grantback provision. Section 261 of the bill would repeal the grantback provision in section 459 of the Act.

Part G—Related amendments to other acts

Section 271. Department of Education Organization Act. Section 271 of the bill would make conforming amendments to the DEOA by striking out subsection (b) of section 414; by adding to section 417 a new subsection (d) authorizing the Secretary, with funds expressly appropriated for such purpose, to construct such facilities as may be necessary to carry out the functions of the Secretary or the Department and to acquire and dispose of such property; by amending section 421 to allow the Secretary to accept the donations of services for the purpose of aiding or facilitating the work of the Department; and by striking out section 427 as unnecessary.

Section 272. Higher Education Act of 1965. Section 272 of the bill would repeal sections 432(d) and 482(c) of the Higher Education Act of 1965 (HEA).

Section 432(d) of the HEA, which relates to authority for the Secretary to delegate certain Federal Family Education Loan program functions to regional offices of the Department, is already covered under the DEOA.

Section 272 of the bill would amend the Master Calendar provisions of the HEA by eliminating subsection (c), which currently delays the effective date of certain regulations published on or after December 1 to the second award year beginning after that date. This provision is an inappropriate intrusion on the administrative functions of the Department in the delivery of student financial assistance. The unreasonably long delay of the effective date of regulations would, in certain circumstances, delay the implementation of program improvements, constrain regulatory procedures, minimize opportunities for public comment, and severely limit the Secretary's ability to respond effectively to unforeseen administrative problems requiring prompt regulatory guidance.

Part H—Conforming amendments and effective date

Section 281. Conforming amendments to other Acts. Section 281 of the bill would make various conforming amendments to other laws as follows:

Section 281(a) of the bill would repeal sections 9 and 100(d) of the Rehabilitation Act of 1973, as amended, which duplicate provisions of the Act that would be made applicable to programs under the Rehabilitation Act by the amendments to section 400 of the Act proposed in section 101 of the bill. Section 9 of the Rehabilitation Act, relating to audits and recordkeeping, is duplicated by section 437 of the Act. Section 100(d) of the Rehabilitation Act, which provides for the contingent extension of the Title I Basic State Grant program, duplicates section 414 of the Act.

Section 281(b) of the bill would amend the HEA to repeal the termination, in section 491(b), of the Secretary's authority to abolish advisory councils, which would conform to repeal of Part D of the Act proposed in section 251 of the bill.

TITLE III—AMENDMENTS TO OTHER ACTS

Part A—Amendments to the Individuals With Disabilities Education Act

Part A of Title III of the bill would amend Parts B and H of the Individuals with Disabilities Education Act (IDEA) to effectively merge the current program under Subpart 2 of Part D of Chapter 1 of Title I of the Act into the IDEA. Continuation of the separate and duplicative Chapter 1 program is not warranted.

Section 311. Allocations under section 611 of the IDEA. Section 311 of the bill would amend section 611 of the Individuals with Disabilities Education Act (IDEA), which governs the allocation of funds to States under Part B of that Act, as follows:

Subsection (a). Subsection (a)(1) would restate, by shortening, section 611(a) of the IDEA, which establishes the maximum

amount for which each State is eligible for each fiscal year, without substantive change. As is currently the case, each State would be eligible to receive an amount equal to: (1) the number of children with disabilities in the State aged six through 21, who are receiving special education and related services, plus the number of those children aged three through five if the State is eligible for a preschool grant under section 619 of the IDEA; multiplied by (2) 40 percent of the average per-pupil expenditure (APPE) in public elementary and secondary schools in the United States. However, the revised section 611(a) would no longer contain numerous provisions, such as those setting lower APPE percentages for fiscal years 1978–1982 and guaranteeing each State an annual grant at least as large as it received for fiscal year 1977, that are obsolete by their terms or in practice.

Subsection (a)(2) would similarly clarify the definition of "State" in section 611(a)(2) of the IDEA by affirmatively stating which jurisdictions (the 50 States, the District of Columbia, and Puerto Rico) are included, rather than listing each of the several outlying areas, which are excluded for purposes of the State funding formula. The outlying areas are separately funded under section 611(e) of the IDEA, discussed below.

Subsection (a)(3) would amend section 611(a)(5)(A) of the IDEA, which allows a State to count no more than 12 percent of the State's children aged five through 17 (or three through 17 if the State serves that broader age range) for purposes of receiving funds appropriated under Part B. To help protect States against the loss of funds resulting from the elimination of the Chapter 1 program for children with disabilities (the "Chapter 1 program"), the bill would provide an alternative "cap" equal to the combined percentage of children counted, for fiscal year 1994, under section 611 and under the Chapter 1 program. For example, if, for fiscal year 1994, a State counted 11 percent of all the children in the State under section 611 and another three percent of all the children in the State under the Chapter 1 program, it could hereafter count 14 (11 plus 3), rather than 12, percent of its children under section 611. A State that had a combined fiscal year 1994 percentage below 12 percent could still, of course, count children up to 12 percent in future years. In addition, the prohibition against counting the same child under both section 611 and under the Chapter 1 program would be deleted as unnecessary, in light of the discontinuation of the chapter 1 program.

Subsection (b). Subsection (b) would replace section 611(b) of the IDEA, which applied only to fiscal year 1978, with a new "hold harmless" provision that, like the revised section 611(a), would protect States against the loss of funds from the elimination of the Chapter 1 program. As amended, section 611(b) would guarantee each State an annual grant under section 611 that is at least as large as the combined amount it received for fiscal year 1994 under section 611 and the Chapter 1 program for children aged three through 21. If a State's child count for fiscal year 1998 or 1999 falls below its fiscal year 1994 child count, the guaranteed amount would be proportionately reduced.

Subsection (c). Subsection (c) would streamline, and generally improve the readability of, section 611(c) of the IDEA, which governs the within-State distribution and use of each State's section 611 grant, without substantive change.

Subsection (d). Subsection (d) would amend and expand section 611(d) of the IDEA, which requires each State to make *pro rata* subgrants to LEAs based on their respective numbers of children with disabilities aged three through 21. First, the bill would redesignate current subsection (d) as subsection (d)(1) and improve its readability.

Second, the bill would add, as section 611(d)(2)(A)(i), a requirement that each State use the 20 percent of its total grant that, under section 611(c)(2)(A)(i), it may use for certain services and administrative costs, to ensure that each State agency that received fiscal year 1994 funds under the Chapter 1 program receives, under section 611, at least the same amount it received for fiscal year 1994 for each child aged six through 21 it serves, by making up any difference between the amount a State agency receives per child from the funds distributed to LEAs and the share it received for fiscal year 1994 under the Chapter 1 program.

Third, new section 611(c)(2)(A)(ii) would permit a State to use its 20 percent set-aside to ensure a similar per-child amount for LEAs that had received fiscal year 1994 Chapter 1 payments for children who had transferred to those LEAs from State-operated or State-supported schools or programs in accordance with the Chapter 1 payment authority (current section 1221(d)(2) of the ESEA) that is designed to foster those transfers.

Finally, new section 611(d)(2)(B) would limit the scope of the two "hold harmless" provisions described above to the number of children aged three through 21 for whom the State agency or LEA received Chapter 1 funds for fiscal year 1994.

Together, these new provisions will ensure that each of these agencies is adequately protected from the loss of funds that would otherwise result from the elimination of the Chapter 1 program.

Subsection (e). Subsection (e) would amend section 611(c)(1) of the IDEA, which identifies the outlying areas that are eligible for assistance under section 611, by deleting references to the Federated States of Micronesia and the Republic of the Marshall Islands, consistent with provisions of the bill relating to other programs. These Freely Associated States are now sovereign foreign nations, whose relations with the United States are governed by their respective Compacts of Free Association, pursuant to which they receive various forms of financial and other assistance from the U.S. Government. It is inappropriate to provide financial assistance to them under domestic education programs.

Subsection (f). Subsection (f) would amend section 611(g) of the IDEA, which describes the procedures to be followed when available funds are insufficient to pay each State the full amount for which it is eligible under section 611(a), to improve its readability. It would also add, as section 611(g)(1)(C), authority for a State that has used its 20 percent set-aside to provide funds to State agencies and LEAs that received Chapter 1 funds for fiscal year 1994 to recoup those funds from any additional funds that may become available after the initial appropriation has been distributed. This provisions will afford relief to those States that, under new section 611(c)(2)(A)(i) and (ii), were required or chose to provide "hold harmless" funds to State agencies and LEAs that previously received Chapter 1 funds.

Section 312. Treatment of Chapter 1 State agencies. Section 312 of the bill would add a new section 614A to Part B of the IDEA to provide for funding, under both section 611 and under the preschool program under section 619 of the IDEA, to State agencies that received fiscal year 1994 funds under the Chapter 1 program, as follows:

IDEA, section 614A. Proposed section 614A(a) of the IDEA would require that, for the purpose of making payments under sections 611 and 619, a State agency that received fiscal year 1994 funds for three through 21 year-olds under the Chapter 1 program be treated as if it were an LEA.

Section 614A(b) would require an SEA to ensure that each State agency that operates or supports a program or school for children with disabilities that receives Part B funds: (1) provides each child with a disability in that school or program a free appropriate public education in accordance with Part B, including the due process protections of section 615, as if it were an LEA; and (2) has on file with the SEA an application that meets the LEA application requirements of section 614 that the Secretary finds appropriate. The Secretary would implement this latter requirement through regulations that recognize the difference between LEAs and State agencies and between the programs they operate. It may not be appropriate, for example, to require State agencies to comply with the "excess cost" limitation of section 614(a)(2)(B)(i) or the comparability requirement of section 614(a)(2)(C), just as the SEA is not now subject to all the requirements that apply to all LEAs when the SEA is providing direct services to children with disabilities.

Section 614A(c) would further accommodate the special circumstances of State agencies serving children with disabilities by exempting them from section 611(c)(4)(A) of the IDEA, which: (1) prohibits subgrants to LEAs unless they are eligible for at least $7,500; and (2) requires LEAs to submit applications that fully comply with section 614. As noted above, the Secretary will determine which requirements of section 614 are appropriate for State agency applications.

Section 313. Infants and toddlers with disabilities. Section 313(a) of the bill would amend section 684(c)(1) of the IDEA, which governs the annual allotment of funds to States under the program for infants and toddlers with disabilities authorized by Part H of the IDEA. Section 313(a)(1) would redesignate section 684(c)(2), which defines "infants", "toddlers", and "State", as section 684(c)(5).

Section 313(a)(2) would retain the elements of the current formula in section 684(c)(1), under which Part H funds are allotted to States on the basis of their relative populations of all children, from birth through age 2; and which guarantees each State at least one-half of one percent of the amount available for all States, or $500,000, whichever is greater. The new section 684(c)(4) would also guarantee that each State's Part H allotment would be at least as great as the combined amount the State received for fiscal year 1994 under Part H and for infants and toddlers with disabilities under the Chapter 1 program. If the number of infants and toddlers in a particular State used todetermine its fiscal year 1998 or 1999 allocation is less than its fiscal year 1994 number, the guaranteed amount would be proportionately reduced. This "hold harmless" provision is another method by which the bill protects States against the loss of revenues from the merger of the Chapter 1 program and the IDEA program.

Finally, new section 684(c)(2) would provide that, for fiscal year 1995 only, after setting aside funds for the Department of the Interior and the outlying areas, the Secretary would allot the first $34 million of the Part

H appropriation among the States on the basis of the actual number of infants and toddlers being served on the normal December 1 count date who could have been counted under the Chapter 1 program and who, therefore, would be served at no cost to their parents. This will promote a smooth transition to the full merger of the Chapter 1 program and IDEA programs by ensuring that a portion of Part H funds, comparable to the amount now allocated to States for infants and toddlers under the Chapter 1 program, is distributed, in the first year of the merger, in the same way as Chapter 1 funds are now distributed, while the remaining funds would be distributed in accordance with the present Part H formula. Funds for subsequent fiscal years will, of course, be distributed in accordance with whatever method is prescribed by the upcoming reauthorization of the Part H program.

Section 313(b) of the bill would provide that the revised Part H State allocation formula would take effect beginning with fiscal year 1995.

Part B—Amendments to the Stewart B. McKinney Homeless Assistance Act

Title III, Part B of the bill would amend Title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 *et seq.*; "the McKinney Act") concerning the education of homeless adults, children, and youth as follows:

Section 321. State literacy initiatives. Section 321 of the bill would amend section 702 of the McKinney Act which provides for a State literacy initiative for homeless adults. Proposed section 702 of the McKinney Act would authorize the Secretary to award grants to SEAs to enable them to implement, either directly or through contracts and grants, a program of literacy training and academic remediation for homeless adults. The program would be required to include outreach activities and to be coordinated with other agencies or organizations, such as community-based organizations, nonprofit literacy-action organizations, and funding recipients under the Adult Education Act, Title II of the Job Training Partnership Act, the Youth Fair Chance Program under Title IV of the Job Training Partnership Act, the Volunteers in Service to America program under the Domestic Volunteers Service Act, Part C of this Title, or the Job Opportunity and Basic Skills program under the Social Security Act.

Each SEA desiring to receive a grant would be required to submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require. Each application would be required to include an estimate of the number of homeless individuals in the State and the number expected to be served. In awarding these grants, the Secretary would be required to give special consideration to these estimates and to make awards in whatever amount he or she determines would best serve the purposes of this program.

Finally, section 702 would authorize to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999 to carry out the program. As used in this section, the term "State" would mean each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau).

Section 322. Education for homeless children and youth. Section 322 of the bill would amend in its entirety Subtitle B of Title VII of the McKinney Act, concerning education programs for homeless children and youth.

Proposed section 721 of the McKinney Act would provide that it is the policy of the Congress that: (1) each SEA shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youth; (2) in any State that has a compulsory residency requirement as a component of its compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youth, the State will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youth are afforded the same free, appropriate public education as provided to other children and youth; (3) homelessness alone should not be sufficient reason to separate students from the mainstream school environment; and (4) homeless children and youth should have access to the education and other services that they need to ensure that they have an opportunity to meet the same challenging State performance standards to which all students are held. Thus, these policies would clarify that homeless children should have equal access to public preschool education, a policy that is unclear in current law, and would emphasize that homeless children and youth would be expected to meet the same challenging performance standards as their peers, consistent with the strategy of the Goals 2000: Educate America Act.

Proposed section 722 of the McKinney Act would authorize the Secretary to award grants to States for the education of homeless children and youth. Subsection (b) of this section would provide that a State could not receive a grant unless the SEA submitted an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

Subsection (c) of this section would authorize the Secretary, subject to the reservation provisions described below and section 724(c), to allot to each State for each fiscal year an amount that bears the same ratio to the amount appropriated as the amount allocated under section 1122 of the ESEA to the State in that year bears to the total amount allocated to all States, except that no State would receive less than $100,000. This increase from the current State minimum grant of $50,000 would ensure that all States have sufficient funding to make local grants in addition to carrying out the mandated State-level functions.

This subsection would also authorize the Secretary to reserve one-tenth of one percent of the amount appropriated for each fiscal year for this program to be allocated among the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the Compact of Free Association with Palau takes effect), according to their respective need, as determined by the Secretary. A one-time hold-harmless provision for the territories that is now obsolete, would be deleted. Consistent with this reservation, the term "State" would not include the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or Palau, for purposes of this subsection.

Finally, the Secretary would be authorized to transfer one percent of the amount appropriated for each fiscal year under section 726 to the Department of the Interior for programs for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act, that are consistent with the purposes of the McKinney Act. This would replace a provision in current law that authorizes a set-aside for the Bureau of Indian Affairs.

Subsection (d) of this section would require that grants under this section be used to: (1) carry out in the State the policies set forth in section 721 of the McKinney Act; (2) provide activities for, and services to, homeless children, including preschool-aged children, and homeless youth that enable these children and youth to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs; (3) establish or designate an Office of Coordinator of Education of Homeless Children and Youth in the State Educational Agency; (4) prepare and carry out the State plan; and (5) to develop and implement professional development programs for school personnel to heighten awareness of specific problems in the education of homeless children and youth.

Subsection (e) of this section would require that an SEA provide grants to LEAs for purposes of section 723 if the amount allotted to the SEA for any fiscal year under this subtitle exceeded the amount the SEA received for this subtitle for fiscal year 1990. The SEA would be allowed to reserve not more than the greater of five percent of the amount it received under this subtitle for any fiscal year, or the amount it received under this subtitle for fiscal year 1990, to conduct activities under proposed section 722(f), directly or through grants or contracts. If the amount allotted to an SEA under this subtitle for any fiscal year was less than the amount the SEA received under this subtitle for fiscal year 1990, the SEA would be allowed, at its discretion, to provide grants to LEAs or conduct activities under subsection (f) directly or through grants or contracts. These provisions would clarify but not substantially alter the provisions in section 722(c)(6) of current law.

Subsection (f) of this section would set forth the responsibilities of the Coordinator of Education of Homeless Children and Youth established in each State. Among these responsibilities, which are similar to those in current law, would be the requirement to estimate the number of homeless children and youth in the State and the number of these children and youth served with assistance provided under the grants under this program. Under current law, States are required to prepare and send to the Secretary a biennial count of their homeless children and youth, and the Secretary is required to aggregate the date to compile a national estimate. However, this aggregated data does not produce reliable information at the national level, since the methodology used in each State varies. Therefore, this proposed provision would require States to prepare an estimate, rather than an actual count, and to use the estimate for conducting State and local activities, rather than for aggregation at the national level.

Subsection (f) would also require the coordinator to gather, to the extent possible, reliable, valid, and comprehensive information on the nature and extent of the problems homeless children and youth have in gaining access to public preschool programs and to public elementary and secondary schools, the difficulties in identifying the special

needs of these children and youth, any progress made by the SEA and LEAs in the State in addressing these problems and difficulties, and the success ofthe program under this subtitle in allowing homeless children and youth to enroll in, attend, and succeed in school. The coordinator would be required to prepare and submit to the Secretary, not later than October 1, 1997, and on October 1 of every third year thereafter, a report based on this information and on additional information the Secretary may require to carry out his or her responsibilities under this program.

Finally, the coordinator would be required to: (1) develop and carry out the State plan; (2) facilitate coordination between the SEA, the State social services agency, and other agencies providing services to homeless children and youth and their families; and (3) develop relationships and coordinate with other relevant education, child development, or preschool programs and providers of services to homeless children, homeless families, and runaway and homeless youth (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youth), to improve the provision of comprehensive services to homeless children and youth and their families.

Subsection (g) of this section would require the State to submit to the Secretary a plan to provide for the education of homeless children and youth within the State. The State plan would be required to describe how these children and youth are or will be given an opportunity to meet the same challenging State performance standards all students are expected to meet (consistent with the provisions of the Goals 2000: Educate America Act) and to describe the procedures the SEA will use to identify these children and youth in the State and to assess their special needs. The State plan would be required to describe procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth.

Subsection (g) would also require the State plan to describe procedures that ensure that: (1) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs; (2) homeless children have equal access to the same public preschool programs as provided to other children; and (3) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care programs. The State plan would be required to contain an assurance that the SEA and LEAs in the State will adopt policies and practices to ensure that homeless children and youth are not isolated or stigmatized. Further, the State plan would be required to: (1) describe programs for school personnel (including principals, attendance officers, teachers and enrollment personnel), to heighten the awareness of these personnel of the specific needs of runaway and homeless youth; and (2) demonstrate that the SEA and LEAs in the State have developed, and will review and revise, policies to remove barriers to the enrollment and retention of homeless children and youth in schools in the State. Finally, the State plan would be required to address problems set forth in the coordinator's report to the Secretary, and other problems with respect to the education of homeless children and youth, including problems caused by transportation issues, as well as enrollment delays that are caused by immunization requirements, residency requirements, lack of birth certificates, school records, or other documentation, guardianship issues.

Each State plan would also be required to show how the State will ensure that its LEAs will comply with seven mandated activities, as follows:

First, the LEA of each homeless child and youth would be required to continue the child's or youth's education in the school of origin for the remainder of the academic year (or, in any case in which a family becomes homeless between academic years, for the following academic year), or enroll the child or youth in any school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend, according to the child's or youth's best interest. In determining the best interests of the child or youth, the LEA would be required to comply with the request made by a parent or guardian regarding school selection unless the LEA had a compelling reason for not complying with the request. Many States already comply with this proposed requirement, which recognizes the primacy of parents in making this determination. For purposes of this provision, the term "school of origin" would mean the school that the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled. The choice regarding placement would be made regardless of whether the child or youth lived with his or her homeless parents or had been temporarily placed elsewhere by the parents.

Second, each homeless child or youth would be required to be provided services comparable to services offered to other students in the selected school, including: (1) transportation services (subject to the requirement to provide transportation described below); (2) educational services for which the child or youth meets the eligibility criteria, such as services provided under Title I of the ESEA or similar State or local programs, educational programs for children with disabilities, and educational programs for students with limited English proficiency; (3) programs in vocational education and programs for gifted and talented students; and (4) school meals programs. The proposed change from the current emphasis on "compensatory educational programs for the disadvantaged" to services underTitle I of the ESEA emphasizes a focus on high standards rather than remediation.

Third, any record ordinarily kept by the school, including immunization records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, of each homeless children or youth would be required to be maintained so that the records are available, in a timely fashion, when a child or youth enters a new school district. These records would also have to be maintained in a manner that is consistent with section 438 of the General Education Provisions Act, concerning the protection of privacy of education records.

Fourth, each LEA serving homeless children and youth that receives assistance under this program would be required to coordinate with local social services agencies and other agencies or programs providing services to such children or youth and their families.

Fifth, each LEA in which homeless children or youth live or attend school in a State that receives a grant under this program would be required to designate a homelessness liaison to ensure that homeless children and youth enroll and succeed in the schools of LEA and homeless families, children, and youth receive educational services for which they are eligible, including preschool programs, and referrals to health care services, dental services, mental health services, and other appropriate services. State coordinators and LEAs would be required to inform school personnel, service providers, and advocates working with homeless families of the duties of the liaisons. This amendment to current law, which requires only LEAs with subgrants to designate a liaison, would help to ensure that all homeless children and youth have equal access to the services to which they are entitled.

Sixth, each SEA and LEA would be required to review and revise any policies that may act as barriers to the enrollment of homeless children and youth in their selected schools. In reviewing and revising these policies, consideration would have to be given to issues concerning transportation, immunization, residency, birth certificates, school records, and other documentation, and guardianship. Special attention would also have to be given to ensuring the enrollment and attendance of homeless children and youth who are not currently attending school.

Seventh, each State plan would be required to demonstrate that transportation, to the extent possible, will be provided at no cost to homeless children and youth attending the school in which they are enrolled, and to contain procedures for resolving disputes between LEAs or within an LEA concerning transportation costs for these children and youth. This new requirement is intended to stress the importance of transportation, which is the biggest obstacle to enrollment and attendance in school, and to encourage States and local education agencies to give priority to transportation issues.

Proposed section 723 of the McKinney Act would require the SEA, in accordance with section 722(e), to make grants to LEAs for the purpose of facilitating the enrollment, attendance, and success in school of homeless children and youth. Services under these grants could generally be provided through programs on school grounds or at other facilities. This section would delete the word "nonsectarian" in reference to the location of the provisions of services funded under current law, since this restriction has made it impermissible to provide services on church-owned property. The amendment would allow program services on church property where constitutionally permissible.

Where services are provided through programs on school grounds, these services could also be made available to children and youth who are determined by the LEA to be at risk of failing in, or dropping out of, schools, except that priority for these services must be given to homeless children and youth. To the extent practicable, services would be required to be provided through existing programs and mechanisms that integrate homeless individuals with nonhomeless individuals. In addition, these services would be required to be designed to expand upon or improve services provided as part of the school's regular program.

Subsection (b) of this section would provide that an LEA that desires to receive a grant under this section must submit an application to the SEA at such time, in such manner, and containing or accompanied by such information as the SEA may reasonably require according to guidelines issued by the Secretary. The application would be required to describe the services and programs for which assistance is sought and the problems

to be addressed through the provisions of these services and programs, as well as the policies and procedures that the LEA would implement to ensure that activities carried out by the LEA would not isolate or stigmatize homeless children and youth. The application would also be required to include assurances that the applicant complies with, or would use requested funds to come into compliance with, the State plan requirements in sections 722(g)(3) through 722(g)(9), that the applicant has maintained its fiscal effort.

Subsection (c) of this section would require the SEA, in accordance with the funding provisions of section 722(g), to award grants under this section to applicant LEAs on the basis of their need. In determining need, the SEA could consider the number of homeless children and youth enrolled in preschool, elementary, and secondary schools within the area served by the LEA, and would be required to consider the needs of these children and youth and the LEA's ability to meet these needs. The SEA could also consider: (1) the extent to which the proposed use of funds would facilitate the enrollment, retention, and educational success of homeless children and youth; (2) the extent to which the application reflects coordination with other local and State agencies that serve homeless children and youth, as well as the State plan; (3) the extent to which the applicant exhibits in the application and in current practice a commitment to education for all homeless children and youth; and (4) other criteria that the SEA determines to be appropriate.

Finally, subsection (c) would provide that grants awarded under this section would be for terms not to exceed three years, rather than two years as under current law. This change gives more flexibility to States in the awarding of subgrants and is more consistent with terms of other Department of Education subgrant programs.

Subsection (d) of this section would authorize an LEA to use funds awarded under this section for activities to carry out the purpose of this program. This subsection would delete both a reference in current law to "primary" and "related" activities and the requirement for a percentage of the funds to be spent on each type of activity. This change would eliminate confusion and unnecessary limitation on State and local efforts to meet the unique needs of homeless children and youth in different locations.

These authorized activities would include the provision of: (1) tutoring and supplementary educational services that are linked to the achievement of the same challenging standards the State establishes for other children or youth; (2) expedited evaluations of the strengths and needs of homeless children and youth, including needs and eligibility for programs and services such as educational programs for gifted and talented students, children with disabilities, and students with limited English proficiency, services provided under Title I of the ESEA or similar State or local programs, programs in vocational education, and school meals programs; (3) referral services to homeless children and youth for medical, dental, mental, and other health services; (4) assistance to defray the excess cost of transportation for students under sections 722(g)(4) or 722(g)(9), not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend their selected school; (5) developmentally appropriate early childhood education programs (not otherwise provided through Federal, State, or local funding) for preschool-aged children; (6) before-and-after-school and summer programs for homeless children and youth in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities; (7) education and training to the parents of homeless children and youth about the rights of, and resources available to, these children and youth; (8) counseling (including violence prevention counseling), social work, and psychological services, and referrals for these services; (9) school supplies to be distributed at shelters or temporary housing facilities; and (10) other extraordinary or emergency assistance needed to enable homeless children and youth to attend school.

In addition to the authorized activities noted above, the LEA could offer professional development and other activities for educators and other school personnel that is designed to heighten their understanding and sensitivity to the needs of homeless children and youth, the rights of these children and youth under the McKinney Act, and the specific educational needs of runaway and homeless youth. Where necessary, the LEA could pay fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and youth in school, including birth certificates, immunization records, academic records, guardianship records, and evaluations for special programs or services. The LEA could also develop coordination between schools and agencies providing services to homeless children and youth, could undertake activities to address the particular needs of homeless children and youth that may arise from domestic violence, and could adapt space and purchase supplies for nonschool facilities made available under subsection (a)(2) to provide services under this subsection.

Proposed section 724 of the McKinney Act would set forth the Secretary's responsibilities under this program. This section would delete the obsolete study and data collection mandates in current law, but would retain provisions regarding monitoring, evaluation, technical assistance, and dissemination. Thus, the Secretary would be required to provide support and technical assistance to SEAs to assist them in carrying out their responsibilities under this program, and to conduct evaluation and dissemination activities of programs designed to meet the educational needs of homeless elementary and secondary school students. The Secretary would be authorized to use funds appropriated under section 726 to conduct evaluation and dissemination activities. Further, in reviewing the State plans submitted by the SEAs, the Secretary would have to use a peer review process and evaluate whether State laws, policies, and practices described in such plans adequately address the problems of homeless children and youth relating to access to education and placement as described in these plans.

Finally, the Secretary would be required to prepare and submit a report to Congress on the activities authorized by this program by December 31, 1997, and every third year thereafter, rather than an annual report as required under current law.

Proposed section 725 of the McKinney Act would define the term "Secretary" to mean the Secretary of Education and the term "State" to mean each of the 50 States, the District of Columbia and the Commonwealth of Puerto Rico.

Proposed section 726 of the McKinney Act would authorize an appropriation of such sums as may be necessary for each of the fiscal years 1995 through 1999 to carry out this program.

Part C—Repeal of impact aid statutes

Section 331. Repeal of Impact Aid statutes. Section 331 of the bill would repeal Public Laws 81-815 and 81-874, the Impact Aid statutes. Statutory authority for the Impact Aid program would be transferred to Title VIII of the ESEA, as provided for by section 101 of the bill and discussed more fully under that proposed title, above. Public Laws 81-815 and 81-874 would no longer be needed.

Mr. PELL. Mr. President, I am both enthusiastic and proud to be an original cosponsor of the Improving America's Schools Act of 1993.

President Clinton has been in office less than 9 months. Yet, in that short period of time, the Department of Education, under the exceptionally able leadership of Secretary Richard Riley, has developed a thoughtful, comprehensive initiative for reauthorization of the Elementary and Secondary Education Act. It is a proposal that merits our careful consideration.

The administration's bill is, without doubt, landmark legislation. It seeks to augment and spur the education reform movement already underway in State after State, community after community, and school after school throughout America. It is based on the premise that an education of opportunity and excellence is something that should not be a dream, but a reality for every American schoolchild.

The proposals for a new title I program are the cornerstone of this legislation, as well they should be. The current chapter 1 program is our most important Federal elementary and secondary education program. The administration's title I initiative not only maintains but strengthens that commitment.

The Federal contribution is a meager, and to my mind most inadequate, 6 percent. The chapter 1 program, however, represents almost two-thirds of all the money—Federal, State, and local—that is spent on basic skills instruction for children from families who are less well off. To them, it is not just another education program, it is the critical education program at the Federal level.

Tragically, chapter 1 is seriously underfunded. Less than half of all eligible recipients participate in this program today. While I would like to see this situation changed and Federal spending on general education doubled, I am afraid that goalremains, most unfortunately, beyond our reach for the immediate future. That harsh reality, however, should not deter us from getting the biggest bang for our buck, from making sure that our limited resources are used in a most effective manner and have a concentrated and beneficial impact on those children most in need. The administration's proposal does just that.

On many, many occasions I have said that America, in order to lead the

world, must have a world class work force, and that a world class work force depends upon a world class education. To me, that means tough education standards, and education programs that live up to those standards. The administration's initiative is consistent with that objective. It puts the teeth of the Federal education dollar squarely behind the education reform movement already taking place throughout our land. It supports reform where it is taking place; it pushes reform where it is just beginning; it anticipates and expects reform where it should be occurring. But it does all that while recognizing that the primary responsibility for education in America rests not in Washington, but in the States and localities.

Of equal importance, the administration's proposals remain true to the original objective and purpose of the Elementary and Secondary Education Act of 1965. I was an original cosponsor of that legislation, and never have I looked back with anything but pride upon the small role I played in helping enact that legislation. It recognized that there were areas of our Nation where poverty literally robbed our children of educational opportunity and advancement. It recognized that the Federal Government had an important role to play in helping change that situation.

Today, almost 30 years after passage of the 1965 act, the situation we set out to alleviate remains all too prevalent in community after community across our land. In our most urban areas and in our most isolated rural areas, poverty is notjust an occasional occurrence. It is the dominating fact of life for millions upon millions of American citizens. It continues to subject children to the conditions we set out to eradicate almost three decades ago.

The clear message of widespread need and limited resources is that we must target our funds better, craft our programs more carefully, and work hard to ensure that funding is adequate to the task at hand. The administration's proposal targets funds to the areas of our Nation that need our help the most, and seeks to ensure that the programs and the funds will be of sufficient size and scope for those areas to pursue effective courses of action.

Better targeting of limited resources means, of course, that some areas will get additional funds, and some will receive less or even none at all. Yet, if we are to enhance educational opportunity and advancement where it is most needed, most arduous to achieve, and most important to accomplish, we cannot avoid the difficult decisions that are required of us. The administration has made those difficult decisions in formulating the proposals in this legislation. My own opinion is that we ought to back them up.

That does not mean that we will not have differences. We will. But they should be differences that come within the context of what the administration has set out to accomplish. To my mind, it is critical that we not violate the focus and thrust of the administration's initiative. That will be my own personal yardstick as we consider this legislation.

Crafting a formula that will be acceptable to the Members of this body will, I anticipate, be one of our most difficult undertakings. We have faced similar and equally difficult tasks in previous authorizations, and we have reached an accommodation that may not have satisfied everyone, but at least gained their acceptance. That is a goal we should seek in this reauthorization as well. The formula proposed by the administration will be changed, but changes should come in fine tuning the formula and should not strike at its heart.

Also, as we proceed with reauthorization, we cannot neglect the fact that full participation in our society—in the workplace, the grocery store, and at home—depends upon the mastery of basic skills. Every American must be able to read, write, and compute. It is truly a tragedy that as Secretary Riley has noted, 90 million adults do not have the literacy skills they need to function in our increasingly complex world. Thus, as we look at the education proposals advanced by the administration, we simply cannot ignore the basics. This is something I consider of paramount importance as we move ahead.

It is without question that a high-quality education depends upon a high-quality teacher. Little can be accomplished in the classroom without a good, knowledgeable, and enthusiastic teacher. The Eisenhower Math and Science Program, legislation which I authored as part of the Education for Economic Security Act, has been very successful. It is time, however, to build upon those accomplishments and to extend them to other disciplines, such as English, history, civics and government, and the arts. I strongly support the administration's proposal in this area.

There are many other areas in which we must act as well. Reauthorization and strengthening proven programs such as drug-free schools, innovation in education, magnet schools, gifted and talented education, and civics and government instruction is critical. The reasons these programs exist are evident; the services they are providing are important. Clearly, the school must be a safe place in which to learn. Innovative education programs should not be the exclusive province of wealthier school districts, and the magnet schools program provides a wonderful wayof invigorating education in some of the most disadvantaged school districts in the Nation. Gifted students should be pushed to excel, and should not be held back because of the lack of challenging education programs. And, all students should have the chance to develop critical thinking skills concerning the underpinnings of the democratic society in which they live.

I am very impressed with the administration's new arts education proposal. In the Labor and Human Resources Committee, we recently held the confirmation hearing on Jane Alexander, the President's nominee to head the arts endowment. Her testimony was one of the most moving statements I have heard during my tenure in the Senate. It was clear and compelling evidence of the importance of elocution, of theater, and of the arts to the education of our children. This is not a time for us to retreat in the arts and humanities; quite the contrary, it is time that we moved to bring them to more and more children.

We must also ensure that our children come to school ready to learn. They must be healthy and free of disease if they are to learn to the best of their ability. I have long supported the idea of providing comprehensive health services linked to the school setting, and believe we should give this concept very careful consideration.

As we reauthorize bilingual education, we cannot forget that the primary language of trade, commerce, and discourse in America is English. Our efforts in bilingual education must continue to foster the learning of English in the swiftest and most effective manner possible.

I appreciate the administration's impact aid proposals, but personally believe it is time that we looked at impact aid in new ways. To a local education agency, the presence of a military installation often means additional education expenses the community must bear. Aid to cover those expenses should not be the responsibility of the Department of Education, but of the very Department that bears the responsibility for the facility. I would hope, therefore, that we would take a close look at both the framework and the funding provisions of the Impact Aid Program as we proceed with reauthorization.

Mr. President, reauthorization of the Elementary and Secondary Education Act is a truly massive undertaking, but one of very critical importance. The education of our children is one of the most important and lasting legacies we leave the world. Well over a century ago, Disraeli, the English statesman, said that "the future of our nation depends upon the education of our children." Surely, what Disraeli said of England in the 19th century is just as true of America as we move toward the 21st century. If we are to be a strong and secure nation, we must have a strong and secure system of education. Without the latter, we most certainly

risk the former. Let us be willing, therefore, to make the difficult, tough decisions that will bring an education of excellence to all children in all parts of America. For surely, no undertaking is more worthy of our labors.

Mr. JEFFORDS. Mr. President, I join Senators KENNEDY, PELL, and KASSEBAUM in introducing—on behalf of the administration—the proposal for reauthorizing the Elementary and Secondary Education Act of 1965 [ESEA].

ESEA, arguably the most far-reaching Federal education act, provides assistance to almost every school district in this Nation. The largest program, chapter 1, provides assistance to 5½ million disadvantaged students. Begun in 1965, it has a long legacy of providing children with supplemental education assistance.

Each of the last reauthorizations have made changes to fine tune chapter 1, alter formulas for aid distribution and add new categorical programs. This reauthorization will be no different. The administration's proposal for reauthorization provides Congress with a blueprint for this year's reexamination of the bill. While there will be considerable disagreement over a number of aspects, particularly the change in the formula, there are a number of changes worthy of support.

The administration's proposal builds upon work already embarked upon by States. It calls for all students to be taught high standards, greater State flexibility, new measures of assessment, increased parental involvement, a new emphasis on professional development, and better integration of services.

The proposal is thoughtful, it has a clear vision and represents a needed shift away from the status quo to an overall improvement in education services for all students. While the committee has a great deal of work ahead of it, I believe the administration has provided a bill that will be a sound foundation from which to begin our debate.

By Mr. COVERDELL (for himself, Mr. KEMPTHORNE, and Mrs. HUTCHISON):

S. 1514. A bill entitled the "Guaranteed Deficit Reduction Act of 1993."

DEFICIT REDUCTION LEGISLATION

• Mr. COVERDELL. Mr. President, today, Senator KEMPTHORNE and I are introducing a bill to ensure that amendments designed to cut spending will actually result in deficit reduction. This legislation was introduced in the House of Representatives last week by Congressman MIKE CRAPO and has already attracted over 70 cosponsors from both parties.

Like Congressman CRAPO and other new Members, I have grown increasingly frustrated by the appropriations process. Even when an amendment to eliminate funding for a program passes both Chambers, overall spending does not have to decrease by one penny. Under the current rules, that funding can simply be reallocated by the conference committee for other purposes.

This bill establishes a mechanism that requires a corresponding reduction in the discretionary spending cap and related appropriations subcommittees' allocations whenever spending cut amendments are enacted. If an appropriations bill is cut on the House floor, and if the Senate concurs, real deficit reduction will be achieved.

The American people have sent a clear message to Washington: Cut Government spending. This bill is a needed step toward achieving that goal, and I hope my colleagues will join us in this effort to make our cuts count.•

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1515. A bill to amend the Central Bering Sea Fisheries Enforcement Act of 1992; to the Committee on Commerce, Science, and Transportation.

CENTRAL BERING SEA FISHERIES ENFORCEMENT ACT AMENDMENTS ACT

• Mr. MURKOWSKI. Mr. President, I rise today to introduce a bill to amend the Central Bering Sea Fisheries Enforcement Act of 1992, so as to prohibit U.S. citizens from fishing in the international waters of the Sea of Okhotsk. I am very pleased to be joined in this effort by my colleague, the senior Senator from Alaska.

The central part of the Sea of Okhotsk contains a small area of international waters more than 200 miles from the mainland of the Russian Federation, and therefore out of the Federation's fisheries jurisdiction.

This area, known colloquially as the Peanut Hole, is thus very similar to the international waters of the Bering Sea, called the Doughnut Hole, from which U.S. fishermen were banned by the Central Bering Sea Fisheries Enforcement Act.

To explain our interest in the Sea of Okhotsk, it is first necessary to briefly relate the history of the Doughnut Hole. This area was for many years subject to intense fishing by a number of nations, including Japan, Korea, Poland, and the People's Republic of China. Fisheries researchers found, however, that the Doughnut Hole populations of Alaska pollock, the primary target fish, did not originate from a discrete—and replenishable—stock. Instead, they came from fish that spawned within the exclusive economic zones of the United States and the Russian Federation.

With that knowledge, the United States and Russia worked cooperatively to seek an international agreement to bring the unregulated fisheries in this area under control. While we were successful in gaining the fishing nations agreement to a temporary moratorium, we are still seeking a permanent solution.

The Peanut Hole is very similar in nature to the Doughnut Hole. In fact, many of the fishing vessels leaving the Doughnut Hole under the moratorium have simply transferred their effort to the Peanut Hole, where their activity is having a disastrous effect on the pollock stocks of the Sea of Okhotsk.

Mr. President, last April President Clinton and President Yeltsin agreed, at the Vancouver summit, to "develop bilateral fisheries cooperation in the Bering Sea, the North Pacific, and the Sea of Okhotsk for the purpose of preservation and reproduction of living marine resources, and of monitoring the ecosystem of the North Pacific Ocean."

The bill I am introducing today is a tangible sign of our continuing interest in cooperation with the Russian Federation, and of our commitment to the welfare of the world's ocean resources. I urge my colleagues' support for it, and look forward to rapid action.

Finally, I ask unanimous consent that the full text of this bill be reproduced in the RECORD at this point.

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

S. 1515

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

SEC. 1. SHORT TITLE.

This Act may be cited as the "Sea of Okhotsk Fisheries Enforcement Act of 1993.".

SEC. 2. FISHING PROHIBITION.

The Central Bering Sea Fisheries Enforcement Act of 1992 (Title III of Pub.L. 102-582, 16 U.S.C. 1823 note) is amended—

(1) in section 302, by inserting the words "and the Central Sea of Okhotsk" after "Central Bering Sea";

(2) in section 306, by renumbering paragraphs (2) through (6) as paragraphs (3) through (7) respectively; and

(3) in section 306, by inserting the following new paragraph:

"(2) CENTRAL SEA OF OKHOTSK.—The term 'Central Sea of Okhotsk' means the central Sea of Okhotsk area which is more than two hundred nautical miles seaward to the baselines from which the breadth of the territorial sea of the Russian Federation is measured.".•

• Mr. STEVENS. Mr. President, I urge the prompt passage of this bill to prohibit U.S. fishing vessels from fishing in an area of international waters known as the Peanut Hole. The high seas area completely encircled by the Russian exclusive economic zone in the Sea of Okhotsk. Like the Central Bering Sea Doughnut Hole, for which we passed legislation to prevent overfishing last year, the Peanut Hole has become an area in great danger of being negatively impacted by overfishing.

This bill would amend the Central Bering Sea Fisheries Enforcement Act of 1992 to prohibit U.S. nationals and vessels from fishing in the Peanut Hole as well as the Doughnut Hole—unless there is an international fishery agreement to which the United States and

Russia are parties. Our Russian neighbors are very concerned about this problem. This legislation will help alleviate those concerns and will further strengthen the cooperation between our two countries on an international fishery agreement for the Central Bering Sea Doughnut Hole.•

By Mr. GRAHAM (for himself, Mr. MACK, and Mrs. BOXER):

S.J. Res. 139. A joint resolution to designate the third Sunday in November of 1993 as "National Children's Day"; to the Committee on the Judiciary.

NATIONAL CHILDREN'S DAY

Mr. GRAHAM. Mr. President, I rise today to introduce legislation to celebrate the children of our Nation by establishing National Children's Day on Sunday, November 21, 1993.

Children's Day will enable us to pay tribute to children and to focus on issues that are so important to their health, development, and education. Many children today face crises of grave proportions, especially as they enter adolescent years. It is of particular concern that over 5 million children go hungry at some point each month, and that there has been a 60-percent increase in the number of children needing foster care in the last 10 years. It is also appropriate that adults in the United States have an opportunity to reminisce on their youth to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years.

There are times when Congress can enact simple measures that ensure that the needs of our Nation's children are being recognized. It's the least we can do to celebrate the contributions children make in each of our lives and to all of America.

I urged my colleagues to join me in cosponsorship of National Children's Day.

ADDITIONAL COSPONSORS

S. 401

At the request of Mr. CAMPBELL, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 401, a bill to amend title 23, United States Code, to delay the effective date for penalties for States that do not have in effect safety belt and motorcycle helmet safety programs, and for other purposes.

S. 421

At the request of Mr. DASCHLE, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 421, a bill to amend title XVIII of the Social Security Act to provide coverage under such title for certain chiropractic services authorized to be performed under State law, and for other purposes.

S. 639

At the request of Mr. DECONCINI, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 639, a bill to make unlawful the possession of certain assault weapons, to establish a Federal penalty for drive-by shootings, and for other purposes.

S. 653

At the request of Mr. METZENBAUM, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 653, a bill to prohibit the transfer or possession of semiautomatic assault weapons, and for other purposes.

S. 774

At the request of Mr. WOFFORD, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 774, a bill to authorize appropriations for the Martin Luther King, Jr. Federal Holiday Commission, extend such Commission, establish a national Service Day to promote community service, and for other purposes.

S. 915

At the request of Mr. BAUCUS, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 915, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment.

S. 1040

At the request of Mr. BINGAMAN, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 1040, a bill to support systemic improvement of education and the development of a technologically literate citizenry and internationally competitive work force by establishing a comprehensive system through which appropriate technology-enhanced curriculum, instruction, and administrative support resources and services, that support the National Education Goals and any national education standards that may be developed, are provided to schools throughout the United States.

S. 1087

At the request of Mr. KOHL, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 1087, a bill to amend title 18, United States Code, to prohibit the possession of a handgun or ammunition by, or the private transfer of a handgun or ammunition to, a juvenile.

S. 1248

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of S. 1248, a bill to transfer to the Secretary of Transportation the functions of the Interstate Commerce Commission.

At the request of Mr. THURMOND, his name was added as a cosponsor of S. 1248, supra.

S. 1345

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1345, a bill to provide land-grant status for tribally controlled community colleges, tribally controlled postsecondary vocational institutions, the Institute of American Indian and Alaska Native Culture and Arts Development, Southwest Indian Polytechnic Institute, and Haskell Indian Junior College, and for other purposes.

S. 1361

At the request of Mr. SIMON, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1361, a bill to establish a national framework for the development of School-to-Work Opportunities systems in all States, and for other purposes.

At the request of Mr. BINGAMAN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1361, supra.

S. 1427

At the request of Mr. HOLLINGS, his name was added as a cosponsor of S. 1427, a bill to provide the necessary authority to manage the activities in Antarctica of United States scientific research expeditions and United States tourists, and to regulate the taking of Antarctic marine living resources, and for other purposes.

S. 1432

At the request of Mr. HOLLINGS, the names of the Senator from Nevada [Mr. BRYAN], the Senator from Mississippi [Mr. COCHRAN], the Senator from Washington [Mr. GORTON], the Senator from Maryland [Mr. SARBANES], the Senator from Alaska [Mr. STEVENS], the Senator from Mississippi [Mr. LOTT], the Senator from West Virginia [Mr. ROCKEFELLER] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 1432, a bill to amend the Merchant Marine Act, of 1936, to establish a National Commission to Ensure a Strong and Competitive United States Maritime Industry.

S. 1437

At the request of Mr. LAUTENBERG, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 1437, a bill to amend section 1562 of title 38, United States Code, to increase the rate of pension for persons on the Medal of Honor roll.

SENATE JOINT RESOLUTION 137

At the request of Mr. LEAHY, the names of the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Louisiana [Mr. JOHNSTON], the Senator from New York [Mr. MOYNIHAN], the Senator from Connecticut [Mr. DODD], the Senator from Missouri [Mr. BOND], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Joint Resolution 137, a joint resolution designating October 16, 1993, and October 16, 1994, each as "World Food Day."

SENATE CONCURRENT RESOLUTION 20

At the request of Mr. LIEBERMAN, the name of the Senator from Wisconsin

[Mr. FEINGOLD] was added as a cosponsor of Senate Concurrent Resolution 20, a concurrent resolution relative to Taiwan's Membership in the United Nations.

SENATE RESOLUTION 70

At the request of Mr. BRADLEY, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of Senate Resolution 70, a resolution expressing the sense of the Senate regarding the need for the President to seek the advice and consent of the Senate to the ratification of the United Nations Convention on the Rights of the Child.

AMENDMENTS SUBMITTED

DEPARTMENT OF TRANSPORTATION APPROPRIATIONS ACT OF 1994

REID AMENDMENTS NOS. 1006–1007

Mr. REID proposed amendments to the bill (H.R. 2750) making appropriations for the department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes, as follows:

AMENDMENT NO. 1006

At the appropriate place, insert the following:

SEC. . (a) It is the sense of the Senate that, within 12 months following the date of the enactment of this Act, each motor vehicle department of a State, rather than Congress, should establish a program requiring every applicant for an original, duplicate, or renewal driver's license or identification card to produce the documents specified in subdivision (b) sufficient to establish the applicant's citizenship or residence status.

(b) Under such a program, each department would accept any one of the following documents, but no other documents, as proof of the person's citizenship or residence status:

(1) an original or certified copy of a birth certificate issued in the United States.

(2) A currently valid United States passport.

(3) Official immigration documents issued by the United States Immigration and Naturalization Service that either contain the person's alien registration number or provide reasonable evidence of current immigration status.

(c) Under the program, an applicant who declares himself or herself to be a lawful resident in compliance with such program would have that status verified by the Immigration and Naturalization Service of the United States based on documents presented to the department by the applicant. Verification would be either through an automated system utilizing the applicant's alien registration or file number, known as the Systematic Alien Verification for Entitlements or "SAVE" system, or by the department sending a copy of the original document the applicant submits as evidence of his or her immigration status to the Immigration and Naturalization Service for inspection, verification, and return to the department.

(d) Under the program, the department would not issue or renew a driver's license or identification card to any person who does not establish proof that he or she is a citizen or a legal resident of the United States pursuant to subdivision (b).

AMENDMENT NO. 1007

On page 68, between lines 5 and 6, insert the following:

SEC. . (a) Section 13242(e) of the Omnibus Budget Reconciliation Act of 1993 is amended by striking "January 1, 1994" and inserting "July 1, 1994".

(b) Section 13243 of such Act is amended—

(1) by striking "January 1, 1994" each place it appears in subsections (a) and (c) and inserting "July 1, 1994",

(2) by striking "December 31, 1993" in subsection (a)(1) and inserting "June 30, 1994", and

(3) by striking "July 31, 1994" in subsection (c)(3) and inserting "January 31, 1995".

LAUTENBERG AMENDMENT NO. 1008

Mr. LAUTENBERG proposed an amendment to the bill (H.R. 2750), supra, as follows:

On page 19, line 15, strike "(HIGHWAY TRUST FUND)".

On page 19, line 17, after the comma insert the following: "and Public Law 101–516".

On page 23, line 25, strike "2,485,000" and insert the following: "1,435,000".

On page 24, line 9, strike "1,357,000" and insert the following: "$2,711,000".

On page 28, line 23, following "'1994" insert: "and $250,000 is hereby made available for the cost of such loan guarantee commitments".

On page 40, line 15, strike "1004(d)" and insert the following: "10004(d)".

On page 61, line 21, strike "1995" and insert the following: "1997".

LAUTENBERG AMENDMENT NO. 1009

Mr. LAUTENBERG proposed an amendment to the bill H.R. 2750, supra, as follows:

On page 65, strike all beginning on line 9 through the end of line 13.

DANFORTH (AND OTHERS) AMENDMENT NO. 1010

Mr. DANFORTH (for himself, Mr. BROWN, Mr. CHAFEE, Mr. DOMENICI, Mr. LOTT, Mr. MURKOWSKI, Mr. DOLE, Mr. JEFFORDS, Mr. THURMOND, Mr. SIMPSON, Mrs. HUTCHISON, Mr. WALLOP, and Mr. D'AMATO) proposed an amendment to the bill (H.R. 2750), supra, as follows:

On page 45, strike line 13 through line 9 on page 46.

HUTCHISON AMENDMENT NO. 1011

Mr. D'AMATO (for Mrs. HUTCHISON) proposed an amendment to the bill (H.R. 2750), supra, as follows:

On page 37, strike lines 12 and 13, and insert the following: $3,200,000 shall be for the RAILTRAN Corridor project of Dallas, Texas, and Fort Worth, Texas, and $69,300,000 shall be allocated at the discretion of the Secretary.

BUMPERS AMENDMENT NO. 1012

Mr. BUMPERS proposed an amendment to the bill (H.R. 2750), supra, as follows:

On page 17, line 24, add the following after the period: "Of the funds made available pursuant to this heading, $5,000,000 shall be provided for continuing construction of Lock and dam No. 4 located at Pine Bluff, Arkansas.".

MACK AMENDMENT NO. 1013

Mr. D'AMATO (for Mr. MACK) proposed an amendment to the bill (H.R. 2750), supra, as follows:

SEC. . TRANSFER OF APPORTIONED TITLE 23 FUNDING.

The Secretary of Transportation shall permit the obligation of not to exceed $4,000,000, apportioned under title 23, United States Code, section 104(b)(5)(B) for the State of Florida for operating expenses of the tricounty commuter rail project in the area of Dade, Broward, and Palm Beach Counties, Florida, during each year that Interstate 95 is under reconstruction in such area.

BOND AMENDMENT NO. 1014

Mr. D'AMATO (for Mr. BOND) proposed an amendment to the bill (H.R. 2750), supra, as follows:

Insert where appropriate:

Notwithstanding any other provision of law, of the funds made available by this Act under Federal Aviation Administration, Grants-in-Aid for Airports, $6,000,000 shall be made available to repair and rebuild airports damaged as a result of the Midwest floods of 1993: *Provided*, That these funds shall remain available until expended.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Monday, October 4, 1993, at 5:15 p.m. in closed session, to receive a briefing by the Joint Chiefs of Staff on Somalia.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

A MOST MEMORABLE OCTOBER 1, 1993

• Mr. GRAHAM. Mr. President, I rise today to call your attention to last Friday, October 1, 1993, marking the 50th anniversary of the Danish operation that saved nearly all of that country's Jews from the Nazi death camps. During a visit to Holocaust museum in Washington last week, I was overcome with emotion at the magnitude of this historic event. The tragic Holocaust period has taught us that men and women of good conscience cannot be silent in the face of injustice, and this event captured that spirit.

While other countries accommodated the genocide of their Jewish citizens, Denmark stood resolute in the face of adversity. When the Germans approached the Danes about introducing

the yellow badge, a means of identifying Jews, King Christian said: "If the Jews are forced to wear the yellow star, I and my whole family shall wear it as a badge of honor."

In spite of expected Danish resistance, the Nazis scheduled Jewish deportations for the night of October 1, the day before Rosh Hashanah, the Jewish New Year. However, the Danes discovered the plan and alerted the Jewish community before the Nazis could act. The Danes quickly established an underground network to shuttle the Jews to neutral Sweden. At tremendous personal risk, residents in the coastal towns of Snekkersten and Elsinore harbored the refugees in private homes, farms, inns, hotels, and garages while fishermen were organized to deliver them to safety. In hundreds of crossings over a period of a few days, the small boats delivered almost all of the Jews to the Swedish coast. The rescue operation proved so successful that no Danish Jews were sent to death camps.

The world must never forget the heinous events of the Holocaust, nor the valiant Danish people who refused to acquiesce to its deadly immorality.●

FUNDING FOR THE SUPERCONDUCTING SUPER COLLIDER

● Mr. DURENBERGER. Mr. President, I rise to explain my support for the amendment offered by our colleague from Arkansas to eliminate funding for the superconducting super collider [SSC]. I have supported SSC—until last year. Public support for basic scientific research is the hallmark of a great nation.

In expressing my opposition to the SSC, I have not lost the vision of the future nor have I turned a deaf ear to the present accomplishments or the future potential of the SSC. You may have read of some of these accomplishments and of those that are hoped to follow in the future. They bear repeating.

The immensity of the project alone stimulates the imagination. This sophisticated atom smasher is designed to reveal new horizons as to the origin of matter and to provide many practical and commercial applications.

The low temperatures designed to be attained by the cryogenic features of the SSC may hold promise in the field of super computers where heat reduction is essential to faster, more efficient machines. It has been suggested that the same cryogenic technology might also be applied to the building of giant airplanes and magnetically levitated trains. The extremely sensitive control system needed for the highly complex SSC technology might be used to control smart automobiles on our highways or in automated manufacturing. In the field of medicine, special plastics that may be sterilized without the use of environmentally detrimental chemicals have been developed and have important applications in the manufacture of medical devices. Proton and ion beams can be focused with such accuracy that they can destroy tumors without damaging healthy tissue. Advanced diagnostic imagery technology has important potential for aiding in the discovery of new cures. Plans are already underway to build an onsight proton therapy clinic for cancer treatment.

As to environmental applications, accelerator spectrometry can be used to study soil erosion, ground water problems, and the disposal of nuclear waste. Accelerator particle beams can be applied to date documents and to analyze rock formations for hydrocarbons and oil deposits.

As to the present, we are told that already electrical equipment has been designed, tested, and manufactured that is more conductive and uses electricity more efficiently. A recent newspaper account, noted that the cost of conducting wire had fallen significantly and that further reductions were expected.

The SSC has many good features that hold potential for the future.

A vote to discontinue funding for the SSC is not a vote against scientific discovery, as some might suggest. It is a vote for national prudence. At a time when everything we want is important to someone, we must decide what is essential.

A number of smaller scientific research projects, such as the base DOE High Energy Physics Program and the university programs, may be reduced in funding or not funded at all, because of the money being spent on SSC. A vote to discontinue funding for the SSC is a vote to fund smaller scientific projects that may yield more results.

Let me tell you how I determined that the SSC is not essential.

The history of the SSC is the same old story of many Government projects. The costs have escalated dramatically. The mission has become more fuzzy. The completion date keeps being put off further and further into the future. Yet we are asked to continue to support this project as an act of faith.

Originally, the Reagan administration estimated that this project would be completed over an 8- or 9-year period. It is now projected that the SSC will not be completed until 2002. And it is questionable that this new target date is realistic.

In 1985, when the project was started, we were told that it—that the SSC would cost $4.4 billion. In 1987, 2 years later, Congress was then told that the cost to completion would not exceed $5.3 billion.

Again in 1988, we were told that the cost of the project has slightly increased that it would now cost $5.9 billion. In 1991, we were told that the cost of the project had escalated and that the SSC would now cost $8.25 billion in inflated or as spent dollars. Congress is now told that construction of the SSC will cost $11 or $13 billion, according to whose figures you believe. We can only expect this trend to continue.

It is no wonder that the present cost estimate has little credibility, if the past history of this project is any criterion. The present cost estimate is almost three times the original price tag and there is no guarantee that even the $13 billion figure will hold up, if the SSC is funded for another year.

To confirm, what is quite apparent from the almost yearly change in cost and schedule, the General Accounting Office [GAO], in prepared testimony before the House Committee on Science, Space, and Technology, in May of this year, reported that the SSC was "over budget and behind schedule." And for the most of the present life of the project, neither the Department of Energy [DOE] nor its prime contractor have had a fully implemented cost and schedule system to manage the project.

In addition to GAO, DOE's own inspector general, in a presently unpublished document, reported tentative findings that revealed unreasonable costs that were unchallenged and cost growth that the Department failed to address. The same draft audit report also found a significant number of expenditures that were unnecessary and excessive.

To make this project more palatable, we were told the SSC was a prime candidate for cost-sharing with other interested countries since high energy physics has been a fertile field for international cooperation. And the Department has been actively pursuing, without success, international participants willing to share of significant portion of the construction costs.

To date, there has been no major foreign contribution to the SSC. In fact, in January of this year the Department had to admit that foreign contributions would probably not exceed $400 million—much less the $1.7 billion as originally predicted. As evidence of the lack of interest by other countries in helping to fund this project, at the end of fiscal year 1992, DOE had received only about $15 million in foreign contributions.

Escalating costs, poor management, a failure to meet project milestones on schedule and lack of foreign funding would have bankrupted most commercial projects by now. But the SSC continues to survive spending more and more of the taxpayers money. It is estimated that the SSC will cost the taxpayers of Minnesota $232 million to complete, and this is probably a very conservative estimate. I ask that my colleagues consider the cost of the SSC to their own States and to the Nation as a whole.

Mr. President, we simply cannot afford the SSC. It would be important to have. We have many essential priorities right now, especially deficit reduction. The Federal deficit is $4 trillion and escalating dramatically. The budget deficit is estimated to be close to $260 billion this year.

I simply must exercise a judgment that I did last year.

Mr. President, I would urge my colleagues to carefully consider the serious budget impact of continuing the SSC, and vote for the Bumpers amendment which will bring an end to this wasteful appropriation.●

THE 60TH ANNIVERSARY OF UKRAINIAN WEEKLY

● Mr. DECONCINI. Mr. President, on October 6, the Ukrainian Weekly, which is published by the Ukrainian National Association, will celebrate its 60th anniversary. This English-language newspaper began publishing in 1933, a year infamous for the devastation of Stalin's forcible famine in Ukraine. The Ukrainian Weekly provided news about the famine—something that was truly necessary, as there was tragically little coverage of the famine at that time. Its important work has continued since then.

Throughout the last 60 years, the Ukrainian Weekly has provided an extremely valuable service in bringing to the attention of the Ukrainian-American community and other interested Americans news concerning Ukraine, as well as about the Ukrainian-American community. It has been, and continues to be, an important resource to the U.S. Congress. Since its inception, the Ukrainian Weekly has provided solid information together with insightful commentary on the struggle of the people of Ukraine for their human rights and national dignity. In so doing, it has played a vital role in advancing the cause of Ukraine's independence.

The Ukrainian Weekly also serves as an important channel for informing the Ukrainian-American community about congressional actions affecting Ukraine, thus building support for various initiatives in the Congress. This was helpful for example, in the passage of legislation I introduced in the Senate on United States recognition of Ukrainian independence and on the Millennium of Christianity in Kievan Rus'. The Ukrainian Weekly has also been helpful by familiarizing its readership with other efforts of the Helsinki Commission [CSCE], in which I serve as chairman, including the Commission's work in the past on issues such as the Ukraine churches and individual Ukrainian political prisoners, and on its more recent reports and initiatives dealing with Ukraine.

The Ukrainian Weekly continues to provide breaking news and analysis of developments in independent Ukraine, chronicling the ongoing historical efforts to rebuild Ukraine following the devastating experience of Soviet domination. Under the able leadership of editor-in-chief Roma Hadzewycz, and with detailed coverage from Kiev by associate editor Marta Kolomayets, the entire staff of the Ukrainian Weekly is to be commended for their dedication and commitment in putting out a first-rate newspaper. I congratulate the Ukrainian Weekly on its 60th anniversary and express my best wishes for its continued success.●

SUPERCONDUCTING SUPER COLLIDER

● Mrs. HUTCHISON. Mr. President, last Wednesday, I spoke to my colleagues here on the Senate floor about the most important science project ever undertaken—the superconducting super collider [SSC].

In voting to save the SSC, we in the Senate determine that our generation would not simply live for today, but that we would reach for a better future for generations to come.

At the time of my remarks, time constraints permitted me to share only a few excerpts from the letters of students at Red Oak High School. I want to commend all the students, who wrote me, for participating in the debate on this vital issue before the Congress and the Nation. Mr. President, I wish for all 12 of the student letters to be entered into the RECORD as if read.

I want to especially thank Joyce Fender, the students' biology/physical science teacher, who challenged them to make their voices heard. The students, their parents, and the entire Red Oak community should be proud of the contribution these students made to the SSC debate, and of the tremendous start they have toward full adult participation in our society, and in our democracy.

The letters follow:

AUGUST 27, 1993.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate, Washington, DC.

DEAR SENATOR HUTCHISON: Building the Superconducting Super Collider is heading America in the right direction. It has come to my attention, though, that some of the senators wish to cancel funding for this vital project. I believe that is a mistake if America intends to remain in the forefront of technology, science, education and medical advance.

Please support the Superconducting Super Collider and keep America's future alive and well.

Sincerely,

ANDREW B. EDMONDSON.
AARON WILKERSON.

Hon. KAY BAILY HUTCHISON,
U.S. Senate,
Washington, DC.

DEAR SENATOR HUTCHISON: We are writing to you about the debate of whether the Super Conducting Super Collider should be funded or not. We have read many reports, statistics, and articles concerning the SSC, and have come to the conclusion that it should not be funded. We realize our country is always in a technological race with the entire world, and realize how important it is for our country to stay on top of world issues. Would it not better benefit mankind if we would take that one billion dollars and use it for medical research or, use the money for the deficit. We do not see how particle science has taken precedence over such important issues. How is particle science in any way beneficiary to our society other than just for the sake of knowledge? When hearing important issues to our country we hear cures for Cancer, Heart disease, A.I.D.S, and the deficit.

Never have we heard particle science as one of the top priorities in our nation. We know you are trying to bring money and jobs to Texas but, why not set up a research center for Cancer, Heart disease, or A.I.D.S. in Texas? We can not see paying all this money when our country is in such heavy debt. We want to close by saying that we thank you for your time, patience, and concern for our country. May God guide and bless you in your decisions.

Sincerely,

JENIFER HUMBERT.
ANGELA NUNÉZ.
LUCINDA MONTGOMERY.

Hon. PHIL GRAMM,
370 Russell Building,
Washington, DC.

DEAR SENATOR: I am a student in Red Oak High School. Our physical science teacher asked us to write our senator on why we think the SSC should or shouldn't be funded. In my opinion, I think this project could wait a couple years. After all, this six billion dollars could feed the Somalians or pay some of the national debt. I've heard this will keep the U.S. ahead of all the other countries; well we are the last super power so we really are ahead of all the other countries. I believe in one way we could pay for the SSC is get back some of the money we loan to other countries.

Sincerely,

STEPHEN SPROUSE.
JOE ALCOT.

RED OAK, TX,
August 31, 1993.

DEAR SENATOR HUTCHISON: My name is Zachary Nix and I am a student at Red Oak High School. I am writing you in regard to the SSC. I believe strongly that it should be funded.

The reason I feel it should be funded is because I think we should take a chance in seeing if it works. Nobody knows what advances it could bring and no one will ever know if it is not funded.

In conclusion, I feel that it will bring answers to questions that we never thought could be answered and bring many advances in the future.

ZACHARY NIX.

RED OAK, TX,
September 2, 1993.

Senator KAY BAILEY HUTCHISON,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR KAY BAILEY HUTCHISON: The SSC has many advantages for our society today and our future generation. Two of the SSC's advantages are that it will create more jobs and will improve our medical technology.

One of the most important reasons why we should build the SSC is that it will create more jobs for our society. As you know many Texans have been layed off or lost their jobs this year, causing many Texas families to break-up and other to seek help from the government through policies like welfare and the Salvation Army. So if you allow the SSC to continue, it will create more jobs and decrease the homeless.

Another reason why we should build the SSC is to improve our medical technology. The SSC will provide new medicine and cures for many diseases. This will cause an enormous effect across Texas and America. The SSC might cure some diseases like Aids, Cancer, and some kinds of leukemia. These diseases have been known to claim lives each year.

In conclusion the SSC will improve our society. "We believe that in life there are no problems, only solutions", and the SSC is one of them.

From:

JOHN WORDLAW.
BOBBY HODGE.
MICHELLE GIBSON.

RED OAK, TX,
August 25, 1993.

Hon. KAY BAILEY HUTCHISON,
Washington, DC.

DEAR KAY BAILEY HUTCHISON: This letter is concerning the Superconducting Super Collider in Ellis County. Our group and classmates think that you should keep funding the SSC in Ellis County because, "science is the future of America." If you stop funding the SSC the world might come to a halt. We might now know enough about medicine and/or science to keep the world alive. Please take this letter into consideration for lives and the world around us.

Sincerely,

AUDRA MERCER.
KRISTY GRMELA.
LACY VENT.

DEAR MRS. HUTCHISON: Hello. My name is Kristina Armstrong and my partner's name is Adam McDonald. We are in the ninth grade and are from Red Oak High School. We are doing a class assignment for Biology and that assignment is to write you a letter stating to you our opinion on the funding of the Superconducting Super Collider project.

We have done a rather large amount of research over this project and we feel that the funding for the Super Collider should be continued. The reason we feel this way is because of the simple fact that you and I are both aware of all of the people being put out of their jobs and money that has been put into this operation. We feel that the money that could have been used for other things is going to be wasted and if it was decided to begin the project then we feel that it should be finished.

We do realize the money situation that everyone is in but we have discussed a few options that could be taken. One is not to discontinue the funding but to slow the process down. Another option is that you could rest the process for a little while but then start it back up.

In our opinion the funding should not be cut for the simple fact of all of the people being put out of their jobs and all of the money going to waste.

Thank you for taking the time to read and possibly consider the options we have listed. Whatever the decision, we hope it is the best for you and our community.

Thank you,

KRISTINA ARMSTRONG.
ADAM MCDONALD.

HONORABLE SENATOR HUTCHISON: My classmate and I are writing to you about our views on the Superconducting Super Collider. It has come to our attention that the Super Collider is on the verge of being shut down.

We think that by shutting down the super collider thousands of hard working people will be out of jobs, which would cause the unemployment rate to increase drastically. Just as importantly, it would be a waste of tax payers money if the SSC was allowed to be shut down.

We are taking this opportunity to urge you to do everything within your political influence to keep the Super Collider functioning. Please help us keep Texas one of the leading states in America.

Respectfully,

SAMANTHA BUTLER.
JENNIFER HENSON.

DEAR SENATORS HUTCHISON & GRAMM: I am totally for the SSC. I think it could benefit this country in a number of ways. These ways are:

1. It could tell us more about organisms and the way they work.
2. It's useful in medicine.
3. It can help us come up with a lot of different kinds of technology, plus many other things.

Personally, I think you're doing an extravagant job. Keep it up.

Sincerely,

JOSEPH SKUPIEN.

AUGUST 27, 1993.

DEAR SENATOR: The future of the Superconducting Super Collider is in your hands. It is very important to this community and to the world that the project continues to move forward.

Area job growth is on the uprise in Dallas and would rapidly decline if the Superconducting Super Collider is not funded. The closing of the project would be an additional 4,000 plus workers to the unemployment roll.

A lot of money has been wasted on the SSC project and it would not be economical for the Senate to drop the project this far into it. What would happen to the funds already wasted? I vote that the Senate funds the project and we press forward with the project.

Sincerely,

PHILLIP MCINTYRE,
Concerned Student.

RED OAK, TX,
August 25, 1993.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate,
Washington, DC.

DEAR SENATOR HUTCHISON: In recent years many advances have been made in science and technology. They have been costly ones, but undoubtedly contributed to the advanced society of modern day America. The Superconducting Super Collider is one of these.

In the times of Isaac Newton modern technology was unimaginable. Things as common as a toaster or walkman radio would send him screaming into the night. Things to be in the twenty-third century will leave us spellbound and awed. How are we to know if the SSC will or will not contribute to future technology? The SSC could be the stepping stone for the future way of life.

As you know the American economy is far from perfect. The unemployment rate is steadily growing and there are only a few ways to improve it. The SSC can do this. Construction, research, and upkeep will all take workers to complete. These create jobs that contribute to the Texas economy. Already, the SSC has provided hundreds of jobs.

In the last one hundred years, thousands upon thousands of innovations have been invented because of technology research. The SSC could bring thousands more.

Yours Truly,

JORDAM JOLLY.
LAURA LASSITER.
ORALIA DIAZ.

DEAR KAY BAILEY HUTCHISON: This is a letter about the Superconducting Super Collider. Our biology class is doing a project on the SSC. In this letter we were asked to state our opinions so we will gladly do so. We think that you should tell Bill Clinton to fund the SSC because America will be greatly benefited by it. For instance, the x-ray that determined the structure of the Aids Virus was learned from high energy physics. The SSC will provide about 7000 jobs for the Dallas-Forth Worth area. These are just some of the ways high energy physics and imagine what we will have when the SSC is finished.

Sincerely,

JEREMY POWERS.
MICHAEL WILSFORD.●

VIOLENT CRIME PREVENTION ACT OF 1993

● Mr. DORGAN. Mr. President, America's criminal justice system today simply is not working. To see why, just consider the case of Larry Martin Demery and Daniel Andre Green.

In March 1991, Mr. Green was sentenced to 6 years in prison after he assaulted another boy with an ax. Barely 2 years later, thanks to good-time credits and parole, the 19-year-old was free again.

Mr. Demery, meanwhile, had a similar history. Last December, he was indicted for clubbing a 61-year-old store clerk with a cinder block while robbing a market. Yet 8 months after his indictment Mr. Demery was still free on bond, despite an extensive criminal history, and even though he did not bother to show up for a court hearing.

Green and Demery were on the loose, when they should have been in jail. Then, last August, they were arrested for the brutal slaying of Michael Jordan's father.

Or consider the case of Patsy Jones. Earlier this month, she was arrested and is being held for shooting a 33-year-old German tourist as he and his pregnant wife left the Miami airport on a belated honeymoon. Just 2 weeks before this arrest, Jones had been arrested for felony robbery and weapons charges. These charges were reduced to a misdemeanor charge of theft, and Jones was released from jail. While she was in jail, she had written to the judge who accepted her plea bargain, stating "I promise to uphold myself * * * I just need another chance in the world." Well Jones got her chance, and less than a week later she is accused of

murdering an innocent victim with a sawed-off .30-30 carbine rifle.

Finally, Henry "Little Man" James provides another example of how far afield our criminal justice system has deviated from the reality of crime in our community. James was convicted of shooting Patricia Lexie as she and her husband drove on the Anacostia freeway in Washington. James had no vendetta against Lexie, in fact, he did not even know her. The reason for this murder? James was out joy-riding with friends, and stated to other passengers in the car that he felt like killing someone. He took a gun from his waistband, rolled down the window, and fired a single shot into a passing car, killing Lexie. At the time James killed Lexie, he was free on $1,000 bond after being charged and arraigned in another shooting. In fact, he had a long arrest record including a third assault with intent to kill, and two drug charges. James should not have been loose in the community, but as with Larry Martin Demery, Daniel Andre Green, and Patsy Jones, he was legally free.

These cases are exceptional only because of their notoriety. In other respects it is repeated almost daily. On the average day last year, in cities and town across America, there were some 67 murders and 292 rapes. Per capita, the United States has 10 times the number of homicides of Japan or France, 13 times the number of homicides of England, and 5 times the number of homicides of Canada.

Sixty percent of the inmates in our prisons today have been in prison before. And thousands of violent offenders get out of prison early, only to cause more destruction and mayhem. In fact, nationally, the average sentence imposed for all criminal offenses is 65 months, but the actual time spent behind bars is only 22 months.

This is not a question of retribution. Nor is it to ignore the deep social problems that feed a culture of crime. The very first duty of government is to enable people to feel safe on the streets and in their homes—and that goes for the residents of the poorest inner-city neighborhoods as well as the most prosperous suburbs.

Unless we do that much, moreover, we do not have a chance at addressing what are called the "underlying social problems." Kids cannot concentrate in school when there are bullets flying through the schoolyard and when they feel they have to pack heat themselves just for protection.

The fact is, people who commit crimes in this country know how to play the system. They know that they will serve, on average, only about 1 year for every 3 years of their sentence. This includes white-collar criminals as well as murderers and rapists. They know the prisons are crowded and that the system wants to move them out as soon as possible to make room for someone else.

At the same time, the public—the potential victims of crime—do not know how this system works. In many States judges have to run for election, and yet the voters do not have the most basic facts regarding the records of those judges in sentencing criminals. There is a lack of accountability throughout the whole criminal justice system, and the direct result is the stories that appear in newspapers virtually every day across the land. A convicted felon, out on the streets, has done it again.

We have to change this revolving door system, and we can. That is why I am introducing legislation today that will keep violent offenders in jail. I propose that we impose a few tough measures to restore security to America's streets and communities.

GOOD TIME CREDITS

First, my legislation eliminates good time credits for violent and repeat offenders in the Federal prison system, and makes Federal funding for criminal justice programs available only to States that severely limit their good time and parole laws for hardcore criminals.

Currently Federal prisoners, by statute, can get 54 days of good time credit for every year they are in prison. This makes no sense. If a defendant is found guilty of a violent crime, he or she should be sentenced to—and serve—the prison term they deserve. I understand the theoretical purpose of good time credits—that is, to encourage good behavior. But in reality almost every prisoner receives these credits regardless of behavior, and the rehabilitative effects are negligible. I believe if a person decides to commit a violent crime, he or she should serve the full sentence.

Unlike the Federal system, the States use a variety of devices to shorten a convict's prison term. In addition to good time credit, these include parole, furloughs, and emergency powers to relieve prison overcrowding. Some States, such as Florida and Minnesota, actually adjust the length of incarceration depending on how crowded the prisons are.

Though the various State systems are different, the basic problem is the same. Convicts should serve the full sentence imposed by the court, but that is not happening. My bill makes any Federal funding for criminal justice programs contingent on a State eliminating early release for at least the most serious criminals and repeat offenders.

There is no question that eliminating early release for State and Federal prisoners will be expensive. However, the cost of not incarcerating these violent individuals is much higher. While it costs the Federal prison system an average of $20,803 to keep one convict in prison for 1 year, the National Institute of Justice has found that the typical career criminal—turned loose in society—will engage in crimes costing 17 times the price of imprisonment. According to a Rand Corp. survey of 2,190 professional criminals, a career criminal commits over 200 crimes a year. Two hundred crimes a year. And each costs society an average of $2,300. Put another way, the cost of letting criminals out of prison costs almost half a million dollars more than keeping them in prison. Thus, society will save money—as well as lives—by keeping hard core criminals locked up for their full terms. It will also send the message to society: If you commit the crime, you will do the time. In the final analysis, I believe this is the best deterrent we can have.

BOOT CAMPS AND MINIMUM SECURITY PRISONS ON MILITARY BASES

Second, my bill provides funding to turn closed military bases into both boot camp prisons for nonviolent youth offenders, and minimum security prisons. This will save money, and free up existing prison space for more hardcore and violent prisoners. Currently only 49 percent of the criminals in prison are there for violent crimes. A substantial number of the remaining 51 percent could be housed in refitted military bases. Because the vast majority of crimes are State offenses, and criminals are sentenced to State correctional agencies, my bill provides that 80 percent of the space in both the boot camps and minimum security prisons will be reserved for State prisoners.

Boot camp prisons—often called shock incarceration programs—require offenders to serve their prison term in a quasi-military setting, similar to basic training. Boot camps are designed to straighten out young offenders through hard work, military training, and structured routine. I am in favor of using this approach rather than locking up young nonviolent offenders with hardened criminals. However, I also recognize that without some form of followup, any progress that was made in these boot camps can be easily lost. For this reason my bill mandates that the State correctional agencies conduct a followup program to help these offenders.

My bill also includes funding to convert unused military bases into minimum security prisons. For a number of reasons this proposal makes sense. With the end of the cold war, the Federal Government has a great deal of unneeded military space, which provides an existing infrastructure for minimum security prisons. The cost of refitting these bases is dramatically less than building an entirely new prison. Last year, for example, State and Federal agencies spent an average of $35,889 per bed for new minimum security prisons. But at Tyndall Air Force Base in Florida, a dormitory and administration building were converted into a 120-bed prison facility at a cost

of only $265 per bed. Finally, refitting bases to prisons has proven successful. Currently, there are 23 Federal prisons operating on deactivated bases or former military property.

Even though the cost of refitting military bases to boot camps and minimum security prisons is considerably less than building new prisons, it is still expensive. However, as I have already mentioned, the cost of not locking up hardened criminals is much higher. Of the 90,000 murders this country witnessed over the last 4 years, many were committed by repeat offenders. In fact, 94 percent of the prisoners in this country have a previous sentence of incarceration or probation, and 30 percent have been convicted of a violent crime.

While the national average sentence for murder is 17 years, the average time a murderer spends behind bars is only 7 years. We could have prevented many of these deaths if we had just kept the criminals in prison. Therefore, I propose that we allocate $150 million for the boot camps, and $700 million for turning old bases into minimum security prisons.

JUDGES' SENTENCING REPORTS

The third element of my crime package provides for a report on the sentencing practices of Federal and State criminal law judges. The public should be able to know how their judges are sentencing criminals.

My bill directs the Attorney General to provide an annual report on the sentencing practices of Federal judges. Although Federal sentencing guidelines place limitations on judges' discretion, they still have a great deal of sentencing leeway. I think the public should be aware of these sentences. On the State level, my bill mandates that all Federal funding for criminal justice programs be contingent on the State providing an annual sentencing report for judges who preside over criminal cases.

These reports will include several factors that will indicate the sentencing practices of particular judges. First, they will include a listing of every defendant, and the offenses for which he or she was convicted. Second, the report will list the range of punishment available to the judge when imposing sentence. This will include what sentences are established under State or Federal legislation, and any mandatory minimum sentences that must be imposed by the court. Finally, the report will include a listing of any particular factors which caused a judge to increase or decrease a convict's sentence.

The purpose of these reports is to make this important information available to the public. In both the State and Federal arena, there is abundant information regarding the actions of the executive and legislative branches. Yet, the general public is in the dark on the actions of the judiciary. They do not know if a particular judge imposes long or short sentences, or if a judge typically hands down lengthy sentences, but with much of the criminal's actual prison time suspended. This type of a report will go a long way toward educating the public about how the judiciary deals with crime in our Nation.

A VICTIM'S RIGHT TO TESTIFY AT SENTENCING AND PAROLE HEARINGS

The most tragic element of violent crime is the anguish of innocent victims and their families. Too often, the judicial process focuses solely on the defendant, and forgets the people who actually suffer from the crime. I believe that once a defendant has been found guilty, judges should impose a sentence that takes into consideration the affect the crime had on the victim. For the same reason, parole boards should hear from victims when considering the release of convicted criminals. I want to make sure that judges and parole boards have this reality check when considering an appropriate sentence for a criminal.

To this end, my bill expands Federal criminal law to allow Federal courts to hear testimony from a victim or members of a victim's family concerning the impact of a crime. Currently, Federal law allows courts only to consider a presentence report written by a probation officer when imposing sentence. This type of a report does not enable the court to personally assess realistically how the crime affected the victim. Allowing the victim to testify at a sentencing hearing will bring into focus the reason why the criminal must be punished—retribution for the pain and anguish inflicted on an innocent victim.

My bill also mandates that Federal funding for criminal justice activities be contingent on a State allowing a victim to testify at sentencing and parole hearings. Currently, all 50 States and the District of Columbia allow for some form of victim impact statements, but only 35 allow the victim to actually testify in person. Thirty one States allow victim impact statements at parole hearings, but only 18 allow oral statements. I think that every judge and parole board should have this first-hand information before making a decision.

Some will argue that allowing a victim to testify before a sentencing court or parole board would be inflammatory. A single violent crime can destroy a victim's life. To not include this type of information is to deny why a criminal is being sentenced. The Supreme Court agrees. In Payne versus Tennessee, they found that the admission of victim impact statements did not violate the Constitution. A victim's testimony is only considered after a defendant has been found guilty, and therefore does not affect a finding of guilt or innocence. A victim's oral statement simply guarantees that his or her interest in the imposition of a just penalty is considered along with the criminal's claims.

Mr. President, the fundamental issue facing the criminal justice system today is a lack of accountability. From drug dealers to murderers, many criminals believe they can break the law and get away with it, and even if they are caught, they will receive paltry sentences from a judicial process whose bark is worse than its bite. Unfortunately, this jaundiced view of crime and punishment is too often accurate.

By forcing criminals to serve their full sentence, allowing victims to testify at sentencing and parole hearings, and making the public aware of the sentencing practices of judges, my bill attempts to restore some parity between the crime committed and the sentence imposed. These reforms will reinforce the first duty of the government. To protect its citizens from criminals.•

EIGHTIETH BIRTHDAY CONGRATULATIONS

• Mr. LEVIN. Mr. President, this weekend, Frank Cutolo, the father of my legislative director, Chuck Cutolo, will be celebrating his 80th birthday. I want to extend to him my congratulations not only for a life well-lived but also for a life that has traced some of the most noteworthy events of this century.

Frank Cutolo was born in Brooklyn, NY, in 1913, of parents who had immigrated from Italy. As a boy, he heard Gov. Al Smith use the new medium of radio, or, as Smith called it in his uniquely New York accent, the "rahdio." He also witnessed the celebration of one of America's new worldwide heros when he marched—and played the bugle—with the Boy Scouts in Charles Lindbergh's tickertape parade after Lindbergh's solo flight across the Atlantic.

Beginning in 1937, and for the next 20 years, Frank Cutolo was a member of the New York City Fire Department, retiring with the rank of lieutenant. Even I have some experience with his service in the fire department because Chuck still brings his father's fire helmet into meetings we have with visiting firefighters from Michigan. They marvel at the courage it must have taken to go into burning building with equipment that was state-of-the-art in the 1940's and 1950's but is far less sophisticated than the equipment available today.

After retiring from the fire department, Frank Cutolo went into the homebuilding business in Nassau County, NY. Sociologists have written volumes about the post-war rise of the suburbs and their impact on the America we know today. Frank Cutolo actually helped to build those suburbs. At

the same time, he saw the ending of one era and the beginning of another when he took his family to see the final game that the New York Giants played in the Polo Grounds before the team moved to San Francisco.

Now in his second retirement, Frank Cutolo lives in East Williston, NY, not far from where he and his wife, Fran, raised their family of Chuck and Tom, who is a psychologist in Cleveland. He has shown his resilience by successfully undergoing open heart surgery within only the past few months.

Frank Cutolo has seen this country move from iceboxes to microwave ovens and from horse drawn carriages to space shuttles. In 1939, as a young man, he marveled at the vision of the future at the New York World's Fair, and he has now lived to see that future become today's reality. I again offer him my congratulations for achieving this milestone after living a vigorous life during these most exciting of times.●

ORDER OF BUSINESS

Mr. FORD. Mr. President, let me preface my remarks that all my motions have the approval of the Republican leader.

RURAL ELECTRIFICATION LOAN RESTRUCTURING ACT OF 1993

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3123, the Rural Electrification Loan Restructuring Act of 1993, just received from the House, that the bill be deemed read three times, passed and the motion to reconsider laid upon the table; and that any statements relating thereto appear in the RECORD at the appropriate place and as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 3123) was deemed read three times and passed.

MEASURE PLACED ON THE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that H.R. 2399, the Catawba Indian Tribe of South Carolina Land Claims Settlement Act, just received from the House, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 4—"SENATORS OF THE U.S.: A HISTORICAL BIBLIOGRAPHY"

SENATE CONCURRENT RESOLUTION 5—"GUIDE TO RESEARCH COLLECTIONS OF FORMER U.S. SENATORS"

SENATE CONCURRENT RESOLUTION 6—"SENATE ELECTION, EXPULSION AND CENSURE CASES" 3

Mr. FORD. Mr. President, I ask unanimous consent that it be in order for the Chair to lay before the Senate, en bloc, messages from the House on the following concurrent resolutions: Senate Concurrent Resolution 4 authorizing the printing of "Senators of the U.S.: A historical bibliography;" Senate Concurrent Resolution 5 authorizing the printing of "Guide to Research Collections of Former U.S. Senators;" and Senate Concurrent Resolution 6 authorizing the printing of "Senate Election, Expulsion and Censure Cases"; that once the messages are before the body, the Senate concur, en bloc, in the amendments of the House and that the motions to reconsider be laid upon the table, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, OCTOBER 5, 1993

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Tuesday, October 5, that following the prayer, the Journal of proceedings be deemed approved to date; the time for the two leaders reserved for their use later in the day; that the Senate then resume consideration of H.R. 2750, the Department of Transportation appropriations bill; that upon resuming the bill, Senator WARNER be recognized to offer an amendment relating to the minimum allocation; that on Tuesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m., in order to accommodate the respective party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. FORD. Mr. President, I ask unanimous consent that the previous agreement on Transportation appropriations bill be modified to add an amendment by Senator PRYOR regarding essential air service and a relevant amendment for Senator D'AMATO.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. FORD. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 7:11 p.m., recessed until Tuesday, October 5, 1993, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate during the recess of the Senate on October 1, 1993, under authority of the order of the Senate of January 5, 1993:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DIANE B. FRANKEL, OF CALIFORNIA, TO BE DIRECTOR OF THE INSTITUTE OF MUSEUM SERVICES, VICE SUSANNAH SIMPSON KENT, RESIGNED.

DEPARTMENT OF DEFENSE

HENRY ALLEN HOLMES, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE JAMES R. LOCHER, III, RESIGNED.

DEPARTMENT OF STATE

THEODORE E. RUSSELL, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SLOVAK REPUBLIC.

OFFICE OF THE NUCLEAR WASTE NEGOTIATOR

RICHARD H. STALLINGS, OF IDAHO, TO BE NUCLEAR WASTE NEGOTIATOR, VICE DAVID H. LEROY, RESIGNED.

DEPARTMENT OF JUSTICE

GERALD MANN STERN, OF CALIFORNIA, TO BE SPECIAL COUNSEL, FINANCIAL INSTITUTIONS FRAUD UNIT, DEPARTMENT OF JUSTICE, VICE IRA H. RAPHAELSON, RESIGNED.

Executive nominations received by the Senate October 4, 1993:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HAROLD VARMUS, OF CALIFORNIA, TO BE DIRECTOR OF THE NATIONAL INSTITUTES OF HEALTH, VICE BERNADINE P. HEALY.

DEPARTMENT OF LABOR

CHARLES C. MASTEN, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF LABOR, VICE JULIAN W. DE LA ROSA, RESIGNED.

DEPARTMENT OF STATE

●MADELEINE KORBEL ALBRIGHT, OF THE DISTRICT OF COLUMBIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 48TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

EDWARD S. WALKER, JR., OF MARYLAND, TO BE AN ALTERNATIVE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 40TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

VICTOR MARRERO, OF NEW YORK, TO BE AN ALTERNATIVE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 48TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

KARL FREDERICK INDERFURTH, OF NORTH CAROLINA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 48TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

SAM GEJDENSON, U.S. REPRESENTATIVE FROM THE STATE OF CONNECTICUT, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 48TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

WILLIAM F. GOODLING, U.S. REPRESENTATIVE FROM THE STATE OF PENNSYLVANIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 48TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be general

GEN. GEORGE A. JOULWAN [redacted] U.S. ARMY.

IN THE COAST GUARD

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF LIEUTENANT COMMANDER IN THE COAST GUARD:

JON D. ALLEN
KEITH P. STEINHOUSE
JOHN W. KOSTER
MARK A. VAZQUEZ
CHRISTOPHER B. CARTER
FRANK W. POLK, JR.
JOHN W. KWIETNIAK, JR.
KENNETH A. RAMSDELL
LEONARD W. ALLEN, III
ROBERT F. KELLY
JOSEPH R. SHERMAN
DONN S. OLMSTED, JR.
JAMES J. DRISCOLL
STEVEN E. MOREHOUSE
ROBERT B. BIRTHISEL
JOHN M. FELKER
PATRICK G. GERRITY
STEVEN M. HANEWICH
SCOTT J. FERGUSON
BRUCE P. DALCHER
THOMAS D. GREGORY
BRUCE A. MCINTOSH
MICHAEL D. HARGADON
KIM B. SULLIVAN
THOMAS M. SPARKS
KEITH D. HERCHENRODER
JEFFREY S. RUVOLO
PHILIP J. MCGAUGHEY, JR.
CHRISTOPHER J. OLIN
BRIAN J. MCCARTHY
RUSSELL L. HARRIS
RONALD J. LOGDAHL
EVAN R. MCDOUGAL
ALDA L. SIEBRANDS
PARTIC MERRIGAN
DAVID B. SPRACKLEN
WILLIAM E. MCCOLLUM, JR.
RUSSEL E. PICUS
WILLIAM E. PATTERSON
MARK S. FRETWELL
LORNE W. THOMAS, III
BROOK A. DOTY
JOHN M. GUILD
JAMES M. MICHALOWSKI
KEVIN L. PETERSON
PAUL M. GUGG
MOLLY K. RIORDAN
JOHN J. LABRIER
THOMAS W. FLYNN
THOMAS D. MARQUETTE
DONALD J. DARCY
JOHN D. DURHAM
JOHN H. PABICH
DAVID C. EBENHOEH
ROBERT J. DULD
JOE B. MCCOLLUM
DAVID J. MCDERMOTT
JAMES S. LODGE
LAWRENCE P. DEMARCHI
JOSEPH R. JOHNSON
THOMAS J. WALKER
RAYMOND F. MASSEY, JR.
DALE L. HUTCHISON
GENE W. HALL
TERRENCE J. PROKES
JONATHAN F. TRUMBLE
THOMAS F. TABRAH
DAVID M. POULSEN
MICHAEL L. BEDARD
BRUCE C. JONES
STEVEN J. DANIELCZYK
NEIL L. NICKERSON
MATTHEW J. SISSON
THOMAS D. HARRISON
LEHAN S. CRANE
ERIC A. WASHBURN
KIP M. WALTON
LAURA H. GUTH
THOMAS N. MCBETH
JAMES C. BASHELOR
ROBIN R. STARRETT
SAM M. NEILL
MICHAEL S. KAZEK
JOHN B. MCDERMOTT
ROBERT P. SHEAVES
DAY M. BOSWELL
PAUL W. SCHULTE
JOSEPH E. WAHLIG
THOMAS W. JONES
PHILIP E. ROSS
RAYMOND J. PERRY
SUSAN B. WOODRUFF
DONALD J. ROSE
ERIC A. CHAMBERLIN
MATTHEW R. BARRE
DANIEL A. RONAN
BRUCE D. BAFFER
MICHAEL J. ANDRES
GORDON K. WEEKS, JR.
JONATHAN H. NICHERSON
WILLIAM J. RALL
TIMOTHY A. CHERRY
BRIAN M. JUDGE
PATRICK J. DWYER
ANNE T. EWALT
GERALD D. DEAN
PETER B. WEDDINGTON
COREY D. CHAMNESS
JOHN E. TOMKO
WILLIAM G. BALSINGER
STEVEN G. SAWHILL
CHRISTOPHER J. STICKNEY
GEORGE J. STEPHANOS
SUZANNE E. ENGLEBERT
DONALD R. TRINER
STEVEN D. POULIN
PATRICK W. BRENNAN
THOMAS P. MARIAN
CARL J. UCHYTIL
MICHAEL H. ANDERSON
JOHN M. CUSHING
MARK S. CARMEL
CHRISTOPHER J. HALL
GARY C. RASICOT
MICHAEL P. GERMINARIO
ROBERT E. SMITH
MICHAEL D. EMERSON
PAUL S. RATTE
MARTIN C. OARD
WILLIAM J. QUIGLEY
JOHN F. KOEPPEN
JEFFREY S. SCHNEIDER
CHRIS G. KMIECIK
DAVID M. FUKA
CHRISTOPHER G. HONSE
STEPHEN G. NURRE
BRUCE E. HERRING
JOHN E. CAMERON
WILLIAM L. HUCKE
MICHAEL C. HUSAK
MICHAEL A. GIGLIO
DANIEL V. SVENSSON
BRIAN J. MERRILL
PHILIP E. MUIR
AARON C. DAVENPORT
PATRICIA L. MOUNTCASTLE
CARL T. ALAM
THOMAS C. PEDAGNO
BRIAN J. MUSSELMAN
KEVIN J. RUSSELL
JOHN R. BINGAMAN
MARK A. SWANSON
DENNIS M. BECKER
JEFFREY E. OGDEN
MICHAEL A. SPOTTO
THOMAS S. BARONE
ELIZABETH K. DANAHER
JAMES T. MOORE
ERIC P. BROWN
CARI B. THOMAS
STEVEN M. STANCLIFF
JAMES E. MCCAFFREY
ALFRED C. FOLSOM
STEPHEN P. RAUSCH
VANN J. YOUNG
JAMES G. MAZZONNA
KEVIN D. HARKINS
CRAIG A. GILBERT
RUSSELL D. CONATSER
DONALD W. CUTRELL
SCOTT A. BUSCHMAN
GUSTAV R. WULFKUHLE
THEODORE F. HARROP
ANTHONY WIEST
THOMAS C. WIGGANS

THE FOLLOWING RESERVE OFFICERS OF THE UNITED STATES COAST GUARD FOR PROMOTION TO THE GRADE OF LIEUTENANT COMMANDER IN THE COAST GUARD RESERVE:

JOSEPH A. DERIE, II
JOHN B. GATELY
ROBERT M. DEAN, IV

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER.)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. ELEANOR W. BAILEY, [redacted] 6/1/93
MAJ. DOUGLAS E. CALLAGHAN, [redacted] 6/10/93
MAJ. SCOTT A. HAMMOND, [redacted] 6/11/93
MAJ. LYLE F. LONCOSTY, [redacted] 6/5/93
MAJ. ROSS A. MILES, [redacted] 6/24/93
MAJ. MARK G. SCHWEIZER, [redacted] 6/24/93
MAJ. DAVID G. SEAMAN, [redacted] 6/5/93
MAJ. STANLEY D. SHORE, [redacted] 6/3/93
MAJ. LAWRENCE W. J. SMITH, [redacted] 6/12/93
MAJ. RICHARD A. ZATORSKI, [redacted] 6/11/93

JUDGE ADVOCATE GENERALS DEPARTMENT

To be lieutenant colonel

MAJ. WILLIAMS G. CROWE, [redacted] 6/5/93
MAJ. CHRISTOPHER E. KERNAN, [redacted] 6/5/93
MAJ. JEFFREY S. LAWSON, [redacted] 6/1/93
MAJ. LENARD T. ORMSBY, [redacted] 6/18/93
MAJ. PHILLIP W. WOOD, [redacted] 6/1/93

BIOMEDICAL SERVICES CORPS

To be lieutenant colonel

MAJ. JAMES D. COLGAIN, [redacted] 5/22/93

MEDICAL CORPS

To be lieutenant colonel

MAJ. HAROLD J. BRUNINGA, [redacted] 6/5/93
MAJ. STEPHEN R. PETERS, [redacted] 6/13/93
MAJ. MARK J. RICHMAN, [redacted] 5/1/93
MAJ. DALE J. TROMBLEY, III, [redacted] 6/5/93

NURSE CORPS

To be lieutenant colonel

MAJ. NORMAN C. HENDRICKSON, [redacted] 6/19/93

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

MEDICAL SERVICE CORPS

To be lieutenant colonel

RICHARD S. PARK, [redacted]

MEDICAL CORPS

To be major

REED R. LAMBERT, [redacted]
DANIEL G. PENON, [redacted]
ROBERT F. TYREE, [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICER INDICATED BY AN ASTERISK IS ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

MEDICAL SERVICE CORPS

To be colonel

ABODEELY, ROBERT E, [redacted]
ALLEN, TIMOTHY P, [redacted]
BARKO, WILLIAM F, [redacted]
BLUM, DANIEL E, [redacted]
BLUM, GEORGE J, [redacted]
BOLTON, JAMES C, [redacted]
BRYANT, GORDON V, [redacted]
CANELLA, JAMES J, [redacted]
CHAMBERS, WILLIAM R, [redacted]
CHAPMAN, RUFUS B, [redacted]
CHERRY, ROBERT N, [redacted]
DAVIS, CHARLES H, [redacted]
DEAN, HENRY D, [redacted]
DRIGGERS, DONALD H, [redacted]
FINE, DARWIN E, [redacted]
FOLEY, BRIAN P, [redacted]
HAMMERBACHER, LARRY, [redacted]
HECKERT, ROBERT J, [redacted]
HIATT, JOEL T, [redacted]
JOHNSON, WILLIAM B, [redacted]
KEITH, RAYMOND T, [redacted]
KREMENAK, KENNETH J, [redacted]
LINDSAY, GAYLORD C, [redacted]
MASCHEK, RANDALL F, [redacted]
MERVIS, STUART A, [redacted]
MORAN, ERROL L, [redacted]
MURPHY, EDGAR B, [redacted]
NOLAN, DAVID L, [redacted]
OPIO, ROGER M, [redacted]
RANDOL, DOYLE E, [redacted]
ROMO, MICHAEL W, [redacted]
SLY, LEONARD J, [redacted]
SMITH, MICHAEL L, [redacted]
WALTON, IRA F, [redacted]
ZURCHER, JOHN W, [redacted]

ARMY MEDICAL SPECIALIST CORPS

To be colonel

BRANDENBURG, JOE W, [redacted]
HOBSON, KAREN P, [redacted]

VETERINARY CORPS

To be colonel

FINNEGAN, NIALL B, [redacted]
FOURNIER, JOHN S, [redacted]
HICKS, ROBERT G, [redacted]
TROTTER, RONALD W, [redacted]

ARMY NURSE CORPS

To be colonel

ANDERSON, FRANCES D, [redacted]
BERLIN, EILEEN K, [redacted]
BESTER, WILLIAM T, [redacted]
BRINK, DOROTHY A, [redacted]
BROWN, JANET R, [redacted]
BUZONAS, PATRICIA M, [redacted]
CALL, CATHERINE A, [redacted]
CHUDY, JEANNE H, [redacted]
DAVIS, MARY C, [redacted]
DICKEY, MARY B, [redacted]
GELSTHORPE, JOANNE, [redacted]
GURNEY, CYNTHIA A, [redacted]
JOHNSON, JACQUELINE, [redacted]
LAVALLEE, STEPHANY, [redacted]
MAESTAS, GAIL M, [redacted]
MALONEY, PATSY L, [redacted]
POLLOCK, GALE S, [redacted]
RENAUD, MICHELLE H, [redacted]
SCHAEBERLE, DONALD, [redacted]
SCHEELE, HARRIET L, [redacted]
SCHERB, BARBARA J, [redacted]
SCHOFER, GLEN A, [redacted]
STAGGERS, NANCY L, [redacted]
*STEINMETZ, MARYANN, [redacted]
TAYLOR, RUSSELL W, [redacted]
TOMINEY, THERESA M, [redacted]
WEST, IRIS J, [redacted]
WILLIAMS, JULIA B, [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10 UNITED STATES CODE:

MEDICAL SERVICE CORPS

To be lieutenant colonel

*ADAMS, GEORGE L, [redacted]
ALLEN, REX, [redacted]
ANDERSON, GEORGE W, [redacted]
APEL, LAURENCE W, [redacted]
BALES, JOEL D, [redacted]
BARRETT, WILLIAM JR, [redacted]
BAXTER, SHEILA R, [redacted]
BEAUDOIN, DENNIS R, [redacted]
BECK, WILLIAM G, [redacted]
BIGGERSTAFF, DOUGLA, [redacted]
BODLIEN, JOHN M, [redacted]
BRANNEN, STEPHEN J, [redacted]
BROWN, DALE R, [redacted]
BRUNE, DAVID R, [redacted]
*CHAMBERS, JOHN R, [redacted]
CHAPMAN, NANCY G, [redacted]
CONDRA, GARY A, [redacted]
*CRAWFORD, GEORGE A, [redacted]
CROOK, KENNETH R, [redacted]
CROUCH, GARY L, [redacted]
DALEY, MICHAEL D, [redacted]
DAVIS, CYNTHYA J, [redacted]
DEMBECK, THOMAS J, [redacted]
DESIMONE, DAVID J, [redacted]
DUFFEY, DENNIS J, [redacted]
FELTON, THEODORE J, [redacted]
FERREL, PAUL A, [redacted]
FERRER, ANGEL R, [redacted]
FIPPS, DONALD R, [redacted]
FRANCIS, RAY W, [redacted]
FRANCO, SAMUEL D, [redacted]
FRANKLIN, TONY R, [redacted]
FREEMAN, WILLIAM C, [redacted]
FUZY, JAMES A, [redacted]
GAINES, KENNETH R, [redacted]
GAROT, KENNETH, [redacted]
GIAMBONE, ALFRED V, [redacted]
GORDON, TIMOTHY D, [redacted]
HALVORSON, JAMES A, [redacted]
HAYNIE, JOHN A, [redacted]
HENCHAL, ERIK A, [redacted]
HIGHTOWER, JOSEPH C, [redacted]
HOLLIDAY, JAMES A, [redacted]
HORNING, LEONARD B, [redacted]
HUDDLESTON, DAVID A, [redacted]
JACKSON, JAMES N, [redacted]
JACOBS, AARON J, [redacted]
JANSEN, JOHN C, [redacted]
JOHNSON, LAWRENCE M, [redacted]
*KELSEY, CHARLES T, [redacted]
KENDALL, HOWARD M, [redacted]
KENNEDY, MICHAEL H, [redacted]
KNAPP, BRIAN E, [redacted]
KNEISEL, FORREST W, [redacted]
KRAFT, ALLEN J, [redacted]
KRIKORIAN, DEBRA J, [redacted]
LANDRY, ROBERT J, [redacted]
LEWIS, GLENN E, [redacted]
MADSEN, ELLIS J, [redacted]
MARTINEZ, TED A, [redacted]
MATYNIAK, NORBERT F, [redacted]
MCGIBONY, CHARLES M, [redacted]
*MCMAUGHAN, JAMES K, [redacted]
MEADOWS, CLAUDE V, [redacted]

MICHAELS, PAUL G. [redacted]
MILLS, DOUGLAS E. [redacted]
MOORE, MARK D. [redacted]
MORRIS, MARTIN D. [redacted]
NABARRETE, KENT S. [redacted]
POSTMA, ANY M. [redacted]
POSTMA, JOEL T. [redacted]
*RABIN, JEFFREY C. [redacted]
RABREN, DOUGLAS H. [redacted]
RANDOLPH, GASTON M. [redacted]
RICHARDS, STEVEN C. [redacted]
*SADLON, GARY L. [redacted]
SCHROEDER, DUDLEY J. [redacted]
SEAL, LAWTON A. [redacted]
SILL, DAVID S. [redacted]
STANLEY, DAVID L. [redacted]
*STRICKMAN, DANIEL A. [redacted]
TURNER, STEPHEN J. [redacted]
VAUSE, NANCY L. [redacted]
*VOETSCH, JOHN A. [redacted]
WATTS, JOHN T. [redacted]
WELLS, ALEXANDER S. [redacted]
WILLIAMS, THOMAS V. [redacted]

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

BROWN, JAMES R. [redacted]
*FEELY, PATRICK D. [redacted]
HALLE, JOHN S. [redacted]
HOEDEBECKE, SALLY S. [redacted]
*KELLER, JIMMIE E. [redacted]
KURTZ, THOMAS W. [redacted]
*MILLER, JAMES L. [redacted]
RICE, VALERIE J. [redacted]
SCOVILLE, CHARLES H. [redacted]
SINNOTT, MELISSA W. [redacted]
TEFFT, ROBIN J. [redacted]
THORNTONVOGEL, MARY [redacted]
*UNDERWOOD, FRANK B. [redacted]

VETERINARY CORPS

To be lieutenant colonel

BLAGG, JAMES A. [redacted]
DAVIS, KELLY J. [redacted]
*ESTEP, JAMES E. [redacted]
LEVINS, RANDALE H. [redacted]
*LIPSCOMB, THOMAS P. [redacted]
*PARRISH, JOHN H. [redacted]
PIXLEY, CHARLES P. [redacted]
*POWELL, NATHANIEL J. [redacted]
*RAGLAND, DANNY R. [redacted]
RECORD, JEFFREY W. [redacted]
WEIR, ROBERT D. [redacted]
WOODARD, CLAUDE L. [redacted]

ARMY NURSE CORPS

To be lieutenant colonel

BARUM, CAROLANN [redacted]
BESS, JAMES V. [redacted]
*BOHANNAN, STEVEN W. [redacted]
*BONNEFIL, CATHERINE [redacted]
BOYETTE, HAWARD L. [redacted]
*BROOKS, MARILYN H. [redacted]
BUZZELLI, MICHAEL J. [redacted]
CAMPBELL, LANCE C. [redacted]
COSTORENO, SOCORRO [redacted]
*CHAPMAN, DONNA M. [redacted]
CHING, DOUGLAS E. [redacted]
CLAY, PATRICIA A. [redacted]
*DAILEY, JEAN M. [redacted]
*DERUVO, SHARON S. [redacted]
ELLER, BARBARA F. [redacted]
*FEIL, DEBRAH K. [redacted]
FERGUSON, JOELLEN [redacted]
*FLORY, JOELLEN S. [redacted]
*FORESTELL, FRANCINE [redacted]
*FREE, LARRY R. [redacted]
GILBERT, MARGARET A. [redacted]
*GILMORE, CAROL S. [redacted]
GILREATH, ELLIAH J. [redacted]
GOODWIN, BARBARA A. [redacted]
GRAYROZIER, YOLANDA [redacted]
HAMPTON, FRED R. [redacted]
HANKE, JAMES A. [redacted]
*HARDEN, HOWARD C. [redacted]
*HARDIN, JUDITH J. [redacted]
HEIN, LINDA D. [redacted]
HERMAN, DEBBIE W. [redacted]
*HOWELL, GERTA A. [redacted]
*HUGHES, DEBORAH A. [redacted]
*JOHNSON, MONA [redacted]
KELSCH, STEVEN P. [redacted]
*KEYES, TOM N. [redacted]
KOKOSZKA, EDWARD A. [redacted]
KUYKENDALL, DEBORAH [redacted]
*LAZARUS, RUSSELL L. [redacted]
LEPPERT, LOUIS A. [redacted]
LINTON, HYACINTH V. [redacted]
LOZANO, SARAH N. [redacted]
LUDWING, SALLY B. [redacted]
MCANALLEN, KATHLEEN [redacted]
MILFORD, ELIZABETH [redacted]
MITHCHELL, EVELENIA [redacted]
MULHALL, DEBRA L. [redacted]
NELSON, ROSEMARY [redacted]
PAGE, NINA W. [redacted]
PETERS, KATHARINE B. [redacted]
PHILLIPS, MARILYN E. [redacted]
PRINCE, PHYLANNE C. [redacted]
*RISOLI, LAURA J. [redacted]
*RUIZ, ROGER G. [redacted]
SHANAHAN, SUSAN S. [redacted]
SIMMONS, EDDIE J. [redacted]
SKIDMORE, MARK V. [redacted]
TURNER, JIMMIE C. [redacted]
*TYRELLSMITH, JANIS [redacted]
VANDERBILT, LUDIE M. [redacted]
*VARES, VALERIE C. [redacted]
WALIZER, ELAINE M. [redacted]
*WARNER, DEBORAH D. [redacted]
WASHINGTON, JOHN E. [redacted]
WEIDENBACH, BRADLEY [redacted]
WESLEY, HEIDI L. [redacted]
WILSON, KRISTIN T. [redacted]
WISNESKI, DIANA [redacted]
*YOUNG, HARRY M. [redacted]